EXHIBIT 5: NEW GLARUS EXTRATERRITORIAL ZONING ORDINANCE

Village of New Glarus
Town of New Glarus
Extraterritorial Zoning Ordinance

Adopted: November 15, 2006

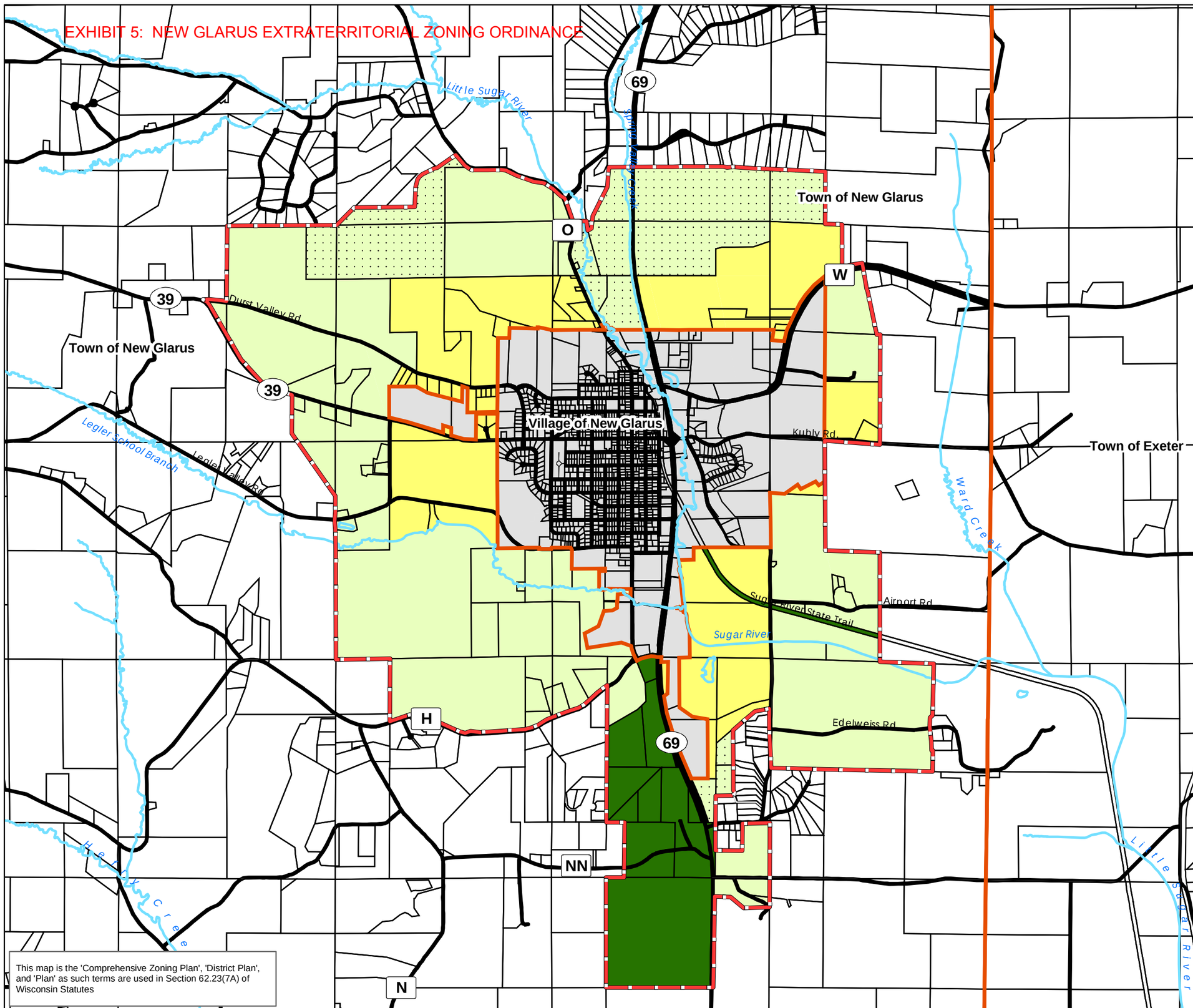
Planning Assistance by:

Vandewalle & Associates
Planning - Creating - Rebuilding

EXHIBIT 5: NEW GLARUS EXTRATERRITORIAL ZONING ORDINANCE

Village of New Glarus - Town of New Glarus

Extraterritorial Zoning Map



Mapped Extraterritorial Zoning Districts

- Agricultural and Woodland Preservation (A-P)
- Limited Agricultural & Woodland Preservation (AP-L)
- Agricultural Transition (A-T)
- Conservancy

- Surface Water
- Roads and Highways
- Parcel Lines
- Municipal Boundaries
- New Glarus Extraterritorial Zoning Boundary
- Village of New Glarus (November 2006)
- Lands Not Subject to Extraterritorial Zoning

Adopted:	Nov 15,2006
Revised:	
Revised:	
Revised:	
Revised:	
Revised:	

2,400 1,200 0 2,400 Feet

N

Data Sources:
Water: WIDNR
Parcels, Municipal Boundaries : Green County

Vandewalle & Associates
Planning - Creating - Rebuilding

This map is the 'Comprehensive Zoning Plan', 'District Plan', and 'Plan' as such terms are used in Section 62.23(7A) of Wisconsin Statutes

Article XVI
Extraterritorial Zoning Ordinance

§305-107. Purpose and General Provisions.

A. Purpose and Intent. The purpose of the extraterritorial zoning article is to:

(1) Promote the public health, safety and general welfare

(2) Control and lessen congestion in the streets; secure safety from fire, panic and other dangers; to promote adequate light and air; encourage the protection of natural resources; prevent the overcrowding of land; preserve, protect and promote property values; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; protect productive agricultural operations and high quality agricultural soils; promote the preservation of scenic views; and protect the small community and rural character of the New Glarus area.

(3) Provide appropriate, predictable, and necessary land use controls within the Village of New Glarus's extraterritorial zoning jurisdiction that lies within the Town of New Glarus.

(4) Increase local control of local land use decisions.

§305-108. Description of Area Subject to Article.

A. Coverage. The area subject to the provisions of this Article is described as that portion of the Town of New Glarus included under an extraterritorial zoning designation on the Official Zoning Map of the New Glarus Extraterritorial Zoning Jurisdiction and described in Village Ordinance 06-10, adopted by the Village Board on November 15, 2006.

If and when land is annexed or attached to the Village of New Glarus, following procedures described under Wisconsin Statutes, such land is no longer subject to this article. However, the remainder of this Chapter shall continue to apply.

B. Official Zoning Map. The Official Zoning Map of the New Glarus Extraterritorial Zoning Jurisdiction, which together with all explanatory materials thereon, is hereby made part of this Article. Interpretations of zoning district boundaries presented on the Official Zoning Map shall be made per §305-14 of Article III, except that, within the extraterritorial zoning jurisdiction, the Joint Committee shall assume the role of the Village Board that is described in that section.

§305-109. Zoning Districts

A. The following zoning districts shall be available for mapping on the Official Zoning Map both within the Village municipal limits and within the extraterritorial zoning jurisdiction, per the applicable procedures described in this Article and in Article XIII. The abbreviation for each zoning district follows in parentheses.

(1) Agricultural and Woodland Preservation (A-P)

(2) Limited Agricultural and Woodland Preservation (A-PL)

(3) Agricultural and Woodland Transition (A-T)

(4) Agricultural and Rural Business (A-B)

(5) Rural Neighborhood (R-N)

(6) All zoning districts enumerated and described in Article III of this Chapter, provided that an agreement between the affected property owner and the appropriate utility or sanitary district is executed to provide public sanitary sewerage service and public water service to new development of any lands rezoned to one of the districts listed in Article III, with such services required at the time of initial development.

B. A description of the above specifically listed zoning districts, and the regulations applicable in each of the districts, are described in the following sections.

§305-110. Agricultural and Woodland Preservation District (A-P)

A. Purpose. The A-P zoning district is intended to preserve the New Glarus area's agricultural land for food and fiber production; protect productive farms, forests, and woodlots by preventing land use conflicts between incompatible uses; support agricultural and forestry processing and service industries; provide reasonable opportunities to supplement farm and forestry operation income through compatible business opportunities and limited housing development; and preserve rural character in farming areas.

B. Permitted Uses. The following uses are permitted in this district, subject to dimensional and density standards and limitations found elsewhere in this Article:

(1) Agricultural recreation / hobby use

(2) Light agricultural use, general agricultural use (less than or equal to 500 animal units)

(3) Silviculture (minimum 5 acre lot)

(4) Single family dwelling (per the density standards in §305-121)

(5) Bed and Breakfast establishment

(6) Cluster development, as described in §305-121 E.

(7) Commercial animal services and boarding

(8) Community living arrangement (1-8 residents)

(9) Accessory residential structure

(10) Accessory non-residential structure (less than 25,000 cubic feet)

(11) Family day care home (8 or fewer children)

(12) Home occupation

(13) Accessory farm or forestry structure

(14) Seasonal sales of farm or forestry products

C. Conditional Uses. The following uses are conditional in this district, subject to dimensional and density standards and limitations found elsewhere in this Article:

(1) Intensive agricultural use (greater than 500 animal units)

(2) Agricultural commercial use (see §305-114(B)4)

(3) Camping unit

(4) Two family dwelling (per the density standards in §305-121)

(5) Indoor institutional use (maximum 10,000 square feet of inside gross floor area)

(6) Outdoor public recreation

(7) Shooting range

(8) Community living arrangement (9-15 residents)

(9) Tourist lodging

(10) Outdoor institutional use

(11) Outdoor assembly (for 250+ persons)

(12) Airport or landing strip

(13) Public utilities and services

(14) Telecommunication facility, including towers (see §305-31 for standards)

(15) Wind energy conversion system

(16) Mineral extraction operation (see §305-31 for standards)

(17) Accessory non-residential structure (greater than or equal to 25,000 cubic feet)

(18) Intermediate day care home (9-15 children)

(19) Expanded home occupation

(20) Campground and/or recreational vehicle park (see §305-31 for standards)

D. Dimensional Standards. The following dimensional standards shall apply in this zoning district.

(1) Minimum lot size: 2 acres

(2) Maximum development density: See §305-120 C

(3) Maximum building coverage: 20% of lot

(4) Maximum building height: 35 feet for dwellings and accessory residential structures; none for other buildings

(5) Minimum front and corner side yard: 25 feet

(6) Minimum interior side yard: 10 feet

(7) Minimum rear yard: 40 feet

(8) Minimum lot width: 100 feet at building setback line

(9) Minimum spacing between buildings: 10 feet

(10) Minimum spacing between animal confinement areas and property lines: 50 feet

(11) Animal unit density: See §305.120

(12) Minimum dwelling unit size: 1,200 square feet of habitable space

§305-111. Limited Agricultural and Woodland Preservation District (A-PL)

A. Purpose. The A-PL zoning district is intended to preserve the New Glarus area's agricultural land for food and fiber production; protect productive farms and forests by preventing land use conflicts between incompatible uses; allow for low-intensity livestock operations in light of nearby residential or natural areas; support agricultural and forestry processing and service industries; provide reasonable opportunities to supplement farm and forestry operation income through compatible business opportunities and limited housing development; and preserve rural character in farming areas.

B. Permitted Uses. The following uses are permitted in this district, subject to dimensional and density standards and limitations found elsewhere in this Article:

(1) Agricultural recreation / hobby use

(2) Light agricultural use (less than or equal to 150 animal units)

(3) Silviculture (minimum 5 acre lot)

(4) Single family dwelling (per the density standards in §305-121))

(5) Bed and Breakfast establishment

(6) Cluster development, as described in §305-121 E.

