

TOWN OF
ARMENIA

TOWN OF ARMENIA

ZONING ORDINANCE

Adopted 11/10/2004

MASTER PLAN

Adopted 5/11/04

MAPPING & SUBDIVISION ORDINANCE

Adopted 10/29/03

BUILDING PERMIT/LAND USE ORDINANCE

Amended 11/10/04

COUNTY PUBLIC ROAD ACCESS & MAPPING STANDARDS

4/17/01

ZONING ORDINANCE

Juneau County Board of Supervisors

Courthouse, 220 East State Street
Mauston, Wisconsin 53948



RESOLUTION: 04-86

December 21, 2004

INTRODUCED BY: EXECUTIVE COMMITTEE

INTENT: Approve Town of Armenia Zoning Ordinance

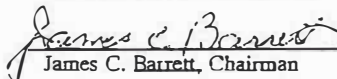
WHEREAS, the Town Board of the Town of Armenia has approved the attached Zoning Ordinance and Master Plan;

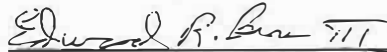
WHEREAS, Section 60.62 (3) of Wisconsin Statutes requires that County Board Supervisors that have enacted a County Zoning Ordinance must approve Town Ordinances before the ordinance can become effective;

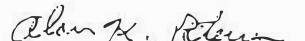
NOW, THEREFORE, BE IT RESOLVED by the Juneau County Board of Supervisors that the attached ordinance for the Town of Armenia is hereby approved.

INTRODUCED AND RECOMMENDED FOR ADOPTION THIS
21st DAY OF December, 2004.

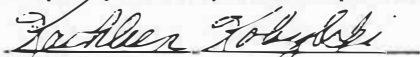
EXECUTIVE COMMITTEE


James C. Barrett, Chairman


Edward R. Brown III


Alan K. Peterson

Adopted by the County Board of Supervisors of Juneau County this 21st day of December, 2004.


County Clerk

ZONING ORDINANCE

GENERAL INDEX

Article #	Title of Article	Purpose of Article
1	Introduction and Definitions	Explains the rules for interpreting and using the Ordinance. Explains abbreviations and provides a list of definitions.
2	Standard Zoning Districts	Creates all the "Standard" Zoning Districts. Each zoning district contains a description, along with a list of "uses" which are allowed within each district, and a list of regulations applicable to each district.
3	Reserved for Future Use	Not included at this time
4	Land Uses	Identifies and defines the different types of land uses which are referred to in each zoning district identified in Articles 2. Instead of listing every possible type of business, the ordinance describes land uses in a generic fashion and provides regulations applicable to each specific generic category.
5	General Standards and Regulations	Provides regulations applicable to <u>all</u> zoning districts and land uses. Article 4 provides regulations specific to specific individual land uses, and Article 5 provides general regulations applicable to <u>all</u> districts and land uses.
6	(Reserved for Future Use)	(Not included at this time)
7	(Reserved for Future Use)	(Not included at this time)
8	(Reserved for Future Use)	(Not included at this time)
9	Procedures and Administration	Identifies and describes all the procedures applicable to zoning, including the procedures for amending the Ordinance and the Zoning Maps, and the procedures for obtaining zoning permits. It also provides the procedures for granting variances, appeals, interpretations and enforcement.

ZONING ORDINANCE

ARTICLE 1: INTRODUCTION AND DEFINITIONS

100	TITLE	1-1
101	AUTHORITY	1-1
102	LEGISLATIVE INTENT	1-1
103	PURPOSE	1-1
104	RATIONALE AND THE APPEARANCE OF ORDINANCE TEXT	1-1
105	SEPARABILITY AND NON-LIABILITY	1-2
106	GENERAL STANDARDS	1-2
107	CLASSIFICATION OF USES	1-2
108	JURISDICTION	1-2
109	COMPLIANCE	1-2
110	EFFECTIVE DATE	1-3
111-124	RESERVED FOR FUTURE USE	1-3
125	DEFINITIONS	1-3

ARTICLE 2: STANDARD ZONING DISTRICTS

200	PURPOSE	2-1
201	STANDARD ZONING DISTRICT CATEGORIES AND STANDARD ZONING DISTRICTS	2-1
202	MAP OF STANDARD ZONING DISTRICTS	2-1
203	INTERPRETATION OF ZONING DISTRICT BOUNDARIES	2-1
204	RELATIONSHIP TO OVERLAY ZONING DISTRICTS	2-1
205	SUBSTANDARD LOT REGULATIONS	2-2
206	AGRICULTURAL/OPEN ZONING CATEGORY	2-2
207	RESIDENTIAL ZONING DISTRICTS	2-4
208	NONRESIDENTIAL ZONING CATEGORY	2-5

ARTICLE 3: OVERLAY ZONING DISTRICTS

None being created as of 5/11/2004

ARTICLE 4: LAND USES

401	GENERAL INFORMATION	4-1
402	REGULATIONS APPLICABLE TO ALL LAND USES	4-1
403	NONCONFORMING USE REGULATIONS	4-1
404	RESERVED FOR FUTURE USE	4-2
405	RESIDENTIAL LAND USES	4-2
406	AGRICULTURAL/OPEN LAND USES	4-3
407	RESERVED FOR FUTURE USE	4-4
408	COMMERCIAL/PLANNED BUSINESS LAND USES	4-5
409	STORAGE OR DISPOSAL LAND USES	4-8
410	RESERVED FOR FUTURE USE	4-10
411	INDUSTRIAL LAND USES	4-10
412	ACCESSORY LAND USES	4-12
413	TEMPORARY LAND USES	4-13
414	RESERVED FOR FUTURE USE	4-14

ARTICLE 5: GENERAL STANDARDS AND REGULATIONS

501	PURPOSE	5-1
502-505	RESERVED FOR FUTURE USE	5-1
506	ACCESS STANDARDS	5-1
507	RESERVED FOR FUTURE USE	
508	VISIBILITY STANDARDS	5-1
509-513	RESERVED FOR FUTURE USE	5-2
514	EXTERIOR LIGHTING STANDARDS	5-2
515-524	RESERVED FOR FUTURE USE	5-3
525	TOXIC OR NOXIOUS MATERIAL STANDARDS	5-3
526-531	RESERVED FOR FUTURE USE	5-3
532	HAZARDOUS MATERIALS STANDARDS	5-3
533-539	RESERVED FOR FUTURE USE	5-4
540	SUBSTANDARD LOT REGULATIONS	5-4
541	NONCONFORMING STRUCTURE AND BUILDING REGULATIONS	5-4
542	RESERVED FOR FUTURE USE	5-4

ARTICLE 6: (Reserved for Future Use)**ARTICLE 7: (Reserved for Future Use)****ARTICLE 8: (Reserved for Future Use)****ARTICLE 9: PROCEDURES AND ADMINISTRATION**

901	PURPOSE	9-1
902	AMENDMENTS TO THE TEXT OF THESE ZONING REGULATIONS	9-1
903	AMENDMENTS TO THE OFFICIAL ZONING MAPS	9-3
904	ZONING PERMITS FOR PERMITTED USES	9-3
905	ZONING PERMITS FOR CONDITIONAL USES	9-4
906	ZONING PERMITS FOR TEMPORARY USES	9-7
907	RESERVED FOR FUTURE USE	9-8
908	SITE PLAN APPROVALS	9-8
909	ZONING CERTIFICATES OF OCCUPANCY	9-10
910	VARIANCES	9-11
911	RESERVED FOR FUTURE USE	9-13
912	APPEALS OF INTERPRETATIONS OF THE ZONING ADMINISTRATOR	9-13
913-931	RESERVED FOR FUTURE USE	9-14
932	ZONING ADMINISTRATOR	9-14
933	PLAN COMMISSION	9-15
934-935	RESERVED FOR FUTURE USE	9-15
936	ZONING BOARD OF APPEALS	9-15
937	RESERVED FOR FUTURE USE	9-16
938	FEES	9-16
939	RESERVED FOR FUTURE USE	9-16
940	VIOLATIONS AND PENALTIES	9-16

Addendum A - Definitions

ZONING ORDINANCE

ARTICLE 1: INTRODUCTION AND DEFINITIONS

100 TITLE

This Chapter shall be known, cited and referred to as the TOWN OF ARMENIA ZONING ORDINANCE except as referred to herein, where it shall be known as "this Chapter".

101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. (See *generally*, Sections 60.62, 61.35, 62.23, 87.30 and 289.22, Wis. Stats.) Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed to limit the application or interpretation of this Chapter.

102 LEGISLATIVE INTENT

In enacting this Chapter, special attention has been given to ensuring a direct relationship between these regulations and the Town's Master Plan. The general intent of this Chapter is to implement those goals and objectives of the Master Plan which are best addressed through zoning approaches, as enabled by the Wisconsin Statutes.

