

ZONING ORDINANCE FOR TOWN OF LINCOLN, ADAMS COUNTY, WISCONSIN

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SECTION 1 - INTRODUCTION

1-1.00 AUTHORITY

This Ordinance is adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and amendments thereto. The Town Board of the Town of Lincoln, Adams County, Wisconsin, does ordain as follows:

1-2.00 TITLE

This Ordinance shall be known as, referred to, and cited as the ZONING ORDINANCE, TOWN OF LINCOLN, ADAMS COUNTY, WISCONSIN, and is hereinafter referred to as the Zoning Ordinance.

1-3.00 PURPOSE

The purpose of this Zoning Ordinance is to promote the health, safety, prosperity, and general welfare of the Town of Lincoln, Adams County, Wisconsin.

1-4.00 INTENT

It is the intent of this Zoning Ordinance to regulate the use of all structures and lands and to:

- 1-4.01 Regulate lot coverage and the size and location of all structures to prevent overcrowding and to provide adequate sunlight and air;
- 1-4.02 Regulate population density and distribution to avoid sprawl or undue concentration or overcrowding and to facilitate the provision of adequate public services and utilities;
- 1-4.03 Protect and preserve prime agricultural land and to maintain a viable agricultural base;
- 1-4.04 Regulate parking, loading, and access to lessen congestion and promote the safety and efficiency of roads;
- 1-4.05 Assist with securing safety from fire, pollution, contamination, and other dangers;
- 1-4.06 Stabilize and protect property values;
- 1-4.07 Preserve and protect the natural characteristics of the Town of Lincoln;
- 1-4.08 Facilitate the adequate provision of schools, parks, and other public facilities and utilities;
- 1-4.09 Promote the health and general welfare of the Town of Lincoln;
- 1-4.10 Implement those municipal, county, watershed, and regional comprehensive plans or components of such plans adopted by the Town of Lincoln;
- 1-4.11 Provide and protect a variety of suitable commercial and industrial sites;

1-4.12 Provide for the administration and enforcement of this Zoning Ordinance;

1-4.13 Provide penalties for the violation of this Zoning Ordinance.

1-4.14 Prevent conflicts between incompatible uses.

1-5.00 SEVERABILITY

1-5.01 This Zoning Ordinance and the various parts, sections, subsections, and clauses are declared to be severable. If any part, section, subsection, clause, provision, or portion of this Zoning Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Zoning Ordinance shall not be affected.

1-5.02 If any application of this Zoning Ordinance to a particular structure or land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure or land not specifically included in the judgment.

1-6.00 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Zoning Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Zoning Ordinance imposes greater restrictions, the provisions of this Zoning Ordinance shall govern.

1-7.00 INTERPRETATION

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

1-8.00 EFFECTIVE DATE

1-8.01 This Zoning Ordinance shall take effect after a Public Hearing, adoption by the Town of Lincoln Board and approval by the Adams County Board pursuant to Sec. 60.62(3) Wis. Stats. A certified copy of the Town of Lincoln's adoptive resolution and zoning ordinance shall be filed with the Adams County Clerk.

ADOPTED THIS 3RD DAY OF August, 1965.

REVISED THIS 15TH DAY OF December, 1983.

REVISED THIS 11th DAY OF May, 1995.

REVISED THIS 22nd DAY OF January, 2015.

ATTESTED:

TOWN OF LINCOLN CLERK

CHAIR OF THE TOWN OF LINCOLN

SECTION 2 - DEFINITIONS

2-1.00 RULES AND DEFINITIONS

For the purpose of this Zoning Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meaning or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

The word "use", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.

2-2.00 SPECIFIC DEFINITIONS

For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicated otherwise.