(7) Commercial animal services and boarding

(8) Community living arrangement (1-8 residents)

(9) Accessory residential structure

(10) Accessory non-residential structure (less than 25,000 cubic feet)

(11) Family day care home (8 or fewer children)

(12) Home occupation

(13) Accessory farm or forestry structure

(14) Seasonal sales of farm or forestry products

C. Conditional Uses. The following uses are conditional in this district, subject to dimensional and density standards and limitations found elsewhere in this Article:

(1) General agricultural use (151-500 animal units)

(2) Agricultural commercial use (see §305-114(B)4)

(3) Camping unit

(4) Two family dwelling (per the density standards in §305-121)

(5) Indoor institutional use (maximum 10,000 square feet of inside gross floor area)

(6) Outdoor public recreation

(7) Shooting range

(8) Community living arrangement (9-15 residents)

(9) Tourist lodging

(10) Outdoor institutional use

(11) Outdoor assembly (for 250+ persons)

(12) Airport or landing strip

(13) Public utilities and services

(14) Telecommunication facility, including towers (see §305-31 for standards)

(15) Mineral extraction operation (see §305-31 for standards)

(16) Wind energy conversion system

(17) Accessory non-residential structure (greater than or equal to 25,000 cubic feet)

(18) Intermediate day care home (9-15 children)

(19) Expanded home occupation

(20) Campground and/or recreational vehicle park (see §305-31 for standards)

D. Dimensional Standards. The following minimum dimensional standards shall apply in this zoning district.

(1) Minimum lot size: 2 acres

(2) Maximum development density: See §305-121

(3) Maximum building height: 35 feet for dwellings and accessory residential structures; none for other buildings

(4) Minimum front and corner side yard: 25 feet

(5) Minimum interior side yard: 10 feet

(6) Minimum rear yard: 40 feet

(7) Minimum lot width: 100 feet at building setback line

(8) Minimum spacing between buildings: 10 feet

(9) Minimum spacing between animal confinement areas and property lines: 50 feet

(10) Animal unit density: See §305.120

(11) Minimum dwelling unit size: 1,200 square feet of habitable space

§305-112. Agricultural and Woodland Transition District (A-T)

A. Purpose. The purpose of the A-T zoning district is to preserve lands primarily in agricultural, forestry, and open-space land uses, for an unspecified time period. As depicted on the Official Zoning Map, such lands shall be generally located in proximity to the Village of New Glarus, in areas where future urban development is anticipated in municipal comprehensive plans. It is intended that intensive development be deferred in such areas until it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the A-T zoning district, such as public sewer and water services.

B. Permitted Uses. All permitted uses listed under the A-PL Limited Agricultural and Forestry Preservation District, provided that:

(1) The number and arrangement of such uses are generally subject to dimensional and density standards and limitations found elsewhere in this Article.

(2) The number of dwelling units or other principal structures allowed on a parcel shall be as prescribed under subsection D below.

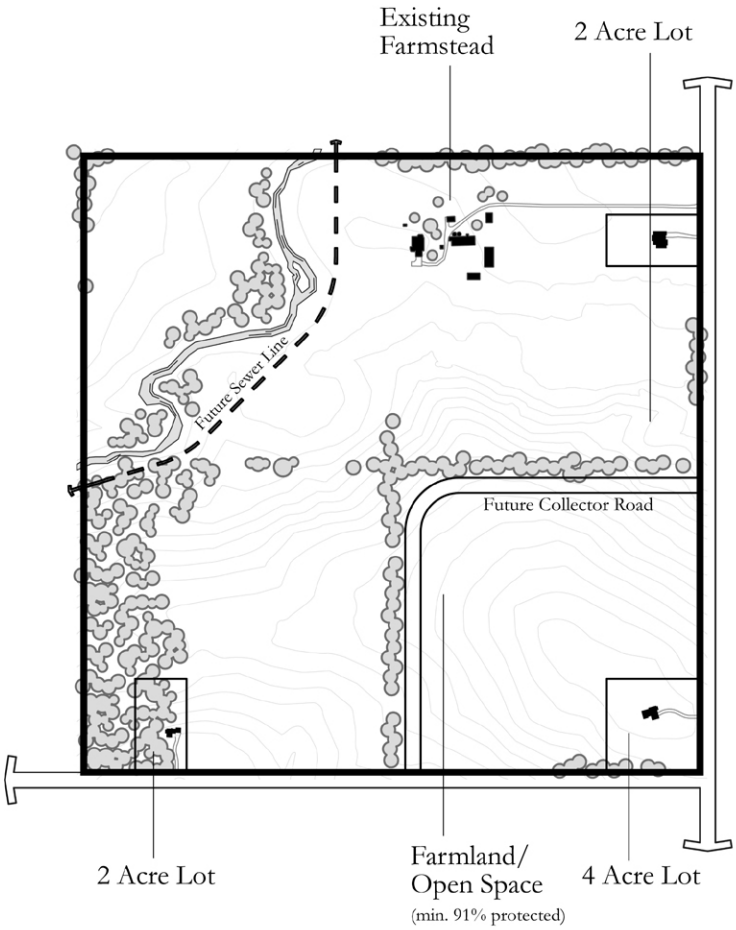
C. Conditional Uses. All conditional uses permitted in the A-PL Limited Agricultural and Forestry Preservation District, provided that:

(1) The number and arrangement of such uses are generally subject to dimensional and density standards and limitations found elsewhere in this Article.

(2) Cluster developments, as described in §305-121E, shall not be permitted in the A-T district.

D. Dimensional Standards. All dimensional standards shall be the same as in the A-PL Limited Agricultural and Forestry Preservation District, except as follows:

(1) There shall be a total of not more than four dwelling units, other principal structures, or some combination within the limits of the parcel as legally described and recorded on October 13, 1997. (See following graphic.)



(2) Development of the fifth or greater dwelling unit, other principal structure, or some combination within the limits of the parcel as legally described and recorded on October 13, 1997 may occur only following:

(a) The rezoning of the land on which is proposed the fifth or greater dwelling unit, other principal structure, or some combination, to another zoning district that allows more intensive development.

(b) Execution of an agreement between the affected property owner and the appropriate utility or sanitary district to provide public sanitary sewerage service and public water service to the fifth or greater dwelling unit, fifth or greater other principal structure, or some combination, at the time of initial development.

§305-113. Agricultural and Rural Business District (A-B)

A. Purpose. The purpose of the A-B Agricultural and Rural Business District is to provide for historic or planned future collections of small-scale uses which are commercial in nature; associated with local agricultural production; require a rural location due to proximity of resources; serve tourist-oriented activities; protect community character through building

scale, appearance, landscaping, signage, and lighting; and do not require urban services such as public sanitary sewerage and water services.

B. Permitted Uses. The following uses are permitted in this zoning district, subject to dimensional and density standards and limitations found elsewhere in this Article:

(1) Agricultural recreation / hobby use

(2) Caretaker's residence

(3) Light agricultural use (less than or equal to 150 animal units)

(4) Agricultural commercial use

(5) Forestry commercial use

(6) Tourist lodging

(7) Bed and breakfast establishment

(8) Day care center (maximum 5,000 square feet of inside gross floor area)

(9) Indoor institutional use (maximum 10,000 square feet of inside gross floor area)

(10) Outdoor assembly (for 250+ persons)

(11) Public utilities and services

C. Conditional Uses. The following uses are conditional in the A-B district, subject to dimensional and density standards and limitations found elsewhere in this Article:

(1) Silviculture use (minimum 5 acre lot)

(2) Contractor shop (maximum 5,000 square feet of inside gross floor area)

(3) Office (maximum 5,000 square feet of inside gross floor area)

(4) Personal or professional service (maximum 5,000 square feet of inside gross floor area)

(5) Outdoor public recreation

(6) Indoor sales (maximum 5,000 square feet of inside gross floor area)

(7) Plant genetic laboratories, agricultural related experimental laboratories (maximum 5,000 square feet of inside gross floor area)

(8) Sales and storage of agricultural by-products

(9) Shooting range

(10) Stock yards, livestock auction facilities

(11) Livestock and farm commodity trucking services

(12) Campground and/or recreational vehicle park (see §305-31 for standards)

D. Dimensional Standards. The following minimum dimensional standards shall apply in this zoning district.

(1) Minimum lot size: 2 acres

(2) Maximum building coverage: 40% of lot

(3) Maximum building height: 50 feet

(4) Minimum front and corner side yard: 35 feet

(5) Minimum interior side yard: 10 feet

(6) Minimum rear yard: 50 feet

(7) Minimum lot width: 100 feet at the building setback line

(8) Minimum spacing between buildings: 10 feet

(9) Animal unit density: See §305.120

§305-114. Rural Neighborhood District (R-N)

A. Purpose. The R-N district is intended for single family dwellings, along with other uses that are compatible with a single family residential living environment.

B. Permitted Uses. The following uses are permitted in this district, subject to dimensional and density standards and limitations found elsewhere in this Article::

(1) Single family dwelling (including farm dwellings and manufactured homes meeting standards)

(2) Community living arrangement (1-8 residents)

(3) Accessory residential structure (less than 1,000 square feet)

(4) Family day care home (8 or fewer children)

(5) Home occupation

(6) Silviculture (minimum 5 acre lot)

(7) Accessory farm or forestry structure

C. Conditional Uses. The following uses are conditional uses in this district, subject to dimensional and density standards and limitations found elsewhere in this Article::

(1) Two family dwelling

(2) Agricultural recreation / hobby use

(3) Light agricultural use (less than or equal to 150 animal units)

(4) Seasonal sales of farm and forestry products

(5) Golf course community

(6) Tourist lodging

(7) Outdoor public recreation

(8) Camping unit (limited to one camping unit per lot)

(9) Accessory residential structure (greater than or equal to 1,000 square feet)

(10) Community living arrangement (9-15 residents)

(11) Indoor institutional use (maximum 10,000 square feet of inside gross floor area)

(12) Outdoor institutional use

(13) Public utilities and services

(14) Intermediate day care home (9-15 children)

D. Dimensional Standards: The following minimum dimensional standards shall apply within this zoning district.

(1) Minimum lot size:

(a) With private on-site waste treatment system: 2 acres

(b) With public sanitary sewerage service: 10,000 square feet

(2) Maximum building coverage: 20% of lot

(3) Maximum building height: 35 feet

(4) Minimum front and corner side yard: 25 feet

(5) Minimum interior side yard: 10 feet

(6) Minimum rear yard: 40 feet

(7) Minimum lot width:

(a) With private on-site waste treatment system: 150 feet at the building setback line, except for that lots recorded before the date of adoption of this Article shall have a minimum lot width equal to their width at the date of adoption of this Article

(b) With public sanitary sewerage service: 80 feet at the building setback line

(8) Minimum spacing between buildings: 10 feet

(9) Minimum spacing between animal confinement areas and property lines: 50 feet

(10) Animal unit density: See §305.120

(11) Minimum dwelling unit size: 1,200 square feet of habitable space

§305-115. Reserved for Future Use.

§305-116. Design and Performance Standards.

The purpose of Sections 305-117 through 305-124 is to set forth the requirements for site planning, exterior lighting, screening, landscaping, sign and billboard standards, standards for the keeping of farm animals, development density standards, respecting soils with building limitations, preserving rural character, and other matters related to the quality of development.

§305-117. Landscaping, Screening, and Fencing Standards.

A. Purpose. The purpose of this section is to indicate the requirements that may be applied for screening, landscaping, and fencing for certain development projects, zoning districts, and project components as identified below.

B. Landscaping Standards.

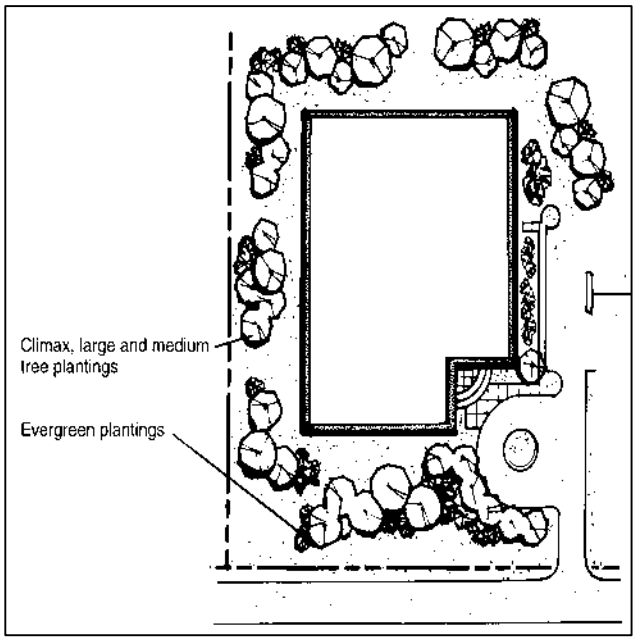
(1) Applicability: Except for farm and forestry uses, the requirements of this section shall apply to all new land development projects, and to all additions, expansions, or site modifications to such uses.

(2) Existing vegetation: To the greatest extent possible, each new development and lot shall retain existing trees outside of proposed building and parking areas. See also §305-122(B) for cluster development preservation standards.

(3) Landscaping coverage: Each new development and lot shall be landscaped with an effective combination of living trees, groundcover, and shrubbery. Landscaping shall be emphasized in street yards, adjacent to residentially zoned lots, within and adjacent to parking lots, and near principal building foundations. The following figure provides an example.

(4) Distance requirements: No purposely planted tree or shrub as measured from its center shall be located within 5 feet of a driveway or public street right-of-way or easement.

(5) Visual clearance triangle: All new landscaping material located within a visual clearance triangle (as described in §305-106) shall be 2½ feet or less in height or have a clearance of 8 feet beneath the lowest branch or projection.



(6) Depiction on site plan: All existing and proposed landscaping on the lot shall be depicted on the site plan, for developments where a site plan is required under Article XII, §305-94.

(7) Installation and Maintenance: All proposed and approved landscaping shall be installed in a sound manner and according to accepted planting procedures with quality plant materials. The lot owner shall maintain such plantings and all dead plantings shall be replaced.

