

# Town of Big Flats

ADAMS COUNTY, WISCONSIN



## **LAND USE AND ZONING ORDINANCE**

**ADOPTED: April 16, 2013**

AMMENDED:

August, 2014, April, 2017, May, 2019

May 8, 2022 (see page 32 for amendment)

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**Town of Big Flats Land Use and Zoning Ordinance  
Adams County, Wisconsin**

**SECTION 1 – INTRODUCTION**

**A. Authority:**

This Ordinance is adopted pursuant to the authority of the Town Board under Sections 60.10, 60.22, 60.62, 61.35, 62.23, and Chapter 236 of the Wisconsin Statutes.

**B. Title:**

This ordinance shall be known as, referred to, and cited as the Town of Big Flats Land Use and Zoning Ordinance, Adams County, Wisconsin and is hereinafter referred to as the Ordinance.

**C. Purpose:**

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of Big Flats, Adams County, Wisconsin. This Ordinance is established to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to insure adequate highway, utility, health, education, and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; to promote the efficient and economical use of public funds; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, solid waste disposal, schools, parks and other public requirements.

**D. Intent:**

It is the intent of this Ordinance to regulate the use of certain structures, lands, and waters and to:

1. Regulate population density and distribution to avoid sprawl or undue concentration or overcrowding and to facilitate the provision of adequate public services and utilities;
2. To create districts for said purposes and establish the boundaries thereof;
3. To provide for changes in the regulations, restrictions and boundaries of such districts;
4. To define certain terms used herein;
5. Regulate parking, loading, and access to lessen congestion and promote the safety and efficiency of streets and highways;
6. Secure safety from fire, flooding, pollution, contamination, and other dangers;
7. Stabilize and protect property values;
8. Preserve and protect the natural and man-made aesthetic characteristics of the Town;
9. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
10. Maintain safe and healthful water condition;
11. Protect the traffic carrying capacity of existing and proposed arterial streets and highways;
12. Facilitate the adequate provision of transportation, sewerage, parks, and other public facilities and utilities;
13. Promote the health and general welfare of the Town;
14. Implement those municipal, county, watershed, and regional comprehensive plans adopted by the Town;
15. Provide for the administration, implementation and enforcement of this Ordinance and;
16. Provide penalties for the violation of this Ordinance.

**E. Severability:**

This Ordinance is declared to be severable. If any part or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not

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

**F. Abrogation and Greater Restrictions:**

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to law; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

**G. Interpretation:**

In their interpretation and application the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Big Flats and shall not be construed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**H. References:**

The contents of this Ordinance have been based and or drafted in consideration of provisions of the Wisconsin Statutes, Department of Safety and Professional Services, Department of Health and Family Services and other sections of the Administrative Code, the Adams County Zoning Ordinance, the Adams County Private Sewage System Ordinance, the Adams County Shoreline Protection Ordinance, the Adams County Flood Plain Ordinance, the Adams County Building Construction Ordinance, the Big Flats Housing Ordinance, and the Big Flats Land Division Ordinance in effect at the time of adoption of this Ordinance.

## SECTION 2 – DEFINITIONS

**A. General:** Words used in the present tense include the future. The word "person" includes a firm, association, partnership trust, company or corporation as well as an individual. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

**B. Specific Definitions:**

**Accessory Building:** A structure subordinate to the principal use of a building and which is located on the same lot serving a purpose customarily incidental to the use of the principal building.

**Agricultural Use:** The use of land for agricultural purposes including general farming, dairying, pasturage, agriculture, horticulture, forestry, viticulture and animal and poultry husbandry and the necessary accessory operational uses related to the collection thereof, provided that the operation of such use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall be within the Permitted Uses under each District. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

**Animal Unit:** An animal unit (AU) is a standardized measure of mature animals. For the purpose of this ordinance, one animal unit translates to: 1 cow, cattle or horse, 3 swine, 5 sheep, goats or llamas, 25 poultry or rabbits.

**Auto Salvage Yard:** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk automobiles or automobile parts, including automobile graveyards, auto-wrecking yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises.

**Basement:** That portion of a dwelling below the first floor or ground floor.

**Building:** Any structure, either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, equipment, machinery, or property of any kind.

**Campground:** Any parcel or tract of land designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four or more camping units.

**Camping Season:** Camping Season shall mean from April 1 through October 31.

**Camping Unit:** Any portable device or vehicle no more than four hundred (400) square feet in area, having an overall length of 45 feet or less, and a body width of eight feet six inches or less, primarily designed as temporary living quarters for recreational, camping or travel use, including but not limited to a recreational vehicle, travel trailer, motor home, bus, van, truck camper, and popup-type camping trailer.

**Class A Highway:** All State and Federal highways.

**Class B Highway:** All County highways.

**Class C Highway:** All town roads, public streets and highways not otherwise classified.

**Conditional Use:** A use of a special nature as to make impractical its predetermination as a principal use in a district.

**Disabled:** Any object not suitable for its normal use in its original state and original intended use.

**District:** A part or parts of the Town for which the regulations of this Ordinance are uniform.

**Dwelling:** A building or portion thereof designated or used exclusively as a residence or sleeping place, but does not include boarding houses, motels, hotels, tents, cabins or mobile homes.

**Dwelling, Multiple Family:** A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.

**Essential Services:** Services provided by public and private utilities, necessary for the exercise of a principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, water, sanitary, sewerage, storm water drainage and communication systems. Accessories such as poles, conduits, cables, fire alarm and police call boxes, traffic signals, pumps and lift stations, but not including buildings greater than 150 square feet in area, are also included.

**Exotic Animals:** An exotic animal is defined as any rare or unusual pet that is not a dog, cat, horse or domestic livestock. The term exotic animal can be used to describe non-traditional pets generally thought of as a wild species.

**Fence:** A barrier made of wood, metal, stone, or other material.

**Front Lot Line:** A line dividing a lot from any public highway or street, except a limited or controlled access highway to which the lot has no access.

**Frontage:** The smallest dimension of a lot abutting a public street measured along the street line.

**Front Yard:** A front yard extends across the full width of the lot, the depth of which is measured from the existing or proposed street right-of-way line to the nearest point of the principal structure.

**Garage, Private:** A structure, including carports, primarily intended and used for enclosed storage or shelter of the private motor vehicles of the residents.

**Garage, Public or Commercial:** Any garage other than a private garage.

**Group Campsite:** A piece of land within the campground for overnight camping use by more than six

campers.

**Height:** The vertical distance from the highest point of a structure, excepting any chimney or antenna on a building, to the average ground level where the walls or other structural elements intersect the ground.  
**DHS:** Wisconsin Department of Health Services.

**Household Occupations:** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises; no special space is designated or arranged for such occupation; uses only household equipment, and no stock in trade is kept or sold except that on premises. A household occupation may include babysitting, dressmaking and crafts or other general uses to be heard by the Town.

**HUD:** US Department of Housing and Urban Development

**Independent Camping Unit:** A camping unit which contains, at a minimum, a water storage facility and a toilet facility which discharges to a liquid waste holding tank that is an integral part of the unit or to a sewage disposal system DHS 178.03(8).

**Individual Campsite:** A piece of land within a campground for overnight camping used by not more than six persons unless all are members of an individual family DHS 178.03(9).

**Junk Yard:** Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored for salvage or sale unless such accumulation shall be housed in a completely enclosed building.

**Livestock:** Any horse, bovine, sheep, llama or other ruminants, goat, pig or domestic fowl, or other animals including fur-bearing animals and game fowl raised in captivity.

**Lot:** A parcel of land occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Ordinance.

**Lot Line:** A line marking a boundary of a lot.

**Manufactured Home:** A structure that is designed to be used as a dwelling that is certified by the Federal Department of Housing and Urban Development (HUD) as complying with the standards and meaning set forth in Wis. Stat. 101.91(2).

**Mobile Home:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

**Modular Home:** Any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or
2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.

**Motor Home:** A motor vehicle designed to be operated on a highway for use as a temporary or recreational dwelling.

**Municipality:** A city, village or town.

**Nonconforming Use or Structure:** Any structure, land or water lawfully used, occupied or erected as of the effective date of this Ordinance, or date of amendments thereto which does not conform to the

regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

**Parking Space:** A level area of not less than 9 feet by 20 feet area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

**Parties and Interest:** Parties and interest include all abutting property owners within 300 feet for all zoning requests, variances and special exceptions.