103 PURPOSE

- (1) The overall purpose of this Chapter is to implement the Town's Master Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes. By implementing the goals and objectives of the Master Plan, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare of Town residents and visitors. Additional purposes of this Chapter are specified throughout this Chapter.

104 RATIONALE AND THE APPEARANCE OF ORDINANCE TEXT

- (1) **RATIONALE:** Throughout this Chapter, paragraphs labeled "Rationale" are included to ensure a complete understanding of the purpose and reasoning of the Town in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall be treated in the same manner as other aspects of legislative history, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section are not intended to be exhaustive; other nonexplicit rationale may also be applicable.

105 SEPARABILITY AND NON-LIABILITY

It is hereby declared to be the intention of the Town Board that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not

affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

106 GENERAL STANDARDS

All development of land shall comply with all the regulations and requirements of this ordinance, the Town Master Plan, Subdivision Ordinance, Road Ordinances and all other ordinances of the Town of Armenia which are applicable, all of which are a critical component of the protection of the health, safety and general welfare of the residents of the Town of Armenia.

107 CLASSIFICATION OF USES

In each zoning district there are uses which are permitted uses and uses which are conditional uses.

- (1) **PERMITTED USES:** Permitted uses of land or buildings shall be restricted to the districts indicated and under the conditions specified. No building or tract of land shall be devoted to any uses other than uses permitted in the zoning district in which such building or tract of land is located, with the exception of uses lawfully established on the effective date of this ordinance and approved conditional uses. Uses lawfully established on the effective date of this ordinance and rendered non-conforming by the provisions hereof shall be subject to those regulations of section 403, 205 and 541.
- (2) **CONDITIONAL USES:** Conditional uses may be allowed in the districts indicated, subject to the issuance of conditional use permits in accordance with section 905.

108 JURISDICTION

This Chapter is applicable to all territory located within the Town of Armenia.

109 COMPLIANCE

The use, or change of use to a different use, of any lands; the size, shape and placement of lots; the use, occupancy, size, location or alteration of structures; and all other matters dealt with in this ordinance shall be in full compliance with the terms of this ordinance and other applicable regulations, including the securing of necessary permits. It shall be unlawful for a use, a change to a new or different use, structure or occupancy to occur in non-compliance with the terms of this ordinance and other applicable regulations. Any change to a distinctly different use or enlargement of an existing use requires compliance with this ordinance. (See also section 940)

- (1) **Exemptions:** No application or permit is required for:
 - (a) Agricultural/Recreational/Open Zoning District - all types of cultivation, husbandry, intensive agriculture, private residential kennel and private residential stable as principal or as accessory land uses, as well as private residential recreational facility, individual septic disposal system, one residential TV tower - 50 feet high or less, home occupation, family daycare home and intermediate daycare home as accessory uses; excepting only large volume animal feeding operations, in the ARO district; In the Residential Zoning District - private residential recreational facilities, individual septic disposal system and one residential TV tower - 50 feet high or less, as accessory uses.
 - (b) remodeling, repair or alteration of single family or ag buildings that do not increase or change the exterior dimensions or increase the square footage of the building;
 - (c) storage in pre-existing accessory buildings that does not involve a substantial improvement to or a change in the exterior dimensions of the building.

110 EFFECTIVE DATE

This ordinance shall take effect on the date following publication in accordance with state statutes.

111-124 RESERVED FOR FUTURE USE

125 DEFINITIONS

As listed in Addendum A, incorporated by reference.

ARTICLE 2: STANDARD ZONING DISTRICTS

200 PURPOSE

The purpose of this Chapter is to identify and describe the standard zoning districts into which the entire Town of Armenia is divided, and to list various regulations and requirements which are specific for each district.

201 STANDARD ZONING DISTRICT CATEGORIES AND STANDARD ZONING DISTRICTS

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts which shall be designated as follows:

Agriculture/Recreational/Open (ARO) District

Residential-1 (R-1) District

Commercial (C) District

202 MAP OF STANDARD ZONING DISTRICTS

There is hereby established an Official Zoning Map of the Town of Armenia, which shall be maintained in the Office of the Town Clerk. The standard zoning districts established by this Chapter are shown on the Official Zoning Map of the Town of Armenia, which together with all explanatory materials thereon, is hereby made part of this Chapter.

203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

- (1) Zoning district boundaries shown as following or approximately following the limits of any Town or County boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets shall be construed as following the centerline of such streets.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Town of Armenia or County of Juneau Tax Maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (5) above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator, who shall then take appropriate action to officially clarify the location of the line. (See, section 903).

204 Reserved for Future Use

205 SUBSTANDARD LOT REGULATIONS

- (1) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area (MZA) requirements, or the Minimum Lot Area (MLA) requirements, or the lot dimension requirements of each applicable zoning district.
- (2) A lot of record existing upon the effective date of this Chapter in a Residential District, which does not meet the Minimum Zoning District Area (MZA) or the Minimum Lot Area (MLA) requirements, or which does not meet the lot dimension requirements of this ordinance but does meet the requirements that were in effect at the time the lot or parcel became of record and which otherwise complies with all federal, state, county and town regulations, may be utilized for a detached single-family dwelling unit within the agricultural/residential districts.

206 AGRICULTURAL/RECREATIONAL/OPEN ZONING DISTRICT (ARO)**(1) AGRICULTURAL/RECREATIONAL/OPEN (ARO) DISTRICT:**

- (a) **Description and Purpose:** This district provides for the continuation and preservation of agriculture. This district is intended to protect farming from the intrusion of incompatible uses, including urban development, and to sustain the economic base of agriculture as well as preserve its rural lifestyle. This District includes the maintenance of land in its wild state, as wood lot or open space. The possibility of "agribusiness uses," which are not part of a typical farm, but which are necessary at limited suitable locations to support the farm industry, are provided for in this district as conditional uses.

Rationale: This district is used to provide for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained.

- (b) **List of Allowable Principal Land Uses (per Article 4):**

The following land uses are allowed in an ARO District and exempt from the regulation under this Ordinance:

Cultivation (per Section 406(1))

Husbandry (per Section 406(2))

Intensive Agriculture (per 406(3))

Private Residential Kennel (per 412(16))

Private Residential Stable (per 412(17))

1. **Principal Land Uses Allowed as Permitted Use:**

Single-Family Detached (per Section 405(1))

On-Site Agricultural Retail (per Section 406(4))

Bed and Breakfast Establishment (per Section 406(8))

2. **Principal Land Uses Allowed as Conditional Use:**

Agricultural Service (per Section 406(5))

Large Volume Animal Operation (406(6))

Commercial Animal Boarding (per Section 406(7))

All principal land uses allowed as a Conditional Use in a Commercial District enumerated at 208(1)(b)(2) excluding only Industrial Land Uses, Campground, sexually oriented land uses, Tower, Extraction Uses.

(c) **List of Allowable Accessory Uses (per Article 4):**

The following accessory land uses are exempt from the regulation of this ordinance in ARO District:

Private Residential Recreational Facility

Individual Septic Disposal System

1 Residential TV Tower - 50 Feet High or Less

Family Day Care Home (4-8 children) (per Section 412(11))

Intermediate Day Care Home (9-15 children)

Home Occupation (per Section 412(10)) subject to regulation of signs

Private Residential Kennel (per Section 412(16))

Private Residential Stable (per Section 412(17))

Home Occupation (per Section 412(10)) subject to regulation of signs

1. Accessory Land Uses Allowed as Permitted Use:

Farm Residence (per Section 412(2))

Detached Residential Garage, Carport, Utility Shed, (per Section 412(3))

Caretaker's Residence (per Section 412(23))

All accessory land uses allowed as a permitted use in a Commercial Zoning District shown in 208(1)(c)1

2. Accessory Land Uses Allowed as Conditional Use:

All accessory land uses allowed as Conditional Use under Commercial District as stated in 208(1)(c)2

(d) **List of Allowable Temporary Uses (per Article 4):**

Outdoor Assembly (per Section 413)

(e) **Regulations:** The following regulations apply to this district, the other standards and regulations of this ordinance.