C. Screening Standards (Landscaped Bufferyards)

(1) Applicability: The following areas or features shall be required to be effectively screened by fencing, landscaping, or berms from view from public roadways and adjacent residentially zoned properties:

(a) Exterior structures related to heating systems, cooling or air conditioning systems

(b) Refuse, garbage, dumpsters and recyclable material collection points

(c) Outdoor storage areas

(d) Loading docks

(e) Utility structures and substations

(f) Any other site area or facility as required for the specific land use by the requirements of Chapter XVI, or by the approval authority, if reasonably related to the protection of neighboring properties or the public from distracting, unappealing, or offensive views of on-site activities.

(2) Options for screening: The following are options for providing required screening where applicable:

(a) Fencing: The construction of a minimum 6 foot high solid fence, per subsection D below, shall be deemed adequate screening if required.

(b) Rows of trees: The planting of a minimum of two rows of trees staggered with a ten (10) foot spacing, which are a minimum of four (4) feet tall when planted, shall be deemed adequate screening if required. The lot owner shall maintain such planting and any dead trees shall be replaced within one year. Alternate species or planting plan may be substituted if prior approval is received from the Zoning Administrator.

(c) Existing vegetation: The maintenance of existing native vegetation that, from off the property during full foliage conditions, provides the appearance of a solid wall of vegetation, shall be deemed adequate screening if required. The final determination as to acceptability of the existing vegetative screen shall be by the Zoning Administrator.

(d) Earthen berm: The construction of an earthen berm to the minimum height of six (6) feet which is to be seeded and/or landscaped with shrubs and maintained by the owner shall be deemed adequate screening if required.

(3) Depiction on site plan: All existing and proposed screening shall be depicted as to their location, type, and size on the site plan, in cases where a site plan is required under Article XII, §305-94.

D. Fencing Standards

(1) The construction and maintenance of partition fences between adjoining lands used for farming or grazing shall be governed by Wisconsin Statutes, Chapter 90.

(2) For areas where a new subdivision plat or certified survey map adjoins lands used for farming or grazing, the following provisions shall apply, unless an alternate agreement between abutting property owners is negotiated, approved by the Village and Town, and recorded against both properties:

(a) A partition fence between the subdivision plat or certified survey map and lands used for farming or grazing, satisfying the requirements of Wisconsin Statutes, Chapter 90 for a legal and sufficient fence, shall be required.

(b) The subdivider shall be responsible for constructing, keeping, and maintaining such partition fence. The subdivider shall construct such fence at the time of site development.

(c) A covenant binding the subdivider, its grantees, heirs, successors, and assigns to erect and maintain such fence, without cost to the adjoining property owners, so long as the adjoining land is used for farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

(3) The construction of all other fences shall be as specified in Article IX, §305-66 of this chapter, except that the provisions of §305-66(F) shall not apply within the extraterritorial zoning jurisdiction.

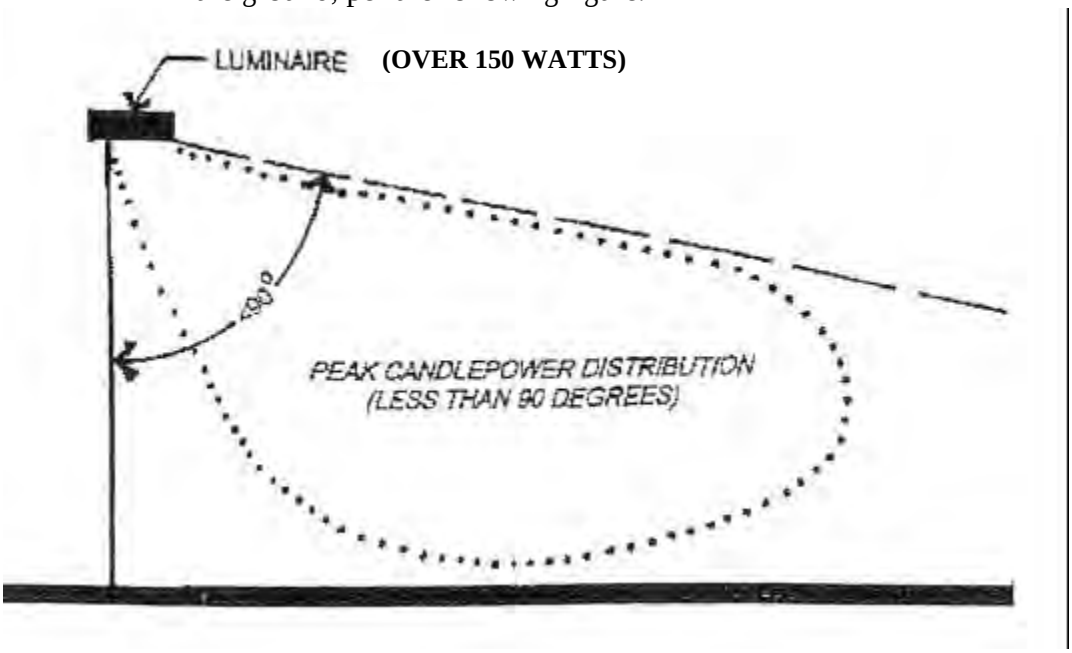
§305-118. Exterior Lighting Standards.

A. Purpose. The purpose of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, land uses in the vicinity of a light source, and the "dark sky" in order to promote traffic safety, prevent nuisances, and preserve rural community character.

B. Applicability. The requirements of this section apply to all exterior lighting for multiple family residential uses of greater than two dwelling units, and non-residential land uses within the jurisdiction of this article, except for public lighting within a public road right-of-way or public road easement.

C. Exterior Lighting Standards.

(1) Power and orientation of light fixture: No exterior light fixture be placed or oriented so that the lighting element (bulb) or associated convex lens is visible from an adjacent lot line or public road right-of-way or easement line. Within the R-N or other residential zoning district, no light fixture shall exceed 150 watts. All lighting fixtures over 150 watts shall be fully shielded and mounted at a 90 degree angle to the ground, per the following figure.



(2) Maximum illumination levels: At any property line, the illumination level from a light fixture shall not exceed 0.5 footcandles above the ambient lighting condition on a cloudless night.

(3) Prohibited light fixtures: No searchlights or strobe lights shall be permitted.

(4) Depiction on site plan: All existing and proposed exterior light fixtures shall be depicted as to their location, type and wattage on the site plan, as required under Article XII, §305-94.

(5) Village lighting ordinance provisions: If the Village adopts additional requirements for exterior lighting as part of this Chapter, and such requirements are accepted by resolution of the Joint Committee, such requirements shall also apply within the extraterritorial zoning area.

§305-119. Sign and Billboard Standards.

All requirements of Chapter 305, Article VII shall apply within the extraterritorial zoning jurisdiction.

§305-120. Keeping of Animals.

A. Purpose. The purpose of this section is to establish standards for keeping of farm animals, hobby farm animals, and domestic and exotic pets on parcels within the extraterritorial zoning jurisdiction in such a manner which allows for reasonable numbers of animals; avoids nuisances, undesirable odors, and other negative impacts on neighboring properties; protects human and animal health; satisfies the needs of animals for exercise space; and protects water quality.

B. Definitions. The following definitions describe terms used to interpret this section:

(1) Farm animal: domestic animals traditionally used in this state in the production of meat, milk, eggs, fiber and crops. These include, but are not limited to, domesticated mammals and birds: cattle, goats, sheep, buffalo, pigs, horses, rabbits, chickens, turkeys, ducks, geese, pigeons, emus and ostriches.

(2) Hobby farm animals: non-traditional production animals, raised on small acreages, which do not have substantial food and fiber economic value. These include, but are not limited to, horses, llamas, and minks.

(3) Domestic and Exotic pets: domestic animals kept for companionship. These include, but are not limited to, dogs, horses, cats and exotic pets such as guinea pigs, pet rats, reptiles, ferrets, pot bellied pigs, turtles, parrots, gerbils and hamsters, and snakes.

C. Applicability.

The purpose of this section is to establish land management standards for animals with a full range of agricultural uses. This includes managing land for livestock and crop production in a manner which preserves and promotes agriculture as a viable part of the New Glarus area's economy as well as hobby farm and pet management

(1) Farm Animals:

The New Glarus Extraterritorial Zoning Districts **A-P**, **A-PL, A-B, A-T, and R-N** have livestock and cropping operations traditionally used in this state in the production of meat, milk, egg, fiber, and feed.

The Right to Farm law, as amended in 1995, encourages agricultural production and discourages land use conflicts between livestock operations and their neighbors. Wisconsin State Statute 828.08 states by law that agricultural production or the use of modern agricultural technology should not be hampered. The legislature found that development in rural areas and changes in agricultural technology, practices and scale of operation have increasingly tended to create conflicts between agriculture and other land uses. This law and state statute is meant to protect these farms and resolve these conflicts.

(2) Hobby Farm Animals**:**

Land uses on small acreages that keep or maintain hobby animals shall provide and continuously maintain a minimum of one acre of open land available per animal unit for animal exercise and nutrient (manure) management.

(3) Domestic and Exotic Pets:

Any person owning or possessing an animal, dog or cat shall not permit such pet to trespass on or destroy property or disturb the peace.

It shall be unlawful for any person to keep, maintain, or have in his possession or under his control any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile with vicious or dangerous propensities.

D. Animal Unit Density Standard: A measure that represents a common denominator for the purpose of defining in what quantity farm animals may be kept (see table 1 below). The unit measure is based on live animal weights of which 1,000 pounds of live animal weight is equivalent to one animal unit. This zoning ordinance has specific animal unit limitations in each of the zoning districts.

Table 1: Number of Animal Types Equivalent to 1000 Animal Units & Animal Equivalency Factors

Farm Animal Type	Animal Units per Animal	Farm Animal Type	Animal Units per Animal	Farm Animal Type	Animal Units per Animal
Dairy Cattle: Milking & Dry Cows	1.43	Pigs/Sows	0.4	Emu	0.15
Dairy Cattle: Heifers (400 to 1200 lbs)	1.0	Pigs (up to 55 lbs)	0.1	Ostrich	0.35
Dairy Calves (under 400 lbs)	0.2	Boars	0.5	Turkeys	0.018
Veal Calves	1.0	Sheep/Goat	0.1	Ducks: liquid manure	0.2
Beef Cattle: Steers or Cows	1.0	Lambs	0.07	Ducks: non-liquid manure)	0.0333
Beef Calves (under 400 lbs)	0.2	Chickens: Per Bird (liquid manure)	0.0333	Llama/Alpaca	0.35
Bulls	1.43	Chickens: Layers (non-liquid manure)	0.0123	Rabbits	0.01
Horses	2.0	Chickens: Broilers & Pullets	0.008		

Sources: WisDNR Rule NR 243.12; UW-Extension; The Stockman's Handbook

It is recommended that animal owners manage manure and other waste responsibly. The **Animal Unit Density Standard** assures that land uses that keep or maintain animals provide and continuously maintain land available for animal exercise and nutrient (manure) management. The owner can document the types and amounts of manure and other organic wastes that the livestock facility will generate when fully populated, the final disposition of waste by landspreading or other means, the acreage available to the operator for landspreading, and a map showing where the operator proposes to landspread nutrients. The above information can be documented in a Nutrient Management Plan

E. Nutrient Management Plan: A written site specific plan which details how the major plant nutrients (nitrogen, phosphorus, and potassium) are to be managed annually. The plan assures that the farm has sufficient land spreading acres for the manure volumes that the on-farm livestock generate as well as prevents over-application of commercial fertilizers. The landowner can submit the Nutrient Management Plan for approval to the Green County Land Conservation Department, and implement the plan on all lands receiving mechanically applied manures and commercial fertilizers. Plan is to be updated yearly.

F. Other Performance Standards.

(1) No person owning or responsible for any animal may refuse or neglect to supply the animal with a sufficient supply of food and water.

(2) Outdoor animal containments, such as pens, coops and similar structures, shall be located in accordance with the standards in Wisconsin Statutes Chapter 90, a minimum of fifty (50) feet from any well, and a minimum of one-hundred feet from any property line.

(3) Unconfined manure piles, (a quantity of manure at least 175 cubic feet in volume that covers the ground surface to a depth of at least 2 inches) are prohibited (ATCP 51).

G. State and Federal Standards. Land uses that keep farm animals may also be subject to state and federal laws and rules, most of which are not administered locally. It is the responsibility of the property owner to adhere to such laws and rules as applicable, which at the time of adoption of this chapter included but were not necessarily limited to the following:

(1) Agricultural performance standards in Chaps. ATCP 50 and NR 115, 151, 243, and 812 of the Wisconsin Administrative Code.

(2) Wisconsin Administrative Code Chap. ATCP 51, involving the siting of livestock facilities.