**Passive Recreation Area:** An area set aside, developed and landscaped for passive activities, hiking, walking, sightseeing, nature walks, fishing, and similar activities.

**Permanent Structure:** A structure resting on its own foundation and not mobile.

**P.O.W.T.S.:** Private On-site Waste Treatment System.

**Poultry:** Domestic fowl, such as chickens, turkeys, ducks, and geese.

**Principal Building:** The building of primary importance on a parcel of land, in contrast to those which are accessory or of secondary importance. In the case of a house and attached garage, the entire structure, including the house and garage, shall be considered the principal building.

**Professional Home Office:** The residence of a doctor of medicine, practitioner dentist, clergyman, landscape architect, professional engineer, registered land surveyor, lawyer, artist, author, musician or other recognized profession used to conduct his or her profession where the office does not exceed 25% of the area of one floor of the residence and only one nonresident person is employed.

**Rear Yard:** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. The yard shall be opposite the street yard or one of the street yards on a corner lot.

**Recreational Vehicle:** A vehicle having an overall length of 45 feet or less and a body width of 8 feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are travel trailer, camping trailer, and truck camper motor homes that meet the overall length and width specifications listed in this definition.

**Regularly:** The use of property in excess of sixty (60) days in any calendar year.

**Residential Use:** The residential use of land shall mean a use for permanent dwelling purpose in a single-family dwelling, or multiple-family dwelling, including placement of any habitable structure erected, constructed, reconstructed, altered or so moved and all incidental uses thereto.

**Sanitary Station:** A facility connected to approved sewerage, and designed for receiving liquid and water-carried waste from camping unit holding tanks.

**Setback:** The minimum horizontal distance between the right of way or property line and the nearest point of a building or any projection thereof, excluding uncovered steps.

**Shelter Unit:** A structure located on an individual or group campsite which is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.



**Side Lot Line:** A side lot line is any lot line, which is not a front, or a rear lot line.

**Side Yard:** A yard extending from the front property line to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line parallel thereto through the nearest point of the principal street.

**Signs:** Signs are any words, letters, figures, numerals, phrases, sentences emblems, designs, trade names, or trade marks by which anything is made known, which are used to advertise or promote an individual, corporation, profession, business, commodity, or product, and which are visible from any public street.

**Single-Family Dwelling:** A single-family dwelling is a detached structure designed for and exclusively occupied by one family and containing a minimum Width of at least 14 feet and 840 square feet of minimum livable floor area. Single-family dwellings do not include rooming or boarding housing community-based residential facilities, fraternity or sorority homes or similar uses, or mobile homes.

**Street:** A public right-of-way providing access to abutting properties.

**Structure:** Anything erected or constructed such as buildings, towers, masts, poles, booms, signs, decorations and carport.

**Structural Alteration:** Any change in the supporting members of a structure such as foundations, bearing wall, columns, beams or girders.

**Structure, Temporary:** A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life of one year or less, or is built for a purpose that would commonly be expected to be less than one year in duration.

**Temporary Dwelling:** A dwelling occupied no more than 4 months in a 12-month period.

**Tent:** A structure, enclosure, or shelter with partial or complete sidewalls or drops, constructed of fabric or pliable material supported by any manner except air, used for temporary recreational purposes and limited to the camping season period.

**Total Floor Area:** The gross floor area of a building, enclosed by walls and roof, including all floor levels except the basement, attic or crawlspace floor.

**Use Consistent With Agricultural:** Any activity that meets all of the following conditions:

- A. The activity will not convert land that has been devoted primarily to agricultural use.
- B. The activity will not limit the surrounding land's potential for agricultural use.
- C. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
- D. The activity will not conflict with agricultural operations on other properties.

**Utilities:** Utilities include public and private utility uses such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, booster stations, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including wastewater treatment plants, or municipal incinerators warehouses, shops, and storage yards.

**U.D.C.:** Uniform Dwelling Code.

**Vault Privies:** An enclosed non-portable toilet into which non-water-carried human wastes are deposited to a subsurface storage chamber that is watertight.

**Vision Triangle:** A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection.

**Yard:** Open space, unoccupied and unobstructed, except for vegetation, on a lot that contains a structure.

## SECTION 3 - ZONING DISTRICTS AND DISTRICT MAPS

**A. Establishment:** The boundaries of these districts are hereby established as shown on the map (Section 3D), Town of Big Flats Zoning Map, Adams County, Wisconsin.

**B. Districts:** For the purpose of this Ordinance, the Town of Big Flats, Adams County, Wisconsin is divided into Basic and Overlay zoning districts as defined herein and as named and described in the following subsections:

1. Basic Zoning Districts provide all primary regulations for land use. These regulations are supplemented with more restrictive or more permissive regulation in the case of those properties which are placed into an Overlay District.
2. Overlay Zoning Districts are established for the purpose of superimposing additional regulations upon lands already zoned in a Basic Zoning District. The regulations of the overlay may be more permissive, thereby allowing uses or requirements not allowed by the underlying basic district, or the overlay district may be more restrictive, imposing regulations more stringent than those of the underlying district.
3. Informational Overlay Districts of themselves do not ordinarily impose regulation. They exist primarily to alert users to the existence of conditions on or near various properties, or of regulations by other Jurisdictions. Since such districts are referring to other regulations, they are a public service, and not meant to be definitive when referring to other agencies. The map user should always consult the other regulatory agency for exact boundaries, regulations, and permit requirements.

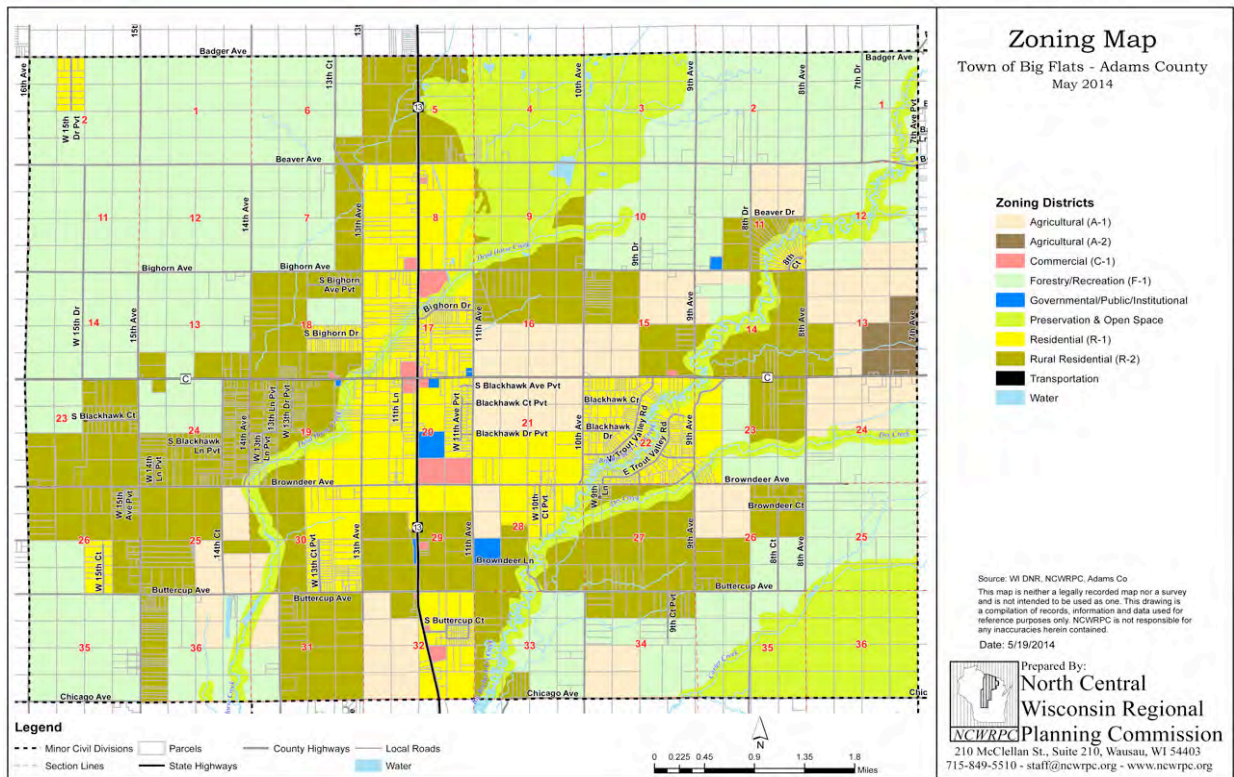
**C. Boundaries:** The boundaries of these districts are hereby established as shown on the map (Section 3D), Town of Big Flats Zoning Map, Adams County Wisconsin. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map, the following rules shall apply:

- a. Boundaries shown as approximately following Conservancy districts, town limits, property lines, and center lines of streets and highways shall be regarded as existing on such lines unless provisions to the contrary be expressly indicated.
- b. In order to reflect specific existing uses, some district boundaries do not follow these lines. These district boundaries shall be determined by the use of the scale shown on the zoning map and interpreted by the Zoning Administrator.
- c. Vacation of public streets shall cause the area vacated to be automatically placed in the same district as the land to which the vacated area reverts until a permanent district classification is adopted.

