



2445 S. Afton Rd.  
Beloit, WI 53511  
608.364.2980 Phone  
608.364.2986 Fax  
[www.townofbeloit.org](http://www.townofbeloit.org)

November 1, 2023

MEMORANDUM

TO: Town of Beloit Plan Commission  
FROM: Tim Kienbaum, Community Development Director  
RE: Zoning Ordinance Update

We are proposing the following substantive changes to the zoning ordinance, along with a number of minor grammatical, spelling and reference updates. A comprehensive draft will be provided at the meeting for discussion. I recommend that a public hearing be scheduled for the December Plan Commission meeting to approve the recommended changes to the Town Board for adoption.

**10.01 (1)** – Update Reference(s)

**10.01(2)** – Wording correction

**10.03 (3)(c)** – Wording correction

**10.03 (5)(a)** – Use Regulations

Should this be permitted uses rather than primary uses since that's how they are described in district descriptions?

**10.03 (6)(e)** – Accessory Buildings and Structures

Do we want to allow accessory structures closer than 10' to principal structures if they have fire protective construction?

Do we want to allow accessory structures which are taller than principal structures?

Do we want to allow metal shipping containers to be used for storage?

**10.03 (9)** – Table 10.03(9A) needs to be labeled.

Entry for service garages should be corrected from 1 per 20 sf to 1 per 200 sf.

**10.03 (9)(e)(ii)** – refers to a parking dimension table that does not exist

**10.03 (14)** – Buffering requirements for swimming pools

**10.03 (15)** – Specify minimum sizes for required landscape trees?

**10.05 (2)(j)** - Livestock housing setback

100' setback required – consider smaller setback with limited number of animals?

**10.05 (2)(l) – Home occupations**

Should this be moved to a separate section rather than buried in A-2 zoning section?

**10.06 (1) – Eliminate R-R zoning?**

See comparison chart

**10.06 – CBRF wording**

**10.06 (6)(l) – PUD max density**

**10.11 – Update of Site Plan / Plan of Operations requirements**

CHAPTER X

**TOWN OF BELOIT**  
**ZONING CODE**



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#### 10.01 INTRODUCTION.

1. Authority. This Zoning Code is enacted and adopted pursuant to the provisions of s. 60.74, 60.75, 61.35, and 62.23, Wis. Stats.
2. Purpose. The purpose of this Zoning Code is to establish minimum requirements designed and adopted to promote the health, safety, comfort, prosperity and general welfare of the citizens of the Town of Beloit. Such provisions are intended to provide for adequate light, air, sanitation, drainage, convenience of access, conservation, and safety from fire and other dangers; to aid in the safety and efficiency of the public streets and highways; to aid in ~~conserving and~~ stabilizing, ~~stabilize and promote and improve~~ improving property values of the community; to preserve and promote the general attractiveness and character of the community; to guide the proper distribution and location of population and of the various land uses; and to otherwise provide for the health and prosperous growth of the community.

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#### 10.02 CONFORMANCE REQUIREMENTS.

1. Types of Development. All development within the Town of Beloit, except as hereinafter specified, shall be undertaken in accordance with the terms of this ordinance and only after a Zoning Permit or other development permit is issued:
  - a. General Development. Development for which a permit will be granted shall comply with the terms of this ordinance.
  - b. Conditional Development. Development for which a Zoning Permit or other development permit will be granted only after exercise of discretion in accordance with the criteria of this ordinance.
  - c. Exempt Development. Development that is exempt from the regulations of this ordinance, as defined under the term Development.
2. Development Defined. Except where the context otherwise requires, and in the absence of a more limiting provision in this ordinance, development means the performance of any building or mining operation, or the making of any material change in the use or appearance of any structure or land. The following activities or uses shall be taken to involve development unless expressly excluded by this ordinance:
  - a. A change in type of use of a structure or land, or a change from one use group to a use in another group so designated in this ordinance.
  - b. A reconstruction, or alteration of the size, or material change in the external appearance, of a structure or land.
  - c. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
  - d. Commencement of mining or excavation on a parcel of land.

- e. Demolition or moving of a structure or removal of trees required by this ordinance or by the subdivision regulations of the Town.
- f. Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.
- g. In connection with the use of land, the making of any material change in noise levels, thermal conditions, emissions of waste material, or another objectionable element.
- h. Commencement or change in the location of street graphics or use of land, and the commencement or change in location of advertising on the external part of a structure.
- i. Alteration of a shore, bank, or flood plain of a stream, lake, pond, or artificial body of water.
- j. Re-establishment of a nonconforming or conditional use that has not been utilized for one year.
- k. Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this ordinance granting the development permission under which the development was commenced or is continued.
- l. Earth fill or other filling activities for raising the elevation of a lot or site for the purposes of future development.

3. Exempt Activities. The following operations or uses do not constitute development for the purposes of this ordinance:

- a. The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way.
- b. Work by any utility not involving substantial engineering redesign for inspection, repair, renewal, or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
- c. Basic maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior color of the structure or decoration of the exterior of the structure (but does not otherwise materially affect the external appearance of the structure).
- d. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
- e. The use of any land for growing plants, crops, trees, and other agricultural or forestry products or for other agricultural purposes except the growing or storage of livestock.
- f. A change in use of land or structure from a use within a use group specified in this ordinance to another use in the same group.
- g. Official public information street graphics installed by or at the direction of the Town, Rock County, or the State of Wisconsin.

#### 10.03 GENERAL PROVISIONS.

- 1. Introduction. The proper regulation of the use of certain structures, lands, and waters, only through the use of zoning districts contained within this Zoning Code, is neither feasible nor adequate. Therefore, the following regulations, which shall be applicable in addition to the district regulations, are necessary to accomplish the purpose of this Zoning Code.

2. Site Regulations.

- a. Building Must Be on a Lot. Every building hereafter erected, structurally altered, or relocated shall be located on a lot as defined herein, and in no case, except in Planned Unit Developments, Condominium Developments, Multifamily Developments and Industrial Districts, shall there be more than one principal building on a lot. In residential and agricultural districts, any building used for human habitation shall constitute the principal building. Multiple outbuildings with a farming use are permitted within Agricultural Districts. Where multiple principal structures are permitted, development can occur only if it would not be contrary to the purpose of the ordinance and provided that sufficient lot area is provided and the buildings so located as to individually meet the setback, lot size, and open space requirements of the district in which it is located. No accessory building shall be constructed or occupied until the principal building is under construction or completed.
- b. Building on a Private Street or Way. Upon the recommendation of the Planning Commission and subject to the approval of the Town Board, a building may be permitted on a tract of land that does not abut on a public street or officially approved way, provided such tract of land is at least three (3) acres in area, has access by permanent dedication at least sixty six feet (66') wide to a public street or way, does not conflict with plans for the future development of streets in the area, or is within a Planned Unit Development approved pursuant to Section 10.14 of this code. The duty to maintain access to such tract of land shall be the responsibility of the owner of such land and not the Town of Beloit.
- c. No Undesirable Objects or Structures. No building shall be erected, structurally altered, or relocated, and no lumber, materials, furniture, or other equipment shall be stacked, piled, or stored in a manner that adversely affects the property values and general desirability of the neighborhood. A vehicle that has been abandoned, disassembled, is disabled, junked, or wrecked shall not be stored anywhere on any premises except in an authorized salvage yard or unless it is completely enclosed in a building.
- d. Building Grade. Every building hereafter erected, structurally altered, or relocated, shall be in satisfactory relationship with the established street grades, or with the existing street grade where one is established, with consideration for proper drainage and safe vehicular access.
- e. Grading and Preservation of Topography. To protect property owners from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made that would result in increasing any portion of the slope to a ratio greater than three horizontals to one vertical or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. Any excavation or removal or relocation of material in excess of one hundred (100) cubic yards must be approved by the Town Board.

3. Drainage Regulations.

- a. Adequate Drainage Required. No principal building shall be erected, structurally altered, or relocated on land that is not adequately drained at all times, nor which is subject to



periodic flooding, nor so that the lowest floor level, including any basement floor, is less than one (1) foot above the highest anticipated seasonal ground water level.

- b. Obstruction to Drainage Prohibited. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the Town Board, and, where applicable, the Department of Natural Resources (DNR) pursuant to Chapter 30, Wis. Stats.
- c. Building Restricted Adjacent to Drainage Channels or Watercourses. No building other than a bridge, dam, boathouse, or revetment subject to the aforesaid approval, shall be erected, structurally altered, or relocated within ~~seventy-five~~ seventy-five feet (75') of the average annual high water line of such surface water drainage channel, lake, or natural water course, nor so that the lowest floor of said building is less than three feet (3') above the ordinary high water line.

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4. Sanitation and Water Supply Regulations.

- a. Safe Sewage Disposal Possible. No principal building shall be erected, structurally altered, or relocated unless it has been certified by the Building Inspector as conforming to all Town and County Ordinances, and other governmental laws or regulations applicable to sewage disposal systems, and that satisfactory evidence has been submitted to show that suitable provisions of disposal of sewage, based on the proposed use, is possible on said lot if it is not served by an approved municipal or other state approved sewage disposal system.
- b. Approved Septic System. No principal building shall be erected, structurally altered, or relocated unless a sewer is installed running to a septic tank designed and located in accordance with the Town Ordinances and other governmental laws or regulations applicable to sewage disposal systems, or to an approved municipal or state approved sewage disposal system.
- c. Outhouse Prohibited. No outhouse or privy shall be hereafter erected anywhere within the Town.
- d. Water Supply Required. A well or connection to an approved public water system shall be provided for each lot or parcel used for residential purposes.

5. Use Regulations.

- a. Principal/Permitted Uses. Principal/Permitted Uses shall be limited to those uses specified for each district. If a use is not specifically mentioned or provided for in this Code, an application shall be made to the Town for an amendment to this Zoning Code permitting such use in the district or districts specified in the application.
- b. Conditional Uses. Conditional Uses shall be permitted in specified districts after review by the Planning Commission in public hearing, and approval by the Town Board.
- c. Accessory Structures. Accessory Structures are permitted in any district but not until a principal structure is present or under construction on the same land parcel. Structures accessory to Residential Districts shall not involve conduct of any business, trade, or industry except for home occupations as herein defined.

d. Temporary Uses. Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of permanent structure, may be permitted by the Planning Commission.

e. Accessory Uses. Accessory Uses are uses which are permitted additional uses in each zoning district but may or may not be directly involved with a structure.

6. Building Location.

a. Building in Setbacks. No building or structure of any kind shall be constructed, erected, or moved into the space within the minimum required setback areas, except signs in the Agricultural district not over eight (8) square feet in area advertising the sale of farm products grown on the premises, temporary structures in the Commercial District, and open fences through which there shall be clear vision.

b. Side Yard Setbacks. A side yard setback shall be established on each side of a building or structure.

c. Public Utilities. Telephone, telecommunications, and power transmission lines may be constructed within the setback lines.

d. Setbacks along Major Streets.

i. All United States, federal aid, state trunk, town highways laid out pursuant to Chapter 82, Wis. Stats., or otherwise, and any other road or street so designated by resolution of the Town Board are hereby designated as Major Streets.

ii. For Major Streets, setback lines located parallel to and one hundred feet (100') distant from the centerline of the highway are hereby established.

iii. In no case shall the setback line on any Major Street be less than fifty feet (50') from the right-of-way line or property line and in all cases the setback shall be no less than that which may be required by the setback line shown on any recorded plat, or by restrictions filed with any recorded plat or deed, or as may be required by other portions of this Code or as may be designated by resolution of the Town Board.

iv. On corner lots, the required minimum front yard setback shall apply to any lot line adjoining a public street right-of-way.

v. Where fifty percent (50%) or more of the parcels on a block face is occupied with buildings having an average setback line of less than required by the district requirements, no building hereafter erected or structurally altered shall be constructed with less than the average setback line so established.

vi. Setback lines, unless otherwise described, shall be parallel to the centerline of the highway at the distance hereinafter specified for each highway.

vii. The provisions of this section as they affect temporary structures shall not apply to the area within the setback lines established across the sectors at the Intersections of highways or highways and railroads.

viii. Front yard setback lines clearly established and depicted on an original plat map, except for lots covered under (d)(i) and (d)(ii) of this Section, may be used to determine front yard setbacks.

e. Accessory Building Location and Structures.

— No detached accessory building shall be erected, structurally altered, or placed on a lot so that any roofed or enclosed portion thereof is closer than ten feet (10')

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to the principal building on said lot without including fire resistant construction.

Detached accessory buildings shall be located in the side or rear yards only.

iii. The aggregate total floor area of any accessory building or buildings used for residential or business purpose, shall conform to the maximum cumulative square feet of accessory use in each category. An attached garage may be converted into residential living space, provided that the property owner simultaneously constructs a garage that shall meet the minimum requirements set forth in this ordinance.

iv. The roof ridge of a detached accessory building may not be higher than roof ridge of the principal building.

v. Detached accessory buildings one hundred twenty (120) square feet or less shall not be nearer than three feet (3') to any lot line. Detached accessory buildings with a floor area greater than one hundred twenty (120) square feet shall be required to conform to the setbacks listed in each category, except the rear yard setback, which shall be ten feet (10') to the rear lot line.

vi. In instances where the vehicle entrance to a garage faces an alley or rear street, the garage shall have a minimum twenty foot (20') setback from the property line.

vii. In residential districts, accessory buildings shall be constructed using standard frame methods. Foundations for structures larger than 160 SF shall be poured concrete. Roofing material shall match the existing principal structure or be made of asphalt shingles or other material approved by the Zoning Administrator/Planner. Exterior siding shall match the principal structure or be of residential grade and a color which closely matches the principal structure. Temporary structures made of canvas; woven material or plastic exteriors are not permitted.

f. Highway Visibility Preserved. No structures, fencing, hedges, or shrubbery shall be constructed, planted, or exist within the right-of-way line of any public street or highway.

g. Maintenance and Use of Front and Side Yard Setback Areas. Any such required front or side yard setback area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage, sale, or display of equipment, products, vehicles, or other material.

## 7. Height Regulations.

a. Maximum Height Restricted. In any district, no building or structure shall be hereafter erected or structurally altered to a height in excess of that hereinafter specified by the regulations for that district.

b. Exceptions. The following shall be excepted from the height regulations of all districts:

- i. Chimneys and flues.
- ii. Accessory farm buildings, but not to exceed sixty feet (60') in height, except silos.
- iii. Subject to the approval of the Town Board: Cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts, aërials, and necessary mechanical appurtenances.

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8. Area Regulations.

a. Lot Size.

- i. No building shall be erected on a lot of less area or of minimum average width than hereinafter specified by the regulations of the district in which such building is located, except for buildings on non-conforming lots existing on the effective date of this Code.
- ii. A lot shall be at least as wide as the specified minimum average width for a distance of at least one-half the length of the lot.
- iii. No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing side yards, setbacks or lot area would be reduced below that required by the regulations for the district in which such lot is located:
- iv. In addition to regulations enumerated in districts and elsewhere in this ordinance, the size of each lot shall comply with all other Town Ordinances, laws and regulations or amendments thereof applicable to sewage disposal systems and/or septic systems.
- v. Lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street line than at the rear lot line. The creation of "Flag" lots shall be discouraged.

b. Minimum Residential Building Areas.

- i. Width and Depth. No principal residential building less than twenty four feet (24') in width and twenty four feet (24') in depth, except for manufactured homes or mobile homes in the R-5 Mobile/Manufactured Home Park District.
- ii. Floor Areas. Any building intended in whole or part for residential purposes shall provide a minimum floor area as specified by the regulations for the district in which such building is located. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total, which must be provided on the first-floor level.
- iii. Measuring Floor Area. Floor area shall be measured at each level from the outside edge of wall to outside edge of wall and for purposes of computing total minimum floor area shall not include attached or detached garages, other outbuildings, open porches, or basements. Exposed basements and the second floor of one and one-half and two-story residences may be included in computing total minimum floor area according to the following schedule:
  - A. That portion of the exposed basement of an exposed basement residence which has been designed as an integral part of the living area of the home, may be included in computing total minimum floor area when at least one side is exposed and access has been provided to the outside of grade level by means of at least one door.
  - B. That portion of the second floor of one and one-half (1-½) and two (2) story buildings which has a minimum distance between the ceiling face and the top of the first-floor ceiling joist of seven and one half feet (7-1/2) feet may be included in computing the total minimum floor area

- provided there is a permanent stairway leading from the first floor to the second floor.
- C. In a split-level building, the first-floor level shall include all area that is not over another living area of the building.
- c. Lot Width. Minimum lot width shall be measured from the building setback line, except for irregular shaped lots. Building location on such lots shall be determined by the Zoning Administrator/Planner.
- d. Open Space.
- No building shall be erected, structurally altered, or placed on a lot to reduce the usable open area of such lot to less than that specified by the regulations for that district.
  - To be considered usable, such open area shall be readily accessible and of a size and shape that can be reasonably considered to provide for the amenities and necessities of light, air, play space, drying yard, garden, etc. crop, pasture and wooded land may be included in computing such open area.
- e. Density Calculations. In multifamily zoning districts the number of dwelling units allowed is calculated by using the total area of the lot excluding all public right-of-way.
9. Parking and Loading Requirements. All parking and loading space need generated by development shall be accommodated off-street as specified in this ordinance. Such parking spaces shall not be less in number than the parking and loading space requirements of Table 10.03(9A) and all required parking shall be maintained for the life of the use.
- a. Definitions.
- Parking Space. A durable, hard-surfaced area adequate for parking a motor vehicle with room for opening doors on both sides, together with a clear, properly related access to a public street or alley, and maneuvering room which shall be located totally outside of any street or alley right-of-way.
  - Loading Space. A dust-free and durable, hard-surfaced area of adequate size for the delivery vehicles expected to be used, logically and conveniently located for bulk pickup and delivery, readily accessible when required parking spaces are filled, which shall be located totally outside of any street or alley right-of-way.
- b. Interpretation.
- Interpretation by Zoning Administrator/Planner. Parking spaces for other permitted or conditional uses not listed in this section shall be determined by the Administrator/Planner based on the requirements for comparable uses. The Zoning Administrator/Planner has the authority to recommend reduced parking requirements for any use subject to Plan Commission approval.
  - Fractional Numbers. Fractional numbers shall be increased to the next whole number.
  - Preexisting Parking and Loading Spaces. Parking and loading spaces that were in existence on the effective date of this chapter or were provided voluntarily after such date shall not hereafter be reduced in number except to conform to the requirements herein.
  - Use Exclusively for Parking and Loading. Parking and loading spaces shall be used solely for the intended use and not for the storage of goods, or of vehicles that are inoperable, for lease, rent, or sale except for the sale of a vehicle at an owner's

home.

- v. Temporary Waivers. The Zoning Administrator/Planner may temporarily suspend parking requirements for major unused portions of buildings for periods of one year, renewable for periods of one year.
  - vi. Proximity. Parking and loading spaces generated by development shall be located on the same parcel as the use that they are intended to serve.
- c. Collective Usage.
- i. Mixed Occupancies. In the case of two (2) or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as approved specifically by the Zoning Administrator/Planner for joint but alternative uses.
  - ii. Joint but Alternate Use. The Zoning Administrator/Planner may authorize the joint use of parking facilities under the following conditions:

TABLE 10.03(9A)		Spaces	
USE	Required	Per Unit Measurement	
<b>Residential Uses</b>			
Guest, Boarding or lodging house	1.0	Dwelling and lodging unit	
Dwellings, 1 & 2 family	2.0	Dwelling unit under 1,200 sf	
Dwellings, multifamily (except elderly)	2.0	Dwelling unit	
Dwellings, multifamily that are specifically designed & occupied by persons 55 years of age or older	0.8	Dwelling unit	
Motels, hotels	1.0+1.0	Sleeping unit, plus one per employee on largest shift	
Community Living Arrangements (CBRF's)	1.0	Per adult resident	
<b>Educational, Cultural and Institutional</b>			
Auditoriums, churches, temples & other places of assembly	1.0	Per every 4-seats	
Elementary & Middle Schools, nursery schools, care and rehabilitation centers	1.0	Per employee	
Convalescence or nursing homes	1.0+1.5	3 beds plus 1.5 for every 2 employees of the largest shift	
Hospitals	1.5	Per bed	
Senior High Schools	1.0+1.0	Each employee plus 1.0 for every 5 students	
Public libraries, art galleries, museums, etc.	1.0	300 sf of net floor area	
<b>Commercial &amp; Industrial</b>			
Bowling Alley	4.0	Per alley	
Funeral home	1.0	Four seats	
Offices, banks & public administration	1.0	300 sf of net floor area	
Service garages	1.0	200 sf gross floor area, or	
	1.0	Each 4 patron seats, or	
	3.0	Per employee of largest work shift	



Automobile or machinery sales	1.0	800 sf of net floor area
Medical clinics and service establishments	1.0	200 sf of net floor area
Furniture and appliance stores	1.0	600 sf of net floor area
Restaurants, night clubs, dubs	1.0	Four seats
Retail stores	1.0	200 sf of net floor area
Shopping centers over 45,000 sf	5.0	1,000 sf of net floor area
All other commercial	1.0	300 sf of net floor area
Industrial, warehouse, utilities	1.0	2 employees of the 2 largest shifts combined or 1,200 sf of net floor area, whichever is greater

- iii. Up to fifty percent (50%) of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.
- iv. Up to fifty percent (50%) of the parking facilities of nighttime uses may be supplied by the off-street parking facilities of daytime uses.
- v. Up to one hundred percent (100%) of the parking facilities of a church or auditorium incidental to a school may be supplied by the off-street parking facilities of daytime uses.
- vi. For the purposes of this section, daytime uses are defined as offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale, or similar primarily daytime uses; and nighttime uses are defined as auditoriums incidental to schools, churches, bowling alleys, dance halls, theaters, bars or restaurants, motels, or similar primarily nighttime or Sunday uses.
- vii. Those areas in front of garage doors shall not be counted when computing the minimum number parking spaces under Table 10.03(9A).
- d. Conditions Required for Joint Use.
  - i. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within five hundred feet (500') of such parking facilities.
  - ii. The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
  - iii. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the Town Attorney shall be filed with the Zoning Administrator/Planner. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance.
- e. Design.
  - i. Site Plan. Any application for a Zoning Permit shall include a site plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this ordinance, excluding required parking of four (4) spaces or less. The site plan shall be approved by the Zoning

Administrator/Planner and/or the Plan Commission pursuant to Section 10.11 of this Code.

- ii. Size. Parking and loading spaces shall be of adequate size and shape to accommodate the required number of vehicles. Except when modified by the Zoning Administrator/Planner, parking spaces shall meet the dimensional requirements as established in Table 10.03(9A). Loading spaces shall be a minimum of two hundred fifty (250) square feet in area exclusive of access. Loading spaces to accommodate tractors and trailers shall be a minimum of six hundred fifty (650) square feet in area, exclusive of access.
  - iii. Surfacing and Drainage. Parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area. The method of discharge of such water to public facilities shall be subject to approval of the Town Engineer. All required parking and loading spaces and access drives shall be paved with concrete or bituminous pavement.
  - iv. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be directed away from residential properties in such a way as not to create a nuisance to either residential properties or oncoming vehicles.
  - v. Landscaping. Parking areas with ten (10) or more spaces shall have at least ten percent (10%) of the total parking area within or adjacent to the parking area landscaped. Parking areas with one hundred (100) or more spaces shall have at least twenty five percent (25%) of the required ten percent (10%) to be landscaped islands located in the interior of the lot. No landscape island shall be less than one hundred (100) square feet. When landscaping is required, as set forth above, then an average of at least one (1) tree shall be planted for every ten (10) parking spaces within the parking area.
  - vi. Setback from Residential Lots. No off-street parking area containing more than four (4) parking spaces shall be located closer than fifteen feet (15') from an adjacent lot zoned for residential purposes.
  - vii. Driveways. All driveways shall be set back three feet (3') from lot lines, except for common driveways. All driveways within the Town, except for properties zoned A-1 and A-2 Agricultural, shall have driveways paved with concrete, bituminous pavement or other hard and dust free surface as may be approved by the Zoning Administrator/Planner. Existing driveways shall be exempt from this ordinance unless specifically required by the Town Plan Commission.
  - viii. Handicap Parking Facilities. Handicap parking facilities shall be provided in accordance with the requirements established in the Americans with Disabilities Act (ADA).
- f. Parking Requirement Exceptions.
- i. Elderly Housing Developments. The Town Board may grant exceptions, through the issuance of a conditional use permit (Refer to Section 10.12), to the off-street parking requirements for certain elderly housing developments within the R-3E Elderly Housing District where the developer can successfully demonstrate that automobile ownership will be sufficiently low so that the required number of stalls would be unnecessary. In no instance may the number of stalls be reduced to less than 0.5 per dwelling unit.