AGRICULTURAL/ RECREATIONAL/OPEN (ARO)	Residential Uses	Non-Residential Uses
Regulations		
A. Min. Zoning District Area	10 acres	10 acres
B. Min. Lot Area	5 acres per du (exclusive of ROW)	5 acres
C. Max. Gross Density/Intensity	1 du/2 acres MGD	N/A
D. Min. Lot Width	200'	200'
E. Min. Street Frontage	200'	200'
F. Front Setback to Princ. Bldg.	75' (excl. of ROW)	N/A
G. Front Setback to Acc. Bldg.	75' (excl. of ROW)	N/A

AGRICULTURAL/ RECREATIONAL/OPEN (ARO)	Residential Uses	Non-Residential Uses
Regulations		
H. Side Setback to Princ. Bldg.	25' (excl. of ROW)	N/A
I. Side Setback to Acc. Bldg.	25' (excl. of ROW)	N/A
J. Rear Setback to Princ. Bldg.	25' (excl. of ROW)	N/A
K. Rear Setback to Acc. Bldg.	25' (excl. of ROW)	N/A
L. Min. Dwelling Core Dimensions (living space)	N/A	N/A

207 RESIDENTIAL ZONING DISTRICTS:

(1) RESIDENTIAL-1 (R-1) DISTRICT:

- (a) **Description and Purpose:** This district is intended to permit development which has a low density (1 residence per 2 acres excl. ROW), estate community character. The land use standards for this district permit primarily single family detached residential development. Density and intensity standards for this district are designed to ensure that the Residential-1 District shall serve as a designation which preserves and protects the estate character of its area.

Rationale: This district provides for the permanent protection of a low density residential area for those who want to retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the R-1 District designation is retained, regardless of how much development occurs within that area. This district shall be strongly steered toward subdivision development in which the residential portion is clustered, thus maximizing permanently protected green space areas.

(b) **List of Allowable Principal Land Uses (per Article 4):**

1. **Principal Land Uses Allowed as Permitted Use:**
Single-Family Detached (per Section 405(1))
2. **Principal Land Uses Allowed as Conditional Use:**
Indoor Institutional (Church and School only)
Outdoor Institutional
Public Services and Utilities
Bed and Breakfast Establishment (per Section 408(12))
Duplex (Two-Family Residential)
Multi-Family Residential Units

(c) **List of Allowable Accessory Uses (per Article 4):**

The following accessory land uses are allowed in R1 District and are not regulated by this Ordinance:

Private Residential Recreational Facility

1 Residential TV Tower - 50 Feet High or Less

1. **Accessory Land Uses Allowed as Permitted Use:**

Detached Residential Garage, Carport, Utility Shed, (per Section 412(3))

2. Accessory Land Uses Allowed as Conditional Use:

Intermediate Day Care Home (9-15 children)

Private Residential Kennel (per Section 412(16))

Private Residential Stable (per Section 412(17))

Caretaker's Residence (per Section 412(23))

Home Occupation (per Section 412(10))

Family Day Care Home (4-8 children) (per Section 412(11))

- (d) **Regulations:** The following regulations apply to this district, in addition to the standards and regulations of this ordinance.

Residential-1 (R-1)		
Regulations	Residential Uses	Non-Residential Uses
A. Min. Zoning District Area	2 acres	N/A
B. Min. Lot Area	2 acres per du (exclusive of ROW)	N/A
C. Max. Bldg. Size	na	N/A
D. Max. Gross Density/Intensity	1.00 du/2acres	N/A
E. Princ. Bldgs. Per Lot	1	N/A
F. Min. Lot Width	150 feet lakeshore; 200 feet other	N/A
G. Min. Street Frontage	150 feet lakeshore; 200 feet other	N/A
H. Front Setback to Princ. Bldg.	75 (exclusive of ROW)	N/A
I. Front Setback to Acc. Bldg.	75 (exclusive of ROW)	N/A
J. Side Setback to Princ. Bldg.	15 feet lakeshore; 25 feet other	N/A
K. Side Setback to Acc. Bldg.	15 feet lakeshore; 25 feet other	N/A
L. Rear Setback to Princ. Bldg.	11 25	N/A
M. Rear Setback to Acc. Bldg.	11 25	N/A
N. Min. Dwelling Core Dimensions (living space)	900 sq ft	N/A

208 COMMERCIAL ZONING DISTRICTS

(1) COMMERCIAL (C) DISTRICT:

- (a) **Description and Purpose:** This district is intended to permit large and small scale commercial development which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are

required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide the principal zoning district for commercial development. The desired community character of the development is attained through the Landscape requirements.

(b) List of Allowable Principal Land Uses (per Article 4):

1. Principal Land Uses Allowed as Permitted Use:

Cultivation (per Section 406(1))

All other uses in a Commercial District are conditional uses

2. Principal Land Uses Allowed as Conditional Use:

Office (per Section 408(1))

Personal or Professional Service (per Section 408(2))

Indoor Sales or Service (per Section 408(3))

Indoor or Outdoor Maintenance Service (per Section 408(4)(6))

Outdoor Display (per Section 408(5))

In-Vehicle Sales or Service (per Section 408(7))

Indoor and Outdoor Commercial Entertainment (per Section 408(8)(9))

Commercial Animal Boarding (per Section 408(10))

Commercial Indoor Lodging (per Section 408(11))

Group Day Care Center (9+ children) (per Section 408(13))

Campground (per Section 408(14))

Vehicle Repair and Maintenance (per Section 408(16))

Indoor and Outdoor Storage (per Section 409(1)(2))

Personal Storage Facility (per Section 409(3))

Single Family Residence (per Section 405(1))

Sexually Oriented Land Uses (per 408(15))

Airport/Heliport (per Section 410(1))

Light Industrial Land Use (per Section 411(1))

Towers (per Section 411(2))

Extraction Use per Section 411(3))

(c) List of Allowable Accessory Uses (per Article 4):

1. Accessory Land Uses Allowed as Permitted Use:

Home Occupation (per Section 412(10))

Exterior Communication Devices 18 Inches or Smaller

Residence/dwelling, detached garage, car port or utility shed may be permitted if accessory to principal commercial purpose

Accessory buildings and minor additions up to 50% of the square footage can be granted as a matter of right so long as they are consistent with the underlying previously approved use.

Caretaker's Residence (per Section 412 (23))

2. Accessory Land Uses Allowed as Conditional Use:

Commercial Apartment (per Section 412(1))

Outdoor Display Incidental to Indoor Sales and Service (12+ days)

In-Vehicle Sales and Service (per Section 408(7))

Light Industrial Incidental to Indoor Sales or Service Activities Land Use

Private residential kennel (per Section 412(16))

Private residential stable (per Section 412(17))

(d) List of Allowable Temporary Uses (per Article 4):

Outdoor Assembly (per Section 413)

(e) Regulations: The following regulations apply to this district, in addition to the Standards and Regulations otherwise required in this ordinance.

Commercial (C) Regulations		Residential Uses	Non-Residential Uses
A.	Min. Zoning District Area	2 acres (exclusive of ROW)	2 acres (exclusive of ROW)
B.	Min. Lot Area	2 acres	20,000 sq. ft.
C.	Min. Lot Width	200	200
D.	Min. Street Frontage	200	200
E.	Front Setback to Princ. Bldg.	75	75
F.	Front Setback to Acc. Bldg.	75	75
G.	Side Setback to Princ. Bldg.	25	25
H.	Side Setback to Acc. Bldg.	25	25
I.	Rear Setback to Princ. Bldg.	25	25
J.	Rear Setback to Acc. Bldg.	25	25
K.	Min. Dwelling Core Dimensions	N/A	N/A

(2) INDUSTRIAL (I) DISTRICT: (Not allowed at this time).

ARTICLE 4: LAND USES

401 GENERAL INFORMATION

- (1) **PURPOSE:** The purpose of this Article is to identify, describe and define the different types of land uses which are authorized by this ordinance. This Article also imposes regulations which are specific to the different types of land uses identified herein.

402 REGULATIONS APPLICABLE TO ALL LAND USES

All Uses of land initiated within the jurisdiction of this Ordinance on, or following, the effective date of this Ordinance shall comply with all of the provisions of this Ordinance. Specifically:

- (1) **LAND USE REGULATIONS AND REQUIREMENTS:** All uses of land shall comply with all the regulations of this ordinance which are directly related to the protection of the health, safety and general welfare of the residents of the Town of Armenia.
- (2) **ZONING DISTRICT REGULATIONS:** All land uses shall comply with the regulations of Article 2 "Standard Zoning Districts". Such regulations address requirements for residential and nonresidential developments and requirements relating to the density, intensity and bulk of developments, which are directly related to the protection of the health, safety and general welfare of the residents of the Town of Armenia and its environs.
- (3) **GENERAL STANDARDS:** All development of land shall comply with all the regulations and requirements of this ordinance, the Town Master Plan, Subdivision Ordinance, Road Ordinances and all other ordinances of the Town of Armenia which are applicable, all of which are a critical component of the protection of the health, safety and general welfare of the residents of the Town of Armenia.