(3) All state manure and nutrient management statutes and rules, including Wisconsin Statutes Section 281.16(3).

(4) Wisconsin Pollutant Discharge Elimination System permits for farm operations over 1,000 animal units, as identified in Chaps. NR 243.13 through NR 243.16 of the Wisconsin Administrative Code.

(5) Wisconsin Statutes Chapter 29 and 169, involving the treatment of wild animals.

(6) Wisconsin Statutes Chapter 951, involving crimes against animals.

(7) Wisconsin Statutes Chapter 93, enabling legislation for the Department of Agriculture Trade and Consumer Protection (ATCP) and which also includes animal regulations.

(8) Wisconsin Statutes Chapter 97, involving food regulations. Several Department of Agriculture, Trade and Consumer Protection rules also cover various aspects of food processing.

(9) The U.S. Natural Resources Conservation Service (NRCS) Nutrient Management standard.

(10) The U.S. Environmental Protection Agency's confined animal feeding operations rule.

§305-121. Development Density Standards for A-P and A-PL Districts.

A. Purpose. This section provides standards for the tracking and calculation of allowable new dwelling units and equivalent principal uses (building sites) on parcels in the A-P and A-PL zoning districts. These districts limit the overall density and/or land area of new non-farm development in order to preserve agricultural and rural character.

B. Determining Gross Site Area. For the purposes of calculating the maximum number of allowable new dwelling units and equivalent principal uses (building sites) on parcels in the A-P and A-PL zoning districts, the gross site area of the contiguous lands held in single ownership shall be determined as of October 13, 1997. Terms used in this section are defined as follows:

(1) Gross site area: The entire land area located within a parcel, including land within all easements (including roadway easements) and environmentally constrained land (such as floodplains and wetlands), but not including land on the water side of the ordinary high water mark of navigable lakes, ponds, rivers, and streams. Lots separated by subdivision plat or certified survey map prior to October 13, 1997 shall not be considered in the calculation of gross site area of the parcel from which they were separated.

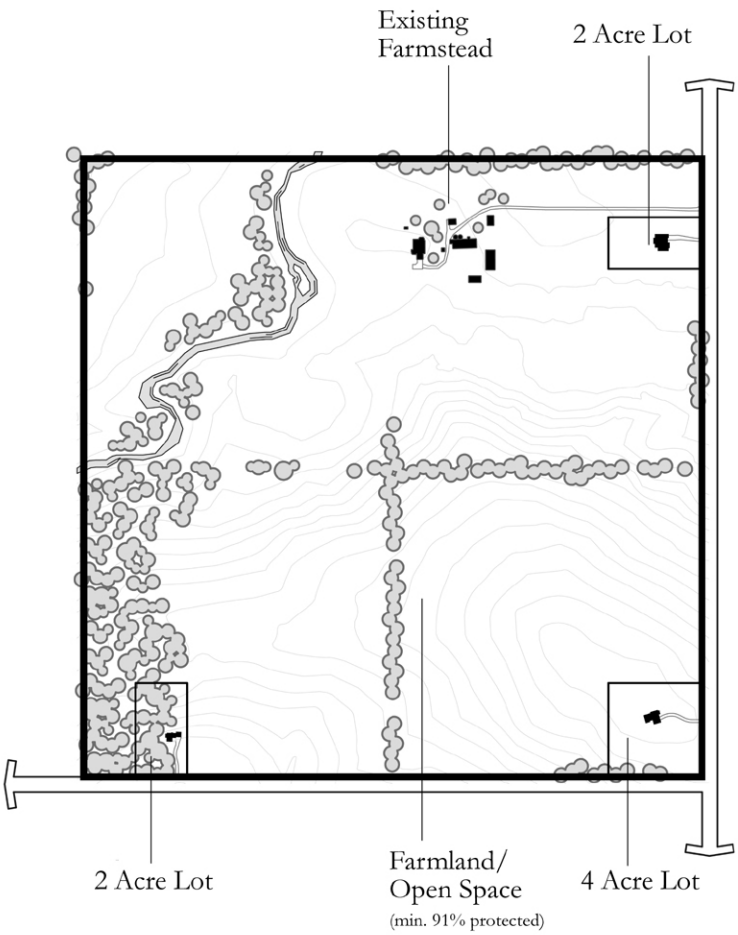
(2) Contiguous: Lots or parcel shall be considered contiguous if they share a common boundary. Parcels in single ownership which are directly across rail right-of-way, easements, or navigable rivers, streams or creeks, along with parcels that meet only at a corner, shall be considered contiguous.

(3) Single Ownership: Any combination of lands singly owned by one individual, jointly owned by a couple including that individual, or owned by a partnership or corporation in which the individual has controlling ownership.

C. Normal Density Calculation—Parcels Less Than 70 Acres. Unless cluster development standards under subsection E are followed, all parcels with a gross site area of less than seventy (70) acres in contiguous single ownership as of October 13, 1997 shall have no greater than one building site for a dwelling unit or an equivalent principal use, as defined below. At least 91% of the parcel shall remain in open space following development. If an existing parcel already contains a dwelling unit or an equivalent principal use, no additional dwelling unit or equivalent principal use shall be allowed.

D. Normal Density Calculation—Parcels of 70 acres or More. Unless cluster development standards under subsection E are followed, all parcels of a gross site area of seventy (70) acres or more in contiguous single ownership as of October 13, 1997 shall have a number of building sites for dwelling units or equivalent principal uses determined as follows: the gross site area is divided by 35, with the resulting number truncated down to the nearest whole number (i.e., no consideration of fractions). Any pre-existing building sites used for a dwelling unit or an equivalent principal use shall be counted as one building site for purposes of this calculation. At least 91% of the parcel shall remain in open space following development.

Example: In the following example, this 160 acre parcel is allowed a total of 4 building sites. This is calculated by taking 160 and dividing it by 35, yielding a result of 4.57. The "0.57" is then removed, resulting in a total of four building sites that may be located on this parcel. The parcel includes an existing farmstead residence, which means that three <u>new</u> building sites (represented by the new 2- and 4-acre lots) may be created. The new lots must be created in such a way that at least 91% of the October 13, 1997 parcel (145.6 acres) remains in open space.



E. Cluster Development Density Calculation:

(1) A cluster development is a type of single family residential development intended to preserve open space, farmland, and natural features that enhance the New Glarus area's rural character; hide or buffer development from public roads through placement, topography, vegetation, and/or setbacks; and encourage housing on moderate sized rural lots grouped in a portion(s) of the parcel best suited for development. Any existing parcel of less than forty (40) acres may not be developed as a cluster development under this section.

(2) Where cluster development is used in accordance with all design principles described in section §305-121 E, then the number of building sites is determined using the following criteria.

(a) The minimum number of lots required to qualify as a cluster development is three (3). There may be more than one cluster of at least three (3) lots created from a single parcel.

(b) Fifteen percent (15%) or less of the gross site area may be within all clusters combined, used for residential purposes, and eligible for building and zoning permits, provided that other zoning and subdivision ordinance requirements are met.

(c) Only single family dwellings may be permitted in a cluster development.

(d) The minimum size of new lots within each cluster shall be two (2) acres.

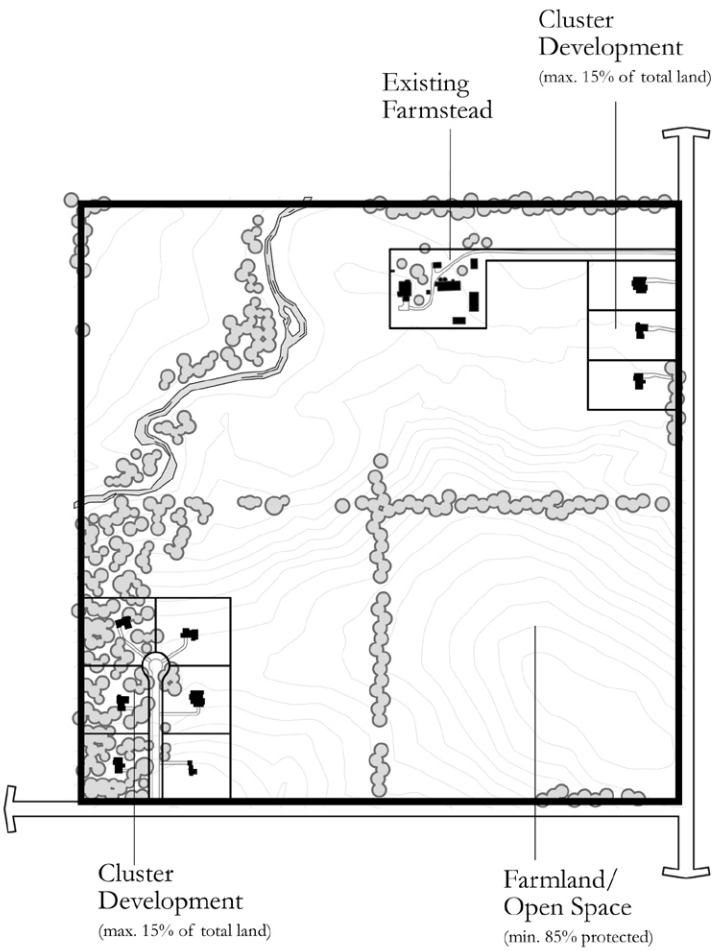
(e) Eighty-five percent (85%) or greater of the gross site area of contiguous lands held in single ownership shall remain in open space following the cluster development. Such open space shall be protected from development through a conservation easement, deed restrictions, or cluster development ownership covenants that shall be effective until January 1, 2025, or to a later date or in perpetuity if either desired by the land owner or extended per an amendment to Chapter 15 of the Town of New Glarus Code of Ordinances.

(f) Open space that is commonly owned by the lot owners of the cluster development shall be managed in a stewardship like manner to permit active and passive recreational use of the commonly owned public space by residents of the development and general public. Open space that continues to be utilized for agricultural purposes shall be utilized in a manner compatible with adjoining uses.

(g) Each lot division (split) reduces the gross site area of the parent parcel from which the lot was split by 35 acres regardless of the actual size of the lot that was split, which in turn impacts the calculations for determining required open space.

(h) The cluster development design and layout shall meet the standards provided in section §305-121 E.

Example: In the following example, this 160 acre parcel is allowed a total of 24 acres to be placed in cluster development residential building sites (15% of 160). This includes the area occupied by the pre-existing farmstead. The developer may place as many additional lots in the 24 acres as is practical, given minimum lot size requirements (2 acres per lot) and other environmental, engineering, and regulatory limitations. In this example, there are two clusters created from the original parcel—one four-lot cluster that includes the original farmstead and one six-lot cluster built along a new cul-de-sac road. Together, these two clusters occupy less that 15% of the original parcel. The remaining 85% must be placed in a conservation easement or deed restricted to prevent further development there until 2025 or as otherwise may be extended by Town ordinance.



F. Effect of Land Sales: Changes and reconfigurations in ownership following October 13, 1997 do not trigger new allotments of potential future dwelling units in the A-P and A-PL districts. When land is sold or consolidated after October 13, 1997, the Joint Committee and Zoning Administrator will use the following approaches in the order listed to determine how many (if any) potential future building sites were transferred along with the land:

(1) Any sales contracts or other recorded documents indicating how many potential future dwelling units (if any) are being transferred along with the land.

(2) In the absence of a clearly understood sales contract or recorded deed notice that defines the intent, the assumption shall be that one building site is transferred with each 35 acres sold. If less than 35 acres are sold, the assumption shall be that one building site was transferred with each new lot that was created, provided that the provisions of §305-121(A) – (E) allow for a building site.

G. Miscellaneous Provisions.

(1) Each dwelling unit or equivalent principal use (defined in subsection (2) below) that received a zoning permit or was otherwise legally constructed on the parcel prior to

October 13, 1997 shall be counted against the maximum number of building sites that may be created. The term "dwelling unit" is as defined in §305-106 of Article XV.

(2) Each principal commercial, institutional, recreational, utility building, transportation, or industrial land use permitted or legally established on the lands shall be counted as the equivalent of one dwelling unit and one building site for the purposes this section. These are referred to as "equivalent principal uses" above.

(3) The Town of New Glarus shall maintain parcel records as of October 13, 1997, or as close to that date as possible, and shall provide them to the Zoning Administrator. These shall be used as the basis for determining contiguous lands held in single ownership and gross site area as of October 13, 1997, unless the petitioner is able to demonstrate to the Zoning Administrator that such records are in error.

(4) Lands in contiguous single ownership that were legally established prior to the effective date of this Article and that are less than 2 acres in gross site area shall be allowed a total of one single family dwelling unit or one principal commercial, institutional, recreational, utility, transportation, or industrial land use as may be allowed in the zoning district. No further division of such lands under A-P or A-PL zoning is permitted.