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- ii. Off-Site Parking. The Town Board may grant exceptions, through the issuance of conditional use permits, whenever required parking and loading spaces cannot be located on a parcel because of development restrictions imposed by the presence of an existing principal structure that is to continue in use. Required parking may then be provided off the parcel, for permitted uses only, subject to the following requirements:

- A. If the use is residential, hotel, motel, or tourist home, the off-site spaces shall be within two hundred feet (200') of the principal entrance or the entrance for individual occupants for whom spaces are reserved.
- B. If the use is other than residential, hotel, motel, or tourist home, the farthest portion of the parking lot shall be within one thousand feet (1,000') of an entrance to the establishment.
- C. Distances indicated above shall be measured along routes generally available to the pedestrians involved.
- D. Off-site parking areas shall be held in fee simple by the same owner as the use requiring the off-street parking space, or under lease, rental, or other form of agreement satisfactory to the Planning Commission with respect to assuring continuing availability for required off-site parking for the use.

10. Reduction for Joint Use. No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimensions so as to not meet the provisions of this ordinance. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

11. Sign Regulations.

- a. Permit Required. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, redesigned or structurally altered, except as provided below, without first obtaining a permit for such sign by application to and approval of the Zoning Administrator/Planner. In addition, all signs shall meet and conform to the structural requirements of local and state building codes.
- b. Signs Permitted in All Districts Without a Sign Permit. The following signs are permitted in all zoning districts without a permit subject to the following regulations:
  - i. Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed ~~thirty-two~~thirty-two (32) square feet in display area on all sides for any one (1) farm.
  - ii. Real Estate Signs not to exceed four (4) square feet in display area that advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
  - iii. Bulletin Boards of public, charitable, or religious institutions not to exceed eight (8) square feet in display area located on the premises.
  - iv. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

- v. Official Signs such as traffic control, parking restrictions, information, and notices erected by unit of government.
- c. Temporary Signs.
  - i. Temporary signs may be authorized in any district for not more than ninety (90) days at a time by written permit, which shall show the size, shape, content, height, type of construction and location of such signs and period during which authorized upon a finding on the basis of written information furnished by the applicant that the proposed signs are necessary for the direction of the public and not contrary to the spirit and purpose of this chapter and upon payment of a fee for each permit and renewal of each sign.
  - ii. Any sign that is not fastened, anchored and resting on a permanent foundation shall be considered a portable sign and shall not be permitted on a permanent basis in any district and shall conform to the requirements of Subsection 10.03(11) (c)(i) above.
- d. Signs Permitted in All Business and Industrial Districts. The following signs are permitted in the Business and Industrial Districts with a permit and subject to the following regulations:
  - i. Wall Signs placed against the exterior walls of buildings shall not be larger than 2 square feet per linear foot of the building's front wall surface, with the maximum size not to exceed two hundred (200) square feet in display area for any one premises.
  - ii. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one (1) premises; shall not extend more than six feet (6') in any required yard; shall not be less than ten feet (10') from all lot lines; shall not exceed a height of twenty feet (20') above the mean centerline street grade; and shall not be less than ten feet (10') above a sidewalk or other pedestrian way nor fifteen feet (15') above a driveway or an alley.
  - iii. On-Premise Ground Signs limited to one sign for each individual business premises, which advertises the business names, services offered, or products sold on the premise shall not exceed twenty feet (20') in height, shall not extend beyond the property lines of the lot on which they are located and shall not exceed one hundred fifty (150) square feet in display area on any one side nor three hundred (300) square feet in display area on all sides for any one premises.
  - iv. Off-Premise Advertising Signs including billboards, shall be permitted in the B-2, B-3, I-1, and I-2 Zoning Districts provided that no off-premise advertising sign is located within one thousand feet (1,000') of any other off-premise sign on the same side of the right-of-way and no sign shall not exceed one hundred fifty (150) square feet in display area on all sides. All off-premise signs shall be located at least thirty five feet (35') from the adjacent right-of-way.
  - v. Off-Premise Directory Signs for businesses not located on arterial corridors, shall not exceed eight (8) square feet in area for individual business or sixty four (64) square feet for signs directing customers to groups of businesses, providing no one (1) directory sign panel for an individual business is larger than eight (8) square feet.

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- e. Traffic Signs. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- f. Non-Conforming Signs. Non-conforming signs shall be deemed non-conforming uses subject to the provisions of this ordinance including the following:
  - i. Maintenance of Non-Conforming Signs. Normal maintenance of non-conforming signs, including necessary nonstructural repairs and incidental alterations that do not extend or intensify the non-conforming features of the sign, are permitted during the amortization period, or timeframe in which sign permits are pending. No structural alterations or extensions shall be made unless they result in the elimination of the non-conforming feature. A change in the sign message or copy that does not violate the provisions of this ordinance shall not be prohibited.
  - ii. Alteration, Enlargement or Moving. A non-conforming sign shall not be changed or altered in any manner that would increase the degree of its non-conformity, be enlarged or expanded, be structurally altered to prolong its useful life, or moved in whole or part to a location where it would remain non-conforming.
  - iii. Damaged Non-Conforming Signs. Any non-conforming sign damaged or destroyed by any means to the extent of fifty percent (50%) or more of its current market value shall not be reconstructed but shall be brought into conformity with the provisions of this ordinance.
- g. Abandoned Signs. All signs considered to be unmaintained, obsolete, or abandoned, such as signs identifying or advertising businesses, services, or products no longer available, shall be removed within ninety (90) days of notice by the Town at owner's expense. Signs that normally employ changeable copy shall not be subject to this provision except in cases where the sign went with no copy or obsolete copy for a period exceeding six (6) months.

12. Performance Standards.

- a. Compliance. This ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards, and all applicable standards set forth by the State of Wisconsin.
- b. Air Pollution. No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718.
- c. Fire and Explosive Hazards. All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with

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adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings that have incombustible exterior walls and an automatic fire extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187 degrees F.	400,000
105 degrees F. to 187 degrees F.	200,000
Below 105 degrees F.	100,000

- d. Glare and Heat. No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- e. Water Quality Protection. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would purposely be allowed as a part of routine business operations to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall discharge any liquid, gaseous, or solid material so as to exceed or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102, Wis. Admin. Code.
- f. Noise. No activity shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency</u> <u>(Cycles per Second)</u>	<u>Sound Level</u> <u>(Decibels)</u>
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1199	46
1200 to 2399	40
2400 to 4799	34
4800 and above	32

- i. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.
- g. Odors. Except in the A-1 and A-2 Districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their

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premises. The guide for determining odor measurement and control shall be **Chapter NR 154, Wis. Admin. Code.**

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- h. **Radioactivity and Electrical Disturbances.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- i. **Vibration.** In non-industrial districts, no vibration, except during temporary construction activity, shall be permitted that is discernable without instruments beyond the property line of the source.
  - i. In the Industrial and the Resource Extraction districts there shall be no operation or activity that would cause ground transmitted vibrations in excess of the limits set forth below at the boundary of this district under any conditions, nor beyond the property line if it would adversely affect any other use within the district.

Frequency Cycles per Second	Maximum Permitted Displacement at Industrial District Boundaries (in Inches)
0 to 9	.0008
10 to 19	.0005
20 to 29	.0002
30 to 39	.0002
40 and over	.0001

- ii. Vibrations shall be further subject to applicable Federal, State, and local laws and regulations.

### 13. **Screening Requirements.**

- a. **Screening Required.** Whenever development cannot be placed in harmony with its surroundings, adequate screening shall be provided to make it so. Screening shall be an obscuring wall or fence or other method approved by the Planning Commission and Zoning Administrator/Planner as a part of the Site Plan Review (See Section 10.11).
- b. The table below indicates those conditions that are considered inherently disharmonious and adequate screening shall be provided at the side of the parcel between conflicting uses by the owner of the potential disharmonious use.

MINIMUM SCREENING REQUIREMENTS		
Use or District	Potential Disharmonious Use in Feet	Height
Residential	Commercial	6'0"
Residential	Industrial	6'0"
Residential	Commercial Parking Lot	6'0"
Residential	Loading Areas	6'0"
Residential	Utility Substation	6'0"

- c. **Wall and Fence Materials.**
  - i. **Durable Materials.** All walls and fences hereafter erected shall be durable, weather resistant, rust proof, and easily maintained.
  - ii. **Masonry Walls.** Masonry walls shall be erected on foundations that are a minimum of fifty four inches (54") below grade.

- iii. Limitation on Open Grid Metal Fences. Metallic cyclone type or other open grid fences may not be used as required screening between residential uses and nonresidential uses. Such metallic fences may not be used in front yards, except in industrial districts.
  - d. Fence Maintenance. All fences shall be kept in good condition, plumb and true, and without damage.
  - e. Berms and Planting Strips. Landscaped berms or planting strips may be substituted for obscuring walls or fences when approved by the Zoning Administrator/Planner. Landscaped berms and planting strips shall be landscaped with evergreen plants. Plant materials shall be of such size when planted as to reach the necessary screening height within three (3) years of planting. All installed berms and/or plantings shall be continually maintained throughout the time period for which they are required.
  - f. Screening Trash Areas Required. All trash and/or garbage collection areas for multifamily dwellings, businesses or commercial-sized receptacles shall be enclosed on at least three (3) sides by screening at least six feet (6') in height. Any open side shall not be visible from a street or abutting properties.
  - g. Screening Outdoor Storage. Permitted outdoor storage and outdoor storage areas in commercial and industrial districts exposed to view from any street adjacent to the property on which the storage area is located shall be screened by a six foot (6') high sight-obscuring fence, wall, or landscape berm or planting strip when approved by the Zoning Administrator/Planner. Stored materials covered by buildings with roofs only, but without any sides shall be considered outdoor storage and shall be subject to the screening provisions of this ordinance. This provision shall not apply to the display of new or used agricultural implements, motor vehicles, or water craft where such activities are an integral part of an automobile, agricultural implement, or water craft dealership or storage facility.
  - h. Exceptions. If terrain or other natural features are such that the erection of obscuring berms or planting strips, walls, or fences will not serve the intended purpose, as determined by the Plan Commission, then no such screening, fences, or wall shall be required.
14. Buffering Requirements. Certain uses and activities are inherently incompatible with other uses and activities and are hereby required to be separated as indicated below so as to reduce conflict and to maintain amenity.

MINIMUM BUFFERING DISTANCE	
Use	Minimum Permitted Distance in Feet
Quarrying operation or any stockpile exceeding 15' in height.	Minimum of 200' to any property line except a minimum of 100' to street line.
Junkyards and salvaging operations	200' to residential uses and districts and 100' to other uses
Swimming Pools	7-1/2' to property line
Air Conditioners	15' to property line independently mounted
Loading Docks	100' to an adjoining lot line of a residence or residential district



When proposed multi-family or commercial development abut existing single-family housing or zoning, the following additional setbacks will be required:

STRUCTURE	DISTANCE
Two-story commercial or multifamily structure	25' to property line abutting single-family housing
Three-story and higher commercial or multifamily structure	50' to property line abutting single-family housing

#### 15. Landscaping Requirements.

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- a. Ground Cover. Unpaved areas of the site and unpaved portions of adjacent right-of-way shall have one of the following ground covers:
  - i. Seed or sod;
  - ii. Wood chips or other permanent mulch maintained in well-tended and aesthetically pleasing manner.
- b. Plantings. The minimum number of plantings, including existing vegetation, required for every ten thousand (10,000) square feet of lot area that is proposed for new development shall be as follows:
  - i. Two (2) canopy or deciduous trees; and
  - ii. Five (5) shrubs, not less than twenty four inches (24") in height.
  - iii. Required trees shall be at least 2" diameter
- c. Maintenance. All landscaping shall be properly maintained. Any dead or diseased material shall be removed and replaced with material meeting the requirements of this section.

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#### 16. Specific Standards for Certain Land Uses.

- a. Standards for Rehabilitation Centers and Group Homes.
  - i. Distance Separation. Each Rehabilitation Center and Group Home established after the date of this chapter must be at least two thousand feet (2,000') from any other existing Rehabilitation Center or Group Home.
  - ii. Minimum Lot Size. The minimum lot size for each district shall apply, except that the minimum lot area in square feet shall be increased one thousand (1,000) square feet for each additional two (2) residents over the age of fifteen (15).
  - iii. Minimum Floor Area. The minimum floor area shall be two thousand five hundred (2,500) square feet, plus one hundred (100) square feet for each resident.
  - iv. Visual Screening. Each facility shall have a rear yard that is visually screened from adjacent residential properties.
- b. Standards for Day Care Centers.
  - i. Spacing. Group Day Care Centers providing care for nine or more children must be at least one thousand two hundred feet (1,200') from any other Group Day Care Centers. This restriction does not apply to Family Day Care Centers providing care for eight (8) or fewer children.
  - ii. Minimum Lot Size. The minimum lot size requirement for each district shall apply, except that the minimum lot area must be increased one thousand (1,000) square feet for each five (5) children or adults between the ages of 15 and 30, plus eight hundred (800) square feet for each person over 30.
  - iii. Parking. Off-street parking shall be provided for all employees.

- iv. Visual Screening. The rear yard shall be required to be visually screened to a height of six feet (6').
  - v. Owner-Resident. In the R-R, R-1, R-2, and R-3 districts, the Operator shall be an owner-resident of the facility.
  - vi. Drop-Off Area. All Group Day Care Centers, providing care for nine (9) or more children or adults, shall provide a safe off-street drop-off area.
- c. Standards for Model Homes.
- i. Office Use. Only fifteen percent (15%) of the main floor area of the model home may be used for office purposes.
  - ii. Limited Time Period. The conditional use permit, if issued, shall be limited to a maximum period of two (2) years, after which the structure must be converted to the use permitted in the district in which the same is located, with a maximum of two-family use.
  - iii. Advertising. Advertising placed on the same lot with such model home shall be limited to real estate "For Sale" signs not exceeding six (6) square feet in area.
  - iv. Hours of Operation. Daily and Sunday hours of operation, for purposes of showing the model home, shall be from 8 a.m. to 8 p.m.
  - v. Spacing. There shall be a minimum of five hundred feet (500') of space between model homes.
- d. Standards for Manufactured Homes.
- i. Manufactured Homes Permitted. Manufactured homes are permitted in any residential district provided that the home conforms to all of the requirements of the district in which it is located.
  - ii. Basements or Foundations. Each manufactured home shall be installed on a basement or a masonry foundation.
  - iii. Minimum Size. Each manufactured home shall have minimum dimensions and floor area, when erected on site, of the district in which it is located.
  - iv. Siding and Roofing Materials. Siding and roofing materials must be similar to materials found on nearby non-manufactured home housing or be a type broadly and generally used in residential construction and shall have an appearance harmonious with adjacent housing.
  - v. Permanent Utility Installation. Manufactured homes shall have permanent public utility and power utility installations.
17. Home Occupations.
- a. Home Occupations Defined. Home occupations are defined as any occupation for gain or support conducted only by members of the immediate family residing on the premises, provided that the specified use is incidental to the residential use.
  - b. Home Occupations Permitted as Conditional Uses. Home occupations may be permitted as conditional uses, subject to the terms and conditions of Section 10.12 of this ordinance.
  - c. Home Occupations Permitted as Conditional Uses. Home occupations exceeding the standards set forth above may be permitted as conditional uses, subject to the terms and conditions of Section 10.12 of this ordinance.
18. Communication Towers.

- a. Joint Use of Facilities. Wherever feasible, communication companies may be requested to share communication tower facilities to minimize the number of towers in the Town.
- b. Distances from Residences. No communication towers shall be located within two hundred feet (200') of existing residences.
- c. Communication towers shall be treated as conditional uses and subject to the terms and conditions of Section 10.12 of this ordinance.

19. Private Outdoor Recreation Facilities.

- a. As an Accessory Use in the Agricultural Districts. Private Outdoor Recreational Facilities may only be allowed as an Accessory Use to a residential structure in the Farmland Preservation and the General Agricultural Districts.
- b. Standards. Private Outdoor Recreational Facilities requiring a foundation or special play surface shall not be located in the front yard area of any lot or parcel of land, and all constructions must meet the setback requirements for structures as established for the zoning district in which they are located. These facilities shall not be artificially illuminated, and they shall be fenced and screened where necessary for the public's protection and to avoid becoming a nuisance to adjacent property owners.

20. Commercial Wind Energy Conversion Systems (CWECS).

- a. No CWECS tower shall be located:
  - i. On platted land,
  - ii. Within three (3) miles of the Southern Rock County Regional Airport,
  - iii. Within one (1) mile of the Rock River,
  - iv. Within six hundred feet (600') of a protected wetland,
  - v. Within one half-mile (1/2) of a residential subdivision,
  - vi. Within 1.1 times the total height of the tower from any other building, structure, CWECS tower, or the property line.
- b. No CWECS tower shall be permitted without evidence of a signed agreement for the use or sale of the energy to be produced by the facility, as well as any required power transmission contracts.
- c. A CWECS tower shall be located on a parcel of land so as to have the least wind development impact on adjoining properties, and any negative impact of the CWECS tower shall be confined as much as possible to the property on which the tower is located. Landscaping may be required to minimize the visual impact of the CWECS.
- d. Structural design of a CWECS tower and equipment shall be in compliance with industry standards and manufacturer specifications. The structural design plan shall be approved and certified by a professional engineer licensed by the ~~state~~ State of Wisconsin.
- e. Prior to receiving any permit to construct, operate or maintain a CWECS in the Town of Beloit, the owner must demonstrate compliance with the U.S. Fish and Wildlife Interim Guidelines to avoid and Minimize Wildlife Impacts from Wind Turbines, or the final guidelines once published.
- f. All CWECS towers shall be white, gray, or another non-obtrusive color that minimizes the tower's visibility unless otherwise required by the FAA regulations. All finishes shall be matte or non-reflective. Blades shall be black in color to facilitate deicing.

- g. All CWECS towers shall be reasonably protected against unauthorized climbing. The bottom of the CWECS tower, from ground level to a point twelve feet (12') above ground level, shall be designed in a manner to preclude unauthorized climbing or the tower shall be enclosed by a six foot (6') high chain link fence with locking gate.
- h. All CWECS towers shall be of a tubular, monopole type.
- i. All turbines shall be equipped with redundant breaking systems. This includes both aerodynamic (including variable pitch) over speed controls and mechanical breaks. Mechanical breaks shall be operated in a failsafe mode whereby they are engaged in the case of loss of load on the generator. Stall regulation shall not be considered a sufficient system for over-speed protection.
- j. Signs shall be posted on the site to warn of the danger of high voltage and to deny trespass.
- k. No material or equipment storage, waste or otherwise, is allowed on the site of the CWECS tower.
- l. Turbines shall be of the latest technology and designed to reduce acoustic noise to the greatest extent feasible.
- m. All CWECS feeder lines used to collect power from individual turbines and all communication lines shall be buried underground. Above ground lines may be allowed by permit at locations where shallow bedrock prohibits the installation of underground lines.
- n. CWECS rotor blades and airfoils must maintain a twenty five foot (25') clearance from the ground at all times.
- o. No advertising signs shall be placed on any CWECS tower or related facility.
- p. No CWECS tower shall have any illuminating devices affixed or attached to them, except as may be required by the FAA or FCC.
- q. The owners of all CWECS towers shall conduct an annual inspection of their facilities to ensure compliance with this Code as well as any permits issued for the site by the Town of Beloit. A copy of the completed annual inspection report shall be filed with the Town Clerk.
- r. All permit applications for the installation and operation of CWECS towers shall include a decommissioning plan. Within three hundred sixty (360) days of a CWECS facility ceasing to generate energy at commercially viable levels, the lapse of any permit required to operate or maintain the facility, or the revocation of such a permit, the owner shall cause the facility, including foundation, to be decommissioned, dismantled, and removed from the site. If, after a three hundred sixty (360) day period, the facility has not been removed and the site is restored, the Town reserves the option of causing such work to be performed, and assessing the cost thereof, including legal, administrative, engineering and financing fees, against the property for collection with the property tax.

21. Solar Energy Regulations.

- a. Definitions. The Town of Beloit used the definitions provided in the Wisconsin state statute to clarify what equipment is used as part of a solar energy system and for what land uses.
  - i. Solar Collector. A device, structure, or part of device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy.

- ii. Solar Array. An accessory system or device that is roof-mounted or ground-mounted with poles or racks used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.
    - iii. Solar Farm. An array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.
  - b. Solar Access Rights. The authority to restrict systems is limited by Wisconsin state law. This is noted in the state statute and should be replicated in municipal zoning. Town of Beloit zoning meets the minimum requirements of the state statute so residents have full access to install solar throughout the Town. In addition, this language referring to the state statute helps the Town of Beloit Board of Adjustment if issues regarding solar access rights come before the committee. Section 66.0401, Wis. Stats.
  - c. General Requirements.
    - i. Ground-Mounted Solar Energy Systems Setback Requirements.
      - A. If less than twenty feet (20') in height. Setback must comply with one and one half feet (1.5') from all property lines.
      - B. If greater than twenty feet (20') in height. The ground-mounted solar energy system must comply with setback regulations for a principal building structure.
  - d. Permitted Uses. No resident or business owner can be restricted in installing solar due to Section 66.0401, Wis. Stats., unless the restriction satisfies one of the following conditions:
    - i. Serves to preserve or protect the public health or safety.
    - ii. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    - iii. Allows for an alternative system of comparable cost and efficiency.
  - e. Solar Farm Setback Requirements.
    - i. Cannot exceed setback requirements for principal structures as primary use as determined by zoning district.
22. Standards for Drive-Up Windows.
- a. Accessory Use. Drive-up service windows may be allowed in appropriately zoned areas, where the location of the proposed use is compatible to other uses in the general neighborhood, the drive-up window and its appurtenances will not place an undue burden on transportation and other public facilities in the vicinity; will not cause traffic congestion on any public street, and the site is large enough to accommodate the proposed use and all yards, open spaces, pathway, walls and fences, parking, loading and other features required with such use.
  - b. Window Location. Drive-up service windows are only allowed within side and rear yards. Where a property containing a drive-up window abuts a residential property, the drive-up window will be located facing the side or rear yard most distant from the residential property wherever possible.
  - c. Vehicle Stacking. Drive-up restaurants shall have a drive-up lane at least twelve feet (12') in width and one hundred and eighty feet (180') in length providing onsite storage for a minimum of ten (10) automobiles, inclusive of vehicle stopped at a drive-up window. Any other use with drive-up windows shall have on-site automobile storage for a minimum of three (3) automobiles at each drive-up window, inclusive of any vehicle

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stopped at a drive-up window, in a stacking lane at least twelve feet (12') in width and fifty-four feet (54') in length. Stacking lanes shall be independent of any on-site parking, parking maneuvering area, public street, alley or other traffic way. The minimum required length may be increased if it is determined that additional stacking areas will be required to adequately serve the use. A traffic study addressing both on-site and off-site traffic and circulation impacts may be required.