403 NONCONFORMING USE REGULATIONS

- (1) **DEFINITION:** A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Ordinance or subsequent applicable amendment thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Ordinance.
- (2) **CONTINUANCE OF A NONCONFORMING USE:** Any nonconforming use lawfully existing upon the effective date of this Ordinance may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous rules which is made nonconforming by this Ordinance may apply for a conditional use permit (per Section 905) to be granted legal conforming status.
- (3) **MODIFICATION OF A NONCONFORMING USE:** No additions or modifications to nonconforming structures shall be permitted unless approval of a conditional use permit is granted by the Plan Commission.
- (4) **DISCONTINUANCE OF A NONCONFORMING USE:** When any nonconforming use of any structure or land is discontinued for a period of 24 months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Ordinance.
- (5) **MAINTENANCE OF A NONCONFORMING USE:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Ordinance.
- (6) **RECONSTRUCTION OF A STRUCTURE:** A legal, nonconforming structure which is destroyed by fire, tornado or other disaster may apply for consideration as a conditional use to be reconstructed so as not to expand the floor area nor footprint of the structure, if

said structure is located in an area which was permitted on the day preceding the Effective Date of the Ordinance.

- (7) **DIFFERENT USE OR ENLARGEMENT:** Nonconforming uses may be changed to distinctly different nonconforming uses or enlarged only with conditional use approval. Conditional use review shall be based upon compatibility with the prevailing permitted and conditional uses in the area. Changes that will not prolong or enhance disharmony with such permitted or conditional uses may be approved.
- (8) **NONCONFORMING LOTS:** See Section 205.

404 **RESERVED FOR FUTURE USE**

405 **RESIDENTIAL LAND USES**

(1) **SINGLE-FAMILY DETACHED:**

- (a) **Description:** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a single-family residence which is located on an individual lot or within a group development and which is fully detached from another dwelling unit or building.

(b) **Regulations:**

1. Each dwelling unit will have to comply with the requirements of Ordinance 17, as amended from time to time, including 17-A3.
2. If the dwelling plan does require skirting, it shall be accomplished within 90 days of placement.

(2 - 7) **not used at this time**

(8) **MOBILE HOME:**

- (a) **Description:** This dwelling unit type consists of a transportable, factory-built, fully detached, single family residence, which has not received a Federal Manufactured Housing Certificate and which is typically located on an individual lot within a Mobile Home Park (405(11)). Each dwelling unit is typically occupied by the same family for periods of one month or longer.

- (b) **Regulations:** The following minimum regulations apply to all Mobile Homes wherever located in the Town:

1. No mobilehome may be placed, parked, stored or occupied within the Town.

(9) and (10) **not used at this time.**

(11) **MOBILE HOME PARK RESIDENTIAL DEVELOPMENT (RENTAL/CONDO PARK):**

- (a) **Description:** This land use is a form of residential development which is exclusively reserved for,

1. conventional mobile home parks, in which lots are owned by a single entity and rented to individuals for placement of factory-built manufactured housing; and
2. mobile home condo parks, in which all lots are part of the same condominium association and are owned individually by unit owners with the intent of locating a factory-built manufactured dwelling on the lot.

- (b) **Regulations:** The following regulations apply to all Mobile Home Residential Developments wherever located in the Town:

1. Developments shall not be located in a residential district and cannot be located in an agricultural or commercial district on less than 2 acres per

unit with provision for septic system and road access acceptable to the Town.

2. Developments shall not be located in the Town of Armenia if they negatively affect the value of adjacent property.
3. Developments shall be located so as to blend with adjacent areas to the greatest extent possible.
4. Developments shall comply with the landscaping and bufferyard requirements established by the Plan Commission.
5. Each of the dwelling units must meet the requirements for single-family detached dwelling units listed in Section 405(1).
6. Under this development option, approximately 60% of a development's Gross Site Area (GSA) should contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (This estimate is provided as a general rule of thumb for the convenience of the users of this Ordinance. Such a yield is not to be considered as ensured by the provisions of this Ordinance.)

406 AGRICULTURAL/OPEN LAND USES

(1) CULTIVATION:

- (a) **Description:** Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The maintenance of land in its wild state, as wood lot or open space, is considered cultivation.

(2) HUSBANDRY:

- (a) **Description:** Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than 1 animal per acre. Apiaries are considered husbandry land uses.

(3) INTENSIVE AGRICULTURE:

- (a) **Description:** Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding 1 animal per acre and/or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

(4) ON-SITE AGRICULTURAL RETAIL:

- (a) **Description:** On-site agricultural retail land uses include land uses primarily associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall only be permitted within on-site agricultural retail operations as accessory to the sale of products grown there.
- (b) **Regulations:** The following regulations apply to all On-site Agricultural Retail uses wherever located in the Town:
 1. The building floor space dedicated to on-site agricultural retail uses shall be limited to 750 sq. ft. in floor area. Growth of an operation above this limit becomes an agricultural service use.
 2. All structures shall meet all required setbacks for nonresidential land uses.

(5) AGRICULTURAL SERVICE:

- (a) **Description:** Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural

equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities.

(6) LARGE VOLUME ANIMAL OPERATION:

- (a) **Description:** Large volume animal feeding or milking operation means a feedlot or facility, other than a pasture, where 300 or more animals or 1000 or more poultry will be fed, confined, maintained or stabled as animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes

Prior to the Plan Commission considering a large volume animal feeding operation, all necessary federal and/or state permits must have been tentatively approved and detailed evidence established of the description and effectiveness of the barriers to be employed to avoid offensive sight, sound or smell to neighbors or public.

(7) COMMERCIAL ANIMAL BOARDING

- (a) **Description:** These facility land uses include commercial kennels and commercial stables of more than 5 boarded animals. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

- (b) **Regulations:** The following regulations apply to all commercial animal boarding uses wherever located in the town:

1. The scope of the operation and the size of the facility shall be addressed in the conditional use permit process.
2. Animal waste disposal shall be handled in a manner that minimizes odor and the potential spread of disease.

(8) BED AND BREAKFAST ESTABLISHMENT.

- (a) **Description:** These are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

- (b) **Regulations:** The following regulations apply to all bed and breakfast establishment uses wherever located in the town.

1. All such facilities must comply with state licensing requirements and fire code inspection.
2. All such facilities shall be limited to 4 lodging units and a maximum of 16 occupants.
3. All other regulations shall be dealt with in the conditional use permit process.

407 RESERVED FOR FUTURE USE

408 COMMERCIAL/ BUSINESS LAND USES

(1) OFFICE:

- (a) **Description:** Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on an appointment basis (see (2) below).

(2) PERSONAL OR PROFESSIONAL SERVICE:

- (a) **Description:** Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses, but do not include sexually-oriented land uses (see 408(15)).

(3) INDOOR SALES OR SERVICE:

- (a) **Description:** Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats.

(4) INDOOR MAINTENANCE SERVICE:

- (a) **Description:** Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered a vehicle repair and maintenance land use, (see Section 408(16)).

(5) OUTDOOR DISPLAY:

- (a) **Description:** Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (Land uses which display only a limited amount of product outside of an enclosed building as "Outdoor Display Incidental to Indoor Sales".)

(6) OUTDOOR MAINTENANCE SERVICE:

- (a) **Description:** Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

(7) IN-VEHICLE SALES OR SERVICE:

- (a) **Description:** In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use.

- (b) **Regulations:** The following regulations apply to all Commercial Land uses wherever located in the Town:

1. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
2. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.

(8) INDOOR COMMERCIAL ENTERTAINMENT:

- (a) **Description:** Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

(9) OUTDOOR COMMERCIAL ENTERTAINMENT:

- (a) **Description:** Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, commercial bicycle, ATV, motorcycle or other motor vehicle racetracks, commercial trap shoot or gun range, commercial paintball operation.

(10) COMMERCIAL ANIMAL BOARDING:

- (a) **Description:** Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.
- (b) **Regulations:** The following regulations apply to all Commercial Animal Boarding uses wherever located in the Town:
1. All activities, except vehicle parking, exercise yards, fields, training areas, and trails, shall be completely and continuously contained indoors.
 2. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
 3. Animal waste disposal shall be handled in a manner that minimizes odor and potential spread of disease.

(11) COMMERCIAL INDOOR LODGING:

- (a) **Description:** Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms, suites of rooms, or apartments, with each room, suite or apartment having a private bathroom. Such facilities may provide kitchens, laundry facilities, multiple bedrooms, living rooms, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Commercial indoor lodging facilities include motels, hotels, time-share condo's and short-term rental apartments, which provide housing for one month or less, excluding bed and breakfast establishments.

(12) BED AND BREAKFAST ESTABLISHMENT: See 406(8)**(13) GROUP DAY CARE CENTER (NINE OR MORE CHILDREN):**

- (a) **Description:** Group day care centers are land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools.