**D. Zoning District Map:** A copy of the Zoning District Map shall be adopted and approved as part of this Ordinance and shall bear upon its face the attestation of the Town of Big Flats Chairman and the Town Clerk and shall be available to view by the public in the office of the Town Clerk and at the office of the Zoning/Land Use Administrator.

**E. Zoning Districts:** The following Zoning Districts have been created by the Town of Big Flats for the purpose of this Ordinance:

1. Residential District (R-1)
2. Rural Residential District (R-2)
3. Agricultural District (A-1)
4. Agricultural District (A-2)
5. Commercial District (C-1)
6. Forestry/Recreational District (F-1)



## 1. RESIDENTIAL DISTRICT (R-1)

**A. Purpose:** The R-1 district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

### B. Use Regulations:

1. Permitted Uses: Stick built, manufactured or modular homes.

a. One, single-family dwelling per lot.

b. One garage per parcel, either attached to the primary dwelling or standing free which shall have a minimum width of 14 feet, and the sidewalls shall not exceed 12 feet in height from the finished floor, and shall not exceed a height of 17 feet from the finished floor to the peak of the exterior roof.

c. Accessory buildings, not to exceed two. Accessory buildings, structures and uses shall be compatible with the principal uses, and one (1) accessory building, with a maximum size of 700 sq. ft. may be established prior to the principal use. In all residential districts, the principal use shall be a dwelling or mobile/manufactured home. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings. Semi-trailers and storage containers are intended for temporary use only and must be removed from the property within 1 year after first use.

d. Recreational Vehicles or Camping Units not to exceed one indefinitely parked unit per lot. Two additional camping units not to exceed a total of three (3) may be placed on a lot during the camping season and removed at the conclusion of the camping season (on or before October 31).

e. Poultry up to 12 birds are allowed on lots less than five (5) acres. Roosters are not allowed in town subdivisions.

2. Conditional Use:

- a. Livestock not to exceed one animal unit per five-acre parcel, with one additional animal unit allowed on each additional acre.

**C. Lot Size Regulations:**

1. Minimum Area: Two acres.
2. Minimum Width: 200 feet.

**D. Minimum Water Setback:** 75 feet from ordinary high water mark.

**E. Yard and Setback Requirements:**

1. Minimum Front Yard:
  - a. Class A and Class B highways: 50 feet from the right-of-way line.
  - b. Class C highways: 25 feet from the right-of-way line.
2. Side and Rear Yard: Minimum of 10 feet on all sides.

**F. Building:**

1. Area:
  - a. Minimum living space of 840 square feet for a single-family dwelling, not including basement.
2. Maximum building height:
  - Principal buildings: 35 ft.
  - Accessory building: 20 ft.

**G. General Provisions:**

1. Maximum Ground Coverage: The maximum ground occupied by any principal building with one garage and accessory building shall not exceed 30 percent of the total lot area.
2. Completion Requirements: All buildings must be completed in a manner so that they will not be detrimental to the community, thus lowering values of the Residential District.
3. A dwelling or any other structure, once the permit for construction of that structure has been issued by the proper authority, shall have, from date of issuance inclusive, a period of 270 days to have the exterior of said structure completed unless otherwise stated in writing on said permit.
4. Off-Street Parking: A minimum of two, off-street parking spaces (including garage) must be provided for each dwelling.
5. No advertising sign of any character shall be permitted in the Residential District except one sign not exceeding six square feet in area pertaining to the lease, hire or sale of the building or premises.

## 2. RURAL RESIDENTIAL DISTRICT (R-2)

**A. Purpose:** The R-2 district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses, while allowing for additional rural opportunities.

**B. Use Regulations:**

1. Permitted Uses: Stick built, manufactured or modular homes.
  - a. One, single-family dwelling per lot.
  - b. One garage per parcel, either attached to the primary dwelling or standing free which shall have a minimum width of 14 feet, and the sidewalls shall not exceed 12 feet in height from the finished floor, and shall not exceed a height of 17 feet from the finished floor to the peak of the exterior roof.

c. Accessory buildings, not to exceed two. Accessory buildings, structures and uses shall be compatible with the principal uses, and one (1) accessory building, with a maximum size of 700 sq. ft. may be established prior to the principal use. In all residential districts, the principal use shall be a dwelling or mobile/manufactured home. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings. Semi-trailers and storage containers are intended for temporary use only and must be removed from the property within 1 year after first use.

d. Recreational Vehicles or Camping Units not to exceed one indefinitely parked unit per lot. Two additional camping units not to exceed a total of three (3) may be placed on a lot during the camping season and removed at the conclusion of the camping season (on or before October 31).

e. Poultry up to 12 birds are allowed on lots less than five (5) acres. Roosters are not allowed in town subdivisions.

2. Conditional Use:

a. Livestock not to exceed one animal unit per five-acre parcel, with one additional animal unit allowed on each additional acre.

**C. Lot Size Requirements:**

1. Minimum Area: Five acres.
2. Minimum Width: 200 feet.

**D. Minimum Water Setback:** 75 feet from ordinary high water mark.

**E. Yard and Setback Requirements:**

1. Minimum Front Yard:
  - a. Class A and Class B highways: 50 feet from the right-of-way line.
  - b. Class C highways: 25 feet from the right-of-way line.
2. Side and Rear Yard: Minimum of 10 feet on all sides.

**F. Building:**

1. Area:
  - a. Minimum living space of 840 square feet for a single-family dwelling, not including basement.
2. Maximum building height:
  - Principal building: 35 ft.
  - Accessory buildings: 20 ft.

**G. General Provisions:**

1. Maximum Ground Coverage: The maximum ground occupied by any principal building with one garage and accessory building shall not exceed 30 percent of the total lot area.
2. Buildable Area: Minimum two acres of buildable land for dwelling.
3. Completion Requirements: All buildings must be completed in a manner so that they will not be detrimental to the community, thus lowering values of the Residential District.
4. A dwelling or any other structure, once the permit for construction of that structure has been issued by the proper authority, shall have, from date of issuance inclusive, a period of 270 days to have the exterior of said structure completed unless otherwise stated in writing on said permit.
5. Off-Street Parking: A minimum of two, off-street parking spaces (including garage) must be provided for each dwelling.
6. No advertising sign of any character shall be permitted in the Rural Residential District except

one sign not exceeding six square feet in area pertaining to the lease, hire or sale of the building or premises.

### 3. AGRICULTURAL DISTRICT (A-1)

**A. Purpose:** The A1 District provides exclusively for agricultural uses and uses compatible with agriculture. The district's uses and regulations are designed to implement Comprehensive Plan goals by encouraging agricultural uses in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid potential conflict with agricultural uses.

**B. Use Regulations:**

1. Permitted Uses: Use consistent with agriculture.
  - a. General farming, truck gardening, dairy and livestock farming less than five hundred (500) animal units. This use does not include farms and operations operated for the disposal of garbage, rubbish and offal.
  - b. Operations related to the collection of farm produce or merchandise or manufacturing operations related thereto such as creameries, mill condensing, and pea vineries.
  - c. Horticulture, Apiculture, Viticulture, Forestry, Orchard, Greenhouse, Stable and Paddock.
  - d. One, single-family dwelling per lot constructed to Uniform Dwelling Code standards.
2. Conditional uses: None

**C. Lot Size Regulations:**

1. Minimum Area: Twenty (20) acres for agricultural use purposes.
  - a. When dwelling is constructed on the lot, a minimum of one (1) additional acre shall be required for residential use purposes.