- d. Pedestrian Safety. Drive-up lanes and their exit drives that cross the pathway between parking areas and entries into the building shall be provided with a pedestrian crossing that is delineated by landscaping, curbing, raised or decorative pavement, and signage. Where a drive-up lane intersects a public or private sidewalk, the sidewalk pavement shall be continued through the driveway to clearly delineate the pedestrian path.
- e. Screening and Buffering from Residential Property. All noise, light, glare fumes, vibration and other nuisances resulting from the operation of a drive-up window shall be screened or buffered from adjacent property maintained and/or zoned for residential use. Use of speakers will not be allowed as part of the operation of any drive-up window located within one hundred feet (100') of any residential property line.
- f. Design and Construction. The design, construction, signage or operational characteristics of drive-up window and its related appurtenances shall not:
  - i. Result in vehicles waiting for service parking on public sidewalks or streets;
  - ii. Prevent a vehicle from leaving a waiting line;
  - iii. Result in any drive-up lane being located within twenty feet (20') of any residential property line;
  - iv. Encourage air pollution or the wasteful consumption of fuel.
- g. Closing Drive-Up Window. In the event traffic is blocked on any public road as a result of the use of a drive-up window, ~~T,~~ the Town of Beloit Police Department shall cause the drive-up window to be closed until traffic on the public road is no longer blocked.

23. Standards for Beer Gardens.

- a. Beer Gardens may be allowed as a Conditional Use in appropriately zoned areas accessory to taverns and restaurants, where the location of the proposed use is compatible to other uses in the general neighborhood, and the license or licenses to sell alcohol on the premises on which the beer garden is located has been amended to include such use. Conditions of Use may be placed to ensure the absence of nuisance to neighboring properties/uses.
- b. The area of land covered by a beer garden may not exceed, in square feet, area devoted for consumption of alcoholic beverages by patrons in the principle structure of the business. In no case may the land area covered by a beer garden exceed twenty five percent (25%) of the lot or parcel's total area.
- c. Beer gardens may only be allowed within side and rear yards. Where a property containing a beer garden abuts a residential property, the beer garden will be located in the side or rear yard most distant from the residential property wherever possible. In no case shall a beer garden be located within fifty feet (50') of any residential property line, unless modified by the Town Board.
- d. Beer gardens at any one establishment may occupy space in a maximum of two (2) yards (side or rear) of any tavern or restaurant licensed to sell alcoholic beverages.

- e. If smoking is allowed within a beer garden, the beer garden shall be located a reasonable distance from any entrance to the public structure.
  - f. Live entertainment and amplified sound or music of any sort is not allowed in beer gardens unless specifically permitted in the conditional use permit issued for the property.
  - g. A fence may be required by the Town Board. Fence requirements shall be established on a case by case basis, as specified by the Board. Fence requirements shall be based on the location of the establishment, adjoining land use, lot and building size, and proximity to residential properties and streets.
  - h. Entrances and exits to beer gardens shall be well marked and comply with the Uniform Fire Code NFPA 1.
  - i. The lighting of beer gardens, when permitted, shall not be a nuisance to persons on adjacent properties or public streets.
24. Commercial Hunting Class "A" and Class "B" Bird Hunting Preserves.
- a. No commercial hunting or Class A or Class B Bird Hunting Preserve shall be located within one-half mile of a residential subdivision or within one thousand feet (1,000') of the property line of the operators of the commercial hunting establishment or the Class A or Class B Bird Hunting Preserve.
  - b. The operators of a commercial hunting establishment or a Class A or Class B Bird Hunting Preserve shall obtain liability insurance covering personal injury including death of a person within limits of Two Million Dollars (\$2,000,000.00) per occurrence and Four Million Dollars (\$4,000,000.00) aggregate and Five Hundred Thousand Dollars (\$500,000.00) property damage which names the Town as an additional insured.
  - c. If the conditional use permit is for a Class A or Class B Bird Hunting Preserve, the operator of the Bird Hunting Preserve shall have a Bird Hunting Preserve License from the State of Wisconsin pursuant to Section 169.19 of Wis. Stats.
  - d. No person shall be allowed to consume alcoholic beverages on the property where the commercial hunting establishment or the Bird Hunting Preserve is located and no person who is under the influence of alcohol shall be allowed to hunt or discharge a firearm on the property.
  - e. No person shall be allowed to hunt or discharge firearms on the property without a hunter education certificate issued under state law. Every person under the age of sixteen (16) shall be accompanied by a parent or guardian over the age of eighteen (18) while hunting or using a firearm for any purpose. However, young people who have completed a Department of Natural Resources hunter education course and have received a certificate of completion shall be eligible to hunt and use firearms without supervision at age fourteen (14).
  - f. Shot pellets shall not land off of the property.
  - g. A qualified range operator shall be present on the site during all times that hunting is taking place. This individual shall be responsible for the safe operation of the hunting preserve and ensure that the conditions of this permit are maintained at all times.
  - h. Prior to the commencement of any hunting, the permit holder shall provide the Town Clerk a list of qualified range operators who will fulfill the duties specified in Paragraph (g). This list shall be accurately updated by the permit holder at all times.

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- i. Prior to hunting, every hunter shall receive a safety briefing from the qualified range operator, which shall include, as a minimum, a reminder of the basic firearm safety rules published by the Wisconsin Department of Natural Resources.
- j. Hunting shall only occur during periods of good visibility.
- k. Toilet facilities shall be provided for use by patrons and employees. Portable sanitation devices and other toilet facilities shall be kept clean at all times.
- l. All parking and loading spaces shall be located outside of any road or highway. All parking and loading spaces shall be paved with asphalt or concrete. The permit holder shall promptly remove all mud and other materials tracked onto Town roads from the driveways or parking areas.
- m. All driveways shall be paved with asphalt or concrete and shall have a width of at least twenty four feet (24') and require permitting by the Town Building Inspector.
- n. Signage shall only be erected under permit from the Town Zoning Administrator/Planner, and in accordance with Section 10.03(11) of the Zoning Code. A sign shall be placed at the entrance to the facility which shall indicate whether the facility is "open" or "closed". The sign shall also indicate the name of the qualified range operator who is on duty.
- o. All trash areas shall be screened as required by Section 10.03(13) of the Zoning Code.
- p. Trash and garbage, including shell casings, shall not be allowed to accumulate on site.
- q. All outdoor storage areas shall be screened as required by Section 10.03(13) of the Zoning Code.
- r. Commercial hunting on the property shall only be permitted from November 1st through March 31st of each year, during the hours of 8:30 a.m. to 4:30 p.m. No commercial hunting shall be allowed on Sundays or on Thanksgiving Day, Christmas Day or New Year's Day.
- s. Tower hunting, which is defined as dropping one or more birds from an elevated stand for the purpose of shooting them, is not allowed.
- t. Clay Shooting is not allowed on the property.
- u. Hunters shall not clean birds on the property.
- v. Any clubhouse on the property shall not be a permitted accessory use under the A-1, A-2 or C-1 zoning districts, but shall be part of the conditional use and subject to conditional use restrictions.
- w. The discharge of firearms may not occur in conjunction with the training of dogs for hunting, except during the days and times that commercial bird hunting is permitted on the property.
- x. Only shotguns may be used for hunting on the property. Use of all other types of firearms is prohibited. Shell size shall be limited to 12 gauge #3 steel shot or smaller. No lead shot may be used during hunting activities.
- y. No more than four (4) hunters shall be allowed on any field at any one time.
- z. No commercial hunting or Class A or Class B Bird Hunting Preserve shall be conducted on a parcel of land less than one hundred (100) acres in size.
- aa. A firearm used for commercial hunting or at a Class A or Class B Bird Hunting Preserve shall not be discharged within one thousand feet (1,000') of a dwelling.

#### 10.04 ZONING DISTRICTS.



1. Establishment of Zoning Districts. For the purpose of this Zoning Code, the Town of Beloit is hereby divided into zoning districts that shall be designed as follows:

A-1	Farmland Preservation District
A-2	General Agricultural District
<del>R-R</del>	<del>Rural Residential District</del>
R-1	Single-Family Residential District
R-2	Single and Two-Family Residential District
R-3	Multifamily Residential District
R-3E	Elderly Residential District
R-4	Planned Unit Development District
R-5	Mobile/Manufactured Home Park District
B-1	Restricted Business District
B-2	Local Business District
B-3	General Business District
I-1	Light Industrial District
I-2	General Industrial District
PUD	Planned Unit Development District
C-1	Conservancy District
Q-1	Resource Extraction District

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2. Zoning Map.

- Districts Mapped. The boundaries of districts are shown upon the map entitled, "District Map, Town of Beloit, Rock County, Wisconsin," which is made a part of this Code, and all the notations, references, and other information shown thereon shall be as much a part of this Code as if the information set forth by said map were as fully described herein. The map and all updated copies thereof, shall be kept on file in the office of the Town Clerk.
- Determination of Boundaries. District boundaries shall be determined by measurement from and as shown on the official zoning map and in case of any questions as to the interpretation of such boundary lines, the Planning Commission shall interpret the map according to the reasonable intent of this Code.
- Unless otherwise specified, indicated, or dimensioned on the maps, the district boundaries are normally lot lines, section, quarter section, or sixteenth section lines; or the centerlines of streets, highways, railways, or alleys.
- The boundaries of a Conservancy District where appropriate and as drawn are intended to represent the edge of swamp, marsh, and flood plain or the high-water line along a stream or watercourse, and shall be finally determined by the actual conditions in each specific situation, provided, however, that along a stream or watercourse such line shall not be less than one hundred feet (100') from the center of such stream or watercourse.

10.05 AGRICULTURAL DISTRICTS.

1. A-1 Farmland Preservation District.

- a. Purpose. The purpose of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.
- b. Definitions. The following definitions apply in the A-1 Farmland Preservation District:
  - i. Accessory Use means any of the following land uses on a farm:
    - A. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
    - B. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
    - C. A farm residence.
    - D. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Paragraph (1) or (3), that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
    - E. Any other use that the department, by rule, identifies as an agricultural use.
  - ii. Agricultural Use means any of the following:
    - A. Any of the following activities conducted for the purpose of producing an income or livelihood.
    - B. Crop or forage production.
    - C. Keeping livestock.
    - D. Nursery, sod, or Christmas tree production.
    - E. Floriculture.
    - F. Aquaculture.
    - G. Fur farming.
    - H. Forest management.
    - I. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
    - J. Any other use that the department, by rule, identifies as an agricultural use.
  - iii. Agriculture-related use means any of the following:
    - A. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
    - B. Any other use that the department, by rule, identifies as an agriculture-related use.
  - iv. Conditional Use. A use allowed under a conditional use permit issued by the political subdivision.
  - v. Department. The Wisconsin Department of Agriculture, Trade, and Commerce (DATCP).
  - vi. Farm. All land under common ownership that is primarily devoted to agricultural use.
  - vii. Farmland Preservation Agreement. Any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:
    - A. A farmland preservation agreement or transition area agreement entered into under [Section 91.13](#) or [91.14](#), 2007 Wis. Stats.
    - B. An agreement entered under [Section 91.60\(1\)](#), Wis. Stats.
  - viii. Farmland Preservation Area. An area that is planned primarily for agricultural use or agriculture-related use, or both, and that is one of the following:
    - A. Identified as an agricultural preservation area or transition area in a farmland preservation plan described in [Section 91.12\(1\)](#), Wis. Stats.
    - B. Identified under [Section 91.10\(1\)\(d\)](#), Wis. Stats. in a farmland preservation plan described in [Section 91.12\(2\)](#), Wis. Stats.

- ix. Farmland Preservation Plan. A plan for the preservation of farmland in a county, including an agricultural preservation plan under [subch. IV of ch. 91](#), 2007 Wis. Stats.
- x. Farm Residence. Any of the following structures that is located on a farm:
  - A. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
    - 1) An owner or operator of the farm.
    - 2) A parent or child of an owner or operator of the farm.
    - 3) An individual who earns more than fifty percent (50%) of his or her gross income from the farm.
    - 4) A migrant labor camp that is certified under [Section 103.92](#), Wis. Stats.
- xi. Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- xii. Ownership. A person who has an ownership interest in the land.
- xiii. Permitted Use. A use that is allowed without a conditional use permit, special exception, or other special zoning permission.
- xiv. Prior Nonconforming Use. A land use that does not conform to the Farmland Preservation Zoning Code but that existed lawfully before the Farmland Preservation Zoning Code was enacted.
- xv. Protected Farmland. Land that is located in the Farmland Preservation Zoning District, is covered by a Farmland Preservation Agreement, or is otherwise legally protected from nonagricultural development.
- c. Land Use in the Farmland Preservation District; General. Only the following land uses are allowed in a Farmland Preservation Zoning District:
  - i. Uses allowed under Section (d) as a permitted use.
  - ii. Uses allowed under Section (e) with a conditional use permit.
  - iii. Prior nonconforming uses, subject to [section 60.61\(5\)](#), Wis. Stats.
- d. Permitted Uses.
  - i. Agricultural Uses
  - ii. Accessory Uses
  - iii. Agriculture-related Uses
  - iv. Undeveloped natural resource and open space areas.
  - v. Recreational Hunting
  - vi. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
- e. Conditional Uses.
  - i. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
    - A. The use and its location in the farmland preservation zoning district are consistent with the purposes of the Farmland Preservation Zoning District.
    - B. The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    - C. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
    - D. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    - E. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- ii. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
  - A. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the Farmland Preservation Zoning District.
  - B. The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - C. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - D. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - E. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- iii. Nonmetallic mineral extraction, if all of the following apply:
  - A. The operation complies with [Subchapter I of Chapter 295](#), Wis. Stats, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Sections [295.13](#) or [295.14](#), Wis. Stats. (including all applicable provisions of this Zoning Code), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
  - B. The operation and its location in the Farmland Preservation Zoning District are consistent with the purposes of the Farmland Preservation Zoning District.
  - C. The operation and its location in the Farmland Preservation Zoning District are reasonable and appropriate, considering alternative locations outside the Farmland Preservation Zoning District, or are specifically approved under state or federal law.
  - D. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - E. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - F. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- iv. Oil and gas exploration or production that is licensed by the Department of Natural Resources under [Subchapter II of Chapter 295](#), Wis. Stats.
- v. Commercial Wind Energy Conversion Systems (CWECS)
- vi. Bird Hunting Preserve
- vii. Commercial Hunting
- f. Permitted Accessory Uses.
  - i. Agricultural Crop Storage
  - ii. Agricultural Machinery Storage
  - iii. Fences
  - iv. Garages
  - v. Gardens
  - vi. Swimming Pools
  - vii. Private Outdoor Recreational Facilities
  - viii. Solar Equipment (Refer to Section 10.03(21))
  - ix. Other Accessory Uses as Determined by the Zoning Administrator/Planner or Plan Commission.
- g. Minimum Lot Size: 35 acres
- h. Minimum Lot Width: 500 Feet
- i. Minimum Setbacks:
  - i. Farm Dwelling:

- A. Front Yard: 40 feet
- B. Side Yard: 20 feet
- C. Rear Yard: 40 feet
- ii. Other Structures:
  - A. Front Yard: 40 feet
  - B. Side Yard: 20 feet
  - C. Rear Yard: 40 feet

- j. Height:
  - i. Residential Structures: 35 feet
  - ii. Farm Structures: 60 feet
  - iii. Accessory Structures: Refer to Section 10.03(6)(e)

- k. Maximum Lot Coverage: 15%

- l. Minimum Floor Area Requirements for Residential Structures:
  - i. First Floor of a 2-story building: 1,200 square feet
  - ii. Total: 1,200 sf of living area

- m. Additional Standards:

- i. Setbacks for Farm Structures Housing Livestock: A minimum one hundred foot (100~~+~~<sup>+</sup>) setback to any property line shall be required for any farm structure to be used for housing animals.

- n. Rezoning Land Out of a Farmland Preservation Zoning District:

- i. Except as provided in Sub. ii, the Town of Beloit may not rezone land out of the Farmland Preservation Zoning District unless the Town of Beloit finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

- A. The rezoned land is better suited for a use not allowed in the Farmland Preservation Zoning District.
- B. The rezoning is consistent with any applicable comprehensive plan.
- C. The rezoning is substantially consistent with the Rock County Farmland Preservation Plan, which is in effect at the time of the rezoning.
- D. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

- ii. Subsection (i) does not apply to any of the following:

- A. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Chapter 91, Wis. Stats.
- B. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under Chapter 91, Wis. Stats., which is in effect at the time of the rezoning.

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- o. By March 1 of each year the Town of Beloit shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the Town has rezoned out of the Farmland Preservation Zoning District under Sub. A. during the previous year and a map that clearly shows the location of those acres. The Town of Beloit must also provide a copy of the information reported under this paragraph to Rock County.

- 2. A-2 General Agricultural District:

- a. Purpose: The purpose of the A-2 General Agricultural District is to provide for agricultural areas not enrolled in the State's Farmland Preservation Program but that are planned to be maintained for agricultural uses in the Town's Master Plan.

- b. Permitted Uses:

- i. Agricultural Uses
- ii. Single-family Dwellings

- iii. Forestry
- iv. Home Occupations (refer to Section 10.05(2)(l))
- v. Nurseries
- vi. Orchards
- vii. Recreational Hunting
- viii. Seasonal Produce Stands
- ix. Stables
- x. Civic Uses
- xi. Public Parks
- xii. Essential Services
- c. Conditional Uses.
  - i. Agricultural Research Facilities
  - ii. Agricultural Services
  - iii. Arboretums
  - iv. Cemeteries
  - v. Commercial Hunting
  - vi. Commercial Kennels
  - vii. Home Occupations (refer to Section 10.05(2)(l))
  - viii. Private Clubs
  - ix. Retail Sales of On-Site, Non-Produce, Farm Products
  - x. Riding Academies
  - xi. Bird Hunting Preserve
  - xii. Utility Transmission Facilities and Communication Towers
- d. Permitted Accessory Uses.
  - i. Agricultural Crop Storage
  - ii. Agricultural Machinery Storage
  - iii. Fences
  - iv. Garages
  - v. Gardens
  - vi. Solar Equipment (Refer to Section 10.03(21))
  - vii. Private Outdoor Recreational Facilities
  - viii. Other Accessory Uses as Determined by the Zoning Administrator/Planner or Plan Commission.
- e. Minimum Lot Size: 3 Acres
- f. Minimum Lot Width: 200 feet
- g. Minimum Yard Setbacks.
  - i. Farm Dwelling:
    - A. Front Yard: 40 feet
    - B. Side Yard: 20 feet
    - C. Rear Yard: 40 feet
  - ii. Other Structures:
    - A. Front Yard: 100 feet
    - B. Side Yard: 20 feet
    - C. Rear Yard: 100 feet
- h. Height.
  - i. Residential Structures: 35 feet
  - ii. Farm Structures: 60 feet
  - iii. Accessory Structures: Refer to Section 10.03(6)(e)
- i. Minimum Floor Area Requirements for Residential Structures.

- i. First Floor of a 2-story building: 1,200 square feet
- ii. Total: 1,200 sf of living area

j. Additional Standards.

- i. Setbacks for Farm Structures Housing Livestock. A minimum one hundred foot (100') setback to any property line shall be required for any farm structure to be used for the housing of animals.
- k. Livestock. The keeping of poultry or domestic livestock shall not be permitted on any lot less than three (3) acres. On any lot of ~~less more~~ than three (3) acres in size, not more than one (1) animal unit may be kept per acre of land area, under the following conditions:
  - i. The keeping of poultry or domestic livestock shall be done under maximum practical conditions of neatness and sanitation, so as not to be detrimental to the surrounding residential use.
  - ii. All livestock and fowl shall be kept confined or enclosed and not permitted to run at-large.
  - iii. The additional setback and livestock limitation requirements shall not apply to properties where the owner of the property zoned A-2 also owns adjoining agricultural acreage over thirty five (35) acres.
  - iv. In calculating "animal units" the Town shall use the definitions and standards appearing in the [NR 243](#), Wis. Admin. Code and shown in the Animal Equivalency Table are made a part of this Code by reference.

l. Home Occupations in A-2 General Agricultural District.

- i. Home Occupation Defined. Home Occupations in the A-2 General Agricultural District are defined as any occupation for gain or support conducted only by members of the immediate family residing on the premises.
- ii. Home Occupation Allowed Without Conditional Use Permit. A home occupation in the A-2 General Agricultural District is allowed with a Development Permit issued by the Zoning Administrator/Planner providing the following requirements are met:
  - A. No exterior storage of equipment or materials used in connection with the home occupation.
  - B. There shall be no detriments to nearby property due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation.
  - C. No structural alterations or construction involving features not customarily found in dwellings are required.
  - D. Shall have no off-premise signs in connection with the use.
- iii. Home Occupations Permitted as Conditional Use. Home occupations exceeding the standards set forth in Section 10.05(2)(l) may be permitted as conditional uses, subject to the terms and conditions of Section ii above.

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10.06 RESIDENTIAL DISTRICTS.

~~1. R R Rural Residential District.~~

- ~~a. Purpose. The purpose of the R R Rural Home District is to allow for limited rural residences in areas where agricultural uses are less practical due to soils and/or topography.~~
- ~~b. Permitted Uses:~~
  - ~~i. Single Family Dwellings~~
  - ~~ii. Civic Uses~~
  - ~~iii. Public Parks~~
  - ~~iv. Essential Services~~
  - ~~v. Non Animal Raising Agricultural Uses~~

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- vi. ~~Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located at least two thousand five hundred feet (2,500') from the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.~~

e. Conditional Uses:

- i. ~~Bed and Breakfast Inns~~
- ii. ~~Churches and Other Places of Worship~~
- iii. ~~Home Occupations (refer to Section 10.05(2)(I))~~
- iv. ~~Limited Agriculture~~
- v. ~~Produce Sales~~
- vi. ~~Utility Transmission Facilities and Communication Towers~~
- vii. ~~Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located at least two thousand five hundred feet (2,500') from the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.~~
- viii. ~~CBRF's or other Community Living Arrangement Facilities serving nine (9) to fifteen (15) persons.~~

d. Permitted Accessory Uses:

- i. ~~Fences~~
- ii. ~~Garages~~
- iii. ~~Gardens~~
- iv. ~~Keeping up to four (4) chickens on a lot provided that:~~
  - A. ~~No person shall keep any rooster.~~
  - B. ~~No person shall slaughter any chickens outdoors.~~
  - C. ~~The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure at all times.~~
  - D. ~~No enclosure shall be located closer than twenty-five feet (25') to any residential structure on an adjacent lot.~~
  - E. ~~No enclosure shall be located in a front yard or side yard.~~
- v. ~~Solar Equipment (Refer to Section 10.03(21))~~
- vi. ~~Private Outdoor Recreational Facilities~~
- vii. ~~Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.~~

e. ~~Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.~~

f. ~~Minimum Lot Size:~~ 10,000 square feet (one acre unsewered)

g. ~~Minimum Lot Width:~~ 80 feet

h. Minimum Yard Setbacks:

- i. ~~Front Yard:~~ 30 feet
- ii. ~~Side Yard:~~ 10 feet
- iii. ~~Rear Yard:~~ 30 feet (Detached Garage 20 feet)

i. Maximum Height:

- i. ~~Residential Uses:~~ 35 feet
- ii. ~~Accessory Uses:~~ Refer to Section 10.03(6)(e)

j. Minimum Floor Area Requirements for Residential Structures:

- i. ~~First Floor of a two-story building:~~ 900 square feet
- ii. ~~Total:~~ 1,400 sq. ft. of living area

2. R-1 Single-Family Residential District:

- a. Purpose: The purpose of the R-1 Single-Family Residential District is to encourage, preserve and enhance areas within the Town for low-density single-family detached housing.