(14) CAMPGROUND:

- (a) **Description:** Private or public campgrounds, and time share campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.
- (b) **Regulations:** The following regulations apply to all Campground uses which are only permitted in a Planned Business District in the Town:
1. All town, county and state regulations shall be adhered to by the statement of intent and plan submitted.
 2. No building, structure or premise shall be erected, altered, established or used which is intended or designed other than for:
 - i. 1 single family residential structure for the primary use of the owner/operator;

- ii. Accessory buildings and structures incidental to the operation and maintenance of the campground;
3. Applicant shall submit 9 copies of the proposed development on a scale which is acceptable to the Town to the Plan Commission at least 14 days prior to the meeting on which the proposal is to be considered. Such plan shall include the name and address of the applicant, owner of the site and professional consultants; statement of intent as to the proposed use; a certified survey map showing the boundaries, dimensions, uses, and size of the individual campsites, structures, roads, parking.
4. All campgrounds shall be not less than 20 acres; interior roads shall be 20 feet wide at travel portion; provisions for maintenance to preclude the creation of a nuisance including cleansing the toilet facilities, collection of trash and upkeep of roads in public areas.
5. Approximately 25% of the gross site area (GSA) should contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in the maximum gross density. This estimate is provided as a general rule of thumb and does not insure approval. The site should also contain adequate buffer to screen the campground from neighbors.
6. Such additional information as may be required by the town.

(15) SEXUALLY-ORIENTED LAND USES:

- (a) **Description:** Sexually-oriented land uses include any facility which rents, sells or displays sexually-oriented materials, such as X-rated videos, movies, slides, photos, books, or magazines; or any facility in which persons display and/or touch sexually specified areas such as body piercing or tattooing services. For the purpose of this Ordinance, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented land uses (i) if the store area devoted to the sale or rent of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials, and (ii) if such materials are placed in generic covers or are placed in an area which is separate from and not visible from the areas devoted to non-sexually-oriented materials, and (iii) if such materials are not advertised by any advertising located or visible outside of the store.

Rationale: The incorporation of this Subsection into this Ordinance is designed to reflect the Town Board's official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Town Board is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Town's Master Plan and protect the character and integrity of its commercial and residential neighborhoods.

- (b) **Regulations:** The following regulations apply to all Sexually Oriented land uses wherever located in the Town:

1. Sexually oriented land uses are prohibited in the Town of Armenia to the extent allowed by law. If required by law, then:
2. Shall be located a minimum of 330 feet from any residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.

3. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at the values they would have otherwise.
4. Parking Requirements: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater), plus 1 space per employee on the largest work shift.

(16) VEHICLE REPAIR AND MAINTENANCE SERVICE:

- (a) **Description:** Commercial vehicle repair and maintenance services include all land uses which perform maintenance services (including repair) to motorized vehicles involving more than 10 vehicles on the premises at one time and contain all operations (except vehicle storage) entirely within an enclosed building or behind pre-approved screening.
- (b) **Regulations:** The following regulations apply to all Vehicle Repair and Maintenance Service uses wherever located in the Town:
 1. Storage of abandoned vehicles is prohibited.
 2. Overnight Storage: All overnight storage of cars and other motorized vehicles being repaired, shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing, as a guideline, should be a minimum of 8 feet in height and shall be designed to completely screen all stored items from view.

409 STORAGE OR DISPOSAL LAND USES

(1) INDOOR STORAGE:

- (a) **Description:** Indoor storage land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities.

(2) OUTDOOR STORAGE:

- (a) **Description:** Outdoor storage land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See, Subsection (4), below.)
- (b) **Regulations:** The following regulations apply to all Outdoor Storage and Wholesaling uses wherever located in the Town:
 1. All outdoor storage areas excepting landscaping materials, as a guideline, should be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing, as a guideline, should be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view.
 2. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

(3) PERSONAL STORAGE FACILITY:

- (a) **Description:** Land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area available

on either a condominium or rental basis. Also known as "mini-warehouses". This does not include a structure originally built to be licensed as a vehicle or trailer, such as semi-trailers or cube vans.

(4) JUNKYARD OR SALVAGE YARD:

- (a) **Description:** Junkyard or salvage yard facilities are any land or structure used for a storage or salvaging operation including but not limited to: the aboveground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. Also included herein by reference are the definitions in §84.31, stats., to the extent they expand the above definition. We adopt the declaration of purpose set forth in §84.31(1), stats., and confirm that all junkyards in violation of this section are declared public nuisances.
- (b) **Regulations:** The following regulations apply to all Junkyard or Salvage Yard uses wherever located in the Town:
1. Junkyards or salvage yards are prohibited in the Town of Armenia. No person shall accumulate or store any junk, salvage material or recycling material nor any unoccupied mobile homes or manufactured homes, currently unuseable or in a state of disrepair or disassembly or any parts thereof outside of any building on any real estate in the Town of Armenia except upon a variance.
 2. No variance shall be issued except to avoid extreme hardship and then only to the following:
 - i. Those premises which are not visible from any public road;
 - ii. Those which are screened so as not to be visible from a public road;
 - iii. Those which comply with §84.31, Stats., with its applicability extended to county and local highways, as well.
 3. Waste materials must be stored or disposed of according to DNR regulations.
 4. Any accumulations of junk in the Town of Armenia, in addition to these regulations, shall comply with the County Ordinance which shall be the first line of enforcement.
 5. If such a permit is granted, guidelines to be considered shall include
 - i. Facility shall be completely screened along all borders. Such screening and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from off the property at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. As a guideline, it is anticipated that the screening will be 3 feet above the highest level of piles of junk. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 1000 feet from all lot lines. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 532.

(5) WASTE DISPOSAL FACILITY:

- (a) **Description:** Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 289.01(33).
- (b) **Regulations:** The following regulations apply to all Waste Disposal Facility land uses wherever located in the Town., excepting only that sludge from mill or agricultural operation which is field spread as fertilizer which is exempt so long as it is more than 660 feet from a residential district:

1. The dumping of garbage, refuse or other solid waste of any kind, or the expansion of any existing waste disposal facility, is prohibited in the Town of Armenia.
2. A non-commercial, single family dump or landfill used to dispose of solid waste generated on that property is exempt under §289.43 (5), Stats.
3. Any appeal for a variance must be directed to the Town Zoning Board of Appeals in writing and will only be granted after a public hearing to avoid extreme injustice.
 - i. If a variance sought is a one-time use such as disposal of one building demolished on the applicant's own premises in the Township and no toxic substances or other materials the dumping of which is prohibited by State law or County ordinance are involved, then the information to be provided in the application appealed for is: name, address and telephone number of landowner and applicant; exact location of the proposed site; description of material to be dumped; size; date of dumping; plan for excavation and landscaping; proximity of neighboring residences, farms, wells and roads; site topography; description of surface water run off and roads to be used, if any.
 - ii. If a variance is sought to create a dump or landfill that exceeds the one-time use described above, then the applicant shall provide, in addition to the information requested above, compliance with §289 et. seq. stats and all DNR regulations; feasibility report and plan of operation (both certified by licensed engineers); plan of security of site and plan for long term care of site; statement of effect on Town roads; form of security for damages to Town roads, Town property or third-party property.
4. Further, in granting any such variance, the Zoning Board of Appeals shall include the following conditions:
 - i. Facility shall provide a complete screening along all borders of the property.
 - ii. All buildings, structures, and activity areas shall be located a minimum of 330 feet from all lot lines.
 - iii. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 532) in any manner.
 - iv. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to the condition required by the approved Site Plan. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)

410 RESERVED FOR FUTURE USE

411 INDUSTRIAL LAND USES

(1) LIGHT INDUSTRIAL LAND USE:

- (a) **Description:** Light industrial land uses are industrial facilities at which all operations (with the exception of loading or unloading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the

property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Article 5.

(2) TOWERS:

- (a) **Description:** Towers include all freestanding broadcasting, receiving, or relay structures, wind energy conversion towers, smokestacks, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower excepting one residential TV tower of 50 feet or less.
- (b) **Regulations:** The following regulations apply to all tower uses wherever located in the Town:
1. Tower shall be located so that there is sufficient radius of land around the tower so that its collapse shall be completely contained on the property.
 2. The installation and continued maintenance of a bufferyard abutting residentially zoned property.
 3. Evidence must be produced as to why a tower in excess of 100 feet in height is needed.
 4. Evidence must be produced that television, radio or telecommunication antennas of any kind, cannot be located on existing towers in the Town, or adjoining Towns or Cities.
 5. All local, state and federal regulations must be complied with.
 6. Towers in locations other than clustered with existing towers, shall be prohibited except to avoid extreme hardship.
 7. Detailed plans for tower construction must be submitted at least 30 days before the hearing at which the Plan Commission will initially consider the application. The Plan Commission can retain engineering consulting expertise to review the plan, the cost of which shall, by agreement, be borne by the applicant.
 8. Any lighting malfunction of the tower will be corrected immediately so that white lights on the tower are only used during the day time and red lights on the tower during the night time.