- 2-2.01 **ACCESSORY USE/ACCESSORY STRUCTURE.** A subordinate building, structure or use which customarily is incidental to and detached from that of the main building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, garages, garden houses, children's play houses, barbeque ovens or grills, covered patios and residential storage sheds.
- 2-2.02 **ANIMAL HOSPITAL OR SHELTER.** An establishment where animals are admitted for examination, treatment, board or care, and may be seen by a Doctor of Veterinary Medicine.
- 2-2.03 **ANIMAL UNIT.** One animal unit is equivalent to one cow, steer, horse, swine, or sheep or twenty-five mink, rabbit, chicken, or similar animals. For young stock, divide the type of animals by two to determine animal unit equivalents (for example: 2 calves divided by 2 = 1 cow (1 cow = 1 animal unit)).
- 2-2.04 **APARTMENT.** (See Dwelling, Multiple).
- 2-2.05 **BASEMENT.** The part of the structure that is wholly or partially below ground level.
- 2-2.06 **BUILDING.** Any permanent structure having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, equipment, machinery, materials, or property of any kind.
- 2-2.07 **BUILDING HEIGHT.** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of top story.
- 2-2.08 **BUILDING PERMIT.** A document issued by the Town of Lincoln or its

designee, which allows the construction of a structure.

- 2-2.09 **CAMPGROUND.** Any piece, parcel, tract or plot of ground which provides space for occupancy and is used or intended to be used for the placement of tents, parking of camping trailers, or similar recreational vehicles. The term “campground” does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.
- 2-2.10 **CAMPER.** Any vehicular portable dwelling unit designed especially for short term occupancy such as: travel trailers, tent trailers, truck or auto-mounted camping units, converted buses and trucks, and all other similar units whether self-propelled, pulled, or hauled, and designed primarily for highway travel, without the necessity of a special permit.
- 2-2.11 **CLASS A HIGHWAYS.** All state and federal highways.
- 2-2.12 **CLASS B HIGHWAYS.** All county highways.
- 2-2.13 **CLASS C HIGHWAYS.** All town roads, public roads and highways not otherwise classified.
- 2-2.14 **CLINIC.** A place where health care professionals provide medical or dental care to people on an outpatient basis.
- 2-2.15 **COMMON OPEN SPACE:** An area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for roads, alleys, driveways or private roads, off-road parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- 2-2.16 **COMMUNITY BASED RESIDENTIAL FACILITY(C.B.R.F.).** A place where three (3) or more unrelated adults reside in which care, treatment or services above the level of room and board are provided to persons residing in the facility, but not including nursing homes.
- 2-2.17 **CONDITIONAL USES.** Also known as a special exception in Wisconsin case law, is any exception expressly listed in the Zoning Ordinance including land uses or dimensional changes. A conditional use is not suited to all locations in a zoning district, but may be allowed in some locations if it meets specific conditions set out in the Zoning Ordinance and is not contradictory to the Ordinance’s general purpose statement. These conditions generally relate to site suitability and compatibility with neighboring land uses due to noise, odor, traffic, and other factors. In short, conditional uses must be custom tailored to a specific location. A conditional use must be authorized as such in the Zoning Ordinance regulations for the zoning district in which the subject property is located. The conditional use permit may be issued subject to standards and conditions which it must meet. Conditional uses in exclusive agricultural districts are limited to agricultural and other uses determined to be consistent with agricultural use and which require location in the district.

- 2-2.18 **CONVENIENCE STORE.** A building or group of buildings and surfaced area where automotive vehicles may be refueled and which may include the sale of food items and some grocery items and merchandise. Self-service pumps without buildings shall also be included.
- 2-2.19 **DAY CARE CENTER.** A licensed facility, other than a public, private or parochial school, where a person, other than relative or guardian, provides care and supervision for four (4) or more children under 7 years of age, for less than 24 hours a day and for compensation.
- 2-2.20 **DECK.** Any extended, horizontal structure, with a floor and structural supports, adjacent to a building.
- 2-2.21 **DISTRICT.** A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use are uniform.
- 2-2.22 **DOG.** Any canine specie over 12 months of age.
- 2-2.23 **DWELLING.** Any building or portion thereof which is designed and used exclusively for residential purposes.
- 2-2.24 **DWELLING, MULTIPLE.** A building having accommodations for, and occupied exclusively by, more than two families independently.
- 2-2.25 **DWELLING, SINGLE-FAMILY.** A building having accommodations for, and occupied exclusively by, one family.
- 2-2.26 **DWELLING, TWO-FAMILY.** A building having accommodations for, and occupied exclusively by, two families independently.
- 2-2.27 **EASEMENT.** An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
- 2-2.28 **ESSENTIAL SERVICES.** Any services provided by public and private utilities, necessary for the exercise of a principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage and storm water drainage.
- 2-2.29 **FAMILY.** One or more persons living together as a single housekeeping unit and usual domestic servants.
- 2-2.30 **FAMILY BUSINESS.** Any lawful activity, except a farm operation, managed primarily by family members for the following:
- (A) The purchase, sale, lease or rental of personal or real property.
 - (B) The manufacture, processing or marketing of products, commodities or any other personal property.
 - (C) The sale of services.
- 2-2.31 **FARM OPERATION CONSOLIDATION.** The combination of two or more