(5) Nothing in this section shall preclude the petitioner from seeking a zoning map amendment to remove lands from the A-P or A-PL zoning districts. In the event that such lands are rezoned away from one of these districts (and not rezoned to another one of these districts), the provisions of this section shall no longer apply.

§305-122. Rural Character Design Standards.

A. Purpose. The purpose of this section is to establish standards to ensure that new development that is approved is sensitive to preserving the rural character of the New Glarus area. The standards for approval include standards for cluster development, open space preservation, view protection, signs, and lighting.

B. Cluster Development Design Standards. In order to be considered a cluster development under §305-121 subsection E., the following design criteria must be met:

(1) Natural resources shall be integrated into the development design as aesthetic and conservation landscape elements. The development shall identify and provide for the permanent preservation of environmentally sensitive areas such as wetlands, hydric soils, floodplains, slopes of 20% or greater, areas of rare or endangered plant or animal species, historic and archeological sites, and views in accordance with subsections B.6 and C below. Permanent preservation shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate non-profit organization, and/or establishment of buildable or "no build" areas on the plat or certified survey map.

(2) Homesites shall be promoted near the edges of wooded areas and near the edges of open fields.

(3) Where the development includes a mature woodland, the developer shall identify the edges of said woodland, establish forest management guidelines in accordance with forestry Best Management Practices, and practice active forest management and selective harvesting in accordance with said guidelines to improve the health and diversity of tree species on the property.

(4) No building site shall be located on a slope of 20% or greater.

(5) All cluster developments of ten (10) or more lots shall provide for the recreational needs of its future residents through trails, parks, dog runs, or other recreational space or facilities geared and accessible to residents. Where an adopted Town, County, or Village comprehensive plan, land use plan, or outdoor recreation plan recommends a park, trail, or other recreational facility for the proposed plat area, the developer will make reasonable accommodation for the recommended facility.

(6) Lots, dwellings, and internal roads shall be placed to minimize their visibility from existing public roads and to conform to the landscape. This shall be accomplished by:

(a) Designing lots that will abut a federal, state, or county highway to minimize the visibility of the dwellings from the highway, with strategies including maintenance of existing vegetation and grades, deep lots, dwellings abutting new roads that are not the highway, a landscaped bufferyard along the highway meeting the standards of §305-117 C. of this Article, or some combination based on the specific conditions of the land.

(b) Designing roads and lot layouts to blend with the natural land contours.

(c) Using topography and vegetation to screen dwellings.

(d) Preserving tree lines, fence lines, stone rows, existing farm roads, barns, cabins, and other features of the rural landscape.

(e) Meeting other view preservation standards in subsection C below.

(7) The development shall include stormwater management and erosion control systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural basin design, residential roof runoff directed to yard areas, and rain gardens. Such techniques shall be integrated in stormwater management and erosion control plans submitted with the cluster development subdivision plat or certified survey map submittal.

(8) The placement of building sites shall be made in accordance with any village or town adopted future roadway or utility plan map.

(9) The developer shall be required to work with the Joint Committee and Town of New Glarus on other design considerations that are particular to the unique characteristics of the parcel.

C. View Preservation. The conditions of any development approval shall require the identification of building sites on the plat, certified survey map, or existing lot of record, and may restrict the location of houses and other structures so as to provide appropriate sight lines and view protection as follows:

(1) The lots shall be positioned and building sites and heights limited so that the rooflines and tops of structures shall not visibly extend above the line of ridges and hilltops (or the vegetation that will remain on top of them) when viewed from outside the development parcel.

(2) Houses and structures shall be buffered from existing roads using existing and planted trees and vegetation, hills, berms or other natural-appearing features.

D. Rural Lighting Standards. Lighting shall be installed and maintained to minimize any negative impacts on the rural character and dark night skies. The specifications for lighting set in §305-118 shall be followed.

E. Signs and Billboards. Signs and billboards shall be restricted to promote high aesthetic quality and safety throughout the extraterritorial zoning jurisdiction. The specifications for signage and billboards in §305-119 shall be followed.

F. Agricultural Preservation. Effort shall be taken to protect agriculture. For all new lots created for residential purposes, the following note shall be added to the final plat or certified survey map before such document is recorded: "Through Section 823.08 of Wisconsin Statutes, the Wisconsin Legislature has adopted a right-to-farm law. This statute limits the remedies of owners of later established residential property to seek changes to pre-existing agricultural practices in the vicinity of the residential property. Active agricultural operations are now taking place and may continue in the vicinity of this plat or certified survey map. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during all hours of the day and night."

§305-123. Erosion Control and Stormwater Management.

All state erosion control and stormwater management requirements (NR 135, 260, and 265 sections 265.29 and 265.33) shall apply to the extraterritorial zoning jurisdiction. In addition to the regulations imposed by the aforementioned chapters and sections, the following erosion control measures for land disturbing activities on steep slopes shall apply.

A. The subdivider or developer shall indicate on a site plan required per Article XII, §305-94 areas of slopes between twelve and twenty percent (12-20%), and areas where slopes are twenty percent or greater (>20%).

B. For proposed development areas with slopes measuring twelve to twenty percent, every effort shall be taken to maintain vegetation to stabilize slopes.

C. No land division for residential, commercial or industrial purposes shall be approved which would result in, or authorize a use or disturbance of land, including construction of private roads and driveways, on hillsides with a slope of twenty percent (20%) or more. For purposes of this section, twenty percent (20%) means a vertical elevation differential of ten (10) feet in fifty (50) horizontal feet.

§305-124. Junkyards and Salvage Yards.

Junkyards and salvage yards, as defined in §305-125, shall be prohibited within the extraterritorial zoning jurisdiction, except as follows:

A. Where specifically listed as a permitted or conditional use in the zoning district mapped over the property, or

B. Where otherwise legally established prior to the date of adoption of this article. Such uses shall be considered nonconforming uses subject to §305-131 and Article V of this chapter.

§305-130. Extraterritorial Zoning Administration.

A. Purpose. The purpose of this section is to establish:

(1) Responsibilities for administration of this Article; and

(2) Procedural requirements for zoning text amendments, zoning map amendments, conditional use permits, site plan review, variance requests, appeals, zoning permits, building permits and density based zoning tracking.

B. Regulations governing and roles of specific officials in zoning administration.

(1) Joint Extraterritorial Zoning Committee.

(a) Creation. The Joint Extraterritorial Committee ("Joint Committee") shall be created as provided by Wisconsin Statutes §62.23(7a).

(b) Powers and Duties. The Joint Committee shall possess the powers and duties prescribed in Wisconsin Statutes §62.23 (7a) and such other powers and duties as vested by this Article, and by the Village Board.

(c) Membership. The Joint Committee shall be appointed pursuant to Wisconsin Statutes §62.23(7a)(c).

(d) Rules and Reports. The Joint Committee may adopt rules governing its own proceedings. The Joint Committee shall annually report to the Village Board and Town Board of its transactions and expenditures, if any, for the preceding year, and with such general recommendations as to matter covered by its prescribed duties and authority. This annual report may be in the form of meeting minutes and shall be filed with the Village and Town no later than March 1st of each year.

(e) Meetings. The Joint Committee shall elect a chairperson and secretary and shall keep a written report of its proceedings to include all actions taken, a copy of which shall be filed with the Village and Town Clerks. Four (4) members shall constitute a quorum.

(f) Affirmative Votes. Actions on requests for amendments of the Official Zoning Map (rezonings), ordinance text amendments, and conditional use permits shall require the affirmative approval of a majority of the members. All other actions of the Joint Committee shall require the affirmative approval of the majority of members in attendance at the meeting.

(g) Staff. The Joint Committee shall utilize the services of existing Village and Town officials, employees, and outside consultants as needed.

(2) Village Board. The roles and responsibilities of the Village Board shall be as specified in §305-92, per subsections D – L below, and by Wisconsin Statutes, Section 62.23(7a).

(3) Village Plan Commission. The roles and responsibilities of the Village Plan Commission specified in §305-92 shall be delegated to the Joint Committee in the duties and authorities prescribed by this Article for lands within the extraterritorial jurisdiction.

(4) Village Zoning Administrator. The roles and responsibilities of the Village Zoning Administrator shall be as specified in §305-91 and in review and approval of the activities regulated by this Article as specified in subsections D – L below.

(5) Zoning Board of Appeals. The roles and responsibilities of the Zoning Board of Appeals shall be as specified in §305-92 and in review and approval of the activities regulated by this article as specified in subsections D – L below. The Village may establish a separate or supplemented Zoning Board of Appeals, including Town residents, for matters within its purview within the extraterritorial zoning area.

C. Enforcement and Action of the Joint Committee.

(1) The Joint Committee shall enforce this Article in accordance with the administrative provisions of the Town, Village, State, and this Article.

(2) The Joint Committee shall act upon all such applications on which it is authorized to act by the provisions of this Article within the subsequent two meetings but not more than 90 days from when they are filed in full compliance with all the applicable requirements.

(3) Fees for permits shall be based on a schedule established by resolution of the Joint Committee, following a recommendation from the Town Board.

D. Amendment of Official Zoning Map (Rezonings). Rezonings shall be conducted in accordance with the procedures sets forth in Article XIII, §305-98. The Joint Committee

shall be vested the authority, roles, and responsibilities of the Plan Commission granted in Article XIII.

E. Ordinance Text Amendments. Ordinance text amendments shall be conducted in accordance with the procedures sets forth in Article XIII, §305-98, except the authority, roles, and responsibilities of the Plan Commission as referred to in this Article shall be replaced by the authority, roles, and responsibilities of the Joint Committee within the extraterritorial jurisdiction.

F. Conditional Use Permit Review and Approval. Application for conditional use permit shall be conducted in accordance with the procedures and standards set forth in Article IV, §305-25 to §305-38. Authority, roles, and responsibilities granted to the Plan Commission in Article IV shall be delegated to the Joint Committee within the extraterritorial jurisdiction.

G. Site Plan Submittal and Approval Procedure. Site plan submittal, review and approval shall be conducted in accordance with Article XII, §305-94. Authority, roles, and responsibilities granted to the Plan Commission in §305-94 shall be delegated to the Joint Committee within the extraterritorial jurisdiction.

H. Zoning Permit Review and Approval Procedure. Zoning permit review and approval shall be conducted in accordance with §305-93. The Village Zoning Administrator is the authority granting review and approval to zoning permits for land uses that are in full conformance with this Article.

I. Building Permit Review and Approval Procedure. Prior to the commencement of any construction or activities covered by this Article, written authorization to start the work shall be obtained from the Town of New Glarus Building Inspector. The Town Building Inspector shall issue a building permit only after receipt of all other necessary permits, and in accordance with the requirements of this Article. Building permits shall not be issued until all of the requirements of this Article are met, including the issuance of a zoning permit where required.

J. Interpretation. The Village Zoning Administrator shall have the authority of interpreting the standards and requirements of this Article. Where consistent with the expeditious rendering of an interpretation, the Zoning Administrator shall seek the advice of the Joint Committee before making an interpretation.

K. Appeals of Zoning Interpretations. Procedures for appeals from the interpretations, orders, requirements or decisions of the Zoning Administrator, Joint Committee, or the Village Board where it is alleged that there is an error in any decision as provided for by Wisconsin Statutes and applicable case law shall follow the procedures of §305-101, §305-102 and §305-103. The Joint Committee has the authority to make a recommendation to the Zoning Board of Appeals on all appeals filed, and shall be notified by the Zoning Administrator when such appeals are filed.

L. Variance Review and Approval Procedure. Submittal, review and consideration of a requested variance shall follow the procedures set forth in §305-104. The Joint Committee may make a recommendation to the Zoning Board of Appeals on variance requests.

§305-131. Non-Conforming Buildings, Structures, and Uses.

All requirements and regulations of Article V shall apply. The date of adoption of Article XVI shall be the effective date for nonconformance under Article XVI.

§305-132. Substandard Lots.

A. Lots Created After Adoption of This Article. No new lot shall be created which does not meet the dimensional requirements within the zoning district in which it is located or as specified by applicable subdivision ordinance, whichever is larger.

B. Lots Created Before Adoption of This Article. A lot which was part of an approved and recorded plat or certified survey map, or which was otherwise legally recorded in the County Register of Deed's office before the date of adoption of this Article, may be used as a building site for a single family dwelling (or a use of similar intensity in a non-residential zoning district) upon the issuance of a zoning permit, subject to the following conditions:

(1) Such use is permitted in the zoning district in which the lot is located.

(2) All dimensional requirements of this Article shall be met.

(3) The lot and development must meet other applicable rules outside of this Article, including its suitability for on-site waste treatment systems.

§305-133. Violations.

All requirements and regulations of Article XII, §305-95 shall apply. All roles and responsibilities granted therein to the Village Plan Commission shall be granted to the Joint Committee in the execution of this Article.