- b. Permitted Uses.
  - i. Single-Family Dwellings
  - ii. Single-Family Condominium Dwellings
  - iii. Civic Uses
  - iv. Public Parks
  - v. Essential Services
  - vi. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located at least two thousand five hundred feet (2,500') from the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.
- c. Conditional Uses.
  - i. Bed and Breakfast Inns
  - ii. Cemeteries
  - iii. Churches and Other Places of Worship
  - iv. Family Day Care Centers
  - v. Group Day Care Centers
  - vi. Home Occupations (refer to Section ~~10.05(2)(4)~~10.03(17))
  - vii. Model Homes
  - viii. Nursing Homes
  - ix. Rehabilitation Centers
  - x. Schools
  - xi. Utility Transmission Facilities
  - xii. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located ~~at least~~within two thousand five hundred feet (2,500') ~~from of~~ the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.
  - xiii. CBRF's or other Community Living Arrangement Facilities serving nine (9) to fifteen (15) persons.
- d. Permitted Accessory Uses.
  - i. Fences
  - ii. Garages
  - iii. Gardens
  - iv. Keeping up to four (4) chickens on a lot provided that:
    - A. No person shall keep any rooster.
    - B. No person shall slaughter any chickens outdoors.
    - C. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure at all times.
    - D. No enclosure shall be located closer than twenty-five feet (25') to any residential structure on an adjacent lot.
    - E. No enclosure shall be located in a front yard.
  - v. Swimming Pools
  - vi. Solar Equipment (Refer to Section 10.03(21))
  - vii. Private Outdoor Recreational Facilities
  - viii. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
  - ix. Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.
- e. Minimum Lot Size.
  - i. Sewered Lots: 10,000 square feet (one acre unsewered)
- f. Minimum Lot Width.
  - i. Sewered Lots: 80 feet
- g. Minimum Yard Setbacks.

- i. Front Yard: 30 feet
- ii. Side Yard: 10 feet
- iii. Rear Yard: 20 feet, (Detached Garage: 10 feet)
- h. Maximum Height.
  - i. Residential Uses: 35 feet
  - ii. Accessory Uses: Refer to Section 10.03(6)(e)
- i. Minimum Floor Area Requirements for Residential Structures.
  - i. First Floor of a two-story building: 900 square feet
  - ii. Total: 1,400 sq. ft. of living area

3. R-2 Single and Two-Family Residential District.

- a. Purpose. The purpose of the R-2 Single- and Two-Family Residential District is to encourage, preserve and enhance areas within the Town for low-density single-family and duplex housing.
- b. Permitted Uses.
  - i. Single-Family Dwellings
  - ii. Two-Family Dwellings
  - iii. Residential Condominiums
  - iv. Civic Uses
  - v. Public Parks
  - vi. Essential Services
  - vii. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located at least two thousand five hundred feet (2,500') from the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.
- c. Conditional Uses.
  - i. Bed and Breakfast Inns
  - ii. Cemeteries
  - iii. Churches and Other Places of Worship
  - iv. Family Day Care Centers
  - v. Group Day Care Centers
  - vi. Home Occupations (refer to Section ~~10.05(2)(4)~~10.03(17))
  - vii. Medical Clinics
  - viii. Model Homes
  - ix. Nursing Homes
  - x. Rehabilitation Centers
  - xi. Schools
  - xii. Utility Transmission Facilities and Communication Towers
  - xiii. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located ~~at least~~within two thousand five hundred feet (2,500') ~~from of~~ the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.
  - xiv. CBRF's or other Community Living Arrangement Facilities serving nine (9) to fifteen (15) persons.
- d. Permitted Accessory Uses.
  - i. Fences
  - ii. Garages
  - iii. Gardens
  - iv. Swimming Pools
  - v. Solar Equipment (Refer to Section 10.03(21))
  - vi. Private Outdoor Recreational Facilities

- vii. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- viii. Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.

e. Minimum Lot Size.

- i. Single-Family: 10,000 square feet
- ii. Two-Family: 15,000 square feet
- iii. Un-Sewered: 1 acre

f. Minimum Lot Width.

- i. Sewered Lots: 80 feet

g. Minimum Yard Setbacks.

- i. Front Yard: 30 feet
- ii. Side Yard: 10 feet
- iii. Rear Yard: 20 feet

h. Maximum Height.

- i. Residential Uses: 45 feet or 3 story, whichever is less unless granted by Conditional Use Permit
- ii. Accessory Uses: Refer to Section 10.03(6)(e)

i. Minimum Floor Area Requirements for Residential Structures.

- i. Two-Family: 1,200 square feet of living area per unit
- ii. Single-Family: 1,400 square feet
- iii. First Floor of a Two-Story Building: 900 square feet

4. R-3 Multi-Family Residential District.

- a. Purpose. The purpose of the R-3 Multifamily Residential District is to create, preserve and enhance areas within the sewered areas of the Town for medium density multifamily residential housing.

b. Permitted Uses.

- i. Single and Two-Family Residences
- ii. Multifamily Dwellings
- iii. Residential Condominiums
- iv. Civic Uses
- v. Public Parks
- vi. Essential Services
- vii. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located at least two thousand five hundred feet (2,500') from the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.

c. Conditional Uses.

- i. Bed and Breakfast Inns
- ii. Cemeteries
- iii. Churches and Other Places of Worship
- iv. Day Care Centers (Family and Group)
- v. Group Homes
- vi. Home Occupations (refer to Section ~~10.05(2)(4)~~10.03(17))
- vii. Medical Clinics
- viii. Model Homes
- ix. Nursing Homes
- x. Rehabilitation Centers
- xi. Utility Transmission Facilities

- xii. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving eight (8) or fewer persons and are located ~~at least~~ within two thousand five hundred feet (2,500') ~~from of~~ the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.
  - xiii. CBRF's or other Community Living Arrangement Facilities serving nine (9) to fifteen (15) persons.
  - d. Permitted Accessory Uses.
    - i. Fences
    - ii. Garages
    - iii. Gardens
    - iv. Swimming Pools
    - v. Solar Equipment (Refer to Section 10.03(21))
    - vi. Private Outdoor Recreational Facilities
    - vii. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
    - viii. Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.
  - e. Minimum Lot Size: 15,000 square feet
  - f. Minimum Lot Width: 80 feet
  - g. Minimum Yard Setbacks.
    - i. Front Yard: 30 feet
    - ii. Side Yard: 20 feet
    - iii. Rear Yard: 30 feet
  - h. Maximum Height.
    - i. Residential Uses: 45 feet or 3 story, whichever is less unless granted by Conditional Use Permit
    - ii. Accessory Uses: Refer to Section 10.03(6)(e)
  - i. Minimum Floor Area Requirements for Residential Structures.
    - i. One-Bedroom Unit: 750 square feet
    - ii. Two-Bedroom Unit: 850 square feet
    - iii. Three Bedroom or more Unit: 950 square feet
  - j. Maximum Development Density: 8 Dwelling Units per Acre
5. R-3E Elderly Multi-Family Housing District.
- a. Purpose. The purpose of the R-3E Elderly Residential District is to create, preserve and enhance areas within the Town suitable for medium to higher density housing exclusively for the elderly.
  - b. Permitted Uses.
    - i. Multifamily Dwellings occupied exclusively by individuals 55 years of age or more
    - ii. Residential Condominiums
    - iii. Civic Uses
    - iv. Public Parks
    - v. Essential Services
    - vi. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving fifteen (15) or fewer persons and are located at least two thousand five hundred feet (2,500') from the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.
  - c. Conditional Uses.
    - i. Bed and Breakfast Inns
    - ii. Cemeteries
    - iii. Churches and Other Places of Worship
    - iv. Family Day Care Centers (eight (8) or fewer persons)

- v. Group Day Care Centers
- vi. Home Occupations (refer to Section ~~10.05(2)(4)~~10.03(17))
- vii. Medical Clinics
- viii. Model Homes
- ix. Nursing Homes
- x. Rehabilitation Centers
- xi. Schools
- xii. Utility Transmission Facilities
- xiii. Adult Family Homes, CBRF's and other Community Living Arrangement Facilities serving ~~eight (8)~~fifteen (15) or fewer persons and are located ~~at least~~within two thousand five hundred feet (2,500') ~~from of~~ the nearest Adult Family Home, CBRF or other Community Living Arrangement Facility.

~~xiv. CBRF's or other Community Living Arrangement Facilities serving nine (9) to fifteen (15) persons.~~

d. Permitted Accessory Uses.

- i. Fences
- ii. Garages
- iii. Gardens
- iv. Swimming Pools
- v. Solar Equipment (Refer to Section 10.03(21))
- vi. Private Outdoor Recreational Facilities
- vii. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- viii. Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.

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- e. Minimum Lot Size: 15,000 square feet
- f. Minimum Lot Width: 80 feet
- g. Minimum Yard Setbacks:
  - i. Front Yard: 30 feet
  - ii. Side Yard: 20 feet
  - iii. Rear Yard: 30 feet
- h. Maximum Height:
  - i. Residential Uses: 45 feet or 3 story, whichever is less unless granted by Conditional Use Permit
  - ii. Accessory Uses: Refer to Section 10.03(6)(e)
- i. Minimum Floor Area Requirements for Residential Structures:
  - i. One-Bedroom Units: 500 square feet
  - ii. Two-Bedroom Units: 750 square feet
  - iii. Three or More Bedroom Units: 850 square feet
- j. Maximum Development Density: 16 Dwelling Units Per Acre (Gross Lot Area)
- k. Up to nine (9) additional units per acre may be permitted if the facility proposed is operated with on-site management, has full dining facilities and conducts organized activities for its residents.

6. R-4 Planned Unit Development District.

- a. Purpose. The purpose of the R-4 Planned Unit Development District is to promote flexibility and innovation in land use to give residents a greater selection of high-quality living environments, enhance the visual character of the community, preserve natural and cultural features, and to enhance landscaping and public amenities. Property may be considered for classification into the R-4 district when such inclusion will significantly achieve the following objectives:
  - i. Provide for greater public health protection through adequate potable water supply, human

waste disposal, air circulation and sanitation.

- ii. Provide greater access for public safety personnel and equipment, enhance the ability to suppress fire and avoid damage due to flood.
- iii. Provide greater protection for natural amenities and the cultural environment.
- iv. Enhance personal privacy and neighborhood tranquility.
- v. Enhance the visual character of the community.
- vi. Limit traffic generation.
- vii. Provide large, usable areas of open space for recreation.
- viii. Control urban sprawl.
- ix. Redevelop sub-standard development sites and re-utilize brown fields.
- x. Combine multiple parcels into larger, more useful development sites.
- xi. The uses permitted in the R-4 district may consist of one or more of the uses listed in the R-4 regulations, and as designated on the development plans approved by the Town Board. The review process for Planned Unit Developments is described in Section 10.14 of this Code.

b. Permitted Uses.

- i. Single-Family Dwellings
- ii. Two-Family Dwellings
- iii. Condominiums
- iv. Multifamily Dwellings
- v. Civic Uses
- vi. Public Parks
- vii. Essential Services
- viii. All ~~principal-permitted~~ uses ~~permitted-listed~~ in the B-1 or B-2 Business District, provided that such uses shall not occupy more than twenty five percent (25%) of the total development area.

c. Conditional Uses.

- i. Bed and Breakfast Inns
- ii. Family Day Care Centers (eight (8) or fewer persons)
- iii. Home Occupations (refer to Section ~~10.05(2)(4)~~10.03(17))
- iv. Utility Transmission Facilities

d. Permitted Accessory Uses.

- i. Fences
- ii. Garages
- iii. Gardens
- iv. Swimming Pools
- v. Solar Equipment (Refer to Section 10.03(21))
- vi. Private Outdoor Recreational Facilities
- vii. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- viii. Total cumulative floor area of all accessory uses shall not exceed **eight hundred fifty (850) square feet plus five percent (5%) of total lot area.**

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- e. Minimum Development Size: As may be approved
- f. Minimum Interior Lot Size: As may be approved
- g. Minimum Exterior Lot Width: As required to comply with driveway access requirements, including turn lanes if necessary.
- h. Minimum Yard Exterior Boundary Setbacks. All buildings shall be setback to conform to the setback regulations of the abutting property's zoning classification. Where the property abuts a public street, the minimum setback requirement shall be 30 feet for local streets, forty feet (40') for County Highways and fifty feet (50') for State/Federal Highways.
- i. Minimum Interior Distance Between Buildings.
  - i. One (1) and one-half (1-1/2) story buildings: 10 feet

- ii. Two (2) story buildings: 20 feet
- iii. Greater than two (2) story buildings: As may be approved
- j. Maximum Height: As may be approved
- k. Minimum Floor Area Requirements.
  - i. Single-Family: 900 square feet of living area first floor  
1,400 square feet minimum
  - ii. Two-Family: 900 square feet of living area per unit, first floor  
1,200 square feet minimum per unit
  - iii. Multifamily:
    - A. One-bedroom unit: 750 square feet
    - B. Two-bedroom unit: 850 square feet
    - C. Three or more-bedroom unit: 950 square feet
  - iv. Commercial: 1,200 square feet
- l. Maximum Development Density.
  - i. Low-rise development (1-2 stories): 8 units per acre
  - ii. Mid-rise development (3-5 stories): 12 units per acre

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7. R-5 Mobile and Manufactured Home Park District.

- a. Purpose. The purpose of the R-5 Mobile and Manufactured Home Park District is to provide for the development of properly located and planned facilities for mobile and manufactured homes. It is recognized that such areas should be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property. It is also intended to provide a quiet, pleasant and safe living area protected from traffic hazards and the intrusion of incompatible uses.
- b. Permitted Uses.
  - i. Single-Family Dwellings
  - ii. Public Parks
  - iii. Essential Services
- c. Conditional Uses.
  - i. Community-Based Residential Facilities
  - ii. Family Day Care Centers
  - iii. Group Day Care Centers
  - iv. Group Homes
  - v. Home Occupations (refer to Section ~~10.05(2)(H)~~ 10.03(17))
  - vi. Model Homes
  - vii. Utility Transmission Facilities
- d. Permitted Accessory Uses.
  - i. Fences
  - ii. Garages
  - iii. Gardens
  - iv. Private Outdoor Recreational Facilities
  - v. Swimming Pools
  - vi. Solar Equipment (Refer to Section 10.03(21))
  - vii. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- e. Minimum Lot Area for Mobile Home Park.
  - i. Entire Park: 10 Acres
  - ii. Minimum Lot Size.



- iii. Single-Family: 5,000 square feet
- iv. Other Uses: 10,000 square feet
- f. Minimum Lot Width.
  - i. Single-Family: 50 feet
  - ii. Other Uses: 50 feet
- g. Minimum Setback between Principle Structures.
  - i. Front and Rear: 10 feet
  - ii. Side to Side: 20 feet
- h. Minimum Setbacks for Entire Park Property.
  - i. Front Yard from Public Street: 18 feet
  - ii. Front Yard from Private Street: 10 feet
  - iii. Rear Yard: 10 feet
  - iv. Rear Yard w/buffer: 5 feet
- i. Maximum Height.
  - i. Residential Uses: 25 feet
  - Accessory Uses: Refer to Section 10.03(6)(e)
- j. Minimum Floor Area. 400 sq. feet
- k. Other Requirements for Mobile and Manufactured Home Parks.
  - i. All drives, parking areas and walkways shall be hard-surfaced and clear of debris and parked cars to allow for access by emergency vehicles.
  - ii. It shall conform to the requirements of [42 U.S.C. ss 5401](#) and [Comm. 95](#), Wis. Admin. Code.

#### 10.07 BUSINESS DISTRICTS.

- 1. B-1 Restricted Business District.
  - a. Purpose. The purpose of the B-1 Restricted Business District is to provide for a district with very low-impact retail businesses and services within predominantly residential neighborhoods.
  - b. Permitted Uses.
    - i. Art Studios (Under 3,000 square feet)
    - ii. Day Care Centers
    - iii. Gift Shops (Under 3,000 square feet)
    - iv. Professional Offices and Studios (Under 3,000 square feet)
    - v. Real Estate, Finance or Insurance Offices (Under 3,000 square feet)
    - vi. Civic Uses
    - vii. Public Parks
    - viii. Essential Services
    - ix. A single residential dwelling unit when occupied by the owner or occupant of the permitted retail or service establishment located in the principal building and where the combined residential and commercial space does not exceed three thousand (3,000) square feet.
  - c. Conditional Uses.
    - i. Bed and Breakfast Inns
    - ii. Churches and Other Places of Worship
    - iii. Community Living Arrangements
    - iv. Group Day Care Centers
    - v. Utility Transmission Facilities and Communication Towers
  - d. Permitted Accessory Uses.
    - i. Fences

- ii. Garages
  - iii. Gardens
  - iv. Swimming Pools
  - v. Solar Equipment (Refer to Section 10.03(21))
  - vi. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
  - vii. Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.
- e. Minimum Lot Size: 8,000 square feet
  - f. Minimum Lot Width: 60 feet
  - g. Minimum Yard Setbacks:
    - i. Front Yard: 20 feet
    - ii. Side Yard: 10 feet
    - iii. Rear Yard: 20 feet
  - h. Maximum Height:
    - i. Business Uses: 45 feet or 3 story, whichever is less unless granted by Conditional Use Permit
    - ii. Accessory Uses: Refer to Section 10.03(6)(e)
  - i. Minimum Floor Area Requirements:
    - i. First Floor: 1,200 square feet
    - ii. Total: 1,200 square feet

2. B-2 Local Business District.

- a. Purpose. The purpose of the B-2 Local Business District is to provide for a district in the Town that preserves and enhances existing commercial areas within the Town that serve the local or neighborhood areas.
- b. Permitted Uses.
  - i. Art Studios
  - ii. Commercial Recreational Facility (Indoors Only)
  - iii. Convenience Stores
  - iv. Day Care Centers (Family)
  - v. Dry Cleaning/Laundromat
  - vi. Financial Services
  - vii. Funeral Homes
  - viii. Gift Shops
  - ix. Medical Offices and Clinics
  - x. Personal Services
  - xi. Private Clubs
  - xii. Professional Offices
  - xiii. Restaurants
  - xiv. Retail Establishments (Other than Liquor Sales)
  - xv. Veterinary Clinics
  - xvi. Civic Uses
  - xvii. Public Parks
  - xviii. Essential Services
- c. Conditional Uses.
  - i. Bed and Breakfast Inns
  - ii. Beer Gardens

- iii. Churches and Other Places of Worship
- iv. Communication/Utility Towers
- v. Community Living Arrangements
- vi. Group Day Care Centers
- vii. Gas Stations
- viii. Hotel/Motels
- ix. Marinas
- x. Motor Vehicle Sales, Service and Repair
- xi. Outdoor Commercial Recreational Facility
- xii. Outdoor Sales
- xiii. Retail Liquor Sales (Other than Beer or Wine)
- xiv. Taverns
- xv. Utility Transmission Facilities and Communication Towers

d. Permitted Accessory Uses.

- i. Drive-Up Windows
- ii. Garages
- iii. Parking and Loading
- iv. Solar Equipment (Refer to Section 10.03(21))
- v. Temporary Construction Buildings
- vi. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- vii. Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.

e. Minimum Lot Size: 8,000 square feet

f. Minimum Lot Width: 60 feet

g. Minimum Yard Setbacks.

- i. Front Yard: 20 feet
- ii. Side Yard: 10 feet
- iii. Rear Yard: 20 feet

h. Maximum Height.

- i. Business Uses: 45 feet or 3 story, whichever is less unless granted by Conditional Use Permit
- ii. Accessory Uses: Refer to Section 10.03(6)(e)

i. Minimum Open Space Requirement: 15 percent

3. B-3 General Business District.

a. Purpose. The purpose of the B-3 General Business District is to provide areas for commercial uses fronting on or having immediate access to arterial and collector streets.

b. Permitted Uses.

- i. Art Studios
- ii. Boat Sales, Service and Repair
- iii. Building Supply
- iv. Business Services
- v. Car Washes
- vi. Commercial Recreational Facility (Indoor Only)
- vii. Convenience Stores
- viii. Day Care Centers (Family)
- ix. Dry Cleaning/Laundromat

- x. Financial Services
- xi. Funeral Homes
- xii. Hotels/Motels
- xiii. Hospitals
- xiv. Medical Offices and Clinics
- xv. Personal Services
- xvi. Printing and Publishing
- xvii. Private Clubs
- xviii. Professional Offices
- xix. Restaurants
- xx. Retail Establishments (Other than Liquor Sales)
- xxi. Tourist Homes
- xxii. Veterinary Clinics
- xxiii. Video Rental and Sales
- xxiv. Video Arcades
- xxv. Wholesale Trade
- xxvi. Civic Uses
- xxvii. Public Parks
- xxviii. Essential Services

c. Conditional Uses.

- i. Adult Content Retail Sales
- ii. Amusement Parks and Theme Parks
- iii. Beer Gardens
- iv. Churches and Other Places of Worship
- v. Commercial Kennels
- vi. Communication/Utility Towers
- vii. Community Living Arrangements
- viii. Contractor Supply Yards
- ix. Group Day Care Centers
- x. Gas Stations
- xi. Motor Vehicle Sales, Service and Repair
- xii. Marinas
- xiii. Miniature Golf
- xiv. Mini Warehouses
- xv. Outdoor Commercial Recreational Facility
- xvi. Outdoor Sales
- xvii. Retail Liquor Sales (Other than Beer or Wine)
- xviii. Taverns
- xix. Utility Facilities

d. Permitted Accessory Uses.

- i. Drive-Up Windows
- ii. Garages
- iii. Parking and Loading
- iv. Solar Equipment (Refer to Section 10.03(21))
- v. Temporary Construction Buildings
- vi. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- vii. Total cumulative floor area of all accessory uses shall not exceed eight hundred fifty (850) square feet plus five percent (5%) of total lot area.