farms to create a smaller number of farms. The parcels do not need to be contiguous.

- 2-2.32 **FEED LOT.** A lot or facility used or proposed to be used for the confined feeding or holding of animals, exceeding 25 animal units per acre, for 30 or more continuous days per year on a 24 hour per day basis.
- 2-2.33 **FENCE.** A barrier made of wood, iron, stone, wire or other materials.
- 2-2.34 **FRONTAGE.** The length of the property abutting a road measured along the dividing line between the property and the road right-of-way.
- 2-2.35 **GARAGE, PRIVATE.** An accessory building designed or used for the storage of personal property including motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
- 2-2.36 **HOTEL.** A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes and motels but not including hospitals or nursing homes.
- 2-2.37 **KENNEL.** Any activity involving the permanent or temporary keeping or treatment of six (6) or more dogs over one year of age.
- 2-2.38 **KENNEL, BOARDING.** Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.
- 2-2.39 **KENNEL, BREEDER.** Any place, area, building or structure where more than one dog is kept for the purposes of breeding or raising for a fee.
- 2-2.40 **LAND USE PERMIT.** A written permit issued by the Zoning Administrator as stipulated under conditions of this Zoning Ordinance.
- 2-2.41 **LIVESTOCK.** Any horse, bovine, sheep, llama or other ruminants, goat, pig, or domestic fowl, including fur-bearing animals and game raised in captivity, excluding exotic animals such as lions, tigers, reptiles, etc.
- 2-2.42 **LOT.** A parcel of land of sufficient size to meet the width, frontage, yard and parking area, and other open space provisions of this Zoning Ordinance.
- 2-2.43 **LOT AREA.** The total area within the lot lines of the lot or parcel.
- 2-2.44 **LOT, CORNER.** A lot abutting upon two or more roads at an intersection.
- 2-2.45 **LOT, DEPTH OF.** The average distance between the front and rear lot lines.
- 2-2.46 **LOT LINE.** A line marking a boundary of a lot.
- 2-2.47 **LOT LINE, FRONT.** A line dividing a lot from any public highway or road, except a limited or controlled access highway to which the lot has no access.

- 2-2.48 **LOT LINE, REAR.** A lot line which is located opposite of a front lot line.
- 2-2.49 **LOT LINE, SIDE.** Any lot line which is not a front or a rear lot line.
- 2-2.50 **LOT OF RECORD.** A parcel of land, the plat of which has been recorded in the office of the Register of Deeds prior to the adoption of the May 11, 1995, zoning regulations.
- 2-2.51 **LOT, WIDTH OF.** The average horizontal distance between two side yard lines. In the case of a shore land lot, the width of the lot 75 feet from the waterline.
- 2-2.52 **MANUFACTURED HOMES.** The definition set forth in Sec. 101.91(2) (am) Wis. Stats. is incorporated herein by reference.
- 2-2.53 **MANUFACTURED HOME LOT.** A designated parcel of land in a manufactured home community designed for the long-term accommodation of one manufactured home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.
- 2-2.54 **MANUFACTURED HOME COMMUNITY.** A contiguous parcel of land upon which five or more manufactured homes are placed, located or parked.
- 2-2.55 **MANUFACTURED HOME COMMUNITY MANAGEMENT.** The person who owns or has charge, care, or control of the manufactured home community.
- 2-2.56 **MANUFACTURED HOME COMMUNITY ROAD.** A private way which affords principal means of access to individual manufactured home lots or auxiliary buildings.
- 2-2.57 **NONCONFORMING LOT OF RECORD.** A lot which does not conform to a provision or requirement of the Zoning Ordinance but which was lawfully established prior to the adoption of this Ordinance.
- 2-2.58 **NONCONFORMING STRUCTURE.** A structure which does not comply with the lot size requirements or regulations applicable to new structures in the zoning district in which it is located.
- 2-2.59 **NONCONFORMING USE.** An existing use of a structure or land which does not conform with the regulations of the district in which it is situated at the time such regulations were adopted.
- 2-2.60 **NURSING HOME.** A place which provides 24-hour services including board and room to 3 or more unrelated residents who, because of their mental or physical condition, require nursing care or personal care in excess of 7 hours a week, unless the facility has been designated as a community based residential facility.