Companion Updates to EXISTING Village Zoning Code Text

[NOTE: These are changes that would affect lands both in the extraterritorial zoning jurisdiction and in the Village limits. They are proposed to be placed within the body of the existing Village zoning ordinance, so they may easily be referenced for use both within the Village limits and within the extraterritorial zoning jurisdiction.]

Article IV
Conditional Uses

§305-38 Campgrounds and Recreational Vehicle Parks.

A. Definition. A campground or recreational vehicle park is any premise established for non-permanent overnight habitation by persons paying a fee and using equipment designed for the purpose of camping, including travel trailers, recreational vehicles (RVs), pick-up trucks, motor homes, camping trailers, tents, and similar camping units as defined in HFS 178, Wis. Adm. Code. Such facilities must have four (4) or more camping units. Camping sites within campgrounds are rented for overnight use, possibly extending to a week or two by the same patron. Lack of a rental fee does not exempt a campground from complying with HFS 178. A camping resort is similar to a private campground, except that allowed camping units remain on the premises for up to a season at a time, next to which unattached structures as allowed by HFS 178 may be placed, and utilities are provided to each individual camp site.

B. Campgrounds and/or recreational vehicle (RV) parks may be allowed as a conditional use in the C-1 Commercial District, A-P District, A-PL District, and A-B district, following approval under this Article.

C. In addition to the information required by §305-28 and §305-31, the application for a conditional use permit shall include the following information:

(1) A written description of the proposed operation, including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances that the site will be developed and operated in accordance with all approved plans.

(2) A campground/camping resort plan map(s), drawn to scale, and including the proposed campground layout; location of campsites, roads, parking areas, site boundaries; indication of use of tents and camping trailers or RVs, pick-up coaches and self-contained recreation units, and travel trailers; topography lines; required setbacks; existing and proposed buildings and other structures; water supplies; sanitary waste disposal system; grading plan and stormwater management system; covered refuse storage areas; existing natural features including waterways, wetlands, floodplains, and shoreland areas; existing and proposed vegetation and recreation areas, and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of access roadways, camping unit siting, site grading and stormwater management, and utility placement.

D. Shall meet HFS 178, Wis. Adm. Code requirements, enforced by the State Department of Health and Family Services or its designated agent. If a waiver or variance to one or more of these requirements is granted by the State, such waiver or variance shall be deemed valid for local zoning purposes, except for those items specifically listed in this subsection.

E. Shall have direct access to a public road, with no more than two (2) camp road access points to each abutting public road for the first 100 camp sites, plus one additional access for each 100 sites thereafter.

F. Camping sites and access roads shall be located, graded, and maintained so as to provide each site with positive site drainage and be free from flooding and control dust.

G. Minimum lot size is ten (10) acres for private campgrounds, twenty (20) acres for camping resorts, and a proportional average of the two for combination campgrounds/camping resort. (Example: 50% camping unit sites in campground and 50% camping unit sites in camping resort = 15 acre minimum.)

H. Maximum density shall be eight (8) individual campsites per acre for campgrounds and five (5) individual campsites per acre for camping resorts, and a proportional average of the two for combination campgrounds/camping resorts, except in accordance with regulation H. below. No more than ten (10) percent of the site used in the calculation of maximum density shall include floodplains or wetlands.

I. Each individual campsite shall have sufficient area for one camping unit on that site, with at least fifteen (15) feet of setback to the camping unit from the site access roadway, and ten (10) feet to any side or rear camp site “lot” line. In the absence of readily definable “lot” lines, a minimum ten (10) foot setback shall be maintained from the nearest part of the camping unit or structure to any adjacent camping unit or structure. Individual campsites within private campgrounds shall have at least thirty (30) feet of width and forty (40) feet of depth. Individual campsites within private resorts shall have at least forty (40) feet of width and fifty (50) feet of depth.

J. No recreational unit shall be allowed to remain in the campground or RV park for more than 30 days in one year, except that a single recreation unit occupied by a resident managers may be parked for a period of up to six months in one year.

K. The permit holder shall keep records of individuals using the campground or recreational vehicle park, and the records shall be made available at any time to the Zoning Administrator to monitor compliance with the conditions of the permit.

L. A separate area may be designated in a campground for group camping in tents. However, such group camping shall not exceed two (2) weeks in any one time period by the same persons and no more than twenty (20) tents containing no more than eighty (80) persons per acre shall be permitted. In addition, the group camping area must be provided with proper sanitary service as required by HFS 178, Wis. Adm. Code.

M. A campground may have one dwelling and accessory residential buildings for the home occupant’s private use provided the occupants are owners or caretakers of the campground.

N. A campground may also provide for purchases of sundry supplies, cooked meals, and drinks including alcoholic beverages, if so licensed by the local town and included in the conditional use permit approval.

O. Each camping unit, principal and accessory building, and vehicle parking area shall meet the minimum shoreland setback associated with any navigable waterway under the Green County Zoning, Sanitation and Subdivision Ordinance.

P. Shall provide a landscaped bufferyard (see §305-117) along all exterior lot lines and public roads adjacent to the campground.

Q. Shall provide at least 200 square feet per camping unit or one (1) continuous acre of common recreation open space, whichever is greater. Perimeter setbacks and landscaped bufferyards may not be counted towards meeting this requirement.

R. Shall provide and maintain those common health and safety facilities required in HFS 178, Wis. Adm. Code such as safe drinking water supply, sewage disposal station, toilets and washroom facilities. Provision of electric, water, and sewerage utility hookups are optional to campground sites, but mandatory to camping resort sites. Sewage disposal shall be only by licensed waste haulers.

S. Each campsite shall be clearly numbered on a sign at each site and on a map available to all patrons. Campsite numbering shall be consistent with the placement shown on the campground/camping resort plan map.

T. A camping unit may not be placed or attached to a permanent foundation or a permanent structure at the campsite, except that attachment to an approved sewage disposal system or to an approved water supply system is permitted.

U. Following initial conditional use permit approval, and for all grandfathered private campgrounds or camping resorts, any proposed amendment to the approved campground plan shall be handled per the provisions of §305-34, a conditional use permit amendment shall be required and the regulations of this subsection shall be met.

V. Structures shall not be attached to the camping unit. All roofs or covers over a camping unit shall be supported by posts, shall include no side walls, and shall not be attached to the camping unit. Existing roofs shall be considered nonconforming structures subject to Article V.

W. Prior to the placement or construction of any structure on a site, a permit and site plan showing the proposed structure(s) and all applicable setbacks must be approved by the campground/camping resort owner or a designated agent. The campground/camping resort owner may internally regulate the type and size of structures permitted, provided that such structures do not violate HFS 178 or the Village of New Glarus Zoning Ordinance, as is applicable within the Village or the extraterritorial zoning area. The campground/camping resort owner shall be responsible for providing an inventory of all permits issued within the campground in the previous twelve (12) months to the Zoning Administrator on or before November 1 of each year. The owner shall also be responsible for abating any violations of

this chapter and shall be subject to penalties as outlined in §305-95 in the event of non-compliance.

X. Campgrounds shall be maintained under a single ownership so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilet, laundry, and washrooms, and refuse areas, and for enforcement of campsite cleanliness.

Y. Camping resorts, where public utilities serve each site, may be under a modified form of single ownership involving exclusive use of specific sites via corporate membership clubs, cooperatives, or condominium associations, provided the ownership form and covenants are first approved by the county with the conditional use permit application to assure that maintenance responsibilities for common facilities such as private roads, resort parks, sanitary facilities, and any resort buildings are adequately provided for in the form of ownership and in the proposed fees and organizational responsibility.

Z. The owner of the recreational unit occupied by the resident manager shall be responsible for payment of permit fees established by the local government with jurisdiction.

§305-382 Mineral Extraction Operations.

A. Purpose. The purpose and intent of this section is to provide a centralized listing of the procedures and standards of operation for mineral extraction operations where they are approved as conditional uses. Mineral extraction operations include but are not limited to land uses involving the removal of soil, clay, sand, gravel, rock, non-metallic minerals, peat, or other related material. Such operations may also include on-site processing of extraction material if part of the application and conditional use permit approval. Such operations shall not include relocation of materials required for domestic use on the same lot or a contiguous lot under the same ownership, approved on-site development grading, excavations within public road rights-of-way or easements, agricultural grading, or any soil removal activities on a hazardous waste site.

B. Application: The application for the conditional use permit necessary to conduct a mineral extraction operation shall meet the standards described in §305-28 and §305-31. In addition to the information required by §305-28 and §305-31, the application shall also include the following:

(1) A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; and

assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.

(2) A site/operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all residences and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.

(3) An erosion control plan, drawn to scale by a professional engineer, meeting all applicable local, state and county requirements.

(4) A reclamation plan prepared in accordance NR 135, Wis. Adm. Code., and meeting the following specifications:

(a) Topsoil from the site shall be preserved and used in reclamation.

(b) Final slopes shall not be graded more than 3:1 except in a quarry operation.

(c) The area shall be covered with topsoil and seeded to prevent erosion.

(d) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of the zoning administrator.

C. Performance standards. The mineral extraction operation shall, at a minimum, meet the following performance standards.

(1) Shall comply with all applicable local, county, state and federal regulations.

(2) The Joint Committee or other approval authority may require a landscaped bufferyard, per the standards in §305-117 C.

(3) The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 100 feet from any lot line.

(4) To prevent tracking of mud onto public roads, access driveways shall be paved within one hundred (100) feet of public roads, unless the adjacent road is unpaved.

(5) Access to the site shall only be through points designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.

(6) Provisions for the upgrade, repair, and maintenance of village, town and county roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any village, town or county road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.

(7) Spraying of the site and driveways shall be conducted to control dust.

(8) On-site bulk fuel storage areas and appropriate places for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with ILHR 10 and other chapters of the Wis. Adm. Code and provisions of Wisconsin Statutes.

(9) Hours or days of operation may be limited if the extraction site is close to residential properties.

(10) Expectations for any blasting, drilling, screening, and asphalt batching shall be clearly understood, and separate acceptable hours for these activities may be established. Blasting is also regulated under Wisconsin Statutes Section 101.15(2)(e) and COMM 8, Wis. Adm. Code. The conditional use permit may specifically restrict such activities from occurring if the conditional use permit standards cannot be met.

(11) If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with ILHR 10 and other chapters of Wis. Adm. Code.

(12) Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.

(13) The applicant shall furnish a certificate of insurance before operations commence.

(14) Approval shall be subject to amendment or revocation if non-compliance with approved plans, this section, or approval conditions is identified.

(15) Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.

§305-385 Telecommunications Facilities.

A. Purpose. The purpose of this section is to provide a thorough and consistent set of standards for the siting and installation of wireless telecommunications facilities in the various zoning districts in which they may be allowed. The intent of these standards is to

protect the public health, safety, welfare, aesthetics and natural environment of the community in such a manner that does not unduly interfere with the placement and construction of said facilities. More specifically, it is intended that the these regulations will be applied to:

(1) Mitigate the potential for adverse visual impacts caused by wireless telecommunications facilities through design and siting standards.

(2) Ensure that a business environment characterized by high service quality, competition and non-discrimination prevails with regard to wireless telecommunication services in the Village in a manner consistent with the Federal Telecommunications Act of 1996.

(3) Establish a clear process for obtaining necessary permits for wireless telecommunications facilities that adequately protect the interests of the citizens of the community while minimizing the burden of compliance to service providers.

(4) Protect environmentally and aesthetically sensitive areas of the Village by restricting the design, height, location and operation of such telecommunications facilities in these areas, and by promoting their disguise, camouflage, screening or other design treatments intended to minimize their obtrusiveness.

(5) Encourage the use of pre-existing and/or multiple-use/multiple antenna alternative support structures such as buildings and water towers as an alternative to stand-alone, single-use, single-provider structures, and require good-faith attempts to seek and allow co-location of facilities.

B. Applicability. Wireless telecommunications facilities which pre-exist this section, or have been legally permitted prior to its adoption, shall not be required to meet the requirements contained herein. This section is not intended to regulate residential satellite dishes that are thirty-six inches or less in diameter, residential television antennas, or amateur radio facilities. This section shall not be construed as to override any additional, or more stringent, Federal or State of Wisconsin requirements that may apply. These include, but are not limited to, any regulations or restrictions imposed by the State Bureau of Aeronautics, the Federal Communications Commission (FCC), or the Federal Aviation Administration (FAA).

C. Submittal information. All wireless telecommunications facilities proposed to be erected, except placement of additional antennas on pre-existing freestanding wireless telecommunications facilities and alternative support structures already supporting a wireless telecommunications facility, shall be authorized by conditional use permit in certain zoning districts only. Additional antennas on all such wireless telecommunications facilities shall be allowed as a permitted use in certain zoning districts, and subject to the application procedures set forth in §305-94. The Zoning Administrator may require the following additional information with the submittal of an application for placement of a telecommunications facility:

(1) The identity, legal status, signature, and contact information of the carrier, service provider, applicant and landowner.