(3) EXTRACTION USE:

- (a) **Description:** Extraction uses include land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities such as land excavations, stockpiling of sand and other activities customarily associated with on-site cranberry operations.
- (b) **Regulations:** The following regulations apply to all extraction uses wherever located in the Town:
1. Shall receive approval from the County prior to action by the Town of Armenia, and shall comply with all County, State and Federal regulations.
 2. Any extraction use shall be subject to the filing of a site plan approval under §908 and shall clearly describe the nature, extent and duration of such extraction, as well as its expected impact on neighbors and the environment.
 3. Required site plans shall include provisions to avoid noise, vibration, dust and detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is

restored to its proposed condition. (The requirement for said surety is waived for publically-owned extraction or waste disposal facilities.)

4. Facility shall provide a complete screening along all borders of the property.
5. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
6. If the location of such extraction involves traveling on Town Roads by heavy equipment and high volumes of trucks, then the applicant shall, through a Development Agreement, make arrangements with the Town to compensate for the unanticipated heavy usage of the road.

412 ACCESSORY LAND USES

Accessory uses are land uses which are incidental to the principal use conducted on the subject property. Moreover, only those accessory uses listed herein shall be permitted herein with the exception of a commercial apartment or farm residence, in no instance shall a cellar, basement, tent, recreational trailer or accessory use, such as garage or storage building, be used as a residence.

(1) Commercial Apartment

- (a) **Description:** These are dwelling units which are located above or adjacent to a building used for commercial land use, e.g., an office or retail establishment. They are able to share required parking spaces with non-residential uses.

(2) Farm Residence

- (a) **Description:** A farm residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses.
- (b) **Regulation.**
 1. Each dwelling unit must be located on a parcel of a minimum size of 2 acres per dwelling unit.
 2. Each dwelling unit must have access to a public road.
 3. To the extent not inconsistent with the above, each dwelling unit must comply with the height, area for lot, floor, yard and other requirements of that district.

(3) Detached Garage, Carport, Utility Shed.

- (a) **Description:** This is a structure which primarily accommodates the sheltered parking of a vehicle and/or storage of maintenance equipment.

(4-9) Open sections at this time.

(10) Home Occupations:

- (a) **Description:** Home occupations are small home-based family or professional businesses performed within any single family detached residence. Examples include personal and professional services.
- (b) **Regulations:** The following regulations apply to all home occupation accessory land uses wherever located.
 1. The purpose is to accommodate a small home-based business without the necessity of a rezoning from residential or agricultural to a commercial district. Physical expansion of a home to accommodate this is not anticipated.
 2. No home occupation shall create any exterior evidence of the home occupation other than the sign permitted that is not normally associated with average residential use.
 3. Only one sign may be used to indicate the type of occupation or business.
 4. The type and number of equipment and machinery used on site may be restricted by the conditional use permit.

5. Sale or transfer of the property or expansion of the home occupation may cause the conditional use permit to be voided.
- (11) **Family Day Care Home.**
- (a) **Description:** Family day care homes are occupied residences in which a qualified person or persons provide care for 4-8 children. The care of less than 4 children is not subject to regulation here.
- (b) **Regulations:** All such family day care homes shall comply with state statutes and regulations.
- (12-15) Open at this time.
- (16) **Private Residential Kennel:**
- (a) **Description:** A maximum of any combination of 3 dogs and/or cats (over 6 months of age) are permitted by right for any one residential unit in a residential district or any one business in a business district. Any residence or business, in those districts, housing a number of dogs and/or cats exceeding this shall be considered a private residential kennel, and such a kennel shall be required to be licensed. In addition to those requirements, a private residential kennel shall meet the following:
- (b) **Regulations:**
1. Any outdoor containment or enclosures for animals shall be located a minimum of 25 feet from any residentially or business zoned property. This description and regulation do not apply in the ARO District.
- (17) **Private Residential Stable:**
- (a) **Description:** A private residential stable is a structure facilitating the keeping of horses (or similar animals) on the same site as a dwelling or business in a residential or business district.
- (b) **Regulations:** The following regulations shall apply:
1. A minimum lot area of 5 acres is required for a private residential stable in a residential or commercial district.
2. A maximum of one horse per 2.5 acres of fully enclosed (fenced) area is permitted in a residential or commercial district. This description and regulation do not apply in the ARO District.
- (18-22) open at this time
- (23) **CARETAKER'S RESIDENCE.**
- (a) **Description:** This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration. This is comparable to the commercial apartment or conditional additional farm residence as described above.
- (24-30) for future use

413 TEMPORARY LAND USES

These land uses are allowed pursuant to the procedures of Section 906.

(1) OUTDOOR ASSEMBLY:

- (a) **Description:** Includes any organized outdoor assembly of more than 200 persons except Town sponsored functions.
- (b) **Regulations:** The following regulations apply to all outdoor assembly temporary land uses wherever located in the Town:
1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
2. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.

3. If subject property is located adjacent to a residential area, activities shall be limited to the extent practicable to daylight hours.
4. Adequate provisions for crowd control shall be made, and shall be described within the application.
5. Shall comply with Section 906, standards and procedures applicable to all temporary uses.

414 RESERVED FOR FUTURE USE

Town of Armenia Addendum A

The following words, terms and phrases, wherever they occur in this Ordinance, shall have the meanings ascribed to them by this Section.

- Abutting:** Having a common border with, or being separated from such common border only by an alley or easement.
- Access:** A means of vehicular or non-vehicular approach, i.e. entry to or exit from a property, street or highway.
- Access, direct:** A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.
- Accessory use or structure:** A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. Land uses permitted as an accessory use are permitted subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the use is located, plus any additional requirements applicable to that particular land use (Article 4).
- Active Outdoor Public Recreation:** All recreational land uses located on public property, such as play courts for tennis or basketball, play fields for baseball, football or soccer, swimming areas, public golf courses and similar land uses.
- Agriculture:** Bee keeping; commercial feed lot; dairying; egg production; floriculture; forest and game management; grazing; livestock raising; orchards, greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; sod farming; placing land in federal programs in return for payments in kind; land in the conservation reserve program; participation in the milk production termination program; and vegetable raising.
- Alteration, structural:** Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial change in the roof or exterior wall.
- Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices, external to or attached to the exterior of any building, and used for the transmission or reception of electromagnetic waves (e.g. television, radio, microwave, telephone, internet access or shortwave signals).
- Basement:** A portion of a building located partly underground, but having one-half ($\frac{1}{2}$) or less of its floor to ceiling height below the average grade of the adjoining ground.
- Building:** Any structure which has a supported roof built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is exclusive of portions of the structure not intended for shelter such as decks, balconies, pools, carports, etc. Where independent units with separate entrances are divided by shared walls, each unit is a building.
- Building, accessory:** A building which:
- (a) Is subordinate to and serves a principal structure or a principal use;
 - (b) Is subordinate in area, extent, and purpose to the principal structure or use served;
 - (c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
 - (d) Is customarily incidental to the principal structure or use.
- Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- Building line:** An imaginary line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building lines on a lot determine the area in which buildings may be placed, subject to all other applicable provisions of this Chapter. This is also referred to as a "setback" line.
- Building, principal:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.
- Cellar:** That portion of the building having more than one-half ($\frac{1}{2}$) of the floor-to-ceiling height below the average grade of the adjoining ground.
- Condominium:** Property subject to Condominium Declaration including but not limited to land, buildings or a part of the building, or group of buildings including all the land, co-owned and operated within the

law of the State of Wisconsin for the mutual protection and benefit of an association of all the members of the ownership agreement pursuant to state statute 703 and its successors.

Crawl space: An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

Day Care: See family day care home, intermediate day care home, or group day care center.

Deck: A structure that has no roof or walls. Can be attached or detached to the principle structure. If attached, it must comply with the principle setback requirements. If detached, shall be an accessory structure.

Density: A term used to describe the maximum number of dwelling units and the minimum amount of landscaping required for residential projects. Each zoning district contains density standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) under which the site is developed; and 5) the use(s) considered for development. (Cf. "Intensity" which is the term used to describe the same standards for nonresidential sites.)

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

Development: The division of a parcel of land into two or more parcels, or any man made change to real estate including the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; or any use or change in use of any buildings or land; or any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Development option(s): The type of residential or nonresidential land uses which may develop on a lot as determined by the requirements of this Chapter.

Development pad: The area of a lot where site disruption will occur, including building areas, paved areas, yards and other areas of non-native vegetation, and areas devoted to septic systems.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway: Drainageways are non-navigable, aboveground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following: (a) All areas within 75 feet of the ordinary high water mark of a "perennial stream" as shown on USGS 7.5 minute topographic maps for the Town of Armenia and its environs; (b) All areas within 50 feet of the ordinary high water mark of an "intermittent stream" or "open channel drainageway" as shown on USGS 7.5 minute topographic maps for the Town of Armenia and its environs.