- e. Minimum Lot Size: 10,000 square feet
- f. Minimum Lot Width: 80 feet
- g. Minimum Yard Setbacks:
  - i. Front Yard: 20 feet
  - ii. Side Yard: 10 feet
  - iii. Rear Yard: 20 feet
- h. Maximum Height:
  - i. Principal Building: 45 feet
  - ii. Accessory Building: 15 feet
- i. Minimum Open Space Requirement: 15 percent

#### 10.08 INDUSTRIAL DISTRICTS.

##### 1. I-1 Light Industrial District.

- a. Purpose. The purpose of the I-1 Light Industrial District is to provide areas for less intense industrial activities in the Town. The Light Industrial District shall serve as a transition between more intense industrial sites in the I-2 Heavy Industrial District and residential and/or commercial sites.
- b. Permitted Uses.
  - i. All Uses Permitted in the B-3 General Business District
  - ii. Agricultural Uses (Other than Raising or Keeping Livestock)
  - iii. Assembly and Manufacture of Equipment
  - iv. Business Services
  - v. Civic Uses
  - vi. Contractors Yards
  - vii. Equipment Sales, Service and Repair
  - viii. Light Industries
  - ix. Machine Shops
  - x. Motor Vehicle Service and Repair
  - xi. Printing and Publishing
  - xii. Public Parks
  - xiii. Public Works Yard
  - xiv. Repair Shops
  - xv. Schools-Industrial and Technical Training
  - xvi. Warehousing and Distribution Facilities
  - xvii. Wholesale Trade
  - xviii. Utility Transmission Facilities
  - xix. Upper Level Residential
- c. Conditional Uses.
  - i. Utility Generation Facilities and Communication Towers
  - ii. Motor Vehicle Sales
  - iii. Schools and Educational Institutions
  - iv. Processing and Manufacturing of Food (Except Meat and Meat Products, Sauerkraut, Cabbage Products, or Fish and Fish Products)
  - v. Vehicle Impound Yards
  - vi. Other Manufacturing Activities Not Listed as Permitted Uses.
- d. Permitted Accessory Uses.
  - i. Garages
  - ii. Parking and Loading

- iii. Solar Equipment (Refer to Section 10.03(21))
- iv. Temporary Construction Buildings
- v. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- e. Minimum Lot Size: 20,000 square feet
- f. Minimum Lot Width: 100 feet
- g. Minimum Yard Setbacks:
  - i. Front Yard: 30 feet
  - ii. Side Yard: 20 feet
  - iii. Rear Yard: 20 feet
- h. Maximum Height: 35 feet
- i. Maximum Lot Coverage: 70 percent
- j. Minimum Open Space Requirement: 30 percent

2. I-2 Heavy Industrial District.

- a. Purpose. The purpose of the I-2 Heavy Industrial District is to provide areas in the Town with more intense industrial activities. The Heavy Industrial District areas are to be located where adequate transportation, water and sewer services can be provided and where there will be minimal disruption or nuisance caused to residential neighborhoods.
- b. Permitted Uses.
  - i. All Uses Permitted in the I-1 Light Industrial District
- c. Conditional Uses.
  - i. Acid Manufacture
  - ii. Assembly and Manufacture of Products and Equipment
  - iii. Cement, Lime, Gypsum or Plaster Manufacture
  - iv. Fertilizer Manufacture
  - v. Fuel Storage Facilities
  - vi. Grain Elevators
  - vii. Motor Freight Terminals
  - viii. Processing, Manufacture or Storage of Flammable Materials
  - ix. Utility Generating Facilities and Communication Towers
  - x. Vehicle Impound Yards
- d. Permitted Accessory Uses.
  - i. Garages
  - ii. Parking and Loading
  - iii. Solar Equipment (Refer to Section 10.03(21))
  - iv. Temporary Construction Buildings
  - v. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- e. Minimum Lot Size: 20,000 square feet
- f. Minimum Lot Width: 100 feet
- g. Minimum Yard Setbacks.
  - i. Front Yard: 30 feet
  - ii. Side Yard: 20 feet
  - iii. Rear Yard: 20 feet
  - iv. Except that in areas adjacent to a Residential District all minimum yard setbacks from the nearest Residential District boundary line shall be one hundred feet (100').
- h. Maximum Height: 45 feet or 3 story, whichever is less unless granted by Conditional Use Permit

- i. Maximum Lot Coverage: 70 percent
- j. Minimum Open Space Requirement: 30 percent

10.09 SPECIAL DISTRICTS.

1. C-1 Conservancy District.

- a. Purpose. The purpose of the C-1 Conservancy District is to preserve public parks and those natural features and environments that are unique community assets so they will be protected from adverse urban development activities.
- b. Permitted Uses.
  - i. Arboretums
  - ii. Civic Uses
  - iii. Recreational Hunting
  - iv. Public Parks
  - v. Essential Services
- c. Conditional Uses.
  - i. Agricultural
  - ii. Cemeteries
  - iii. Forestry
  - iv. Outdoor Performance Pavilions
  - v. Recreational Services
  - vi. Zoological or Botanical Gardens
  - vii. Utility Facilities
- d. Permitted Accessory Uses.
  - i. Garages
  - ii. Parking and Loading
  - iii. Temporary Construction Buildings
  - iv. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- e. Minimum Lot Size: 1 Acre
- f. Minimum Lot Width: 150 feet
- g. Minimum Yard Setbacks.
  - i. Front Yard: 50 feet
  - ii. Side Yard: 20 feet
  - iii. Rear Yard: 50 feet
- h. Maximum Height: 60 feet

2. Q-1 Resource Extraction District.

- a. Purpose. The purpose of the Q-1 Resource Extraction District is to provide areas in the Town that can be safely quarried or mined while not adversely impacting adjacent properties. A review process for Quarrying Permits has been established in Section 10.13 of this Zoning Code.
- b. Permitted Uses.
  - i. Agricultural Uses
  - ii. Civic Uses
  - iii. Forestry
  - iv. Public Parks
  - v. Essential Services
- c. Conditional Uses.

- i. Asphalt Plants
  - ii. Cement, Lime, Gypsum or Plaster Manufacture
  - iii. Concrete Plants
  - iv. Gravel Extraction
  - v. Metallic and Non-Metallic Mining
  - vi. Rock Quarrying
  - vii. All permitted and conditional uses allowed in the I-1 district, on an interim basis only.
- d. Permitted Accessory Uses.
- i. Garages
  - ii. Parking and Loading
  - iii. Solar Equipment (Refer to Section 10.03(21))
  - iv. Temporary Construction Buildings
  - v. Other accessory uses as determined by the Zoning Administrator/Planner or Plan Commission.
- e. Minimum Lot Size: 40 Acres
- f. Minimum Lot Width: 1,000 feet
- g. Minimum Yard Setbacks.
- i. Front Yard: 100 feet
  - ii. Side Yard: 100 feet
  - iii. Rear Yard: 100 feet
- h. Maximum Height: 60 feet

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#### 10.10 OVERLAY DISTRICT REQUIREMENTS.

1. Purpose. The overlay districts are established to provide additional protection for unique resources and features in the community that are not included within the other underlying or standard zoning districts.
2. AP-Airport Special Purpose Overlay District.
  - a. Purpose. The purpose of the AP Airport Special Purpose District is intended to protect airports and abutting areas from uses and activities that would be detrimental to airport operations or would jeopardize the public investment in those facilities.
  - b. Height Limitations. Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the Height Limitations Zoning Map.
  - c. Minimum Yard Setbacks.
    - i. Front Yard: 20 feet
    - ii. Rear Yard: 20 feet
    - iii. Flanking Street Side Yard: 20 feet
    - iv. Interior Side Yard: 10 feet
  - d. Non-Conforming Uses.
    - i. The regulations prescribed in this ordinance shall not be construed to require the removal, lowering, or other change or alteration, of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided.
    - ii. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure if the construction or alteration of such was begun prior to the effective date of this ordinance and if such is diligently prosecuted.



- iii. This ordinance shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.
- iv. Before any non-conforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in this section authorizing such change, replacement, or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.

3. WP-Wellhead Protection Overlay District.

- a. Purpose. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply and promote the public health, safety and general welfare of the residents.
- b. Authority. Statutory authorities of the Town to enact these regulations was established by the Wisconsin legislature in sections 62.23 (7)(a) and (c), Wis. Stats.
- c. Application of Regulations. The regulations specified in this ordinance shall apply only to those areas of the Town that lie within the Five-Year Time of Travel recharge area for municipal water supply wells as defined in Section 10.10(3)(d)(iv), and are in addition to the requirements in the underlying zoning district. If there is a conflict between this ordinance and the underlying Zoning Code, the more restrictive provision shall apply.
- d. Definitions:
  - i. Aquifer. A saturated, permeable geologic formations that contains and will yield significant quantities of water.
  - ii. Cone of Depression. The area around a well, where the water table dips down forming a "v" or cone shape causing the water level to be lowered at least one tenth of a foot due to pumping a well.
  - iii. Facilities. A general term referring to land uses, business operations, activities, developed property, or material stored.
  - iv. Five-Year Time of Travel. The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five (5) years to reach a pumping well.
  - v. Municipal Water Supply. The municipal water supply of the City of Beloit within the Town of Beloit.
  - vi. Person. An individual, partnership, association, corporation, municipality or state agency, or other legal entity.
  - vii. Recharge Area. The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
  - viii. Well Field. A piece of land used primarily for the purpose of locating wells to supply to the municipal water supply.
  - ix. Well. A boring into the earth for the purpose of extracting groundwater from the supply to the municipal water supply.
  - x. Zone of Saturation. The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.
- e. Wellhead Technical Review Committee. The Wellhead Technical Review Committee shall consist of all of the following:
  - i. The Town's Zoning Administrator/Planner
  - ii. The Town's Engineer
  - iii. The Town's Public Works Director (or qualified designee); and

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iv. The Town's Fire Chief

The purpose of the Wellhead Technical Review Committee is to provide objective and scientific technical review of requests for conditional use permits and to make recommendations to the Plan Commission and Town Board to grant or deny Conditional Use Permits based upon the facts discovered in those reviews, to make recommendations on all conditions placed on a Conditional Use Permit, and to give advice on matters concerning groundwater.

- f. Professional Services. If staff cannot review for technical reasons, the Town may retain the services of professional consultants (including engineers, environmental specialists, hydrologists, and other experts) to assist in the Town's review of a proposal or submittal coming before the Wellhead Technical Review Committee. The submittal of a proposal by a petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town may apply the charges for these services to the petitioner along with any administrative fee. Review fees, which are due the Town from the petitioner, but which are not paid, may be assigned by the Town as a special charge to the subject property.
- g. Wellhead Protection Overlay District. The Wellhead Protection Overlay District is intended to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety and welfare. The Wellhead Protection Overlay District is intended to protect the Five-Year Time of Travel recharge area for the existing or future municipal water supply from contamination.
- h. Wellhead Protection Overlay District Boundaries. The Wellhead Protection Overlay District shall be part of the Town of Beloit Zoning District Map and the locations and boundaries of the Wellhead Protection Overlay District established by this ordinance are incorporated herein and hereby made a part of this Zoning Code. Said map, together with everything shown thereon, and all amendments thereto, shall be as much a part of this Code as though fully set forth and described herein.
- i. Permitted Uses in Wellhead Protection Overlay Districts. Subject to the conditions for existing uses listed in Section 10.12 of this ordinance, the following are the only permitted uses within the Wellhead Protection Overlay District:
- i. Public and private parks, and playgrounds, provided there are no on-site wastewater disposal systems or holding tanks;
  - ii. Wildlife and natural and woodland areas;
  - iii. Biking, hiking, skiing, nature, equestrian and fitness trails;
  - iv. Residential which is municipally sewered and free of flammable and combustible liquid underground storage tanks;
  - v. Single-family residences on a minimum lot size of twenty thousand (20,000) square feet with a private on-site sewage treatment system receiving less than eight thousand (8,000) gallons per day, which meets current county and state health standards for effluent, and free of flammable and combustible liquid underground storage tanks;
  - vi. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines;
  - vii. Commercial, institutional, or office establishments which are municipally sewered, subject to the prohibited and conditional uses listed in each zoning district of this ordinance.
- j. Separation, Distance Requirements in Wellhead Protection Overlay Districts. The following separation distances shall be maintained. Measurements shall be from the wellhead to the specific structure, facility, edge of landfill or storage area as described in items (i) through (iv) below.
- i. Fifty feet (50') between a public sewer supply well and a storm sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure treated in place to meet current AWWA 600 specifications.

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- ii. Two hundred feet (200') between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
  - iii. Four hundred feet (400') between a public water supply well and a septic system receiving less than eight thousand (8,000) gallons per day, or a storm water detention, retention, infiltration or drainage basin.
  - iv. Six hundred feet (600') between a well and any gasoline or fuel oil storage tank installation that have received written approval from the Wisconsin Department of Safety and Professional Services or its designated Local Program Operator under Section ATCP 93.110, Wis. Adm. Code., or another state agency of the State of Wisconsin with authority to issue such written approval.
  - v. One thousand feet (1,000') between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving eight thousand (8,000) gallons per day or more.
  - vi. One thousand two hundred feet (1,200') between a well and a solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Safety and Professional Services or its designated Local Program Operator under Section ATCP 93.110, Wis. Adm. Code., or another state agency of the State of Wisconsin with authority to issue such written approval; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.
- k. Prohibited uses in Wellhead Protection Overlay Districts. The following uses are prohibited:
- i. Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are defined by OSHA criteria)
  - ii. Radioactive waste facilities.
  - iii. Coal Storage.
  - iv. Industrial lagoons, pits or natural or manmade containment structures primarily of earthen materials used for storage or treatment of wastewater, fermentation leachates or sludge.
  - v. Landfills and any other solid waste facility, except post-consumer recycling.
  - vi. Manure and animal waste storage except animal waste storage facilities regulated by the county.
  - vii. Pesticide and fertilizer dealer.
  - viii. Railroad yards and maintenance stations.
  - ix. Rendering plants and slaughterhouses.
  - x. Salt and deicing material storage for the purpose of distribution.
  - xi. Septage and sludge spreading.
  - xii. Septage, wastewater, or sewer lagoons.
  - xiii. Motor vehicular filling stations.
  - xiv. Wood preserving operations.
- l. Conditional Uses. Any person may request a conditional use permit for certain uses, activities and structures within the Wellhead Protection Overlay District not prohibited in Section 10 of this ordinance. The uses, activities and structures that may be conditionally allowed are:
- i. Commercial, institutional, or industrial establishments utilizing a private on-site wastewater treatment system.
  - ii. Chemical manufacturers (Standard Industrial Classification Major Group 28).
  - iii. Nonmetallic earthen materials extraction or sand and gravel.
  - iv. Salvage or junk yards
  - v. Stockyards and feedlots

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- vi. Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria.) This shall not apply to residential LP tanks.
  - vii. Storage or processing of extremely hazardous substances, radioactive materials or substances listed in APPENDIX 1 TO TABLE 1 PUBLIC HEALTH GROUNDWATER QUALITY STANDARDS, Chapter NR 140 Wis. Adm. Code (Extremely hazardous substances are identified by SARA/EPCRA criteria.
  - viii. Septage or sludge storage treatment.
- m. All applications for a conditional use permit shall be submitted in writing to the Town Clerk, using such forms as are made available for that purpose by said clerk and shall include all of the following:
- i. A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, storm water management structures, groundwater monitoring wells, and two foot (2') ground elevation contours.
  - ii. A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
  - iii. If determined necessary by the Wellhead Technical Review Committee, an environmental assessment report shall be prepared by a licensed environmental engineer, which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
  - iv. Any operational safety plan, which details the operational procedures for material process and containment, best management practices, storm water runoff management, and groundwater monitoring.
  - v. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities or structure occur.
  - vi. All applicants submitting a request for a conditional use permit shall pay the established fee set by the Town Board.
- n. All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:
- i. Provide current copies of all federal, state and local facility operation removal or certificates and ongoing environmental monitoring results to the Town.
  - ii. Establish environmental safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, storm water runoff management, and groundwater monitoring.
  - iii. Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.
  - iv. Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the Town.
  - v. The Town Board shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Wellhead Technical Review Committee. Any conditions above and beyond those specified in Conditional Uses, that are recommended by the Wellhead Technical Review Committee may be applied to the granting of the conditional use permit.
- o. Requirements for Existing Facilities Requiring a Conditional Use or listed as a Prohibited Use. Existing facilities within the Wellhead Protection Overlay District at the time of the enactment of such district which require a conditional use or are listed as a prohibited use in this ordinance are subject to the following provisions:
- i. The owners or operators of facilities described in Section 10.10(3)(l)(i), which facilities exist within the district at the time of enactment, shall, within sixty (60) days of receipt, provide copies of all current, and within thirty (30) days of receipt, revised or new federal, state and local facility

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operational approvals, permits or certificates; operational safety plan and ongoing environmental monitoring results to the Town.

- ii. The owners or operators of facilities described in Section 10.10(3)(l)(i), which facilities exist within the district at the time of enactment of a district, shall have the responsibility of filing and maintaining with the Town, a current Spill Control Prevention Plan on forms provided by the Town, which details how they intend to respond to any emergency which cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.

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- p. In the event of casualty loss causing damage or destruction to building improvements exceeding fifty percent (50%) of the assessed valuation thereof, or the desire to expand or enlarge facilities, then the owners or operators of such facilities may be granted a conditional use permit, in accordance with this Code, and Section 10.10(3)(p) above, to repair, rebuild, or expand such facilities, provided that the conditions imposed shall generally require that:

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- i. To the extent feasible, based upon Best Management Practices and economic factors, the building improvements shall be repaired, restored or rebuilt employing designs and technologies that diminish the potential for wellhead contamination; and
- ii. To the extent feasible, based upon Best Management Practices and economic factors, the replacement or augmentation of equipment and machinery and the installation thereof shall be done in a manner which diminishes potential for wellhead contamination. This ordinance does not apply to maintenance or minor repairs.

4. TC-Town Center Overlay District

- a. Purpose. The purpose of the TC Town Center District is intended to promote development in the Town Center Area in accordance with the adopted development plan.

- b. Restricted Uses.

- i. Storage Units. Storage units are prohibited on any property that did not contain storage units as of the effective date of this ordinance. (July 19, 2022)

5. Enforcement and Penalty.

- a. Penalty. Any person who violates, neglects or refuses to comply with any of the provisions of this Zoning Code shall be subject to a penalty as provided in Chapter 1 of this Code of Ordinances.
- b. Injunction. The Town of Beloit may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- c. Clean-Up Costs. As a substitute for, and in addition to any other action, the Town of Beloit may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the cost of prosecution.
  - i. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Wellhead Protection Overlay District shall immediately cease such discharge and immediately initiate clean-up satisfactory to the Town and the other state and federal regulatory agencies.
  - ii. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally punished for the cost of clean-up, consultants, or other contractor fees, including all administrative costs for oversight, review and documentation including the Town employees, equipment and mileage.

10.11 SITE PLAN/PLAN OF OPERATION.

- 1.

- a. Purpose. The purpose of this section is to promote compatible development, stability of property values, and to prevent impairment or depreciation of property values.
- b. Prohibition; Regulation. No person shall commence any use or erect any structure, with the exception of Town owned Utility Buildings and Utility Structures and single family and two-family dwellings, without first obtaining the approval of the Town Plan Commission with detailed site plan/plan of operation as set forth in this section. New tenants, businesses and individuals proposing a change in use are required to have site plan and plan of operation approval. Site Plan / Plan of Operations applications which propose a use listed as ~~permitted~~ impermitted in that zoning district and are being established in an existing building without major changes to the structure or the exterior of the property shall be reviewed and approved by the Zoning Administrator. Any application that causes concern or does not clearly fit the criteria listed shall be referred to the Plan Commission for final decision

2. Administration. Plan data shall be submitted to the Town Zoning Administrator/ Planner who shall transmit all applications and their accompanying plans to the Plan Commission and Building Inspector for their review. Plans shall be accompanied by the application fee as established by the Town Board. Plan data to be submitted with plan review applications shall include the following:

- a. A plat of survey drawn by a registered land surveyor including the site plan information drawn to a recognized engineering scale of not more than one hundred feet (100') to one inch (1") (This may be obtained through the Town or County Register of Deeds. Be sure to investigate prior to contracting for a new survey).
  - i. Name of project.
  - ii. Owners and developer's/business owner's name, address, phone number and e-mail.
  - iii. Architect and/or engineer's name and address.
  - iv. Date of plan/application submittal.
  - v. Scale of drawing noted on plan.
  - vi. Existing and proposed topography shown at a contour interval not less than two feet (2'). Topography shall extend forty feet (40') onto adjacent property or to the building on the adjacent lot, whichever is greater. \*\*\*
  - vii. The characteristics of soils related to contemplated specific uses. \*\*\*
  - viii. Total number of parking spaces and layout, including driveways shall be shown on the plan. The drawing shall indicate whether parking area is paved or unpaved. Please note that, in accordance with Town Ordinance, all commercial parking must be paved.
  - ix. The type, size and location of all structures with all building dimensions shown.
  - x. Indicate height of building(s).
  - xi. Indicate existing and proposed street locations on the site plan.
  - xii. Indicate existing and proposed public right-of- ways and widths.
  - xiii. North arrow shown.
  - xiv. Locate existing and general location of proposed septic systems, sanitary sewers, storm sewers and water mains as applicable.
  - xv. Submit a storm water management plan indicating all facilities, including detention/retention areas. The design criteria shall meet the requirements as stated in the Erosion Control and Storm Water Management section of this ordinance. \*\*\*
  - xvi. Locate existing trees that are eight (8) inches in diameter or larger. \*\*\*
  - xvii. Note location, extent, and type of proposed plantings. \*\*\*
  - xviii. Note location of pedestrian sidewalks and walkways.
  - xix. A graphic outline of any development staging that is planned is required to be shown on the site plan.
  - xx. Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures. These plans shall include proposed building colors and buildings materials. \*\*\*
  - xxi. Landscaping plan including the location of all proposed and existing trees, the species (including common and botanical names), size at planting, size at maturity and quantity for all proposed new plants.
  - xxii. Lighting plan and photometric plan may be required upon Plan Commission or Zoning Administrator/Planner request.

\*\*\*Not required with existing structure unless requested by the Zoning Administrator/ Planner or the Plan Commission.

3. Preliminary Consultation. Prior to preparation and official submittal of the site plan/plan of operation and supporting data, the applicant may meet with the Planning Commission and/or Town staff for a preliminary



consultation. The purpose of this preliminary consultation is to have an informational exchange, which includes an informal discussion of the proposed project, a review of the local regulations and policies applicable to the project, and a discussion of the land use implications of the project.

4. **Review Procedure.** Upon receipt of the complete site plan/plan of operations with the required information, accompanied by a letter of submittal and application, the Zoning Administrator/Planner shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this chapter and all other ordinances of the Town, and demonstrates the adequacy of utility service. Within thirty (30) days from the date of submittal, the Planning Commission shall review the application and issue an approval or denial in writing, setting forth in detail the reasons, which shall be limited to any defect in form or required information, any violation of any provision of this chapter or any other ordinance, the inadequacy of any utility and any changes that would make the plan acceptable.
5. **Decision Criteria.** In reviewing an application for a site plan/plan of operation, the Planning Commission shall consider all relevant factors specified in other sections of this chapter including standards for specific requirements for certain land uses and activities. The following are the criteria to be used in the review of site plan/plan of operation requests:
  - i. **Consistency with Comprehensive Plan.** The relationship of the proposed use to the objectives of the Town of Beloit Comprehensive Plan.
  - ii. **Project/Business Compatibility.** The compatibility of the proposed use with existing development within **three hundred feet (300')** of the proposed use and within five hundred feet (500') along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible.
6. **Site Plan.**
  - a. **Site Organization.** The organization of buildings, driveways, parking areas, open spaces, pedestrian facilities, landscaping, fences, lights, signs and other structures should achieve a functional, safe, and harmonious site relationship. At the same time, the site organization should be compatible with existing positive characteristics of the site.
  - b. **Location of Buildings.** The setback of buildings from streets, the spacing between buildings, and arrangement of buildings shall be considered in relation to the prevailing development in the area.
  - c. **Drives, Parking and Circulation.** Special attention shall be given to limiting the number of vehicular access points and their location, general on-site vehicular circulation, separation of pedestrian and vehicular traffic flows, and the arrangement of parking areas that are safe and convenient. The screening and landscaping of parking lots needs to be addressed to minimize the visual impacts. The number of available parking stalls should comply with the minimum requirements for the intended use.
  - d. **Grading and Drainage.** The existing and proposed grades and drainage patterns are to be reviewed to ensure that proper storm water drainage can occur.
  - e. **Utility Service.** The installation of underground electric, telephone and other utilities is encouraged whenever feasible. Remaining aboveground utilities should be designed to have a harmonious relationship to neighboring properties and the site.
  - f. **Views.** Important views within the site and the immediate area as well as more distant scenic vistas shall be protected and enhanced with the new development.
  - g. **Landscaping.** The landscape shall be preserved in a natural state insofar as practicable by minimizing tree and soil removal. Grade changes shall be in keeping with the general appearance of or an improvement upon the neighboring area. Plant species and composition should be compatible with the site.