- 2-2.61 **ORDINARY HIGHWATER MARK.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- 2-2.62 **PARTICIPATING BODIES AND THEIR ROLES.** All Town Board, Plan Commission and Board of Appeals members must be residents of the Town of Lincoln, Adams County, Wisconsin, and citizens of the United States.
- (A) **TOWN BOARD** The Town Board has final approval authority on amendments to this ordinance and the zoning map and must approve all of the town chairperson's appointments to the Plan Commission and Board of Appeals.
- (B) **TOWN PLAN COMMISSION** A five person board which has the authority delegated in Sec. 62.23 Wis. Stats. including the power to investigate facts and hold hearings; to issue conditional use permits; and to make recommendations to the Town Board on other land use matters including zoning changes. The members shall serve with compensation and shall be removable for cause by the Town Board Chairman upon written charges and after a public hearing.
- (C) **ZONING BOARD OF APPEALS** A five person board which has the authority delegated in Sec. 62.23(7)(e) Wis. Stats. including the authority to grant variances and hear appeals on decisions of the administrative officers on zoning issues. The Board of Appeals does not have the authority to issue conditional use permits. The Board of Appeals shall also have two alternate members who shall act, as provided for in Sec. 62.23(7)(e)2. Wis. Stats., during the absence or inability of a regular member(s) to act. The members shall serve with compensation and shall be removable for cause by the Town Board Chairman upon written charges and after a public hearing.
- 2-2.63 **PARTIES IN INTEREST.** Parties in interest include all abutting property owners, and all property owners within 300 feet of property under review.
- 2-2.64 **PERMANENT FOUNDATION:** A base on which a building rests to be constructed from either poured concrete or a laid masonry block or brick on a footing to be placed a minimum of 30" below the final ground level.
- 2-2.65 **PERMANENTLY ATTACHED:** A structure attached to real estate in such a way as to require dismantling, cutting away, unbolting from the permanent foundation or structural change.
- 2-2.66 **PORCH.** A permanent structure with a roof attached to a dwelling.
- 2-2.67 **PRIMARY FLOOR AREA.** The floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales, and office space, and shall not include storage, utility, hallway, and other accessory space which does not generate parking demand.

- 2-2.68 **PRINCIPAL STRUCTURE.** A building, the use of which must be consistent with an allowed use for the district in which it is located, that constitutes the main structure on the property as opposed to an accessory or secondary building.
- 2-2.69 **PRIVATE CLUB.** Organizations commonly known as key clubs, which are open only to members and their guests.
- 2-2.70 **PROFESSIONAL HOME OFFICES.** The residences of doctors of medicine, dentists, nurse-practitioners, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professionals used to conduct their professions. The office shall not exceed 20 percent of the total floor area of any one story of the residence.
- 2-2.71 **RECREATION AREA.** An area set aside, developed, and landscaped for sedentary activities, hiking, walking, driving for pleasure, sightseeing, nature walks, fishing, and similar activities.
- 2-2.72 **RECREATIONAL VEHICLE.** A vehicle primarily designed as temporary living quarters not to exceed 400 sq. ft. for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.
- 2-2.73 **RECYCLING YARD.** An area consisting of buildings, structures, or premises where discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including house wrecking and structural steel materials, and equipment yards, but not including vehicle salvage yards.
- 2-2.74 **ROAD.** A right-of-way dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.
- 2-2.75 **SETBACK.** The required distance between a structure and any lot line for the lot on which it is located.
- 2-2.76 **SIGNS.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, trade marks, or graphics by which anything is made known, which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which are visible from any public roadway.
- 2-2.77 **STORY.** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- 2-2.78 **STRUCTURE.** Anything constructed or erected, the use of which requires

permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences, driveways and surfacing or public items such as utility poles, road light fixtures and road signs.