**D. Minimum Agricultural Area Requirements:**

1. Portions of land in the district used for agricultural purposes shall be at least 20 acres in size.

**E. Yard and Setback Requirements:**

1. Minimum Front Yard for farm residence: 50 feet from the right-of-way line of Class A, B and C highways.
2. Minimum Side and Rear Yard for farm residence: Minimum of 50 feet on all sides.
3. Minimum Front Yard for farm-related buildings: 100 feet from the right-of-way of Class A, B and C highways.
4. Minimum Side and Rear Yard for farm-related buildings: Minimum of 100 feet on all sides.
5. Setback for livestock operations:
  - a. Fewer than 500 Animal Units: 100 feet from the right-of-way.
6. Setback and Buffer for field operations (applies to re-zoning bordering R-1 and R-2 Districts and within 200 feet of residential dwellings):
  - a. Minimum setback: 20 feet from the right-of-way line.
  - b. Buffer area bordering residential districts: The area from right-of-way or property line to 20 feet from the right-of-way or property line must be continuously planted in a minimum of two rows to provide a protective screen for the health and safety of residential properties from airborne particles produced by wind and agricultural activities. Allowances shall be made to provide no fewer than 2 (two), 33-foot driveway access locations per 1,320 feet of field.

- c. Establish a choice of trees and bushes for buffer areas: A combination of coniferous and deciduous trees and bushes must be of Wisconsin-native varieties and established within one year following field development.
- d. Buffer area bordering residential dwellings within 200 feet from field operations: area from the right-of-way or property line to 20 feet from the right-of-way or property line must be continuously planted in a minimum of two rows and at a minimum length of two hundred feet to provide a protective screen for the health and safety of residential properties from airborne particles produced by wind and agricultural activities.

**F. Building:**

- 1. Area:
  - a. Minimum living space of 840 square feet for a single-family dwelling, not including basement.
- 2. Maximum building height:
  - a. Principal residential building: 35 feet.
  - b. Detached accessory structures: 35 feet.
  - c. Silo-type storage facilities: 85 feet.

#### 4. AGRICULTURAL DISTRICT (A-2)

**A. Purpose:** The A2 District provides exclusively for agricultural uses and uses compatible with agriculture. Livestock facilities of any size are regulated as conditional uses to ensure compatible land use. The district's uses and regulations are designed to implement Comprehensive Plan goals by encouraging agricultural uses in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid potential conflict with agricultural uses.

**B. Use Regulations:**

- 1. Permitted Uses:
  - a. Any permitted use in the A1 District, except raising livestock.
- 2 Conditional uses:
  - a. Agricultural practices requiring large volumes of water.
  - b. Keeping of animals; production of eggs; raising, hatching, fattening and propagation.
  - c. Livestock Facilities subject to requirements of ATCP 51 if applicable.

**C. Lot Size Regulations:**

- 1. Minimum Area: Forty (40) acres for agricultural use purposes.
  - a. When dwelling is constructed on the lot, a minimum of one (1) additional acre shall be required for residential use purposes.

**D. Minimum Agricultural Area Requirements:**

- 1. Portions of land in the district used for agricultural purposes shall be at least 40 acres in size.

**E. Yard and Setback Requirements:**

- 1. Minimum Front Yard for farm residence: 50 feet from the right-of-way line of Class A, B and C highways.
- 2. Minimum Side and Rear Yard for farm residence: Minimum of 50 feet on all sides.
- 3. Minimum Front Yard for farm-related buildings: 100 feet from the right-of-way of Class A, B and C highways.

4. Minimum Side and Rear Yard for farm-related buildings: Minimum of 100 feet on all sides.
5. Setback for livestock operations:
  - a. Fewer than 500 Animal Units: 100 feet from the right-of-way.
  - b. 500 Animal Units or greater: 200 feet from the right-of-way.
  - c. Manure Storage Facility: 350 feet from the right-of-way.
  - d. The setback requirements do not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road roadway.
6. Setback and Buffer for field operations (applies to re-zoning bordering R-1 and R-2 Districts and within 200 feet of residential dwellings):
  - a. Minimum setback: 20 feet from the right-of-way line.
  - b. Buffer area bordering residential districts or subdivisions: The area from the right-of-way or property line to 20 feet from the right-of-way or property line must be continuously planted in a minimum of two rows to provide a protective screen for the health and safety of residential properties from airborne particles produced by wind and agricultural activities. Allowances shall be made to provide no fewer than 2 (two), 33-foot driveway access locations per 1,320 feet of field.
  - c. Establishment a choice of trees and bushes for buffer areas: A combination of coniferous and deciduous trees and bushes must be of Wisconsin-native varieties and established within one year following field development.
  - d. Buffer area bordering residential dwellings within 200 from field operations: the area from the right-of-way or property line to 20 feet from the right-of-way or property line must be continuously planted in a minimum of two rows and at a minimum length of two hundred feet to provide a protective screen for the health and safety of residential properties from airborne particles produced by wind and agricultural activities.

**F. Building:**

1. Area:
  - a. Minimum living space of 840 square feet for a single-family dwelling, not including basement.
2. Maximum building height:
  - a. Principal residential building: 35 feet.
  - b. Detached accessory structures: 40 feet.
  - c. Silo-type storage facilities: 85 feet.

**G. Incorporation of Administrative Code:**

The provisions of ATCP 51, including standards and application requirements are incorporated herein by reference.

## 5. COMMERCIAL DISTRICT (C-1)

**A. Purpose:** The C-1 district is intended to provide an area for the business and commercial needs of the community.

**B. Use Regulations:**

1. Permitted Uses: In the Commercial District no building, structure or land shall be used, and no building or structure shall be hereafter erected or moved, unless otherwise provided in the Ordinance, except for the following uses (See part D and E for more details):
  - a. Motels.
  - b. Specialty merchandise stores: souvenirs, antiques or gift shops.



- c. Restaurants, cafes or taverns.
- d. Automobile filling and service stations.
- e. Banks or financial institutions.
- f. Personal service establishments: Barbershops, beauty parlors, tailor shops, etc.
- g. Business and professional offices and studios.
- h. General grocery, specialty foods or bakeries.
- i. Retail laundry outlets.
- j. Electrical, telephone and public utility buildings.
- k. Mobile home parks, recreational vehicle parks and campgrounds.
- l. Churches.
- m. Governmental buildings

2. Conditional Uses:

- a. Single-family residence: Single-family residence may be allowed in a commercial district if residential setbacks are followed. Single-family residences (if attached to or adjacent to the business building) intended to be occupied by the owner or manager of the business.
- b. Multi-family dwellings: Minimum living space of 1550 square feet for a two-family dwelling (Stick built or Modular Home). Add 500 square feet per unit for a multi-family dwelling.
- c. Communication Towers

**C. Yard regulations:** In the Commercial District no building, structure or premises shall be used, and building or structure shall be erected or moved, except in accordance with the following regulations:

- 1. Minimum Area: Two acres
- 2. Front Yard:
  - a. No building or structure shall hereafter be erected and no existing building or structure shall be reconstructed or altered in such a way that any portion thereof shall be closer to the right-of-way line of any street than is permitted by the setback requirements of Sec. 4, of this Ordinance except in areas designated by the Town Board as primary business districts in which there shall be a special reduced speed limit, in which case the minimum front yard setback shall be 25 feet.
- 3. Side and Rear Yard: Minimum of 25 feet.
- 4. Height: Maximum of 35 feet.
- 5. Off-Street Parking: Every business located in the Commercial District shall provide sufficient off-street parking commensurate with the anticipated customer traffic.

**D. Mobile/Manufactured Home Parks**

- 1. Use Regulations:
  - a. Permitted Uses:
    - 1. Single family dwellings.
- 2 Conditional Uses: None
- 3. Lot Size Regulations:
  - a. Minimum Area: Per state regulations.
  - b. Minimum Water Setback: 75 feet from ordinary high water mark.
- 4. Yard and Setback Requirements:
  - a. Minimum Front Yard
    - 1. Class A and Class B highways: 50 feet from right-of-way.
    - 2. Class C highway: 25 feet from the right-of-way.
  - b. Side and Rear Yard: Minimum of 10 feet on all sides.