- h. Signs and Lighting. The size, location, design, color, texture, lighting, and materials of all signage shall be complimentary to the site. All lighting shall be designed to avoid excessive illumination onto adjacent residential properties.
- 7. Building Design. All buildings shall be designed to be compatible with or an improvement to existing adjacent structures. Factors to be reviewed include building heights, exterior materials, and building forms including roof shapes and pitches.
- 8. Other Factors. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Zoning Administrator/Planner or Plan Commission feel are necessary for review to make an informed decision.
- 9. Site Plan Revisions. Any revisions to the site plan/plan of operation after initial approval shall be reviewed and approved as an amendment to an active site plan/plan of operation by the Planning Commission prior to the issuance of a Zoning Permit and will follow the same review process.
- 10. Certificate of Occupancy. No certificate of occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith; provided that upon a finding by the Building Inspector that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer, and that temporary occupancy prior to completion will involve no health or safety hazard, the Building Inspector may issue a temporary certificate of occupancy bearing an expiration date, which date shall allow reasonable time for completion of all required improvements prior to the date of expiration of the temporary certificate of occupancy.
- 11. Temporary Certificate of Occupancy. Acceptance of a temporary certificate of occupancy implies consent to make completion of any required improvements not completed prior to the expiration date of the temporary certificate of occupancy and forfeiture of any portion thereof not so applied, but no action or inaction by the Town in respect to any required improvement shall serve to extend the time of validity of any temporary certificate of occupancy or excuse any violation of this chapter.
- 12. Extension. A temporary certificate of occupancy may be extended from time to time for good cause shown and any such extension shall extend for the same period the time for completion under the terms of the site plan.
- 13. Payment of Fees. The applicant shall pay all professional fees incurred by the Town for review of the request by the Zoning Administrator/Planner, Town Administrator, Town Clerk, Building Inspector, Town Attorney, or consultants serving the Town in accordance with the Town's Fee Schedule. The Town Board may require cash escrow, an irrevocable letter of credit, or other form of surety to ensure payment of fees.

#### 10.12 CONDITIONAL USE PERMIT.

- 1. Purpose. A conditional use is development that would not generally be appropriate within a district but might be allowed in certain locations within the district if specific requirements are met. The compatibility must be judged based on the circumstances and may require the imposing of conditions before development or occupancy is permitted. The purpose is to allow a reasonable degree of discretion in determining the suitability of a development at a specific location.
- 2. Applicability.

- a. New Conditional Uses. No person shall operate a conditional use or construct facilities that are intended for a conditional use, as listed in the zoning districts, without first obtaining a conditional use permit approval from the Town Board.
  - b. Amended Conditional Uses. If any holder of a Conditional Use Permit wishes to extend or alter the terms of this permit, he/she must apply for such extension or alteration through the procedure of application for Conditional Use Permits detailed herein.
  - c. Existing Conditional Uses. All uses existing at the effective date of this ordinance, which would be classified as conditional uses in the zoning district concerned if they were to be established after the effective date of this ordinance, are hereby ~~declare~~-declared to be conforming conditional uses to the extent of the existing operation only. Any addition, alteration, extension, or other proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.
3. Required Information. The items required to be submitted for Conditional Use Permit approval shall be those items listed in Section 10.11 that are required for Site Plan/Plan of Operation approval, unless otherwise required by this Code. However, if a successor takes over a conditional use permit previously granted where the items listed in Section 10.11 were considered, the successor must only address items listed in Section 10.11 where a change will occur from the terms of the approved conditional use.
4. Review Procedure.
- a. Procedure. Applications for a Conditional Use Permit shall be filed with the Zoning Administrator/Planner on an official application form and shall be accompanied by the required fee and detailed written and graphic materials fully explaining the proposed development. A public hearing shall be conducted by the Planning Commission. After receiving public testimony, input from the applicant and Town Staff, the Planning Commission shall close the public hearing. The Planning Commission shall review the proposal as it relates to the decision criteria in Section 10.12 and other applicable requirements in the Zoning Code. The Planning Commission shall then forward a recommendation to the Town Board on the proposed conditional use. The Town Board shall review the request, the Planning Commission's recommendation, and the decision criteria. The Town Board shall then decide on the matter before it. Conditional Use Permits may be approved by an affirmative vote of a simple majority of the Town Board.
  - b. Public Hearing Notice. The Planning Commission shall fix a reasonable time for a public hearing by publication in the official newspaper as a Class II Notice under Chapter 985 Wis. Stats. In addition to the Class II Notice, all conditional use applications shall be noticed to all property owners within three hundred feet (300') of the property line via regular mail.
    - i. CUP on Q-1 Parcels. Any public notice concerning a conditional use for a parcel zoned as Q-1 Resource Extraction District shall be sent to all property owners within one thousand feet (1,000') via regular mail.
  - c. Conditions. The Plan Commission and the Town Board shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. In permitting a new or amended conditional use, the Town Board may impose additional conditions that it considers necessary to protect the best interests of the surrounding area and the Town. Conditions imposed may include, but are not limited to, time limitations within which to act, landscaping, architectural design, type of construction, construction commencement and completion dates, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street improvements, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improve traffic circulation, highway access restrictions, increased setbacks, or additional parking. Any conditions approved by the Town Board shall be made an integral part of the permit. Such conditions shall

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be set forth in detail in writing by the Town Clerk and a copy of such conditions shall be sent, certified mail, return receipt requested, to the applicant.

- d. **Issuance and Safeguards.** The permit for a conditional use shall amend the Zoning Permit and shall be attached thereto. In recommending any conditional use, the Town Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Board may require that the Town be provided with either a surety bond, cash escrow, certificate of deposit, securities, irreversible letter of credit, or cash deposit prior to issuance of the conditional use permit. The security shall be used to guarantee compliance with the conditions of the permit and shall be returned to the developer when an occupancy permit is issued.
5. **Decision Criteria.** In making a determination on an application for a conditional use, the Plan Commission and the Town Board shall consider all relevant factors specified in other sections of this ordinance including standards for specific requirements for certain land uses and activities. The following are the criteria to be used in the review of conditional uses:
  - a. **Consistency with Comprehensive Plan.** The relationship of the proposed use to the goals, policies, and objectives in the Town of Beloit Comprehensive Plan.
  - b. **Compatibility.** The compatibility of the proposed use with existing development within the surrounding area and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible.
  - c. **Importance of Services to the Town.** The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable.
  - d. **Neighborhood Protections.** The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood.
  - e. **Conformance with Other Requirements of the Zoning Code.** The conformance of the proposed development with all provisions of the Zoning Code.
  - f. **Other Factors.** Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Board feels are necessary for review to make an informed decision.
6. **Compliance.**
  - a. **Compliance Required.** The conditions set forth in an approved Conditional Use Permit shall be complied with by the applicant and property owners and future tenants or users of the property. Any deviation or alteration of use from those conditions shall constitute a violation of the terms of the Conditional Use Permit. Such violation shall constitute a violation of this Code and will be subject to prosecution and penalties under the terms of this Zoning Code.
  - b. **Revocation of a Conditional Use Permit.** If a conditional use has not operated in conformity with the conditions of the permit or other requirements in the Zoning Code, the Town Board may, after due notice and public hearing, revoke the conditional use permit by a majority vote.
  - c. **Discontinued Conditional Use Permit.** If a conditional use has been discontinued for a period of twelve (12) consecutive months, the conditional use permit will automatically expire without notice or public hearing. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile course, ski areas, marinas, quarries, etc.)
  - d. **Unused Conditional Use Permit.** A conditional use permit shall automatically expire, without notice or hearing, if actual construction of the approved use for which a permit was issued has not been substantially commenced within one (1) year or the time limitations, if any, set forth in the Conditional Use Permit.

- e. Reverted Use. Upon expiration of a conditional use status, the owner of the premises shall be required to bring all such land and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this Code, within ninety (90) days from such determination.
7. Payment of Fees. The applicant shall pay all professional fees incurred by the Town for review of the request by the Zoning Administrator/Planner, Town Administrator, Town Clerk, Building Inspector, Town Attorney, or consultants serving the Town in accordance with the Town's Fee Schedule. The Town Board may require cash escrow, an irrevocable letter of credit, or other form of surety to ensure payment of fees. In situations where the grant of a conditional use permit may require prolonged administrative costs incurred by the Town, an annual payment to the Town from the permit holder may be set as a condition of approval by the Town Board.
8. Conditional Use Standards. The following standards shall be required for the applicable conditional use in addition to conditions required by the Town Board:
- a. Community Based Residential Facilities (CBRF's). No adult family home, CBRF, or other community living arrangement facility may be established within two thousand five hundred feet (2,500') of another adult family home, CBRF, or other community living arrangement facility, nor can the total capacity of all such facilities in a ward exceed a total number of persons equivalent to one percent (1%) of the population of the ward. In any case, the total capacity of all such adult family homes, CBRF's or other community living arrangement facilities in the Town may not exceed one percent (1%) of the total Town population. Exceptions to these limitations may be granted at the discretion of the Town by a Conditional Use Permit issued pursuant to Section 10.12 of the Zoning Code. In reviewing applications for Conditional Use Permits for CBRF's and other adult living or community living arrangements, the Town Board shall apply the following criteria:
- i. The facility shall be licensed as required under Chapter DHS 83, Wis. Admin. Code or other applicable code.
  - ii. The facility, when fully occupied, shall not be impractical or infeasible and shall not create an unreasonable financial or administrative burden on Town services, including, but not limited to, fire protection, police protection, emergency medical services, public water supply and sanitary sewer services, streets and transportation facilities, and park and outdoor recreation facilities.
  - iii. The facility shall provide at least one (1) off-street parking stall for each resident sixteen (16) years of age or older, plus one (1) stall for each employee working at the facility during the most heavily staffed shift.
- b. Churches, Synagogues and Other Buildings for Religious Assembly. The height limitation may be extended to a maximum of fifty feet (50') provided the minimum required setbacks and offsets shall be increased two feet (2') for every additional foot of height in excess of the permitted maximum in that district. The aforesaid height limit regulation shall not apply to the spire or belfry of a church except where Airport Safety Zone regulations specifically limit the maximum height.
- c. Motels and Hotels. No building shall be closer than fifty feet (50') to the lot line of an adjoining lot in a district permitting residential use.
- d. Restaurants.
- i. No part of the off-street parking systems shall be within fifty feet (50') from the property line of any adjoining Residential District area that is not zoned as a conditional use.
  - ii. Any building or other structure shall be not less than fifty feet (50') from the property line of any adjoining residential district.
  - iii. An approved screen of at least six feet (6') in initial height shall be provided abutting any Residential District. Additional approved screening may be required by the Planning Commission.

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- e. Private Clubs and Private Outdoor Recreational Facilities. No building, other than one used only for residence purposes, shall be closer than fifty feet (50') to the lot line of an adjoining lot in a district permitting residential use.
- f. Gas Stations.
  - i. No gasoline pump or other accessory equipment shall be closer than fifteen feet (15') to the property line.
  - ii. No site lighting installations shall be permitted to create a traffic hazard or nuisance to adjacent properties.
- g. Refuse Disposal Sites, Public and Commercial. No such use shall be permitted on a lot of less than ten (10) acres.
- h. Utility Facilities. The height limitation may be extended to a maximum of fifty feet (50') provided the minimum required setbacks and offsets shall be increased two feet (2') for every additional foot of height in excess of the permitted maximum of that district.

#### 10.13 QUARRY PERMIT.

1. Purpose. The purpose of the quarry permit process is to establish an appropriate procedure for reviewing rock quarrying and nonmetallic mining operations within the Town of Beloit. These land uses are listed as conditional uses in the Q-1 District. The Quarry Permit process shall be used in lieu of the conditional use permit process for all quarries in the Q-1 District. Quarries have the potential to create significant impacts on the subject site as well as on properties surrounding the site and on the community overall. The approval of a quarry permit is required for the following reasons:
  - a. To get a clear understanding of what is to be done before the project is started.
  - b. To determine how quarrying operations would impact nearby land uses.
  - c. To ensure that the provisions of this Zoning Code are fully complied with.
  - d. To ensure that after the quarry operations are completed, the project site can realistically be reused with a permanent land use and be adequately served by public streets and utilities.
  - e. To determine the impact of the project on public facilities, such as streets, utilities, parks, schools, drainage, and other public services and to require appropriate actions necessary to minimize the impacts.
2. Applicability. No quarrying operation or expansion of an existing quarry shall take place until a Quarrying Permit has been secured from the Town Board. Such permit shall be for an initial period as is deemed appropriate to the specific situation but not to exceed five (5) years, and may be renewed thereafter for periods not to exceed three (3) years provided application therefore shall be made at least sixty (60) and not more than one hundred twenty (120) days before expiration of the original permit. Application after such date shall be treated as an original application.
3. Required Information. Plans and information adequately describing the proposed quarry or mining project shall be submitted to the Town for review by the Planning Commission. Six (6) sets of all required plans shall be submitted to the Town. One reduced copy of each plan on a sheet size of 11x17 inches must also be provided. The plans shall be drawn to a scale not smaller than one hundred feet (100') to the inch, certified by a registered land surveyor, professional engineer, planner, or architect and shall show the following:
  - a. Application. Application for a Quarry Permit shall be made on forms supplied by the Town Clerk.
  - b. Fee. An application fee to defray the cost of notification and holding of a public hearing shall be paid, the amount of which shall be set and determined from time to time by resolution of the Town Board.
  - c. Project Description. A full and adequate description of all phases of the contemplated operation and the specific mention of the type of machinery and equipment that will be or might be necessary to carry on

the operation. Where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required, its source, and its disposition shall be made part of the description. A mining quantity table by project phase shall be provided showing the quantity and types of material to be mined or quarried.

- d. Legal Description. A legal description of the proposed site with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site that will be affected by the operation.
- e. Topography. A topographic map of the area at a minimum contour interval of two feet (2') extending beyond the site to the nearest public street or highway or to a minimum distance of three hundred feet (300') on all sides.
- f. Restoration Plan. A restoration plan that includes the following information:
  - i. Final grades of proposed site and contour lines at two-foot (2') intervals.
  - ii. Proposed land uses of the reclaimed site including the street design or layout and the division of land.
  - iii. Location and species of vegetation to be replanted. A description of the amount of topsoil to be replaced in all disturbed areas on the site shall be provided.
  - iv. Location of any relocated structures or utilities on or adjacent to the site.
  - v. Cross sections of the site illustrating the final grading.

4. Review Procedure.

- a. Conditional Use Permit Process. The review process for Conditional Use Permits established in Section 10.12 shall be required for Quarrying Permits.
- b. Renewals. The procedure as designated above shall apply to applications for renewal of a permit. Determination regarding renewal shall be based particularly on an evaluation of the effect of the continuance of the use with relation to changing conditions in the area. Where renewal is not granted, the reasons for refusal shall be presented to the applicant in writing and made a part of the records of the Town Board.

5. Decision Criteria. In reviewing mining permit applications, the Planning Commission and the Town Board shall be guided by consideration of the public health, safety and welfare. They shall give particular consideration to the decision criteria established for Condition Use Permits in Section 10.12, and the following factors in making their decision:

- a. The effect of the proposed operation on existing roads and traffic movement in terms of adequacy, safety, and efficiency.
- b. The effect of the proposed operation on drainage and water supply.
- c. The possibility of soil erosion as a result of the proposed operation.
- d. The degree and effect of dust and noise as a result of the proposed operation.
- e. The practical possibility of restoration of the site.
- f. The effect of the proposed operation on the natural beauty, character, tax base, land value, and land uses in the area.
- g. The most suitable land use for the area.

6. Design Requirements.

- a. General Requirements.
  - i. No part of the quarrying operation shall be permitted closer than one thousand feet (1,000') nor shall any accessory access road, parking area, or office building be permitted closer than five hundred feet (500') to any Residentially Zoned District.

- ii. No quarrying operation shall be permitted if thirty (30) or more families reside within a band one-half mile (1/2) wide around the perimeter of the proposed operation.
- b. Setback Requirements.
  - i. Setbacks Adjacent to Public Streets. No part of the quarrying operation other than access roads shall be located closer than two hundred feet (200'), nor shall any accessory parking area, stock pile, or office building be located closer than one hundred feet (100') to the setback line along any street or highway.
  - ii. Side Yard Requirements. No part of the quarrying operation shall be permitted closer than two hundred feet (200'), nor shall any accessory access road, parking area, or office building be permitted closer than fifty feet (50') to any property line except with the written consent of the owner of the adjoining property.
- c. Operation Requirements.
  - i. Fencing or other suitable barrier shall be erected and maintained around the site or around portions of the site where in the determination of the Town Board such fencing or barrier is necessary for the protection of the public, and shall be of a type approved by the Town Board.
  - ii. All machinery and equipment used in the quarrying operation shall be constructed, maintained and operated in such a manner as to minimize dust, noise and vibration. Access and haulage roads on the site shall be maintained in a dust-free condition by surfacing or treatment as directed by the Town Engineer.
  - iii. The crushing, washing, refining, or processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.
  - iv. In stone quarries, the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site shall be considered a permissible part of the operation, provided such production does not require the use of crushing or other heavy machinery except as may be otherwise specifically authorized under the terms of the grant of permit.
  - v. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes that might be related to the quarrying operation shall not be permitted.
  - vi. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water required will, in the opinion of the Town Engineer, seriously affect the supply for other uses in the area.
  - vii. The planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Town Board to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way, and generally to minimize the damaging effect of the operation on the beauty and character of the surrounding countryside. Such planting shall be started as soon as practicable, but no later than one (1) year after quarrying operations have begun.
  - viii. The Town Board shall establish the permitted hours of operation for quarrying and related activities in the Quarrying Permit. In determining the permitted hours of operation consideration shall be given to the impact of the permitted activities on the community and the criteria found in Sections 10.12 and 10.13 of this Zoning Code. Until revised, Quarry Permits are issued to quarries existing at the time of the adoption of this Zoning Code, existing quarries shall only conduct their operations between the hours of 7:00 a.m. to 6:00 p.m., and shall not conduct operations on Sundays or legal holidays.
- d. Restorative Requirements.

- i. In order to ensure that the area of quarrying operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a permit, submit to the Town Board a plan for such restoration in the form of the following:
  - A. An agreement with the Town whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town.
  - B. A physical restoration plan showing the proposed contours after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished.
  - C. A bond, written by a licensed surety company, a certified check, or other financial guarantee satisfactory to the Town, in an amount sufficient in the opinion of the Town Engineer to secure the performance of the agreement.
  - D. Such agreement and financial guarantee shall be in a form approved by the Town Attorney.
  - E. In the event of the applicant's failure to fulfill this agreement, such bond, check, or other financial guarantee shall be deemed forfeit for the purpose of enabling the Town to perform the restoration.
  - F. Restoration shall proceed as soon as practicable and at the order and direction of the Town Engineer. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than two years.
  - G. At any stage during the restoration, the plan may be modified by mutual agreement between the Town and the owner or operator.
  - H. Where there is any backfilling, the material used or the method of filling shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished grade of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed building or paving construction, shall be a sufficient depth of earth to support plant growth.
  - I. Within one year after the cessation of the operation, all temporary structures (except fences), equipment, stockpiles, rubble heaps, or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.
  - J. In any restoration procedure that takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left that is steeper than a ratio of one and one-half horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.
7. Compliance. Compliance requirements for conditional use permits established in Section 10.12 shall also apply to all quarrying permits.
8. Exceptions.
  - a. The provisions of this ordinance shall not apply to the removal of sod.
  - b. When the operation is limited to the removal of topsoil, the Town Board may, consistent with the intent of these regulations, modify any or all the provisions of this section provided, however, that in no case shall such operation be permitted closer than ten feet (10') from any property line, or to a depth in excess of eighteen inches (18") or so as to adversely affect the drainage of the area.
  - c. The provisions of this ordinance shall not apply to an operation that is incident to legitimate use of the premises, provided, however, where such operation involves the commercial disposal of the material



removed, the approval of the Town Board shall be required and such operation shall be limited to a maximum period of six (6) months.

- d. The Town Board may, consistent with the intent of these regulations, modify the provisions relative to permitted hours of operation; and where the character of terrain, surrounding development, or other special conditions would justify, such modification may permit a reduction in the required setback or side yard; provided, however, that in no case shall the setback be less than one hundred feet (100'), or the side yard be less than one hundred feet (100') for quarrying operations of twenty feet (20') for any accessory access road, parking area, or office building except as may be otherwise provided.

e. Application to Existing Operations.

- i. Permit. Within sixty (60) days after the adoption of this ordinance, all existing quarrying operations shall be required to register with the Town Clerk, submitting pertinent data relative to the present operation, including the boundaries of the actual operation and of the ownership. A Quarrying Permit shall be granted to such existing operation subject to compliance with the Operation Requirements of this Zoning Code where they can reasonably be applied under existing circumstances.
- ii. Plan for Restoration. There shall be required within one (1) year after adoption of this ordinance, the submission of a plan for restoration of the site of any existing quarrying operation. The plan for restoration in such case shall not, however, impose requirements that are unreasonable from an engineering or economic perspective with respect to conditions resulting from operations prior to enactment of this ordinance.

- 9. Payment of Fees. The applicant shall pay all professional fees incurred by the Town for review of a quarry permit by the Zoning Administrator/Planner, Town Administrator, Town Engineer, Town Clerk, Building/Compliance Inspector, Town Attorney, or consultants serving the Town in accordance with the Town's Fee Schedule. The Town Board may require cash escrow or an irrevocable letter of credit to ensure payment of fees.

#### 10.14 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

- 1. Purpose. The purpose of the Planned Unit Development (PUD) District is to encourage more efficient use of lands that are planned uses and provision of more amenities by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot-by-lot restrictions of the other standard zoning districts.
  - a. Planned Unit Development provisions are intended for application to larger and/or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques.
  - b. Typically, PUD's enable development of portions of a site at either higher densities or with less restrictive lot provisions in exchange for preserving other portions of the site in open space or providing above normal site amenities.
  - c. Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as PUD's if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.

2. **Application Procedure.** The Planned Unit Development (PUD) application and development procedure is a two-phase process.
  - a. **General Development Plan (PUD-GDP).** The initial phase is the submittal and approval of a General Development Plan. The PUD-GDP establishes the land uses, the permissible densities, the general land plan, the layout of public and private roads, the general landscape treatment, general grading and drainage plan, and a description of the planned phasing. The PUD-GDP should include an outline of the intended structure of the property owner's association, deed restrictions, and restrictive covenants, if applicable.
    - i. Once a PUD-GDP is approved, the approval resolution and the attached plans submitted by the application become the interim zoning regulations for the PUD site. Subsequent submittal of the Specific Implementation Plan (PUD-SIP) and development must follow the PUD-GDP provisions.
  - b. **Specific Implementation Plan (PUD-SIP).** The second phase of PUD approval is the submittal and approval of the PUD-SIP. The intent of the Specific Implementation Plan is to provide the Planning Commission and the Town Board with a precise plan for the development of each sequential phase of the PUD.
    - i. PUD-SIP's must be in substantial compliance with the interim zoning requirements and guidelines established in the PUD-GDP.
    - ii. A developer may either submit the PUD-SIP for the initial phase of development at the same time as the PUD-SIP or submit the PUD-SIP at a later date. A final development permit or Zoning Permit may not be issued until the PUD-SIP for that phase of the development has been approved.
3. **Applicability.**
  - a. **Ownership.** A tract of land proposed to be developed as a PUD shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easements, and other provisions with the County.
  - b. **Size.** PUD's must be at least five (5) acres in size.
4. **Development Plans.**
  - a. **PUD-GDP Applicant Submittal Requirements.** The submittal requirements and review procedure for the PUD-GDP shall be as required for other zoning districts, except that in addition to the information required for other development permits, the following information must be filed with the Zoning Administrator/Planner:
    - i. A map of the project area including its relationship to the surrounding properties, topography, or other prominent site features.
    - ii. A statement as to why PUD zoning is proposed. The statement shall identify reasons why PUD zoning is preferable to development under standard zoning districts.
    - iii. A scaled plan of the site at a scale of not less than one inch (1") equals one hundred feet (100') showing:
      - A. Land uses and development densities.
      - B. The size, arrangement, and location of lots.
      - C. Proposed general location of buildings or groups of buildings.
      - D. Public and private roads.
      - E. The location of recreational areas and open space.
      - F. General landscaping plan.
      - G. General grading plan, including drainage plan indicating on-site stormwater detention/retention areas and indicating the amount and location of off-site drainage.