- 2-2.79 **TAVERN.** An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises.
- 2-2.80 **TRAVEL TRAILERS.** See 2-2.10 Camper.
- 2-2.81 **USE CONSISTENT WITH AGRICULTURAL USE.** Any activity that meets all of the following conditions:
- (A) The activity will not limit the surrounding land's potential for agricultural use.
 - (B) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
 - (C) The activity will not conflict with agricultural operations on other properties.
- 2-2.82 **UTILITIES.** Utilities include public and private utility uses such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, cell phone towers, wind-powered electrical generation facilities, booster stations, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, gas and oil pipelines and related pumping, and regulation stations, but not including municipal incinerators, warehouses, shops, and storage yards.
- 2-2.83 **UTILITIES - PUBLIC.** Any businesses which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, (f) any other business so affecting the public interest as to be subject to the supervision or regulation by the State of Wisconsin Public Service Commission.
- 2-2.84 **VARIANCE.** Whereas permitted and conditional uses allow a property to be used in a way expressly listed in the Ordinance, a variance allows a property to be used in a manner forbidden by the Zoning Ordinance. Two types of zoning variances are generally recognized: **Area variances** provide an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback. **Use variances** permit a landowner to put a property to an otherwise prohibited use. Variance decisions related to zoning are always heard by the Town Board of Appeals.
- 2-2.85 **VEHICLE SALVAGE YARD.** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk vehicles or vehicle parts, including vehicle graveyards, vehicle-wrecking yards, vehicle-recycling yards, used vehicle parts yards and temporary storage of vehicle bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. Keeping or storing of five or more unlicensed or inoperable, non-agricultural vehicles on

a single parcel of land shall be considered a vehicle salvage yard.

- 2-2.86 **YARD.** An open space which is unoccupied and unobstructed from the ground upward, except for vegetation, and is on the same lot or parcel with a structure. The front and rear yards extend the full width of the lot.
- 2-2.87 **YARD, FRONT.** A front yard extends across the full width of the lot, the depth of which is measured at right angles from the existing or proposed road or highway right-of-way line to the nearest point of the principal structure.
- 2-2.88 **YARD, REAR.** The yard extending across the full width of the lot whose depth is measured from the rear lot line to the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- 2-2.89 **YARD, SIDE.** The distance is measured from the side lot line to the nearest point of the principal structure.
- 2-2.90 **ZONING ADMINISTRATOR.** The person appointed by the Town Chair, authorized and empowered by the Town Board, having jurisdiction to administer the requirements of these zoning regulations.
- 2-2.91 **ZONING AREA.** The area to be zoned as identified on the current Official Zoning Map of Record.
- 2-2.92 **ZONING REGULATIONS.** The term “zoning regulations” shall mean the requirements stipulated in the regulations herewith attached.

SECTION 3 - GENERAL PROVISIONS

3-1.00 JURISDICTION

The jurisdiction of this Zoning Ordinance shall include all lands and waters within the Town of Lincoln, Adams County, Wisconsin.

3-2.00 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- 3-2.01 Only those permitted and conditional uses specified for a district and their essential services shall be permitted in that district.
- 3-2.02 Only one principal structure shall be located, erected or moved onto a lot, except in the A-1 District.
- 3-2.03 Customary accessory uses and structures are permitted in any district.
- 3-2.04 Accessory structures, including those for storage or occasional use, shall not consist of recreational vehicles, or manufactured homes.
- 3-2.05 An accessory structure may be constructed or placed in any district before the principal structure is present.
- 3-2.06 Temporary living quarters being used in the construction of a permanent structure are permitted upon obtaining a land use permit from the Town of Lincoln Zoning Administrator.