5. General Provisions:

- a. Garages and Accessory Buildings: Same requirements as Residential District.
- b. Off-Street Parking: A minimum of two, off-street parking spaces must be provided for each dwelling.

**E. Recreational Vehicle Parks and Camp Grounds:**

In addition to the other requirements herein, RV Parks and Campgrounds must comply with the provisions of DHS Chapter 178, which is incorporated herein by reference.

1. Use Regulations:

- a. Permitted Use:
  - 1. As permitted by Health and Family Services (DHS Chapter 178).
- b. Conditional Use:
  - 1. As permitted by Health and Family Services (DHS Chapter 178).
- c. Lot size requirements:
  - 1. As permitted by Health and Family Services (DHS Chapter 178).

**6. FORESTRY/RECREATIONAL DISTRICT (F-1)**

**A. Purpose:** The F-1 district is intended to provide a quiet, pleasant and spacious living area protected from traffic hazards and the intrusion of incompatible land uses, while allowing for managed forest practices and recreational opportunities.

**B. Use Regulations:**

1. Permitted Uses:

- a. Harvesting of wild crops such as wild hay, ferns, moss, berries and nuts, fruits and seeds.
- b. Hiking, hunting, fishing and trapping.
- c. The practice of forest management in accordance with scientific Silva culture practices.
- d. The practice of wildlife and fish management.
- e. Preservation of areas scenic, historic, or scientific value.
- f. One, single-family dwelling per parcel constructed to Uniform Dwelling Code standards. Minimum living space of 840 square feet for a single-family dwelling not including basement.
- g. Maximum principal building height: 35 feet.  
Accessory buildings: 25 ft.
- h. One garage(s), per parcel, either attached to the primary dwelling or standing free which shall have a minimum width of 14 feet, and the sidewalls shall not exceed 12 feet in height from the finished floor, and shall not exceed a height of 17 feet from the finished floor to the peak of the exterior roof.
- i. Accessory buildings, not to exceed two. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings. Semi-trailers and storage containers are intended for temporary use only and must be removed from the property within 1 year after first use.
- j. Recreational Vehicles or Camping Units not to exceed one indefinitely parked unit per lot. Two additional camping units not to exceed a total of three (3) may be placed on a lot during the camping season and removed at the conclusion of the camping season (on or before Oct. 31).

k. Public Parks

2. Conditional Use:

a. Communication Towers

b. Livestock not to exceed one animal unit per five-acre parcel, with one additional animal unit allowed on each additional acre.

**D. Lot Size Requirements:**

Minimum Area: Twenty acres.

**E. Minimum Water Setback:** 75 feet from ordinary high water mark.

**F. Yard and Setback Requirements:**

1. Minimum Front Yard:

a. Class A and Class B highways: 50 feet from the right-of-way line.

b. Class C highways: 25 feet from the right-of-way line.

2. Side and Rear Yard: Minimum of 10 feet on all sides.

**G. General Provisions:**

1. Buildable Area: Minimum two acres of buildable land for dwelling.

2. Completion Requirements: All buildings must be completed in a manner so that they will not be detrimental to the community, thus lowering values of the District.

3. A dwelling or any other structure, once the permit for construction of that structure has been issued by the proper authority, shall have, from date of issuance inclusive, a period of 270 days to have the exterior of said structure completed unless otherwise stated in writing on said permit.

## SECTION 4 - GENERAL REGULATIONS

**A. Sanitary Provisions:**

1. Use Requirements:

a. Each building or structure utilized for the purpose of human habitation in the Town of Big Flats shall have provision for sanitary disposal of waste pursuant to the minimum requirements of the Wisconsin Department of Safety and Professional Services and the Adams County Planning and Zoning Office shall be in effect at the time of the construction or moving of a building or structure. An Adams County Sanitary Permit is Mandatory for Private On-site Waste Treatment System (POWTS).

**B. Keeping of Animals and Fowl:**

1. Permitted Animals:

a. All domestic animals and fowl in the Agricultural District.

b. Dogs and cats and those animals normally purchased at a pet store and kept in the house as household pets in all districts.

2. Conditional Use: Upon obtaining a conditional use permit (See Sec. 4.D.) of this

Ordinance), animals and fowl, except as otherwise provided for in Sec. 4(B)(1)(a) and (b), may be kept in all districts subject to the following restrictions and regulations.

a. The number of animals or fowl shall be commensurate with the size of the parcel and according to district regulation.

b. The premises shall be adequately fenced to prevent animals and fowl from straying on

neighboring premises.

c. The premises shall be maintained in a clean and sanitary condition free of rodents, vermin and objectionable odors.

d. The keeping of exotic animals is prohibited.

e. In the event that the above regulations are not complied with the permit may be revoked by the Plan Commission.

**C. Nonconforming Uses:** The lawful use of land and buildings existing at the time of the adoption of this Ordinance, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for more than 12 months or changed to another use, any future use of said land and/or buildings shall be in conformity with the provisions of this Ordinance.

**D. Conditional Uses:** Uses listed as conditional uses in a given district may be authorized upon application to the Plan Commission and subject to the Commission's issuance of a conditional use permit.

1. The Plan Commission shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the Town and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area; its physical attractiveness; the movement of traffic; the demand for related services; and the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke or odor and other factors.

2. A request for a conditional use permit shall be submitted in writing to the Zoning Administrator who shall promptly refer the application to the Plan Commission. The application shall be accompanied by the same information as is required for a land use permit.

3. The Commission may require such other information as may be necessary to determine and provide for an enforcement of this Ordinance, including a site plan.

4. The Commission shall review the site; existing and proposed structures; architectural plans; parking areas; driveway locations; highway access, traffic generation and circulation; drainage; operation; conditions which shall affect the maintenance of safe and healthful conditions, prevention and control of water pollution including sedimentation, the location of the site with respect to flood plains, and the compatibility of the proposed use with the use of adjacent land.

5. Upon consideration of the factors listed above, the Commission may require such conditions in addition to those listed elsewhere in this Ordinance, as it deems necessary in furthering the purpose of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration, landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, access restrictions, increased setbacks and yards, type of shore cover, planting screens, signs or any other requirements necessary to fulfill the purpose and intent of this Ordinance.

6. Fee (set by Town Board resolution): An applicant for a conditional use shall pay a **non-refundable fee** at the time of filing with the Zoning Administrator.

7. Hearing: The Plan Commission shall publish a Class I notice as specified in Ch. 985, Wis. Stats for a public hearing on the application to be held within 30 days after the date of publication.

8. Determination: The Plan Commission shall make its decision within 90 days after the filing of the application. Its decision shall be in Writing signed by the majority and shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.

9. Mapping and Recording: When a conditional use is approved, an appropriate record shall be made of the land use and building permits and such decision shall be applicable solely to the structures, use and property so described.

10. Termination: Where a permitted conditional use does not conform to the conditions of the original decision, the conditional permit may be terminated by the Plan Commission after due notice and hearing conducted under the same procedure as is used for the issuance of a conditional use permit.

**E. Exterior Siding:** Each building in the Town shall have finished exterior siding. Specifically prohibited is the utilization of tarpaper, uncovered insulation, or unfinished metal siding.

**F. Town of Big Flats Front Setback Requirements:**

1. General: For the purpose of determining the distance buildings and other structures shall be set back from street and highways, the streets and highways of the Town are divided into the following classes:
  - a. Class A Highways: All state and federal highways.
  - b. Class B Highways: All county trunk highways.
  - c. Class C Highways: All Town roads, streets and highways not otherwise classified.
2. Vision Clearance: There shall be a vision clearance triangle, as defined in Section 2 as follows:
  - a. For Class A and B highways, 50 feet from the point of intersection of the right-of-way lines.
  - b. For Class C highways, 25 feet from the point of intersection of the right-of-way lines.
3. Structures Permitted Within Front Setback Lines:
  - a. Open fences.
  - b. Telephone, power transmission and distribution towers, poles and lines, substations, repeater stations and similar necessary mechanical appurtenances and portable equipment housings that are readily removable in their entirety.
  - c. Underground structures not capable of being used as foundations for future, prohibited, over-ground structures; provided that this regulation shall not apply to wells and septic tanks or other means of private waste disposal.
  - d. Access or frontage roads.
  - e. Permitted signs and signs placed by public authorities for the guidance of traffic.
4. Clearance of Vision Triangles: In the event that there is any obstruction to vision in the above indicated vision triangles by brush, shrubs or trees, the Zoning Administrator shall give written notice thereof to the owner of the premises at his last known address requiring the removal of such obstruction within 30 days from the date of notice. In the event that said obstruction has not been removed within the stated 30 day period, the Zoning Administrator shall notify the Town Board, which may take action as necessary to have the same removed and the cost thereof assessed to the property as a special charge on the next tax roll.