Dryland access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Dwelling: A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

Dwelling, attached: A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

Dwelling, detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling unit: A room or group of rooms, providing or intended to provide permanent living quarters for not more than one (1) family.

Dwelling unit separation: The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

Easement: Written authorization by a property owner for another party to use for a specified purpose any designated part of his property which has been recorded in the Register of Deeds' office.

Elevated Building: A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

Encroachment: Any unauthorized and/or unpermitted fill, structure, building, use, or development in or on

a floodway, easement, right-of-way or property.

Environmental Control Facility: Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Family: An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household.

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected to enclose, screen or separate areas.

Floor area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

Foundation: The structural system supporting a structure serving the function of transferring building load to the ground; anchoring it against the winds; isolating it from frost heaving; isolating it from expansive soil; and holding it above ground moisture. The foundation designs are basement, crawlspace or slab of poured concrete, masonry or wood.

Freeboard: Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

Garage (residential): A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, or trucks.

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Green space: (A/k/a Permanently Protected Green Space) The area of a site upon which site disruption and site development are strictly limited. Green space consists of the following: (i) Resource Protection Areas (RPA), and (ii) areas devoted to land uses which incorporate natural resources, such as Passive Outdoor Public Recreational Land Use, and (iii) portions of a site which are prevented from development by deed restrictions or agreement.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross floor area (GFA): The total habitable floor area on all levels of a building.

Gross site area (GSA): The total area of a site or parcel, minus all of the following:

1. Existing and proposed rights-of-way of roads and public facilities;
2. Land which, although part of the same site, parcel or lot, is not contiguous to, or is not accessible from, the existing or proposed road network serving the site;
3. Land which is proposed for a different development option or a different zoning district; and
4. Areas of navigable waters (lakes and streams).

GSA is calculated whenever a person wishes to develop a parcel or site, e.g. campgrounds or mobile home parks. The determination of GSA is designed to help the developer calculate how much land is available for development after subtracting the undevelopable land from the proposed site.

Hearing Notice: Publication or posting which meets the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for enactment of all new zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.

High flood damage potential: Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

Intensity: A term used to describe the maximum amount of gross floor area and the minimum amount of

landscaping required for nonresidential projects. Each zoning district contains intensity standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) (1) the area of the site; (2) the proportion of the site not containing sensitive natural resources; (3) the zoning district(s) in which the site is located; (4) the development option(s) under which the site is developed; and (5) the use(s) considered for development. (Cf. "Density" which is the term used to describe the same standards for residential sites.)

Intensive agricultural (land use): See Section 406(3).

Junkyard (land use): See Section 409(4).

Land use: The type of development and/or activity occurring on a piece of property.

Livable Space (Residential): The sum of the gross horizontal areas of the several floors of a dwelling. Measurements shall be made from the outside of the exterior walls. This does not include attached garages, unenclosed porches, etc.

Local residential street: A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

Lot: A parcel of land that: (a) is undivided by any street or private road; (b) is occupied by, or designated to be developed for, one principal building or principal use; and (c) is designated as a lot on a Plat or Certified Survey map.

Lot area: The area contained within the property boundaries of a recorded lot. Lot area has the affect of limiting the density and intensity of development on a lot.

Lot, corner: A lot abutting 2 or more streets at their intersection.

Lot depth: The average distance between the front lot line and the rear lot line of a lot, as measured at each side lot line.

Lot frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

Lot interior: A lot other than a corner lot.

Lot line: The property line bounding a lot, except that where any portion of a lot extends into an existing or proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be the lot line opposite the front lot line as defined above.

Lot line, side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record: A platted lot; or lot described in a certified survey map which has been approved by the Town or by Juneau County and has been recorded in the office of the Register of Deeds; or a lot described by a metes and bounds description which has been approved by the Town or by Juneau County and has been recorded in the office of the Register of Deeds.

Lot, through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line and at the rear of the required front yard. See Minimum lot width.

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Master Plan: The Master Plan of the Town of Armenia, Wisconsin, adopted _____, 2004, and as subsequently amended.

Maximum accessory building coverage: The largest permitted area of all accessory buildings on a lot.

Maximum gross density (MGD): The maximum number of dwelling units permitted on one acre (or 43,560 sq. ft.) of lot area in a specific zoning district and land use.

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and land use. MLA has the effect of limiting the "density" of a residential site, and the "intensity" of a nonresidential site.

Minimum lot width: The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure.

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See gross site area (GSA).

Minimum Zoning District Area (MZA): The minimum area of a zoning district. This is intended to prevent "spot zoning" of small areas.

Navigable water: All rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [*Muench v. Public Service Commission*, 261 Wis. 492 (1952), and *DeGaynor & Co., Inc. v. DNR*, 70 Wis.2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the US Geological Survey quadrangle maps until such time that the DNR has made a determination that the waterway is not, in fact, navigable.

Net Developable Area (NDA): The area of a parcel or site which may be disturbed by development activity. Net Developable Area is the result of subtracting Resource Protection Areas (RPA) from the Gross Site Area (GSA). The purpose for calculating NDA is to assist a developer in determining what percentage of a site is available for development (See, Site Evaluation Worksheet, Appendix 4 for calculation of NDA)

Nonconforming building or structure: Any building, or other structure, which is lawfully existing under provisions preceding this Chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this Chapter. (See Section 541 for regulations).

Nonconforming development: A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See Section 403.

Nonconforming use: An active and actual use of land, buildings or structures lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter. (See Section 403 for regulations).

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Official map: The map adopted by the Town Board which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by State Statutes.

Onsite: Located on the lot in question, except in the context of onsite detention, when the term means within the boundaries of the development site as a whole.

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

Open sales lot: An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Open space, useable: That part of the ground level of a lot which is unoccupied by driveways, off street parking spaces, principal buildings and accessory buildings. This space of minimum described dimension shall be available for greenery, recreational space, gardening and other leisure activities normally carried on outdoors. Ground level for this purpose may include open terraces above the average level of the adjoining ground, but may not include a permanently roofed-over terrace or porch.

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

Outdoor Institutional Uses: These land uses include cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

Overlay zoning district: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Article 2, as well as the general restrictions of this Chapter. See Article 3, if any.

Owner: The person or entity which holds legal title to a lot or parcel of land.

Pad, Development: See Development pad.

Parcel: (a/k/a Site) A tract of land designated for development or redevelopment. Typically, a parcel is either (i) a tract of land under single ownership, has not been designated for a principal use, and has not been divided into recorded lots, or (ii) in the case of redevelopment, a tract of multiple lots with multiple principal uses which the developer intends to acquire or has acquired for combination into a single redevelopment. A parcel is to be differentiated from a lot, which is ready for development without combination with other property or without subdivision into smaller lots.

Passive Outdoor Public Recreation: All recreational land uses located on public property involving passive activities such as arboretums, natural areas, wildlife areas, hiking trails, nonmotorized bike trails, cross-country ski trails, horse trails, open grass areas, picnic areas, gardens and fishing areas.

Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Article 5.

Peripheral setback: The distance between a structure and the boundary of a zoning district or development option. Peripheral setbacks are used to provide a setback in addition to (not overlapping with) regularly required building setbacks. Bufferyards are distinct from peripheral setbacks, but may be located within the peripheral setback.

Principal use: Any and all of the primary uses of a property, as determined by the Zoning Administrator, which uses are allowable as uses permitted by right or by conditional use, and not allowable as an accessory use or a temporary use per Articles 2, 3 and 4.

Private Residential Recreational Facility: All active outdoor recreational facilities such as children's playhouses, basketball courts, tennis courts, swimming pools and recreation-type equipment.

Private Sewage System a/k/a Individual Septic Disposal System: Any sewage treatment and disposal system within the Town which is not owned and operated by the Town. This term includes alternative sewage systems approved by the Department of Industry, Labor, and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Protected natural resources: Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, intended to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Recorded lot: See, Lot of record.

Recreational vehicle: A vehicle designed and used principally for the transport of persons.

Residentially zoned: A property located in a residential district per Article 2.

Resource Protection Area: The area of a site which contains floodways, floodplain areas, floodfringes, wetlands, drainageways, lakeshores, woodlands and steep slopes, and in which development activity is limited to protect these natural resources.

Restrictive, more (less): A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Restaurant: See indoor commercial entertainment.

Restaurant, fast food: See in vehicle sales and service.

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Setback: The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. Various setback requirements are established in each zoning district (Articles 2 and 3). (See also, "minimum setback"). (NOTE: Front lot lines do not necessarily coincide with road edge or sidewalk lines. Therefore, in measuring front yard setbacks, care should be taken to measure from the correct point).