3-3.00 SETBACK REQUIREMENTS

- 3-3.01 **SETBACKS FROM ACCESS EASEMENTS.** The setback from private easements serving more than one residence or parcel shall be 30 feet from the legally described easement.
- 3-3.02 **CORNER LOTS.** Corner lots shall have two front yards and a rear yard shall be provided opposite the front yard of the roadway from which the building or structure obtains its primary access.

3-4.00 HEIGHT REGULATIONS

- 3-4.01 **PERMITTED INCREASE.** The height of structures may be increased within all districts subject to the approval of the Zoning Board of Appeals.

3-5.00 AREA REGULATIONS

- 3-5.01 **MINIMUM DWELLING SIZE.** The minimum liveable floor area of any dwelling unit shall be calculated based on liveable floor space, as measured from outside of wall to outside of wall.

SECTION 4 - ADMINISTRATION

4-1.00 ADMINISTRATIVE STANDARDS

Wherever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

4-2.00 ZONING ADMINISTRATOR DESIGNATED

The Zoning Administrator is hereby designated as the administrator to administer this Ordinance and to verify compliance with the land use permits to completion of said project according to the provisions of this Ordinance. The Zoning Administrator shall exercise the following duties and powers:

- (A) Inform applicants as to the provisions of this Ordinance.
- (B) Issue land use permits according to provisions of this Ordinance.
- (C) Keep records of all permits issued, inspections made, and other official actions.
- (D) Report violations of this Ordinance and other applicable regulations to the Town Board or Town Board Chair.
- (E) Have access to any structure or premise during the life of the land use permit during reasonable hours for the purpose of performing his/her duties. If denied access, the Zoning Administrator may pursue a special inspection warrant as specified in Section 66.0119 Wis. Stats.
- (F) Provide information, offer input and generally facilitate the performance of duties by the Town Board, Plan Commission and Board of Appeals consistent with the terms of this Ordinance.

4-3.00 APPLICATION OF ORDINANCE

4-3.01 **COMPLIANCE.** No structure or land shall hereafter be used and no structure or part thereof shall be constructed, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only on permits granted by the Town Plan Commission upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

4-3.02 **LAND USE PERMIT REQUIRED.** No structure shall be used, erected, moved, placed, altered, or enlarged, unless exempted by Subsection 4-3.03 of this Ordinance, until after the issuance of a Land Use Permit. A Land Use Permit shall be granted or denied in writing by the Zoning Administrator within 30 days of application. The permit shall expire after 2 years of issuance. Applications for a Land Use Permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

- (A) Name(s), addresses, and telephone numbers of the owner of the site.
- (B) The most recent property tax bill showing the legal description of the

subject site, address of the subject site, parcel number, identity of the type of structure, existing and proposed operation or use of the structure or site, and the zoning district within which the subject site lies.

- (C) A sketch showing the location, boundaries, dimensions, uses, and size of the following:
 1. Subject Site,
 2. Existing and proposed structures,
 3. Existing and proposed easements, roads, and other public ways,
 4. Off-road parking, loading areas and driveways,
 5. Existing highway access restrictions, and
 6. Existing and proposed front, side, and rear yards.
- (D) Estimated cost of the project.
- (E) Additional information as may be required by the Zoning Administrator or Town Board.

4-3.03 **USES NOT REQUIRING A LAND USE PERMIT.** Any work not requiring a Land Use Permit, except electrical service for irrigation, shall comply with the applicable setback, yard, height, and other requirements of this Ordinance. A Land Use Permit shall not be required in any of the following instances:

- (A) For erecting or placing an accessory building of 200 square feet or less.
- (B) For normal repairs, maintenance and remodeling (not including repairs to supporting members of the structure).

4-4.00 CONDITIONAL USE PERMIT REQUIRED

The Town Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for uses specified in each district in Sections 5-3.00 through 6-1.08. Such permit shall only be issued after review and a public hearing and a finding that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

4-4.01 **APPLICATION.** Applications for conditional use permits shall be made on forms furnished by the Zoning Administrator and shall include the following:

- (A) The information required under Section 4-3.02 of this Ordinance.
- (B) Additional information as may be required by the Town Plan Commission or Zoning Administrator.
- (C) Identify the conditional use requested.