- H. Statistical data on the size of the development, density/intensity of various subareas, and expected phasing or staging.
  - I. A description of the intended organizational structure for a property owner's association, if any.
  - J. A description of deed restrictions or restrictive covenants, if any.
  - iv. The Planning Commission or Town Board may require other special studies or plans that would aid in consideration of the proposed development.
  - b. PUD-GDP Zoning Administrator/Planner Review. Upon receipt of the application and plan, the Zoning Administrator/Planner shall refer it to other departments and agencies for review as to compliance with pertinent Town standards and regulations. Within thirty (30) days the Zoning Administrator/Planner shall recommend to the Plan Commission approval of the proposal in the form submitted, approval with modifications, or disapproval of the proposal. The recommendation of the Zoning Administrator/Planner shall include findings of fact and shall set forth the reasons for the recommendation specifying with particularity in what respects the plan would or would not be in the public interest, including but not limited to:
    - i. Conformity with the Town of Beloit Comprehensive Plan.
    - ii. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.
    - iii. The manner in which the plan does or does not make adequate provision for public services, drainage, traffic, and recreational amenities.
    - iv. The nature and extent of open space, the reliability and sufficiency of the proposal for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the open space in terms of the densities proposed in the plan.
    - v. The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established.
    - vi. In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan.
    - vii. In built-up areas, the suitability of the proposed structures in relation to existing structures to remain and anticipated future development of the area.
  - c. PUD-GDP Planning Commission Review. ~~With-Within~~ thirty (30) days after the filing of the application and after receiving the Zoning Administrator/Planner's report, the Commission shall hold a public hearing on the PUD-GDP application. Within thirty (30) days after such hearing, the Commission shall submit its recommendations to the Town Board. The Commission may recommend tentative approval in whole or in part, with or without modification, or recommend disapproval.
  - d. Town Board Review. The Town Board shall either grant approval of the PUD-GDP application, with or without modification, or deny such application. If approved by the Board, the area of land involved shall be re-designated as a PUD-GDP by the Zoning Code and such ordinance shall incorporate the plan, including any conditions or restrictions that may be imposed by the Board. The PUD-GDP is an interim zoning classification that does not enable actual development until the PUD-SIP is approved.
5. Specific Implementation Plans.
- a. PUD-SIP Applicant Submittal Requirements. Within twelve (12) months of approval of the PUD-GDP, the applicant shall submit the first phase or the entire PUD-SIP with exact sizes and locations of structures and other improvements, including detailed grading plan, drainage plan, and landscape plan. If a land division is necessary, a CSM, a final plat or a final plat of that segment to be developed, in compliance with the ~~town's~~ Town's Land Division Regulations, shall be submitted prior to issuance of the PUD-SIP.

- b. PUD-SIP Zoning Administrator/Planner Review. If the Zoning Administrator/Planner finds the final plan and plat to be in substantial agreement with the approved PUD-GDP, the Zoning Administrator/Planner shall submit the documents directly to the Planning Commission for final action. If the SIP is not in substantial conformance with the PUD-GDP, the Zoning Administrator/Planner shall identify such discrepancies in a letter of transmittal to the Planning Commission.
  - c. PUD-SIP Planning Commission and Town Board Review and Approval. The Planning Commission shall consider the SIP at a regularly held meeting. A public hearing is not required at the SIP stage. If approved by the Planning Commission, the Planning Commission shall forward its recommendation to the Town Board. Subject to Town Board approval, the area of land involved shall be re-designated as a PUD-SIP by Zoning Code and such ordinance shall incorporate the plan, including any conditions or restrictions that may be imposed by the Town Board.
6. Effect of PUD-SIP Approval. The final plan as approved, together with the conditions and restrictions imposed by the Town Board, shall constitute the final zoning for the district, provided that general zoning regulations that were applicable to the land involved prior to approval of the plan and are not inconsistent with the PUD-SIP plan shall continue to be applicable.
  7. Zoning Permit Restricted. Development and Zoning Permits for PUD's may not be issued until the PUD-SIP is approved by the Town Board. No Zoning Permit shall be issued for any structure within the PUD-SIP district unless and until the Zoning Administrator/Planner certifies that it conforms to the provisions of the PUD-SIP plan and other applicable zoning requirements.
  8. Changes or Alterations. Any change of the PUD plans subsequent to approval of the PUD-SIP shall be submitted to the Zoning Administrator/Planner. If the Zoning Administrator/Planner determines that the change constitutes a substantial modification, the developer will be required to amend the PUD-SIP, and if necessary, the PUD-GDP, following the procedures set forth in this ordinance for review and approvals. If, in the opinion of the Zoning Administrator/Planner, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Zoning Administrator/Planner. Such approved changes or modifications shall be documented and recorded in the official file of the Town on the PUD.
  9. Expiration. If substantial development progress has not occurred within one (1) year of a PUD-SIP approval, the Town Board, following a Planning Commission recommendation, may revoke the PUD-GDP and PUD-SIP approval and revert the site zoning to its previous zoning district classification.

#### 10.15 ZONING AMENDMENTS.

1. Purpose. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Town Board may by ordinance, after recommendation thereon by the Planning Commission, amend the regulations or change the Zoning Map. The Planning Commission shall submit to the Town Board its recommendations regarding all applications for amendments or changes within thirty (30) days after referral to the Planning Commission.
2. Required Information. Application for any change of district boundaries or uses shall be submitted to the Zoning Administrator/Planner, with a copy to the Town Clerk, upon such forms and accompanied by such data and information as is needed to assure the fullest practicable presentation of facts, as required by the Planning Commission.

3. Review Procedure.

- a. Initiation of Amendment. An amendment or change may be initiated by motion of the Town Board, by motion of the Planning Commission, or, in the case of district boundary changes, by filing an application by owners of fifty percent (50%) or more of the area of the properties proposed to be changed.
- b. Notification of Public Hearing on Amendment.
  - i. Before submitting its recommendations on any amendment to the regulations or change in the Zoning Map to the Town Board, the Planning Commission shall hold at least one public hearing thereon pursuant to a Class II Notice. A Class II Notice shall, prior to hearing, be published in the newspaper and shall specify the time, place, subject and purpose of the hearing.
  - ii. When an amendment involves changes in district boundaries or classification, the Zoning Administrator/Planner shall send by regular mail at least ten (10) days before the date of such hearing, written notice of such hearing to the owners of record as listed in the best available records, of all lands proposed to be changed and all lands situated wholly or partly within three hundred (300') of the outer perimeter of the subject property. The Notice shall contain, if possible, the address or fire numbers of the property affected by such Notice.
  - iii. Special consideration regarding rezoning to Q-1. Any public notice concerning a conditional use for a parcel zoned as Q-1 Resource Extraction District shall be sent to all property owners within one thousand (1,000') feet via regular mail.
- c. Planning Commission Recommendation. The Planning Commission shall review the proposed amendment to the regulations or change in district boundaries and render a decision thereon analyzing the advantages and disadvantages of the proposal, based on the facts and circumstances, the Comprehensive Plan, and other information. The Planning Commission shall transmit a written recommendation to the Town Board.
- d. Town Board Final Action. After reviewing the recommendation of the Planning Commission thereon, the Town Board shall consider such recommendations and, if it decides to proceed, shall instruct the Town Attorney to prepare an ordinance for subsequent adoption by the Town Board of the proposed amendment. If the Town Board so desires, it may order a second public hearing before the Town Board pursuant to a Class II Notice.
- e. Waiting Period between Petitions. A denial of rezoning shall be a final determination for a period of one (1) year that the development will not be permitted unless the Town Board's order includes leave to amend. After the expiration of the one (1)-year period, a developer may make a new application for the same amendment.

10.16 VARIANCE.

1. Authority. The Board of Adjustment shall have jurisdiction over approval of variances to the Zoning Code.
2. Required Information. Application for a variance or appeal shall be submitted to the Zoning Administrator/Planner upon such forms and accompanied by such data and information as is needed to assure the fullest practicable presentation of facts.
3. Review Procedure.
  - a. Notification of Public Hearing on Amendment. Before considering a variance application, the Board of Adjustment shall hold at least one public hearing pursuant to providing notice to all property owners within three hundred feet (300') of the subject property by regular mail and shall publicly notice such meeting.

- b. Board of Adjustment Final Action. After receiving public testimony and closing the public hearing for a variance application, the Board of Adjustment shall consider and decide on the variance application as it relates to the decision criteria listed in Section 10.16(4). The Board may specify an expiration date by which the action authorized by the variance must be commenced or completed.
- c. Subject to Conditions. In granting any variance under the provisions of this ordinance, the Board of Adjustment shall designate such conditions that will secure the objectives of the regulations or provisions in the application of which the variance is granted as to light, access to direct sunlight for solar energy systems, air, character of the neighborhood, conformity to the Comprehensive Plan, and, generally, the public health, safety, comfort, convenience, and general welfare. A variance, once granted, stays attached to that particular lot or use until the variant is obsolete.
- d. Variances Void after six (6) Months. If an applicant fails to act on a variance granted within six (6) months of the date the variance was approved, the variance shall be null and void.

4. Decision Criteria.

- a. Findings Required. No variance from the terms of this Code shall be authorized unless all the following facts and conditions exist:
  - i. Exceptional Circumstances. That there are exceptional conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
  - ii. Physical Cause. That the surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
  - iii. Non-Economic Cause. That the purpose of the variance is not based exclusively on a desire for economic or other material gain by the applicant or owner.
  - iv. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity including, but not limited to, the use of solar energy systems.
  - v. Absence of Detriment. That the authorizing of such variance will not be detrimental to adjacent property, and will not materially impair the purposes of this Zoning Code or the public interest.
  - vi. General Nature. No variance shall be authorized unless the Board of Adjustment specifically finds that the condition, situation, or intended use of the subject property is not general or recurrent in a nature as to make reasonably practicable the formulation of a general regulation to cover such cases.
  - vii. Minimum Variance Required. The Board shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Board of Adjustment shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.

10.17 Non-Conforming Lots, Uses and Structures.

- 1. Purpose. Where the districts established contain structures and uses of land that were lawful prior to the adoption of this ordinance, but that would now be prohibited, it is intended to permit these non-conformities to continue, but not to allow alteration or enlargement of use or structure in such a manner as to increase the non-conformity.
- 2. Non-Conforming Use. The use of land, dwelling, or building that existed lawfully before the current Zoning Code was enacted or amended but does not conform with the use restrictions in the current ordinance.

3. Non-Conforming Uses of Land. No non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this ordinance. No non-conforming use of land shall continue if it ceases for any reason (except where governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months. No non-conforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of this ordinance.
4. Non-Conforming Uses of Buildings, Premises, Structure or Fixture.
  - a. Non-Conforming Uses. The continued lawful use of a building, premises, structure or fixture existing at the time of the adoption or amendment of this ordinance may not be prohibited although the use does not conform to the provisions of this ordinance. However, the non-conforming use may not be extended.
  - b. Discontinuance of Non-Conforming Use. No non-conforming use of the building, premises, structure or fixture shall continue if it is discontinued for twelve (12) months.
5. Restoration of Certain Non-Conforming Building, Premises, Structure or Fixture.
  - a. A non-conforming building, premises, structure or fixture may be restored to the size, subject to paragraph (ii), location and use that it had immediately before the damage or destruction occurred, regardless of the cost, if both of the following apply:
    - i. The non-conforming building, premises, structure or fixture was damaged or destroyed on or after March 2, 2006; and
    - ii. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation.
    - iii. The restoration of the building, premises, structure or fixture in Paragraph (i) may be larger than the size it was immediately before the damage or destruction if necessary for the building, premises, structure or fixture to comply with applicable state and federal requirements.
  - b. Restoration of Other Non-Conforming Buildings, Premises, Structures or Fixtures. A non-conforming building, premises, structure or fixture other than those subject to subsection (Ca), that is damaged or destroyed to an extent of more than fifty percent (50%) of its replacement cost exclusive of foundations, shall not be restored except in conformity with this ordinance.
6. Relocation. If a non-conforming building, premises, structure or fixture is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
7. Building Safety. Nothing contained in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building, premise, structure or fixture or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
8. Non-Conforming Lots.
  - a. Preexisting Uses on Non-Conforming Lots. Any existing conforming use or conforming structure on a non-conforming lot existing on the effective date of this ordinance may be enlarged, extended, constructed, or moved so long as such change does not increase the degree of non-conformity and other requirements of this ordinance are met, a multifamily residential use may not be constructed, extended, or enlarged on a non-conforming lot.
  - b. Division of Combined Non-Conforming Lots. Any two (2) or more lots under the same ownership and with continuous frontage shall not be used or sold in a manner that diminishes possible compliance with this Code.
  - c. Combined Lots. Any two (2) or more lots under common ownership, the individual lots when combined shall not be deemed lawful for construction unless they are combined by a Certified Survey Map or Subdivision Plat and recorded as one parcel with the Rock County Register of Deeds.

d. Development on Residential Non-Conforming Lots. A Zoning Permit may be issued for the construction of a single-family residence on a non-conforming lot of record if the parcel is under separate ownership from all adjacent parcels and was created prior to the adoption of this ordinance. Single-family residences shall not be constructed on non-conforming lots of record less than thirty feet (30') in width. Side yard setbacks may be reduced to three inches (3") per foot of lot width on these non-conforming lots.

9. Certificate of Occupancy for Non-Conforming Uses, Structures and Lots. Certificates of occupancy for non-conforming uses, structures, and lots existing on the effective date of this ordinance may be issued by the Building Inspector, providing that such certificates state that the use is a non-conforming use and does not conform to the provisions of this ordinance.

#### 10.18 ADMINISTRATION.

##### 1. Zoning Administrator/Planner.

a. Duties of the Zoning Administrator/Planner. The Zoning Administrator/Planner shall properly administer and enforce the Zoning Code. In addition to this authority, the Zoning Administrator/Planner shall:

- i. Receive, review, analyze, and develop written reports on all applications for zoning permits, appeals, variances, amendments, or other development matters.
- ii. Serve as staff to the Planning Commission, and the Board of Adjustments, and any other body as may be necessary.
- iii. Issue zoning permits when the requirements of the Town of Beloit Zoning Code have been met, and make and maintain records thereof. The Zoning Administrator/Planner may delegate issuance of such permits to the Building Inspector or other qualified Town staff.
- iv. Coordinate official development review processes with other governmental offices to the furthest extent feasible.
- v. Conduct inspections to determine compliance with the terms of this ordinance and to take remedial action when required.

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2. Planning Commission. Pursuant to and in accordance with Sections 60.62, 61.35, and 62.23, Wis. Stats., or amendments thereto, a Town Planning Commission is hereby established:

- a. Membership. The Town Planning Commission shall consist of seven (7) residents of the Town of Beloit. The members shall be appointed by the Town Chairman, subject to approval and confirmation by the entire Town Board at the first meeting of the Town Board in May. One (1) of the members shall be a member of the Town Board.
- b. Terms of Office. The Town Board member shall be appointed for a term of two (2) years. The six (6) citizen members shall be appointed for terms of three (3) years commencing May 1<sup>st</sup> in the year of their appointment.
- c. Qualifications, Vacancy, and Removal. All citizen members shall be persons of recognized experience and qualifications and shall hold office until their successors are selected and qualified. Vacancies shall be filled for the unexpired term in the same manner as provided for the original appointment. Any member shall be removable, with or without cause, by the Town Board.
- d. Organization.
  - i. The Planning Commission shall annually choose one (1) of its members as Chairperson.
  - ii. The Planning Commission shall adopt rules for its government and procedure.
  - iii. Regular meetings of the Planning Commission shall be held at such time as may be determined by resolution of the Town Board from time to time.

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- iv. A special meeting of the Planning Commission may be called by the Chairperson, at the request of the Town Board or upon the written request of two (2) commission members.
  - v. The Planning Commission shall keep minutes of its proceedings, show the vote of each member upon each question and keep records of its examination and other official action, all of which shall be a public record.
  - vi. The Chairperson may administer oaths and compel attendance of witnesses.
  - vii. All meetings shall be open to the public.
  - viii. Four (4) members shall constitute a quorum to transact any business and to act thereon.
  - e. Powers and Duties.
    - i. The Planning Commission shall have such powers and duties as are set forth in the statutes of the State of Wisconsin plus any additional duties contained in this Zoning Code or as may be delegated from time to time by the Town Board.
    - ii. In addition to and in conjunction with those powers enumerated by the statutes of the State of Wisconsin and this Zoning Code, the Planning Commission shall have the following powers:
      - A. To review and hold public hearings on Comprehensive Plan amendments, official maps, and other long-range planning studies, and make recommendations to the Town Board on these items.
      - B. To review and decide on applications for site plan/plan of operation, review and recommend to the Town Board the approval or denial of all other applicable zoning permits as required by this Zoning Code.
3. Board of Adjustment. Pursuant to and as required by [Section 60.65](#), Wis. Stats., a Board of Adjustment is hereby established.
- a. Membership. The Board of Adjustment shall consist of three (3) members appointed by the Town Board for terms of three (3) years. The terms shall be staggered on an annual basis.
  - b. Terms of Office. Members of the Board of Adjustment shall be appointed for terms of three (3) years at the first meeting of the Town Board in May in the year of their appointment.
  - c. Qualifications, Vacancy, and Removal. Members shall be persons of recognized experience and qualifications and shall hold office until their successors are selected and qualified. Vacancies shall be filled for the unexpired term in the same manner as provided for the original appointment. Any member shall be removable, with or without cause, by the Town Board.
  - d. Organization.
    - i. The Board of Adjustment shall annually choose one (1) of its members as Chairperson.
    - ii. The Board of Adjustment shall adopt rules for its government and procedure.
    - iii. Regular meetings of the Board of Adjustment shall be held at such time as may be determined by resolution of the Town Board from time to time.
    - iv. A special meeting of the Board of Adjustment may be called by the Chairperson, at the request of the Town Board or upon the written request of two (2) Board of Adjustment members.
    - v. The Board of Adjustment shall keep minutes of its proceedings, show the vote of each member upon each question and keep records of its examination and other official action, all of which shall be a public record.
    - vi. The Chairperson may administer oaths and compel attendance of witnesses.
    - vii. All meetings shall be open to the public.
    - viii. Two (2) members shall constitute a quorum to transact any business and to act thereon.
  - e. Powers and Duties. The Board of Adjustment shall have such powers and duties as are set forth in the statutes of the State of Wisconsin and additional duties contained in this Zoning Code or as may be

delegated from time to time by the Town Board. Additionally, the Board of Adjustment shall have the following powers:

- i. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector or Zoning Administrator/Planner.
  - ii. The Board of Adjustment grants a variance pursuant to Section 10.16 of this Zoning Code.
  - iii. To call upon any other Town Department or Official for assistance in the performance of its duties and it shall be the duty of such other department or official to render such assistance as may reasonably be required.
  - iv. Except, as specifically provided, no action of the Board of Adjustment shall have the effect of permitting, in any district, uses prohibited or not specifically provided for in such district.
- f. Appeals to Board of Adjustment. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town of Beloit affected by any decision of an administrative officer made pursuant to Wis. Stats. ~~Or or~~ under the terms and conditions of this Code. Such appeal shall be taken within thirty (30) days after the determination appealed from has been made by filing with the Board or officers from whom the appeal is taken and with the Board of Adjustment, a notice in writing of the appeal which shall specify the grounds therefore. The Board or officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers, records, notes, and memorandum constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a time for the hearing of such appeal, provide notice to all property owners within three hundred feet (300') of subject property by regular mail and shall publicly notice such meeting, as well as give notice to the parties in interest. A determination by the Board of adjustment shall be made within thirty (30) days after the completion of the hearing on such appeal.

#### 10.19 ZONING PERMITS.

1. Zoning Permit Required. No building shall hereafter be erected, moved, or structurally altered until a zoning permit therefor shall have been applied for and issued.
2. Plans with Applications. Every application for a zoning permit shall be filed with the Zoning Administrator/Planner and be accompanied by a fee, a legal description, and by plans in triplicate drawn to scale showing the actual shape and dimensions of the subject parcel; reference sketch of site location to two (2) intersecting streets; the exact location, nature, dimensions, and elevations of the existing and proposed development; the proposed occupancy (if applicable), with dimensioned and numbered parking spaces; and such other information as may be necessary for the enforcement of this chapter when requested by the Zoning Administrator/Planner. All dimensions shown relating to the location and size of the lot shall be based upon certified survey. The lot and the location of the building planned thereon shall be staked out on the ground before construction is started.
3. Approved Plan. One (1) copy of such plans shall be returned to the developer when such plans shall have been approved, together with conditions of such approval, the signature of the Zoning Administrator/Planner, and any Zoning Permit as may be granted. One copy of the plans, similarly marked, shall be retained by the Zoning Administrator/Planner as a permanent record or until such time as the development no longer occupies the subject parcel.
4. Zoning Administrator/Planner to Act. The Zoning Administrator/Planner shall act promptly upon all applications for Zoning Permits. Within fifteen (15) working days of the time the application is filed in full compliance with applicable requirements, the Zoning Administrator/Planner shall either issue the permit,

notify the applicant in writing of his refusal and reasons thereof, set a hearing date (if one is required), or refer the application to the Planning Commission or Town Board as is appropriate for the type of action requested.

5. Issuance of Zoning Permits. The Zoning Administrator/Planner shall issue a zoning permit if he or she finds that the development for which the permit is sought constitutes a general development permitted by this Zoning Code, a site plan approved by the Planning Commission, or a conditional use has been approved by the Town Board.
6. Effect of Zoning Permit. The issuance of a zoning permit authorizes the developer to apply for building permit and upon issuance of the building permit commence development, subject to any lawful conditions attached by the Town Board, Planning Commission, or Board of Adjustment.
7. Expiration of a Zoning Permit. If the work described in any zoning permit has not begun within six (6) months or more, or if the work has not been substantially completed ~~on~~-in one (1) year of the date of permit issuance thereof, such permit shall expire; it shall be revoked by the Zoning Administrator/Planner and written notice thereof shall be given to the person affected. Such notice shall indicate further work as described on the canceled permit shall not proceed unless a new permit is issued. A permit may be extended for an additional three (3) months by the Zoning Administrator/Planner.
8. Demolition. In the event that the work described in any Zoning Permit has begun but has not been substantially completed within one (1) year of the date of issuance of a permit, or if work has begun without proper development permit, the Zoning Administrator/Planner may order demolition of partially completed work.
9. Permits Must Conform to be Valid. All officials and employees of the Town vested with the duty or authority to issue permits or licenses shall comply with the provisions of this ordinance and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void and of no effect whatsoever.
10. Zoning Permits Subject to Conditions. The Zoning Administrator/Planner may attach to a development permit conditions relating to:
  - a. Compliance with the plans and specifications submitted by the developer to the Zoning Administrator/Planner.
  - b. Time within which the development must be commenced or completed.
  - c. Protective measures that a developer must undertake for the benefit of neighboring property, such as the construction of fencing or establishment of buffer areas.
  - d. Conditional Use and PUD Conditions. Any conditions that have been required by the Town Board in the approval of a site plan, conditional use permit, and Planned Unit Development (PUD) shall be attached to the Zoning Permit. Conditions that may concern any matter subject to regulation under this ordinance including means for:
    - i. Minimizing any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted.
    - ii. The sequence of development, including when it must be commenced and completed.
    - iii. Controlling the duration of use of development and the time within which any structures must be removed.
    - iv. Assuring that development is maintained properly in the future.
    - v. Designating the exact location and nature of development.
    - vi. Establishing more detailed records by submission of drawings, maps, plats, or specifications.