**G. Recreational Vehicles and Camping Units in the Town of Big Flats:**

1. Regulated:
  - a. It shall be unlawful to locate or maintain any Recreational Vehicle and or Camping Unit in the Town of Big Flats, except in accordance with the provisions of this Ordinance.
2. Requirements: No Recreational Vehicle or Camping Unit is permitted unless it meets the minimum standards of an Independent Camping Unit as defined in Section 2 of this ordinance.

### 3. Service Hook-Up:

All camping units that remain on a property for more than 7 days per calendar month (except in a licensed campground) must satisfy one of the following requirements of items a or b (as required by Adams County Sanitary Ordinance):

- a. Be connected through quick disconnect fittings, to a legal, Private On-Site Wastewater Treatment System (Septic System) sized for a minimum of 2 bedrooms; or
- b. Be connected through quick disconnect fittings, to a State of Wisconsin approved RV Transfer Container, with a minimum capacity of 300 gallons, upon issuance of a permit by the Adams County Zoning Department. (All RVs and Camping Units shall meet the minimum standards by Adams County Section 294-4 (F)(3)).
- c. No sewage shall be permitted or be deposited upon the ground or into lakes, rivers, ponds, streams or wetlands.
- d. All septic systems, holding tanks or auxiliary vessels (transfer containers) on the parcel shall have a sanitary permit issued by Adams County Zoning.
- e. Independent Camping Units may be hooked up temporarily to electric by way of manufacturer-supplied cord to a disconnect box.

### 4. Use:

- a. Additional "seasonal" camping is allowed (not to exceed three Recreational Vehicle or Camping Units) between April 1 and Oct 31.
  1. In the absence of the parcel owner(s), non-parcel owners must have written permission from the parcel owner.
- b. No Recreational Vehicle or Camping Unit may be used as a year-round permanent dwelling. For purposes of this section, "permanent human habitation" means the use and occupation by a human being of a given camper vehicle or non-permanent structure as a place for shelter, sleeping, cooking, eating and other occupation typical of what is commonly understood as being that of a living quarter.
- c. Recreational Vehicles and Camping Units shall be maintained in a safe condition and shall not have an appearance that has a negative effect on neighboring properties. Unlicensed camping units in a state of disrepair will be declared a nuisance under town Ordinance 33.
- d. A property owner may store their own camping unit on their own property.
- e. Recreational Vehicles or Camping Units not to exceed one indefinitely parked unit per lot. Two additional vehicles are allowed during the camping season.
- f. No Recreational Vehicle or Camping Unit allowed to be parked on parcels without first obtaining a driveway permit and fire number.

### 5. Improvements:

- a. No external additions, piers, deck(s) or concrete pads shall be affixed or attached to any Recreational Vehicle or Camping Unit.

### 6. License:

- a. All Recreational Vehicles and Camping Units must have a valid license displayed on vehicle, maintain current registration as required by the DOT and be "Road Ready" at all times.
- b. Any un-licensed Vehicles, Recreational Vehicles or Camping Units will constitute a violation of this Ordinance and therefore be subject to a forfeiture of not less than \$50.00 for each offense.

## **H. Modular and Manufactured Homes**

### 1. Regulated:

- a. It shall be unlawful to locate or maintain any Modular or Manufactured Home in the Town of Big Flats except in accordance with provisions of this Ordinance.
- b. Manufactured Homes shall have a Gable Roof as regulated by H.U.D. and a minimum titled size of not less than 840 square feet.
- c. Modular Homes shall have a minimum size of 840 square feet and be regulated by current U.D.C. codes.
- d. Manufactured Homes shall be regulated by H.U.D. with an H.U.D. seal attached to them.

### 2. Requirements:

- a. Lot Ownership: Modular or Manufactured homes shall be located only on a lot or parcel owned by the owner of the unit, except in the case of a Mobile Home or Manufactured Home Park.
- b. Modular or Manufactured Homes must be placed on foundations or piers conforming to Adams County Building Regulations.
- c. Sanitary Disposal Systems must conform to State and County Regulations.
- d. Modular or Manufactured Homes must be skirted within one year from date of entry. Materials shall not be of lesser grade than that used on the Manufactured Home.
- e. No home that could be considered to be unsafe, or in a condition that would be against the health and welfare of the Town regardless of size or year shall be permitted. This applies to all homes for either temporary or permanent use.
- f. There shall not be more than one modular or manufactured home placed on a lot or parcel of land owned by the same property owner with the same property tax identification number or fire number assigned to it.

## **I. Maintenance of Property and Fencing:**

### 1. Maintenance of Property:

- a. It shall be the duty of the owner or tenant of all property, real or personal, residential, business or commercial to keep all property in a clean, neat or orderly appearance and free of refuse or "junk".
- b. If complaints are received or the Town Board determines that there is a violation of this ordinance, the property owner or tenant shall be notified in writing and requested to correct the problem within thirty (30) days. The property owner or tenant shall have ten (10) days to respond to such notice in writing to said agent of the Town Board. If the respondent does not agree to correct the conditions or fails to respond within the period in the notice, then the Town shall follow guidelines established in the Town of Big Flats Public Nuisance Ordinance.
- c. Junk or refuse is defined as useless items, rubbish, waste or anything that is thrown away or rejected as worthless or useless or which is discarded for any reason according to the common usage of the term.

2. Fencing: Any property owner or tenant who wishes to screen their property from neighbors or regularly stores, places or maintains any disabled vehicles, equipment or machinery on its property shall comply with the following:

- a. The property owner shall fence in all areas used for the purpose above by a solid fence inside property lines no more than eight (8) feet high and not over four (4) inches from the

ground in Residential Districts, and not to exceed ten (10) feet in height and not over 4 inches from the ground in Commercial Districts.

b. Security fences are permitted inside property lines in all districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire fencing.

#### **J. Adams County Ordinance Referenced**

The following Adams County Ordinances and any revisions are in effect in the Town of Big Flats and this Ordinance shall not be interpreted to conflict with same:

1. Adams County Land Division Ordinance
2. Adams County Shoreland, Wetland and Habitat Protection Ordinance
3. Adams County Floodplain Zoning Ordinance
4. Adams County Private Onsite Wastewater Treatment System Ordinance

#### **K. New construction requires a Land Use Permit from the town before proceeding**

1. For the purpose of this ordinance, new construction is defined as any building 150 sq. ft. or greater, attached, covered or enclosed decks, and additions to existing structures.

**L. Rezoning Procedure:** In addition to the general requirements for Conditional Uses, applicant is required to review a copy of the Rezone Procedure and submit a Land Use Application. A Rezone Packet is available from the Town Clerk or Zoning Administrator, and can also be found on the town's website at [www.bigflatswi.com](http://www.bigflatswi.com).

#### **M. Land Use Permit and Plot Plan:**

1. No building shall hereafter be erected or moved until a **land use permit** shall have been applied for in writing and issued by the Zoning Administrator. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction or move. Form for application for land use permits shall be supplied by the Zoning Administrator. The land use permit shall be valid for one year and may require a bond to guarantee completion, if required by the Town Board.
2. Each application for land use permit shall be accompanied by a plot plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the buildings to be erected, its location on the lot, the road the driveway will be on, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such applications and plats shall be kept in the Office of the Zoning Administrator. Prior to site inspection by Zoning Administrator, proposed site must be staked showing location of proposed building(s).
3. A copy of each application will then be delivered to the Adams County Planning and Zoning office. If there is no street number assigned to the property a request will be filled out by the Zoning Administrator and sent to the Adams County Land Information Office. A copy of the plot plan shall be forwarded to the Town highway employee when new driveways are put in with the names of the person(s) obtaining permits to determine if a culvert is needed.