Site: See, Parcel.

Site area: See Gross site area.

Site Evaluation Worksheet: This worksheet is designed to assist persons interested in developing a site, parcel or lot in the Town (e.g., development of a parcel into a residential subdivision, or a multifamily development, or a commercial development). This worksheet helps calculate the amount of land which is actually available for development, after things like wetlands and rights-of-way have been subtracted from the total area of the parcel. For example, if a developer needs 1 acre of developable property, this worksheet will help the developer determine whether a proposed site will accommodate a 1-acre development after subtracting rights-of-way, lakes, streams, floodplains, drainageways, and other areas protected under this Chapter.

Standard pavement width: Required pavement width per the Town of Armenia Subdivision Ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the Director of Public Works.

Standard zoning districts: Zoning districts which primarily regulate the use of land and intensity or density of such use. See Article 2.

Start of Construction: The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns, or setting the poles for pole buildings. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include, in the case of a principal building, the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep Slope: Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the Town of Armenia and its environs.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Basements, cellars, crawl spaces and attics shall not be counted as a story.

Street: Unless specifically designated otherwise by the Town Board, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is twenty-two (22) feet or more in width if it exists at the time of enactment of this Chapter; and any such public right-of-way sixty (66) feet or more in width when established after the effective date of this Chapter.

Street Line: See Lot line, front.

Strip development: A pattern of land uses typified by nonresidential and/or multifamily development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

Structure: Anything constructed, placed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, for use, occupancy or ornamentation whether installed on, above or below the surface. The following shall be construed as a structure, but the definition is not limited to these: billboards or other advertising medium detached or projecting, buildings, docks, dwellings, garages, mobilehomes, sheds, tool houses and walls.

Substandard lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 205.

Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and
- b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

Use: The purpose or activity for which land or any building or structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Conditional: A land use which requires a conditional use permit in order to develop. In general, conditional uses are those land uses, which are of such a special nature or which are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulations or conditions which would permit such determination in each and every individual situation. Conditional uses, when granted, are subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the use is located, plus any requirements applicable to that particular land use as contained in Articles 4 and 5, plus any additional requirements imposed as part of the conditional use process contained in Article 9. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as creating a precedent for similar requests. Conditional uses are granted pursuant to the procedures of Section 905.

Use, Limited Conditional: Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of

- (a) their particularly specialized nature, or
- (b) their particular locations within a district, or
- (c) the peculiar relationship or needed compatibility of uses to involved individuals, or
- (d) any other reason(s) the Plan Commission deems relevant to limit the scope thereof.

Use, Permitted: A land use which is allowed to develop without special oversight by the Plan Commission through the conditional use process (Section 905), but instead, is allowed to develop subject to the zoning permit process (Section 904) administered by the Zoning Administrator. However, permitted uses (like conditional uses) are subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district, if any, in which the use is located, plus the general land use requirements of Article 4, the general standards and regulations of Article 5, and the other applicable provisions of this Chapter. Before any permitted use is commenced, changed or altered, a zoning permit must be obtained. (See, Section 904).

Use, Temporary: A land use, identified in Section 413, which is present on a property for a limited and specified period of time, and which is subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district, if any, in which the temporary use is located, plus any requirements applicable to that particular temporary land use as contained in Article 4.

Temporary uses are granted pursuant to the procedures of Section 906.

Utility Shed: A utility shed does not include a structure originally built to be licensed as a vehicle or trailer, such as semi-trailers or cube vans.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Section 910.

Vision Clearance Triangle: An occupied triangular space at the corner of intersecting roads, designed for the purpose of maintaining an unobstructed area at each intersection to assist motorists and pedestrians using such intersections.

Woodland: Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Town of Armenia and its environs.

Yard: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

Yard, rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, side: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Zoning district: A geographic area of the Town, which is identified on the Official Zoning Map and which is subject to the rules and regulations set forth in this Chapter. Article 2 identifies the standard zoning districts into which the entire Town is divided, and Article 3, if any, identifies the overlay zoning districts which cover part of the Town.

Zoning district categories: Zoning Districts are divided into categories of similar districts. For example, zoning districts which establish different types of residential land uses are all contained in the "residential category."

ARTICLE 5: GENERAL STANDARDS AND REGULATIONS

501 PURPOSE

The purpose of this Article is to set forth various general requirements applicable to all development for all land uses in all zoning districts within the jurisdiction of this ordinance. These requirements cover a broad array of issues which are important for the promotion and protection of the safety and general welfare of the public, including (but not limited to) requirements for density, intensity, bulk, access, visibility, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring in the Town of Armenia.

502 RESERVED FOR FUTURE USE

503-504 RESERVED FOR FUTURE USE

505 RESERVED FOR FUTURE USE

506 ACCESS STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to alleviate and/or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access from private property onto public rights-of-way.
- (2) **PERMIT REQUIRED:** Each access drive onto a public street or right-of-way shall have a permit issued by the Town or the entity controlling the public road.
- (3) and (4) **reserved for future use**
- (5) **ACCESS NEAR STREET INTERSECTIONS:** No access drive shall be located closer than 100 feet from the intersection of any two street rights-of-way. In all other cases, where locating access drives 100 feet away are not possible, the access shall be located as far from an intersection as the lot size permits.
- (6) **DISTANCE BETWEEN ACCESS DRIVES:** The minimum distance between two or more access drives serving the same property shall be 75 feet, as measured at the property line. A distance in excess of said 75 feet may be required if, in the opinion of the Zoning Administrator or designee existing or projected traffic factors warrant a greater distance. Access drives closer to intersections may be approved by conditional use.
- (7) through (13) **reserved for future use**

507 RESERVED FOR FUTURE USE

508 VISIBILITY STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent accidents and to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **VISION CLEARANCE TRIANGLE:** In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by the two intersecting

street rights-of-way and a chord connecting said rights-of-way, as determined by the Town. Generally, the following standards shall apply:

Table 508: Vision Clearance Triangle Standards

Right-of-Way Width	Distance from Right-of Way Intersection
Less than 50 feet	50 feet
50 feet	50 feet
51-60 feet	40 feet
61-66 feet	34 feet
67 feet-82.5 feet	15 feet
Greater than 82.5 feet	15 feet

- (3) **RESTRICTIONS IN TRIANGLE:** Within said vision clearance triangular area:
- (a) no signs in excess of 30 inches in height, parking spaces, or structures shall be permitted,
 - (b) no earthwork in excess of 30 inches in height shall be permitted,
 - (c) no vegetation, fencing, nor other such obstructions, which exceed 30 inches in height above either of the centerline elevations of said two streets, shall be permitted

509- 513

RESERVED FOR FUTURE USE

514

EXTERIOR LIGHTING STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (2) **APPLICABILITY:** The requirements of this Section apply to all exterior lighting in the Town of Armenia.
- (3) **DEPICTION ON REQUIRED SITE PLAN:** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to Section 908.)
- (4) **REQUIREMENTS:**
 - (a) **Orientation of Fixture:** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from another property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 - (b) **Intensity of Illumination:** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot candles above ambient lighting conditions on a cloudless night.
 - (c) **Location:** Light fixtures shall not be located within required bufferyards.
 - (d) **Flashing, Flickering and other Distracting Lighting:** Flashing, flickering and/or other lighting which may distract motorists is prohibited.

- (e) **Nonconforming Lighting:** All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal non-conforming uses.
- (f) **Special Events Lighting:** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. (Refer to Section 906.)

515 - 524 RESERVED FOR FUTURE USE

525 TOXIC OR NOXIOUS MATERIAL STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the handling of toxic or noxious material which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities.
- (3) **STANDARDS:**
 - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
 - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

526-531 RESERVED FOR FUTURE USE

532 HAZARDOUS MATERIALS STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to provide information to the Town regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities involving any one or more of the following:
 - (a) Hazardous Substances as defined in §289.01(11), §291.05(2), or subject to §100.37(1)(c), stats.;
 - (b) Toxic Substances subject to Wisconsin Statutes 101.58(2)(j);
 - (c) Infectious Agents subject to Wisconsin Statutes 101.58(2)(f);
 - (d) Any material for which the State of Wisconsin requires notification of a local fire department; or
 - (e) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related materials regulations.
- (3) **STANDARDS:** All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required initial site plan submittal and any such material being handled thereafter will require immediate notice to the Town. (See Section 908)

533 - 539 RESERVED FOR FUTURE USE

540 SUBSTANDARD LOT REGULATIONS See Section 205

541 NONCONFORMING STRUCTURE AND BUILDING REGULATIONS

- (1) The rules and regulations applying to nonconforming uses in Sec. 403 are adopted for use involving nonconforming structures and buildings, their modification, maintenance, reconstruction, different use or enlargement.

542 RESERVED FOR FUTURE USE