(2) Federal Communication Commission (FCC) license and registration numbers if applicable.

(3) Unless waived by the Plan Commission or Joint Committee (whichever has jurisdiction in the applicable geographic area under this chapter), a report prepared by a Wisconsin licensed engineer certifying the structural design of the telecommunications facility, if a new freestanding wireless telecommunications facility is proposed, and its physical ability to accommodate, either initially, or at some time the future, a total of at least three antennas.

(4) In the case of a leased site, a lease agreement, option, or binding lease instrument which does not preclude the lessee from entering into sub-leases on the site with other provider(s) and includes the legal description and amount of property leased. Co-location lease terms, including rent, shall be subject to arbitration, as set forth herein, in the event the parties are unable to reach agreement.

(5) For proposed wireless telecommunications facilities within a 1-mile radius of an airport, copies of an Affidavit of Notification indicating that the airport operator and airport property owners have been notified via certified mail.

(6) For all such facilities described in requirement 5 above, copies of the determination of no hazard notice from the Federal Aviation Administration (FAA) or any other findings of the Wisconsin State Bureau of Aeronautics such as they may apply.

(7) For wireless telecommunications facilities that require a conditional use permit, a feasibility analysis that identifies at least three alternative sites, pre-existing freestanding wireless telecommunications facilities and/or alternative support structures that could technically support a comparable level of service. The intent of this analysis is to present options that could help minimize the number, size, and adverse environmental impacts of telecommunications facilities. The analysis shall specifically address the potential for co-location on pre-existing freestanding wireless telecommunications facilities, and use of alternative support structures. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the Plan Commission or Joint Committee's determination that the chosen site is more advantageous than any other alternative site that is both technically feasible and available for use. The Plan Commission or Joint Committee may choose to independently verify the findings of this analysis at the applicant's expense.

(8) Proof of a satisfactory level of liability insurance coverage.

(9) Certified statement from a qualified engineer showing the coverage area of the proposed facility.

(10) For wireless telecommunications facilities that require a conditional use permit, a performance bond in the amount of $20,000 naming the local government with jurisdiction as obligee, as security for the removal of abandoned or inactivated facilities.

(11) Any other reasonable information that the Zoning Administrator may deem necessary.

D. Co-location. As an alternative to the spread of single-provider installations, it is the intent of this section to require site/facility sharing and the clustering of multiple wireless telecommunications facilities at single sites, in order to mitigate the visual impacts caused by such facilities. Accordingly all wireless telecommunication facilities issued a conditional use permit on or after the effective date of this section, known as host facilities, shall make available unused space for the co-location of a minimum of two additional telecommunication antennas, including space for the wireless telecommunications support facilities of competing service providers. This requirement does not apply if the owner or operator of the host facility can demonstrate, to the satisfaction of the Plan Commission or Joint Committee, that the placement of the additional service or equipment would impair or disrupt, for a significant period of time, the service provided by the host facility. All co-located and multiple-user telecommunication facilities shall be designed to promote site sharing of tower space as well as ancillary facilities such as access roads, parking areas and utilities wherever possible. The owner or operator of the host facility shall make space reasonably available to other co-locating providers. In the event the parties are unable to reach agreement on lease terms, the parties will arbitrate the dispute as follows: Each party shall select a representative for the arbitration panel. The selected representatives will mutually select a third representative. The arbitration panel shall consider prevailing market rates, standard contractual provisions and other standard industry practices in deciding the dispute. The owner or operator of the host facility, is obligated to make the arbitration provision known to all parties with whom it is unable to reach an agreement concerning co-location. Failure of this party to engage in arbitration shall serve as grounds for revocation of the conditional use permit for the host facility. The parties to the arbitration shall split the costs of the proceeding evenly. The decision of the arbitration panel shall be final.

E. Wireless telecommunications facilities utilizing alternative support structures. It is recognized that there may be areas within the community where wireless telecommunications towers may not otherwise be permitted, but where opportunities to utilize alternative support structures such as tall buildings, water towers, and electrical transmission towers may exist. It is the intent of this section therefore to encourage, the use of said supporting structures that are fifty feet in height or taller, as an alternative to the proliferation of freestanding wireless telecommunications facilities wherever possible. Where an alternative support structure is used as defined above, the original wireless telecommunications facility shall be considered an accessory use, but shall remain subject to the conditional use application procedures and review standards set forth in §305-31 and elsewhere herein. These requirements do not apply to co-locators who seek to install additional wireless telecommunication facilities, or wireless telecommunications support facilities to pre-existing wireless telecommunications sites.

F. Areas expressly prohibiting telecommunication facilities. No wireless telecommunications facilities shall be permitted within:

(1) Districts/sites listed on the State or National Register of Historic Places.

(2) Environmental corridors, natural areas, or critical species habitats as mapped by the Southwestern Wisconsin Regional Planning Commission.

(3) The W – Conservancy District or H – Historic District

G. Abandonment and removal. Wireless telecommunications facilities no longer in use shall be dismantled and removed within a reasonable period of time, with the cost of removal and site restoration being borne entirely by the owner or permit holder. Any wireless telecommunications facility not continuously operating for a period of 12 months shall be considered abandoned and shall be removed within a reasonable period of time as determined by the Zoning Administrator. Factors to be considered in granting an extension for removal may include such considerations as weather and satisfactory evidence that the permit holder is actively seeking tenants for the facility. Prior to the issuance of a conditional use permit, the permittee of a new wireless telecommunications facility requiring a conditional use permit, shall produce a performance bond in the amount of $20,000 naming the local governmental unit with jurisdiction as obligee, as security for the removal of abandoned or inactivated facilities.

H. Compliance. Wireless telecommunications facilities shall be subject to the applicable review standards in §305-94 and §305-31, and the additional design standards in this chapter. Grounds for revocation of the permit shall occur when the service provider or owner fails to comply with the requirements of this section as it existed at the time of the issuance of the permit; and/or, if the conditions stipulated in the permit are violated. Under such circumstances, the Zoning Administrator is empowered to exact civil penalties for non-compliance pursuant to §305-95.

I. Structural, design, and aesthetic standards. All wireless telecommunications facilities shall be designed and sited in such a manner to minimize or avoid any potential adverse aesthetic or environmental effects per the following requirements:

(1) Compliance with all applicable restrictions. - All wireless telecommunications facilities shall comply with all local, state and Federal regulations, restrictions, codes, standards and power density limits.

(2) Materials. Wireless telecommunications facilities shall be constructed of metal or other non-flammable material, and freestanding facilities shall be self-supporting monopoles or lattice towers, unless otherwise permitted by the Plan Commission or Joint Committee (whichever has jurisdiction in the applicable geographic area under this chapter).

(3) Wireless telecommunications support facilities. The exterior surfaces of all telecommunications support facilities shall be constructed of non-reflective materials and/or be designed to blend with the existing architecture of the area as determined by the Plan Commission or Joint Committee. All such facilities shall be no taller than fifteen feet in height and no larger than twelve hundred square feet in area unless otherwise permitted by the Plan Commission or Joint Committee. All such facilities shall be considered accessory uses. All wireless telecommunications facilities shall be located and installed in such a manner as to minimize disturbance to, or take advantage of, existing topography and vegetation to minimize aesthetic impacts.

(4) Height. The maximum height of any freestanding wireless telecommunications facility, including all antennas, shall be two hundred and fifty feet. In the case of telecommunications facilities mounted on alternative support structures, the height of

the telecommunications facility shall not add more than fifty feet to the height of the alternative support structure unless otherwise approved by the Plan Commission or Joint Committee. Any addition to, or vertical extension of, an existing wireless telecommunications facility that adds more than ten feet to the overall height of the structure, shall require a conditional use permit.

(5) Co-location. All freestanding wireless telecommunications facilities, including those on leased parcels, shall be located and configured such that they are capable of accommodating the wireless telecommunications support facilities of all potential co-locators.

(6) Placement. All wireless telecommunications support facilities shall be completely screened from adjacent residentially zoned and used property and public street rights-of-way through placement of such facilities in buildings compatible with the architecture and character of the area, integrating these facilities into existing topography and vegetation, and by surrounding them with decorative, opaque fencing and/or all-season landscape screening. New vegetation introduced for screening purposes shall be a minimum of five feet in height upon planting. No wireless telecommunications support facilities shall be placed in the front yard. The owner(s)/operator(s) of the wireless telecommunications facility shall be responsible for the maintenance and/or replacement of all buildings, fencing and landscaping as needed.

(7) Signage. No commercial message or signage shall be allowed at or on any wireless telecommunications facility, wireless telecommunications support facility or site used for a wireless telecommunications facility.

(8) Separation. No new freestanding wireless telecommunications facility may be located closer than fifteen hundred feet from any other freestanding wireless telecommunications facility regardless of tower type.

(9) Setback. All new freestanding wireless telecommunications facilities shall be set back a minimum of one hundred twenty five percent of the height of the facility from all property lines and public streets. Exceptions to this requirement will be made in those cases where the applicant submits an engineer's report certifying that, in the event of failure, the tower is designed to collapse within the required setback area of the zoning district. A professional engineer registered in the State of Wisconsin must prepare said report. In no instance will the required setback be less than that which is otherwise required for all structures within the zoning district or be less than one hundred twenty five percent of the height of the tower from any habitable residential structure. All setbacks shall be measured from the base of the tower.

Article XV
Definitions

§305-106. Definitions. [These definitions will be added to the existing definitions already in the Village's zoning ordinance. In limited cases, they amend definitions already in the Village's zoning ordinance.]

ACCESSORY RESIDENTIAL STRUCTURE - Includes any detached private residential garage, carport, or utility shed which primarily accommodates the sheltered parking of a vehicle, the storage of residential maintenance equipment to service the same lot or a contiguous lot, or a detached shelter such as a gazebo. Also includes swimming pools, wind and solar energy systems for on site residential use, and private kennels for two (2) or fewer domestic animals. Does not include fences, public utility fixtures and their appurtenances, driveways, gardens, garden accessories, children's playhouses, fountains, sun dials, flag poles, walkways, at-grade patios, play equipment, tree houses, basketball courts, tennis courts, pet houses or private kennels for two (2) or fewer domestic animals, whirlpools, and saunas. Attached garages, attached carports, and decks shall be considered part of the principal residential building, not an accessory residential structure.

ACCESSORY NONRESIDENTIAL STRUCTURE - Includes any detached garage, storage building, mechanical building, utility shed, or other building which serves the principal nonresidential use or building in the same lot, with such a principal nonresidential use including an approved commercial business or industry. Also includes an accessory structure serving a caretaker's residence, commercial apartment, boarding house, or bed and breakfast establishment. Does not include fences, public utility fixtures and their appurtenances, driveways, gardens, garden accessories, fountains, outdoor wood furnaces, satellite dishes, flag poles, walkways, at-grade patios, or uses otherwise described under the "accessory farm and forestry structure" land use category. Attached garages, other attached buildings, and decks shall be considered part of the principal residential building, not an accessory nonresidential structure.

AGRICULTURAL COMMERCIAL USE - Includes all operations pertaining to the retail sale, handling, processing, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, service, or repair operations; sales, service and repair of lawn and garden equipment; sales and service of wind energy conversion system equipment; feed, seed, and fertilizer stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; sales, processing, and preserving of natural or agricultural products, such as fruits and vegetables (but not including a supermarket or similar establishment); commercial dairies; food processing facilities; licensed farm auction operations; canning and other packaging facilities; greenhouses and garden centers; orchard stores; and agricultural waste disposal facilities. Also includes farms open to the public for demonstrations, tours, hayrides, farm breakfasts, and other similar events. Does not include livestock and farm commodity trucking services.

AGRICULTURAL RECREATION / HOBBY USE - Includes operations conducted as a principal use of a parcel in which agricultural commodities and livestock are used for either hobby or recreational purposes and to supplement household food supply. Does not include any use where the raising of farm products and/or farm animals (as defined in §305-120(B)1) results in $1,000 or more in annual sales of such products and/or animals.

BEST MANAGEMENT PRACTICES – Practical and economically achievable practices for managing mature woodlands and/or minimizing erosion and stormwater runoff, as defined in this section. Forestry Best Management Practices are included in the document called the Wisconsin Forestry Best Management Practices for Water Quality Field Manual. Development site Best Management Practices are included in the Wisconsin Department of Natural Resources Wisconsin Stormwater Manual. Development site erosion control Best Management Practices are included in the Wisconsin Department of Natural Resources Construction Site Best Management Practice Handbook.

BUILDING SETBACK LINE – A line parallel to the front lot line at a distance regulated by the yard requirements set up in this chapter, or within the extraterritorial zoning jurisdiction at a distance from the front lot line where the lot width first meets the minimum lot width standard for the zoning district, whichever is greater.