#### **N. Penalty and Fees:**

All fees under this Ordinance shall be set by resolution by the Town Board. The permit fee shall be doubled if construction is commenced prior to the issuance of the permit. Any person, partnership, corporation or other legal entity that fails to comply with provisions of this Section, shall, upon conviction of such violation, be subject to a penalty pursuant to Section 10 of this Ordinance. Each violation and each day a violation continues or occurs shall constitute a separate offense.

## **SECTION 5 – MOBILE TOWER SITING**

**A. Purpose:** The purpose of this section is to regulate by zoning permit: (1) The siting and construction of any new mobile service support structure and facilities; (2) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and, (3) With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.



**B. Authority:** The town board has the specific authority under ss. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this section.

**C. Definitions:** All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

**D. Permit Issuance:** The plan commission is hereby authorized to issue all permits provided for in this section.

**E. Permitted Use:** Class 2 collocation is a permitted use, subject to issuance of a zoning permit pursuant to sub. G herein.

**F. Conditional Uses:**

1. Class 1 Collocation and mobile support structures and facilities are conditional uses in every zoning district and require the issuance of a conditional use permit pursuant to sub. H herein. In addition, the specific requirements set forth in paragraph 2 that follows must be satisfied.

**2. Specific Requirements:**

- a. Height: Except as provided for in sec. 66.0404(4)(L) Wis. Stats, and pursuant to the discretion authorized in sub. (4)(u) therein, the height of a mobile service support structure shall not exceed 300 feet. The height limitation for an antenna attached to an existing structure shall not exceed fifteen (15) feet above the existing peak of the structure.
- b. Surety: A surety bond or other form of security may be required in an amount not to exceed \$20,000. The surety shall be for the sole purpose of ensuring repair or removal of structures or facilities that fall into disuse.
- c. Setback: The setbacks set forth in the regulations for the C-1 district herein shall apply to mobile service support structures.
- d. Structural Capacity: A collocation may not result in the structural capacity of a structure being exceeded.
- e. Collocation: Collocation on existing structures is encouraged to the extent dosing so if reasonably possible.
- f. Signs/Advertising: No signs or advertising messages shall be attached to a mobile service support structure or facility.
- g. Compliance with Other Laws: All mobile service support structures and facilities shall be erected and maintained in compliance with federal law, including but not limited to Federal Communication Commission and Federal Aviation Administration rules and regulations, and applicable building codes.
- h. Conditions: The town may place additional conditions on the issuance of a conditional use permit granted pursuant to this section, provided that such conditions are consistent with the limitations set forth in sec. 66.0404(4) Wis. Stats.
- i. Accessory Equipment Structures: All accessory equipment structures adjacent to an antenna system and/or tower shall be screened or architecturally designed to blend in with the surrounding environment and shall meet all minimum setback requirements.
- j. Fencing: When deemed applicable by the Town, appropriate safety fencing shall be incorporated within the site accommodating the tower and its accessory equipment structures.
- k. Obsolete or Unused Towers: All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within twelve (12) months of the

cessation of operations unless a time extension is approved by the Town Board. If the tower is not removed, it may be deemed a nuisance; the Town may act to abate such nuisance and require the removal of the tower at the property owner's expense. After the facilities are removed, the site shall be restored to its original or an improved state.

**3. Exclusive Process:** Notwithstanding regulations in any other section of this chapter regarding the issuance of conditional use permits generally, the issuance of conditional use permits for mobile service support structures and facilities and class 1 collocations shall be governed exclusively by this section.

**G. Class 2 Collocation – Application Process:**

1. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.
2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - a. The name and business address of, and the contact information for, the applicant.
  - b. The location of the proposed or affected support structure.
  - c. The location of the proposed mobile service facility.
3. A class 2 collocation is subject to the same requirements for the issuance of a building permit as any other type of commercial development or land use development.
4. If an applicant submits to the town an application for a permit to engage in an activity described herein, which contains all of the information required under this section, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
5. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
  - a. Make a final decision whether to approve or disapprove the application
  - b. Notify the applicant, in writing, of its final decision.
  - c. If the application is approved, issue the applicant the relevant permit.
  - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The fee for the permit is \$150.

**H. Siting and Construction of any New Mobile Service Support Structure and facilities and Class 1 Collocation – Application Process:**

1. A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities and for class 1 collocation.
2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected support structure.

- c. The location of the proposed mobile service facility or class 1 collocation.
  - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- 3.** If an applicant submits to the town an application for a permit to engage in an activity described herein, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- 4.** Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:
- a. Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in sec. 66.0404 Wis. Stats., this chapter.
  - b. Make a final decision whether to approve or disapprove the application.
  - c. Notify the applicant, in writing, of its final decision.
  - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- 5.** The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described earlier herein.
- 6.** If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this section, that setback does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

7. The fee for the permit is \$1,500. If additional engineering support is required to complete a review of an application, an additional fee may be required (not to exceed \$3,000 total per s. 66.0404(4)(d)).

**I. Penalty Provisions:** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture of not less than \$200 nor more than \$2,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this section. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

**J. Conflict of Laws:** If any provision of this section and/or if any condition imposed pursuant to sub. F. herein is in conflict with sec. 66.0404 Wis. Stats., it is hereby intended that the town-imposed provision or condition be automatically withdrawn and not enforced.

**K. Severability:** If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

## SECTION 6 - PLAN COMMISSION

### A. Membership:

1. A Plan Commission is hereby established. The Plan Commission shall consist of a Town Supervisor and 4 citizen members appointed by the Town Chairperson subject to confirmation by the Town Board for 3 year terms. The Zoning Administrator shall be an ex officio member. Members shall reside in the Town of Big Flats for at least 1 year prior to appointment. The Town Clerk shall serve as Clerk for the Plan Commission. The Town Chairperson shall appoint the presiding officer of the Plan Commission.

### B. Powers and Duties:

1. The Plan Commission shall have the following powers and duties:
  - a. The following matters shall be referred to the Plan Commission by the Town Board for its consideration and report before final action is taken by the Town Board.
  - b. Proposed changes in zoning district boundaries.
  - c. Proposed amendments to this Ordinance.
  - d. Proposed subdivisions.
  - e. Such other matters referred to the Plan Commission by the Town Board.
  - f. Plan Commission members may view any property in question before a hearing is held on the matter.
  - g. The duties and functions set forth in Sec. 62.23 (2), (4) and (5) Wis. Stats.

In the event the Plan Commission does not make its report to the Town Board within 30 days, or such longer period stipulated by the Town Board, the Town board may take final action without such report.

2. The Plan Commission shall act upon applications for conditional uses pursuant to Sec. 4E, 1 of this Ordinance.

### C. Compensation:

1. Compensation for Plan Commission members shall be set by the Town Board by resolution.

**D. Fees:**

1. Fees will be set by the Town Board by resolution.

**SECTION 7 - BOARD OF APPEALS****A. Membership:**

1. A Board of Appeals is hereby established. The Board shall consist of 5 members, appointed by the Town Chairperson subject to Town Board approval, for 3 year terms, except that of those first appointed, one shall serve for a term of one year, two for a term of 2 years, and 2 for a term of 3 years. The Town Chairperson, subject to Town Board approval, shall appoint first and second alternate members for a term of 3 years who shall act with full power only when a member(s) of the Board of Appeals refuses to vote because of interest or is absent. Vacancies shall be filled by the Town Board for the unexpired terms of members whose terms become vacant. Members of the Board of Appeals shall be residents of the Town of Big Flats for at least one year prior to their appointments. The Town Chairperson shall designate one of the members as the Board of Appeals Chairperson.

**B. Procedure:**

1. The Board of Appeals shall adopt a set of written rules for its government and procedure which shall be filed with the Town Clerk. Meetings of the Board shall be held at the call of its Chairperson and at such other times as the Board may determine, except that the Board shall meet within one month after their appointments to adopt written rules, and further shall compile their report for the Town Board. The Chairperson, or in his absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

2. The Board shall keep written minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record. The Town Clerk shall serve as Clerk for the Board.

**C. Appeals:**

Appeals to the Board may be taken by any persons aggrieved or by any officer or department of the Town of Big Flats affected by any decision of the Zoning Administrator by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time.

**D. Powers and Duties:**

The Board of Appeals shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official.

2. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions peculiar to a specific property, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. In every case where a variance from these regulations has been granted by the board, the written minutes of the Board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal application of the regulations of this Ordinance.