11. Certificate of Occupancy.

- a. Required. It shall be unlawful to use, occupy, or permit the occupancy of any building or parcel, or both, or part thereof hereafter developed until a "Certificate of Occupancy" shall have been issued by the Building Inspector stating the proposed use conforms to the requirements of this ordinance. The certificate shall state that the development complies with all Town Code of Ordinances including this Zoning Code. Any lawful conditions of occupancy shall be attached to or referred to on the certificate.
- b. Application and Records. A Certificate of Occupancy shall be applied for coincident with an application for a Zoning Permit. The Building Inspector shall issue the Certificate within ten (10) days after finding that the development is in full compliance with this ordinance and after the Inspector determines that the development is compliant. The Building Inspector shall maintain records of all Certificates of Occupancy and a copy shall be furnished upon request to any person upon payment of a reasonable fee.
- c. Temporary Certificate. A temporary certificate may be issued for a period not to exceed six (6) months during alterations or partial occupancy of a building, or pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the developer or the Town, and shall not be issued except under such restrictions as shall adequately ensure the safety of the occupants.

12. Fees.

- a. Application and Permit Fees. Fees for zoning amendments, conditional uses, development permits, certificates of zoning compliance, appeals and other types of administrative permits and procedures required by this ordinance shall be in accordance with the Town's Fee Schedule. Such fees shall cover the costs of administering this ordinance.
- b. Review Costs. The Zoning Administrator/Planner or Planning Commission may request the Town Engineer, Town Administrator, Town Attorney, Utilities Representatives, Town Consultant or expert to review applications for development permits or other types of permits required by this ordinance. The cost of all such reviews shall be borne by the applicant in accordance with the Town's Fee Schedule. The Town reserves the right to require an escrow account be established for the purpose of providing funds for anticipated review costs.

13. Compliance Required. The provisions of this Zoning Code shall apply to all buildings, structures, land, water, and air, within the territorial limits of the Town of Beloit, Rock County, Wisconsin. Except as may be otherwise specifically provided, the use, size, height, and location of structures now existing or hereafter erected, converted, enlarged, or structurally altered, the provisions for open spaces, and the use of land, shall be in compliance with regulations established herein for the district in which such land or structure is located.

14. Interpretation.

- a. Construction. In their interpretation and application, the provisions of this Code shall be liberally construed in favor of the Town of Beloit and shall not be construed to be a limitation or repeal of any other power granted by Wisconsin State Statutes.
- b. Abrogation and Greater Restrictions. It is not intended by this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, 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 upon the height of a building or requires larger open spaces than are required by other rules, regulations, or permits or by easements, covenants, or agreements, the provisions of this Zoning Code shall govern.

- c. Conflict. Except as provided herein, all prior Town of Beloit ordinances, or parts of ordinances, and amendments thereto conflicting with this Zoning Code are hereby repealed and superseded by this ordinance.

15. Severability. It is hereby declared to be the intention of the Town Board of the Town of Beloit that the several provisions of this Zoning Code are separable, in accordance with the following:

- a. If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provision of this Zoning Code not specifically included in said judgment.
- b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

## 10.20 ENFORCEMENT.

1. Violations. The following, without limitation, shall be deemed violations of this Zoning Code enforceable by injunction order under this ordinance:

- a. Failing to apply the facing material to the structure as set forth in the plans.
- b. Failing to maintain in good workmanlike manner the facing material set forth in the plans.
- c. Failing to install or maintain the landscaping set forth in the plans or screening as set forth in the plans.
- d. Failing to maintain the parking facilities as provided for in the plans.
- e. Failing to maintain the exterior of the premises including the yard and unimproved portion thereof in a reasonably neat manner or orderly state of repair or upkeep.
- f. Failing to comply with the terms or conditions of a Conditional Use Permit.
- g. Failing to maintain any other condition imposed by the Planning Commission, the Zoning Administrator/Planner, Building Inspector, or the Board of Adjustment or Town Board as a condition with the issuance of a Zoning Permit.
- h. Failing to maintain the premises in such a condition as not to depreciate substantially property values in the immediate neighborhood provided, however, that no violation of this subparagraph shall be deemed to occur unless the Town Board, after a view of the premises and the neighborhood, finds as a fact that said premises are being maintained in such a manner as to cause a substantial depreciation in the property values of the immediate neighborhood.

2. Methods of Enforcement.

- a. Notification. Upon finding that any of the provisions of this chapter are being violated or upon finding a condition that may lead to a violation, the Zoning Administrator/Planner or their qualified designee shall notify in writing the property owner and the person responsible for such violation or condition, ordering the action necessary to correct such condition or violation. The Zoning Administrator/Planner or their qualified designee may order discontinuance of illegal use of structures and land and order removal of illegal structures or additions, or may order discontinuance of illegal work being done. Further, the Zoning Administrator/Planner or their qualified designee may take any other action authorized by this Zoning Code to ensure compliance with or to prevent violations of this Zoning Code, including, but not limited to, calling upon the Town Attorney to institute legal proceedings and calling upon the Chief of Police for assistance.
- b. Injunctions. All violations of this ordinance may be enforced by the forfeiture described above, and/or by injunction order as provided in Section 60.74(4) Wis. Stats. Injunction relief may not be sought unless the Town Board or Town Administrator shall cause a notice to be personally served upon or mailed, certified mail, return receipt requested, to the owner and/or occupant of said premises, setting for the alleged

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violation and advising that injunction relief will be sought if corrective action is not taken and completed with ten (10) days of the date of such notice. If the owner and/or occupant cannot be found or located with due diligence, then it shall be sufficient if such notice is attached in a conspicuous place on the premises. Ownership for purposes of this section shall be that as appears on the tax assessment rolls of the Town of Beloit.

- c. **Penalties.** Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and the costs of prosecution, including reasonable attorney fees, for each offense. In default of payment of such forfeiture and costs, such person may be ordered to be imprisoned in the County Jail of Rock County, Wisconsin, until the payment of such forfeiture and costs of prosecution, but not exceeding thirty (30) days for each offense. Each day of violation shall constitute a separate offense.

#### 10.21 **DEFINITIONS.**

1. **Interpretation.** For the purpose of this ordinance, when not inconsistent with the context, words used herein in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the words "Code" and "Ordinance" are to be used interchangeably; the word "person" may be taken for person, associations, partnerships or corporations; the word "structure" includes buildings; the word "occupied" includes intended to be occupied; the word "used" includes designed or intended to be used; the word "inhabit" includes intended to be inhabited; the word "shall" is always mandatory and not merely permissive; "County" refers to the County of Rock, Wisconsin; "Town Board" refers to the Town Board of the Town of Beloit; and reference to any officer, such as "Town Administrator", "Zoning Administrator/Planner", "Town Clerk," "Building Inspector," "Town Engineer," or "Town Attorney" means that officer appointed or otherwise officially designated by the Town of Beloit in such capacity, unless otherwise specifically designated. Any words not herein defined shall be construed as defined in the State and Town Building Codes.
2. **Specific Words and Phrases.**
  - a. **Accessory Building.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the principal or conditional use of the main building or of the premises; for example, an automobile garage is incidental to a residence.
  - b. **Accessory Use.** A subordinate use on the same lot which is incidental and customary in connection with the principal or conditional use.
  - c. **Adult Family Home.** Means one of the following:
    - i. A private residence to which all of the following apply:
      - A. Care and maintenance above the level of room and board, but not including nursing care, are provided in the private residence by the care provider whose primary domicile is this residence for three (3) or four (4) adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in **Section S1.01(5)**, Wis. Stats. or,
      - B. If the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four (4); or more adults or children, if all of the adults or all of the children are siblings; or,
      - C. If the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four (4).
    - ii. A place that meets the definition of a Community-Based Residential Facility (CBRF), except that only three (3) or four (4) unrelated adults reside in the facility.

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- d. Agriculture. The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticulture or nursery stock, fruit, vegetables, forages, grains, timber, trees, or bees and apiary products. The term also includes wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land.
- e. Airport. Any area of land or water that is used, or intended for use, for the landing or take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
- f. Alley. A Street or thoroughfare less than twenty one feet (21') wide and affording only secondary access to abutting property.
- g. Alterations. Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls of a building.
- h. Animal Units. A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in NR 243.11, Table 2; which are fed, confined, maintained or stabled in an animal feeding operation. One (1) animal unit is equivalent to one (1) head of beef or slaughter cattle weighing more than one thousand (1,000) pounds.
- i. Aquifer. A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- j. Apartment. A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended, or designed to be occupied as a residence of a single family, individual, or group of individuals.
- k. Apartment House. See "Dwelling, Multiple."
- l. Basement. A story partly underground that, if occupied for living purposes, shall be counted as a story for purposes of height measurement.
- m. Beer Garden. Is any area where alcoholic beverages are served and/or consumed exterior to the principle structure of a tavern or restaurant. For the purposes of this ordinance exterior areas shall include areas within any structure that does not include a roof and/or that is not fully enclosed on four sides.
- n. Bird Hunting Preserve. A contiguous area of property, not less than eighty (80) acres in size, licensed under Wisconsin Statutes Ch. 169 as a Class "A" or Class "B" Bird Hunting Preserve.
- o. Boarding House. A building other than a hotel where meals, or lodging and meals, are furnished for compensation for three (3) or more persons not members of a family but not open to daily transient customers.
- p. Building. A structure used, designated or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- q. Building, Height of. The distance measured from the lowest at-grade point to the peak or highest point on the structure.
- r. Building, Area of. The total living area bounded by the exterior walls of a building at the floor levels, but not including basements, garages, porches, breezeways, and unfinished attics.
- s. Commercial Recreation Facility. Indoor and outdoor recreation facilities operated for profit. Such facilities include, but are not limited to arcades, billiard parlors, bowling alleys, baseball and football fields, go-kart tracks, golf courses, gymnasiums, handball courts, miniature golf courses, race tracks, racquetball courts, rifle and pistol ranges, roller skating rinks, volleyball courts, batting cages, horseshoe pits and similar uses. Bars, taverns, dance halls and theaters are not considered commercial recreation facilities.
- t. Community-Based Residential Facility (CBRF). Means a place where five (5) or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility. CBRF's do not include any of the following:
  - i. A convent or facility owned or operated by members of a religious order exclusively for the reception and care of treatment of members of that order.

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- ii. A facility or private home that provides care, treatment and services only for victims of domestic abuse and their children.
- iii. A shelter facility, as defined under Section 16.352(1)(d), Wis. Stats.
- iv. A place that provides lodging for individuals and in which all of the following conditions are met:
  - A. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.
  - B. No lodge individual receives from the owner, manager, or operator of the place or the owner's, manager's or operator's agent or employee any of the following:
    - 1) Personal care, supervision, or treatment or management, control, or supervision of prescription medications.
    - 2) Care or services other than board, information, referral, advocacy, or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager, or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager, or operator.
- v. An adult family home.
- u. Community Living Arrangement. Means any of the following facilities licensed, operated, or permitted under the authority of the Wisconsin Department of Health and Family Services: Child welfare agencies operated under Section 48.02(7), Wis. Stats.; and CBRF's operated under Section 50.01, Wis. Stats.; but does not include adult family homes, day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.
- v. Conditional Use. A use that is generally permitted within a district, which requires special review and limitations because if not carefully located or designed, the use may have a detrimental impact on neighboring properties or the Town overall.
- w. Condominium. A building or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building type or style.
- x. Cone of Depression. The area around a well, where the water table dips down forming a "V" or cone shape causing the water level to be lowered at least one-tenth (1/10) of a foot due to pumping a well.
- y. Day Care Center. A licensed facility where a person other than a relative or guardian provides care and supervision for four (4) or more children under seven (7) years of age for less than ~~twenty-four~~ four (24) hours a day and for compensation.
- z. Day Care Center - Family Day Care Center. A center that provides care and supervision of five (5) to eight (8) children.
- aa. Day Care Center - Group Day Care Center. A center that provides care and supervision for nine (9) or more children.
- bb. Dog Kennel. The keeping or harboring of more than three (3) dogs of six (6) months of age or older shall require that the owner of the property upon which the dogs are being kept or harbored obtain a Conditional Use to operate a Dog Kennel as provided herein.
- cc. Drive-up Window. (Also drive-thru window, drive-through window and similar terms) means an opening through the wall of any building or structure used, or intended to be used, as a means of obtaining direct access to commercial or retail services or products by a customer in a motor vehicle.
- dd. Dwelling Unit. A building or portion thereof designed for independent occupancy by one family for living and sleeping purposes for weekly or longer basis and having cooking, bathing, and toilet facilities.
- ee. Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water drainage and communication

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systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

- ff. Excavation. The act, by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocate or bulldozed and shall include the conditions resulting therefrom.
- gg. Facilities. A general term referring to land uses, business operations, activities, developed property, or material stored.
- hh. Family. Any number of persons related by blood, adoption or marriage living together in one (1) dwelling as a single housekeeping unit; a number of persons not exceeding four (4) not so related, living together in one (1) dwelling as a single housekeeping unit.
- ii. Five-Year Time of Travel. The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five (5) years to reach a pumping well.
- jj. Floor Area. The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, except where such basement qualifies as a story of a dwelling unit, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment-open or closed-located on a roof or in a basement), penthouses, attic space having headroom of seven feet – ten inches (7' 10") or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.
- kk. Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
- ll. Garage - Private. An accessory building or space for the storage of motor vehicles and other equipment.
- mm. Garage - Public. Any building or premises, other than a private or a storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- nn. Garage - Storage. Any building or premises used for storage only of motor driven vehicles, pursuant to previous arrangements, and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.
- oo. Garden. Land used for the cultivation of flowers, vegetables and/or fruit.
- pp. Grade, Established. The elevation of the finished street at the centerline or curb as fixed by the Engineer or by such authority as shall be designated by law to determine such an elevation.
- qq. Home Occupation. Any occupation or profession engaged in by an occupant of a dwelling at or from the dwelling or premises.
- rr. Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- ss. Kennel - Commercial. An establishment, structure, or premises where dogs or other household pets are raised, sold, bred, boarded, trained or groomed for commercial purposes. The raising and selling of three (3) or more litters of animals per year shall constitute a commercial kennel.
- tt. Kennel - Hobby. A non-commercial establishment, structure or premises accessory to the principal use of the property where three (3) or more animals of six (6) ~~months'~~ ~~months~~ minimum age are kept for such private purposes as pets, field trials, shows or hobby. The occasional raising of not more than two (2) litters of animals per year on the premises and the sale or disposal of said dogs within six (6) months of said birth shall be considered a hobby kennel.
- uu. Lot. A parcel of contiguous land that is legally recognized as a separate parcel, held in separate ownership, and occupied or intended to be occupied by such buildings and uses as permitted under this Zoning Code.
- vv. Lot Area. The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfare.

- ww. Lot - Corner. A lot abutting on two (2) or more streets at their intersection provided that the interior angle of such intersection is less than one hundred thirty five degrees (135°).
- xx. Lot Depth. The mean horizontal distance measured between the street line and the opposing rear line or lines of the lot.
- yy. Lot - Legal Nonconforming. A legally recognized lot that existed at the time of passage of this Ordinance but which does not conform to the district regulations in the district in which it is located.
- zz. Lot Lines. The lines bounding a lot as defined herein.
- aaa. Lot Line - Front. The lot line that abuts a public right-of-way. In the case of a corner lot, the term shall mean the shortest dimension abutting a right-of-way. For any lot other than a corner lot that abuts more than one (1) street, all boundaries abutting and parallel to the streets shall be front lot lines.
- bbb. Lot Line - Rear. The lot line opposite and most distant from the front.
- ccc. Lot Line - Side. Any lot line that is not a front or rear lot line.
- ddd. Lot Width. The horizontal distance measured between side lot lines, perpendicular to the lot depth, measured at the front setback line.
- eee. Manufactured Home. A structure that is certified and labeled as a manufactured home under 42 USC Sec. 5401 to 5426, which, when placed on the site:
  - i. Is set on an enclosed continuous foundation in accordance with Section 70.43(1), Wis. Stats., or is set on a comparable enclosed foundation system approved by the Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
  - ii. Is installed in accordance with the manufacturer's instructions; and
  - iii. Is properly connected to utilities.
- fff. Manufactured Dwelling. A structure sometimes called a modular home or prefabricated home, which is regulated by the Wisconsin Uniform Dwelling Code, Chapters 20-25, or amendments thereto. A manufactured dwelling is identified with a red sticker called a "Wisconsin Insignia," imprinted with the outline of the State of Wisconsin and is manufactured in accordance with the requirements of Sections 101.60 and 101.70, Wis. Stats. When placed on the site, this structure is installed in accordance with the manufacturer's instructions, is properly connected to utilities and meets the other applicable standards and definitions of a Single-Family Dwelling as found herein.
- ggg. Mini-Warehousing. A structure used by multiple unrelated individuals to store personal items or property.
- hhh. Mobile Home Park. A parcel of land that has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.
- iii. Motel. A building or series of buildings in which lodging only is offered for compensation and which may have more than five(5) sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access, and adjoining parking, for each rental unit.
- jjj. Multiple-Family Dwelling. A building containing three (3) or more dwelling units including row houses, condominiums and apartments. Boarding houses, hotels and motels are not included in this definition.
- kkk. Municipal Water Supply. The municipal water supply of the City of Beloit within the Town of Beloit.
- lll. Non-Conforming Use. Any land or water lawfully used or occupied at the time of the effective date of this ordinance that does not conform to the regulations of this Zoning Code or amendments thereto pertaining to uses.
- mmm. Non-Conforming Structure. Any structure, building or premises by virtue of the use to which it is put, that does not comply, at the time of the effective date of this ordinance, with the use provisions of this Zoning Code or amendments thereto pertaining to uses for the district in which it is located.
- nnn. Person. An individual, partnership, association, corporation, municipality, or state agency, or other legal entity.

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- ooo. **Principal Use or Building.** A main or primary use of land or a building, as distinguished from a conditional, subordinate or accessory use, as specified and permitted by the regulations of the district in which it is located.
- ppp. **Quarrying.** The removal of rock, slate, gravel, sand, topsoil or other natural materials from a parcel of land by excavating, stripping, leveling or any other such process.
- qqq. **Recharge Area.** The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- rrr. **Refuse Disposal Site.** A tract of land operated by a public or private agent, subject to restrictions of use and under supervision, and where one or more families may take all types of refuse, including organic and inorganic wastes (but excluding human excreta, sewage, and/or other liquid wastes), for compacting and burial by sanitary land fill methods.
- sss. **Restaurant.** Any building, room or place wherein meals or lunches are prepared, served or sold to transients or the general public, and all places used in connection therewith. "Meals or lunches" shall not be deemed to include soft drinks, ice cream, milk drinks, ices and confections. The serving in taverns of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants. The term "restaurant" does not apply to churches, religious, fraternal, youth or patriotic organizations, which occasionally prepare, serve, or sell meals or lunches to transients or the general public, nor shall it include any school lunchroom or private individual selling foods from a moveable or temporary stand at public sales.
- ttt. **Roadside Stand.** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and there shall be not more than one (1) roadside stand on any one (1) premises.
- uuu. **Sanitary Landfill.** See "Refuse Disposal Site."
- xv. **Setback.** The minimum horizontal distance between the lot line or property line and the nearest point of a building or any projection thereof, excluding uncovered steps.
- www. **Single-Family Dwelling.** A single-family dwelling unit may be site constructed housing, manufactured dwellings or manufactured homes. Such single-family dwelling units shall have the following required characteristics:
- i. The structure is set on an enclosed continuous foundation in accordance with [Section 70.43\(1\)](#), Wis. Stats., or amendments thereto, or is set on a comparable enclosed foundation system approved by the Town Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
  - ii. The structure is installed in accordance with the manufacturer's instructions;
  - iii. The structure is properly connected to utilities in accordance with and to Code; and
  - iv. The structure has a core living area which shall be a minimum of twenty four feet (24') in depth and have a length sufficient to meet the minimum square footage requirements of the particular zoning category in which the structure is located.
- xxx. **Sign.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and that are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and is visible from any public street or highway.
- yyy. **Site-Constructed Housing.** A structure built on-site in accordance with the [State of Wisconsin Uniform Dwelling Code](#). When placed on the site, this structure is constructed and installed in accordance with the manufacturer's or builder's instructions, is properly connected to utilities and meets the other applicable standards and definitions of a Single-Family Dwelling as found herein.

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- zzz. Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half (1/2) or more of its height above grade shall be deemed a story.
- aaaa. Story Half. The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.
- bbbb. Street. All property dedicated or intended for public or private street purpose or subject to public easements therefor and twenty one feet (21') or more in width.
- cccc. Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- dddd. Structural Alterations. See "Alterations."
- eeee. Swimming Pool. A structure designed to hold water more than thirty inches (30") deep for the purpose of swimming.
- ffff. Temporary Structure. A moveable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
- gggg. Tourist Camp. A tract or parcel of land with or without buildings, or other equipment, on which one (1) or more camp cabins are located, or where temporary accommodations are provided for two (2) or more automobile trailers or house cars, open to the public free or for a fee.
- hhhh. Two-Family Dwelling. A building containing two (2) dwelling units.
- iv. Use - Accessory. See "Accessory Use."
- jjjj. Use - Conditional. See "Conditional Use."
- kkkk. Use - Principal. See "Principal Use."
- llll. Utility. Public, semipublic, or private facilities, such as water wells, water and sewage pumping stations, lift stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, and further including electric power generation plants, sewage disposal plants, municipal buildings, municipal incinerators, warehouses, shops and storage yards.
- mmmm. Variance. A modification or relaxation of the provisions of this Code where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this Code would cause an undue hardship in the use of the property, that conditions peculiar to the use of the property are not the result of actions made by the applicant, and that granting a variance would not be contrary to the public interest. Refer to Section 10.16.
- nnnn. Weapon. Includes, without limitation, any pistol, rifle or other firearm of any kind or nature, bow and arrow, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- oooo. Well. A boring into the earth for the purpose of extracting groundwater for supply to the municipal water supply.
- pppp. Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
- qqqq. Wild and Exotic Animal. A large mammal, reptile or bird, not commonly raised in Wisconsin as a farm animal, and weighing twenty five (25) pounds or more. For purposes of this Code wild and exotic animals include deer, elk, moose, buffalo, elephants, lions, tigers, bobcats, cougars, wolves, wolf-dog hybrids, foxes, wolverines, wild and feral swine, potbellied pigs, ostriches, mute swans, alligators and snakes over six (6) feet in length. Wild and exotic animals do not include horses, cattle, goats, sheep llamas, pigs, geese, turkeys, chickens, domestic dogs and domestic cats.
- rrrr. Yard. An open space on the same lot with a building, unoccupied and unobstructed, from the ground upward except as otherwise provided herein.
- ssss. Yard - Front. A yard extending the full width of the lot, the depth of which is the minimum distance as specified in the district regulations between the front lot line and a line parallel thereto on the lot.

- ttt. Yard, Measurement of. In measuring the horizontal distance for a yard, the distance shall be measured horizontally on a straight line from the property line to the face of the building, excluding the roof overhang, unless the roof overhang is more than four feet (4'), in which case the measurement shall be made horizontally to the roof overhang. If the lot has side lines creating angles other than right angles, the property line for the purpose of determining yards, shall be the line drawn between the two (2) points made by the intersection of lot lines at the extremities of the yard to be measured. In construing the preceding sentence for measuring irregularly shaped yards, it is the intention of the Zoning Code that the yard be measured as though the lot lines at the extremities of the yard formed right angles, even though a smaller or larger yard area is thereby created. If the lot line is a concave curve, the measurement of the horizontal distance for a yard shall be made perpendicular to the nearest point of the curve.
- uuu. Yard - Rear. A yard extending the full width of the lot, the depth of which is the minimum distance as specified in the district regulations between the rear lot line and a line parallel thereto on the lot.
- vvv. Yard - Side. A yard extending the full width of the lot, the depth of which is the minimum distance as specified in the district regulations between the side lot line and a line parallel thereto on the lot.
- www. Zone of Saturation. The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.
- xxx. Upper Level Residential. Located above the ground floor, compatible with the lower level use, purpose-built for as a residence, contains dedicated kitchen, bathroom and bedroom spaces and complies with the Uniform Dwelling Code (UDC) provisions for: exits, natural light & ventilation and smoke and CO detectors.

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