CAMPING UNIT - Includes any portable device, not more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, recreational vehicle, or tent. Does not include the storage of such camping unit on a lot as an accessory use during periods when it is not occupied. For example, an unoccupied recreational vehicle parked in the driveway of a house is not regulated by this subsection.

CARETAKER'S RESIDENCE - Includes any dwelling unit which provides permanent housing for a caretaker of the subject property and his/her family in either an attached or detached configuration.

COMMERCIAL ANIMAL SERVICES AND BOARDING - Includes land uses that provide veterinary services and/or boarding for six (6) or more animals. Examples include, but are not limited to, commercial kennels, commercial stables, and animal hospitals or veterinarian clinics. Exercise yards, fields, training areas, and trails associated with such land uses are accessory to such land uses and do not require separate consideration. Also includes commercial game and fur farms.

COMMUNITY LIVING ARRANGEMENT (1-8 residents): Includes all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children and/or adults, and community based residential facilities; along with adult family homes provided for in Wisconsin Statutes 50.01(1). Community living arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 59.69.

COMMUNITY LIVING ARRANGEMENT (9-15 residents)- Includes all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children and/or adults, and community based residential facilities. Community living arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. Community living arrangement facilities are regulated depending upon their capacity in Wisconsin Statutes 59.69.

CONTRACTOR SHOP - Includes any business engaged in contract services or labor, such as contractors involved with landscaping; building construction or carpentry; and electrical, plumbing or heating systems. Often involves accessory equipment storage yards and rental of equipment commonly used by contractors. Retail outlets associated with this principal use shall be considered

an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to industrial use" category.

DAY CARE CENTER - Includes land uses in which qualified persons provide care services for nine (9) or more children or adults. Examples of such land uses include child care centers, nursery schools, and adult day care facilities. Such uses may be operated in conjunction with another principal land use on the same lot, such as a church, school, business, or civic organization, but not in a residence. In such instances, a day care center is not considered an accessory use, but instead is considered an additional principal use. Distinguished from "intermediate day care homes (9 - 15 children)," because day care centers are principal uses of a property, not accessory to a principal residential use.

FAMILY DAY CARE HOME (4 - 8 children) - Includes occupied dwellings in which a qualified person or persons provide child care for four (4) to eight (8) children. The care of less than four (4) children is not subject to the regulations of this chapter. Family day care homes are also regulated under Wisconsin Statutes Section 66.1017.

FARM DWELLING - A specific subcategory of single family dwelling located on the same property as any of the principal agricultural land uses listed in this chapter and occupied by a one or more family members who earns a substantial part of his or her livelihood from farm operations on the farm. There may be a second farm dwelling on a lot or parcel if this criterion is met.

FARM AND FORESTRY ACCESSORY STRUCTURE - Includes any structure used in the operation of a farm or forestry operation, including, but are not limited to, barns, sheds, silos, equipment garages, and towers.

FORESTRY COMMERCIAL USE - Includes operations pertaining to the handling, transport, processing, storage, sale, or repair of forestry equipment, products, by-products, or materials primarily used by forestry operations. Examples of such land uses include, but are not limited to, commercial logging operations, portable sawmills, de-barking operations, chipping facilities, maple syrup production and sales, and similar uses. Not included within this land use category are paper mills, box manufacturing operations, or other large scale packaging or finish processing facilities.

GENERAL AGRICULTURAL USE - Includes farm operations in which agricultural commodities, livestock, or both are raised with the intention of being commercially viable operations. A commercially viable operation is defined as one that provides the majority of the owner/operators annual income and frequently employs non-family labor. Such operations may keep between 151 and 500 animal units. Examples of such land uses include, but are not limited to, feed lots, hog farms, large stables, poultry operations, fish farms, dairy operations, commercial greenhouse operations, and value added agriculture for products raised on site.

GOLF COURSE COMMUNITY - A type of single family or two family residential development designed in conjunction with, and integrated within, a golf course or similar outdoor recreational use.

HOME OCCUPATION - Provides a means to accommodate a small home-based family or professional business as an accessory permitted use on a residential parcel without the necessity of a rezoning to a commercial zoning district. Includes economic activities performed within any

dwelling that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, home offices, handicrafts, and small machine repair. Does not include a motor vehicle repair or body work business.

HOME OCCUPATION, EXPANDED - Provides a means to accommodate home-based family or professional businesses as an accessory use on a residential parcel without the necessity of a rezoning to a commercial zoning district. The regulations for expanded home occupations are more flexible than for standard home occupations; as such, expanded home occupations require the issuance of a conditional use permit. Includes economic activities performed within any dwelling that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, handicrafts, small beauty salons, and small machine repair.

INDOOR INSTITUTIONAL USE - Includes uses such as churches, elementary or middle schools, clinics, post offices, libraries, town halls, police stations, fire stations, training centers, nursing homes, funeral homes, and recreational or fraternal facilities such as gyms, swimming pools, museums, clubs and lodges, meeting halls, and community centers. Not included within this land use category are any elderly and congregate residential facilities, day care centers, or community living arrangements.

INDOOR SALES - Includes all principal land uses that conduct or display sales or rental merchandise or equipment completely or nearly completely within an enclosed building, including the provision of incidental service and indoor repair uses. Includes general merchandise stores, grocery stores, bait shops, sporting goods stores, antique stores, gift shops, laundromats, artisan studios, bakeries, and a number of other uses meeting this definition. Does not include agricultural commercial uses or adult uses.

INTENSIVE AGRICULTURAL USE - Includes large-scale farm operations in which agricultural commodities, livestock, or both are raised with the intention of being commercially viable operations. A commercially viable operation is defined as one that provides the majority of the owner/operators annual income and frequently employs non-family labor. “Large-scale farm operations” are defined for the purposes of this chapter as those that have more than 500 animal units. Assuming this size threshold is exceeded, examples of such land uses include, but are not limited to, feed lots, hog farms, stables, poultry operations, fish farms, dairy operations, commercial greenhouse operations, and value added agriculture for products raised on site.

INTERMEDIATE DAY CARE HOME (9 - 15 children) - Includes occupied dwellings in which a qualified person or persons provide child care for nine (9) to fifteen (15) children. Intermediate day care homes are also regulated under Wisconsin Statutes Section 66.1017(2).

JOINT COMMITTEE – Also referred to as the “Joint Extraterritorial Zoning Committee” or “Extraterritorial Committee.” Established under Wisconsin Statutes, Section 62.23(7a) to issue certain approvals and make certain decisions as defined in this chapter within the Village of New Glarus-Town of New Glarus Extraterritorial Zoning Jurisdiction.

JUNKYARD OR SALVAGE YARD - Includes all buildings or parcels of land, or portions thereof, where the principal use is or includes the above-ground storage, collection, salvage, and/or sales of (a) waste paper, rags, scrap metal, wood, cordage, glass, and other worn-out, discarded, or second-handed materials; (b) three (3) or more vehicles or automobiles that do not have a valid current state

registration, license plate, or both; (c) any other waste or discarded material which has been a part, or was intended to be a part, of any vehicles, automobiles, or recreational vehicles where the volume of such parts or material is equal to three (3) or more vehicles; and/or recycling facilities involving on-site outdoor storage of salvage materials. This land use category does not include waste disposal/composting operations, or accessory storage areas used exclusively to provide parts or materials to a principal use on the same lot, such as a legally operating agricultural commercial use.

LIGHT AGRICULTURAL USE - Includes farm operations in which agricultural commodities, livestock, or both are used as sources for supplementing household food supplies and income. Such operations generally do not employ non-family labor. Such operations shall keep no more than 150 animal units. Examples of such land uses include, but are not limited to, croplands; orchards; cranberry bogs and harvesting facilities; exotic animal raising; small dairy farms; small stables; beekeeping; sod farms; aviaries; and the harvesting of wild crops such as marsh hay, ferns, moss, wild rice, maple syrup, berries, tree fruits and tree seeds in a manner that is not injurious to natural reproduction of such crops.

MANUFACTURED HOME - A residential dwelling for one family as is defined in Wisconsin Statutes Section 101.91(2), fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. §5401 to 5426, and built after June 14, 1976.

MATURE WOODLAND – An area or stand of trees with a total combined canopy of at least one acre, with at least 50% of the trees having a diameter at breast height of at least 6 inches. No area of stand of trees specifically planted or grown for commercial purposes shall be considered a mature woodland.

MOBILE HOME – A transportable factory built structure as is defined in Wisconsin Statutes Section 101.91(2k), designed for long term occupancy by one family, and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

OFFICE - Includes all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

OPEN SPACE – Within a cluster development, a portion of the parcel that is and will remain outside of a building lot or building site, and will remain free of non-farm development.

OUTDOOR INSTITUTIONAL USE - Includes public and private cemeteries, religious and historical shrines, outdoor education and interpretive centers, classrooms, dormitories, and similar privately held permanently protected open areas. May include buildings supporting the principal outdoor institutional use, such as accessory, educational related lodging, and interpretive facilities and equipment storage sheds.

OUTDOOR PUBLIC RECREATION - Includes all outdoor recreational uses located on property owned by the public, owned by a private utility company for public recreational use, or on a public use easement owned by the public or by a non-profit organization. Such land uses include parks,

natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, snowmobile trails, all-terrain vehicle (ATV) trails, horse trails, picnic areas, picnic shelters, publicly-owned campgrounds, fair grounds, play courts, play fields, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, boat launches, waterfront access points, fishing, hunting, and trapping areas, and similar land uses. May include buildings or structures supporting the principal outdoor public recreation use, such as equipment storage sheds, restrooms, concession stands, and grandstands. Not included in this land use category are privately owned and operated recreational uses.

OUTDOOR ASSEMBLY - Includes any organized outdoor assembly of 250 or more persons, including one-time and occasional auctions, church festivals, large community events, and other similar activities open to the public. Includes assemblies located on both publicly and privately owned lands. Does not include gatherings of fewer than 250 participants; all weddings, family reunions, anniversaries, or similar family events regardless of number of participants; and events held in stadiums or arenas intended for outdoor assemblies.

PARCEL – Contiguous lands within the jurisdiction of this zoning ordinance that are under the control of a single owner.

PUBLIC SANITARY SEWERAGE SERVICE – Includes all facilities of a public utility district, sanitary district, or municipality with taxing authority for collecting, transporting, storing, pumping, treating, and final disposition of sanitary sewage.

PUBLIC UTILITIES AND SERVICES - Includes all county, town, state and federal facilities; emergency service facilities; and privately-owned public utilities such as, but not limited to, town halls, wastewater treatment plants, utility substations, dams, water towers, fire towers, commercial wind farms or solar collection facilities, and similar land uses. Excludes power transmission lines and power production facilities, except where accessory to or an essential component of one of the above examples (e.g., hydroelectric power from dam). Excludes telecommunications facilities, which are instead regulated under §305-41.

SEASONAL SALES OF FARM AND FORESTRY PRODUCTS - Includes any sales and display of farm or forestry products for less than 180 days out of a 365-day period. Examples include, but are not limited to, fruit and vegetable stands, maple syrup sales, pumpkin stands or patches, Christmas tree lots, firewood sales, wreath sales, honey sales, wildflower sales, and woodchip sales.

SHOOTING RANGE – Includes an area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, bows, skeet, trap, or any similar firearm for the purpose of sport shooting or law enforcement training.

SILVICULTURE USE - Includes all commercial logging operations primarily oriented to the outdoor planting, thinning and harvesting of timber, pulp woods, and other forestry products for commercial purposes. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as tree nurseries or Christmas tree operations. Also includes cranberry bogs, maple syrup tapping, and wild rice harvesting.

SINGLE FAMILY DWELLING - A dwelling unit designed for, converted to, and/or occupied by one family and not attached to another dwelling unit. This land use category does not include a

mobile home. This land use category includes a manufactured home as described in this section, but only if said manufactured home meets the following regulations applicable to all single family dwellings.

TOURIST LODGING - Includes land uses that provide two (2) or fewer housing units in a single building, on a single lot, or on contiguous lots, with such units available for overnight or weekly stays by paying guests. Such land uses may provide in-room kitchens, and may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. Does not include bed and breakfast establishments, hotels, motels, lodging resorts, or boarding houses. Where available for month-to-month or lease terms of greater length, such uses shall not be considered tourist lodging but shall instead be considered single family dwellings.

WASTE DISPOSAL, COMPOSTING OPERATION, OR RECYCLING CENTER – Any facility or area used for the final disposal or storage of solid wastes, including those defined by Wisconsin Statutes Section 289.01(35), but not including junkyards or salvage yards. Also includes any operations or land uses devoted to the collection, storage, processing, and/or disposal of vegetation, not including food scraps, other vermin-attracting materials, or hazardous wastes defined by Wisconsin Statutes.

WIND ENERGY CONVERSION SYSTEM – An apparatus for converting the energy available in the wind to electrical energy for the primary purpose of resale or off-site use.