3. The Board may reverse or affirm, wholly or in part, or may modify any order, requirements, decision or determination appealed from and shall make such order, requirement decision or determination as in its opinion ought to be made in the premises and to that end shall have all the

powers of the Zoning Administrator.

**E. Compensation:**

1. The compensation of members of the Board of Appeals shall be set by the Town Board by resolution.

## **SECTION 8 - ZONING ADMINISTRATOR**

**A. Office Created:** There is hereby created the office of Zoning Administrator who shall be appointed by the Town Board and shall hold office at the pleasure of the Town Board.

**B. Powers and Duties:** The Zoning Administrator shall have the following powers and duties:

a. To review applications for land use permits, inspect the premises and to grant such permits which comply with this Ordinance.

b. To periodically inspect the Town to ascertain that all land uses and changes in land use comply with this Ordinance.

c. To enforce all the provisions of this Ordinance and related ordinances.

d. To forward, at least monthly to the Town Treasurer, all fees collected.

**C. Compensation:**

Compensation of the Zoning Administrator shall be determined by the Town Board.

## **SECTION 9 - CHANGES AND AMENDMENTS**

**A. Changes and Amendments:**

1. The Town Board may from time to time, on its own motion or on petition, amend the district boundaries or the regulations herein. The Town Board shall forward all proposed amendments to the Plan Commission for review and recommendation. The Town Board or, at the direction of the Town Board, the Plan Commission shall conduct a public hearing on the proposed amendment. Such notice shall contain the street names and house or lot number to which the proposed amendment applies for purposes of identification.

2. Notice of the public hearing on the proposed amendment shall be given by publication of a class 2 notice and further by ordinary mail at least 10 days before the date of the hearing to the owner(s) of all properties lying within 300 feet of the property for which the amendment is proposed at the address listed for them on the tax roll. Inadvertent omission of such notice shall not affect the enforceability of the action taken.

## **SECTION 10 - ENFORCEMENT**

**A. Enforcement, Violations and Penalties:**

1. Any building or structure hereafter erected or moved or any use hereafter established in violation of any provision of this Ordinance shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the Town Board, who may bring action in the name of the Town to enjoin the erection of moving of such building or the establishment or such use as to cause such building, structure or use to be vacated or removed.

2. First Offense Penalty: Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, may be issued a citation for such violation and shall be required, upon conviction, to forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred (\$500.00) for each offense, plus applicable surcharges, assessments and costs for each violation. Each day that a violation continues to exist shall constitute a separate offense.

3. Second and Subsequent Offenses Penalty: Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, may be issued a citation for such violation and shall be required, upon conviction, to forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand (\$1,000) *together* with all applicable surcharges, assessments and costs for each violation. Each day that a violation continues to exist shall constitute a separate offense.

4. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. The Town may bring an action in the Circuit Court for Adams County, WI for the abatement of the offense and an injunction prohibiting continued and/or future use of the premise, property, etc. in a manner, which would violate the requirements of the Ordinance.

This Ordinance shall be in force the day after its approval by the Adams County Board and shall supplement all previous Ordinances of the Township of Big Flats.

Amended on the 8th day of March 2022 (see attached Exhibit A).

Big Flats Town Board

\_\_\_\_\_ Mark Reed, Chairman

\_\_\_\_\_ Dale Kipfer, Supervisor I

\_\_\_\_\_ Mike Clark, Supervisor II

\_\_\_\_\_ Mary O'Neil, Town Clerk

Date of Public Hearing: April 10, 2013

Date of Adoption: April 15, 2013

Date of Adams County Initial Approval: April 16, 2013

Date of enforcement: April 24, 2013

Date of amendment: August 5, 2014

Date of amendment: April 11, 2017

Date of amendment: March 12, 2019

Date of amendment: March 8, 2022

Date of Adams County Latest Approval: Pending

## EXHIBIT A

**Town of Big Flats Plan Commission  
Amendment to Land Use and Zoning Ordinance  
And Land Division Ordinance  
Tuesday, March 8, 2022, 6:00 pm  
Big Flats Town Hall  
1104 County Rd. C, Arkdale, WI 54613**

### SECTION 2 - DEFINITIONS

**Camping Unit:** Any portable device or vehicle no more than four hundred (400) square feet in area, having an overall length of 45 feet or less, and a body width of eight feet six inches or less, primarily designed as temporary living quarters for recreational, camping or travel use, including but not limited to a recreational vehicle, travel trailer, motor home, bus, van, truck camper, and popup-type camping trailer.

**Tent:** A structure, enclosure, or shelter with partial or complete sidewalls or drops, constructed of fabric or pliable material supported by any manner except air, used for temporary recreational purposes and limited to the camping season period.

**Manufactured Home:** A structure that is designed to be used as a dwelling that is certified by the Federal Department of Housing and Urban Development (HUD) and complying with the standards and meaning set forth in Wis. Stat. 101.91(2).

### SECTION 3 - ZONING DISTRICTS AND DISTRICT MAPS

Raising maximum "Accessory" building heights to 20 feet in residential districts (R-1 and R-2) and 25 feet in recreation/forestry district (F-1).

c. **Accessory Uses and Structures:** Accessory buildings, structures and uses shall be compatible with the principal uses, and one (1) accessory building, with a maximum size of 700 sq. ft. may be established prior to the principal use. In all residential districts, the principal use shall be a dwelling or mobile/manufactured home. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

### SECTION 4 - GENERAL REGULATIONS

#### G. Recreational Vehicles and Camping Units in the Town of Big Flats:

##### 3. Service Hook-Up:

All camping units that remain on a property for more than 7 days per calendar month (except in a licensed campground) must satisfy one of the following requirements of items a or b "(as required by Adams County Sanitary Ordinance"):

- a. Be connected through quick disconnect fittings, to a legal Private On -Site Wastewater Treatment System (Septic System) sized for a minimum of 2 bedrooms; or
- b. Be connected through quick disconnect fittings, to a State of Wisconsin approved RV Transfer Container, with a minimum capacity of 300 gallons, upon issuance of a permit by the Adams County Zoning Department. (All RVs and Camping Units shall meet the minimum standards by Adams County Section 294-4 (F)(3).
- c. No sewage shall be permitted or be deposited into an unpermitted container, upon the ground or into lakes, rivers, ponds, streams or wetlands.
- d. All septic systems, holding tanks or auxiliary vessels (transfer containers) on the parcel shall have a sanitary permit issued by Adams County Zoning.
- e. Independent Camping Units may be hooked up temporarily to electric by way of manufacturer supplied cord to a disconnect box.

**N. Penalty and Fees:** All fees under this Ordinance shall be set by resolution by the Town Board. The permit fee shall be doubled if construction is commenced prior to the issuance of the permit. Any person, partnership, corporation or other legal entity that fails to comply with provisions of this Section, shall, upon conviction of such violation, be subject to a penalty pursuant to Section 10 of this Ordinance. Each violation and each day a violation continues or occurs shall constitute a separate offense.

#### Land Division Ordinance Section 12 Exemptions:

- c. The sale or exchange of parcels of land between owners of adjoining property if additional buildable lots are not thereby created and the lots resulting are not reduced below the minimum size and proportions required by this chapter or other applicable laws or ordinances.




**RESOLUTION**

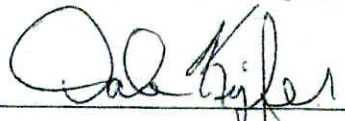
At a regularly scheduled meeting of the Big Flats Plan Commission held on Feb. 16, 2022, on a motion by Wendy Goerke, seconded by Michael Clark and adopted by a vote of 4 to 0;

WHEREAS, the Town of Big Flats Plan Commission recommended Town Board approval of amendments (with discussed and agreed upon adjustments) to the Town of Big Flats Land Use and Zoning Ordinance and the Town of Big Flats Land Division Ordinance;

NOW, THEREFORE, BE IT RESOLVED THAT: The Town of Big Flats Plan Commission hereby supports approval these amendments to the Big Flats Town Board for the Land Use and Zoning Ordinance and the Town of Big Flats Land Division Ordinance;

ADOPTED this 8th day of March, 2022

  
\_\_\_\_\_  
Mark Reed, Town of Big Flats Board Chair

  
\_\_\_\_\_  
Dale Kipfer, Town Supervisor I

  
\_\_\_\_\_  
Mike Clark, Town Supervisor II

  
\_\_\_\_\_  
Attest: Mary O'Neil, Town Clerk