4-4.02 **REVIEW AND APPROVAL.**

- (A) The Town Plan Commission shall review, in a timely manner not to exceed 45 days, the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, roadway access, traffic generation and circulation, drainage, water systems, and the proposed operation.
- (B) Conditions may be required by the Town Plan Commission upon its findings that such conditions are necessary to fulfill the purpose and intent of this Ordinance. Conditions may include, but are not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing,

planting screens, operations control, hours of operations, improved traffic circulation, roadway access restrictions, increased yards, or parking requirements,

- (C) Compliance with all other provisions of this Ordinance, including but not limited to lot width and area, yards, height, traffic, parking, loading, and roadway access, shall be required of all conditional uses.
- (D) In considering applications for conditional uses, the Town Plan Commission shall consider the following relevant factors:
 - 1. The statement of purposes of the Zoning Ordinance of the district in which the conditional use is being requested.
 - 2. Potential for conflict within zoning district.
 - 3. Need of the proposed use for a location in the district.
 - 4. Availability of alternative locations.
 - 5. Compatibility with existing or permitted uses on adjacent lands.
 - 6. In an agriculture district the productivity of the lands involved.
 - 7. Location of the proposed use so as to minimize the amount of productive agricultural land converted from a use consistent with agricultural use as defined in 2-2.81 hereof and with s. 91.01(2) Wis. Stats.
 - 8. Need for public services created by the proposed use.
 - 9. Availability of adequate public services.
 - 10. The effect of the proposed use on water or air pollution, soil erosion, and rare or irreplaceable natural resources.
 - 11. The creation of nuisance conditions for the public or for users of nearby areas.
 - 12. The creation of traffic hazards.
 - 13. The creation of health hazards.
 - 14. Other factors affecting the general welfare.

4-4.03 **DENIAL AND RE-APPLICATION.** No application for a conditional use which has been denied wholly or in part by the Town Plan Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to comply with the applicable requirements is included in the resubmitted application.

4-4.04 **TERMINATION OF CONDITIONAL USE PERMIT.**

- (A) A conditional use permit may be terminated by the Town Plan Commission as follows:
 - 1. On request when the applicant or holder of the Conditional Use Permit and the property owner make a request in writing to the Town Plan Commission that the Conditional Use Permit be terminated and the Town Plan Commission agrees to terminate said Conditional Use Permit; or
 - 2. After public hearing and a class 2 notice is published, and notice is provided to the applicant or holder of the Conditional Use Permit and to the owner of the subject property, upon the Town Plan Commission determining any of the following:
 - a. The Conditional Use has not continued in conformity

with the conditions of the permit.

- b. The Conditional Use has been discontinued for a period of twelve (12) consecutive months.
- (B) Upon determination by the Town Plan Commission that the use must be terminated, the owner of the premises shall be required to bring all lands and structures into conformity with the permitted use regulations of the Zoning District in which the property is located within sixty (60) days from such determination, unless such time is extended by mutual agreement of the Town Plan Commission and the owner.

4-5.00 CHANGES AND AMENDMENTS

4-5.01 **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be made in accordance with the procedures prescribed in Section 60.62, 61.35 and 62.23(7)(d) of the Wisconsin Statutes.

4-5.02 **PETITIONS.** Petitions, for any change to the district boundaries or amendments to the regulations, shall be filed with the Zoning Administrator, describe the premises to be re-zoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- (A) Name(s), addresses and telephone numbers of the owner of the site.
- (B) The most recent property tax bill showing the legal description of the subject site, address of the subject site, parcel number, identifying the type of structure, existing and proposed operation or use of the structure or site, and the zoning district within which the subject site lies.
- (C) A sketch showing the location, boundaries, dimensions, uses, and size of the following:
 - 1. Subject Site,
 - 2. Existing and proposed structure(s),
 - 3. Existing and proposed easement(s), road(s) and other public way(s),
 - 4. Off-road parking, loading area(s) and driveway(s),
 - 5. Existing highway access restriction(s), and
 - 6. Existing and proposed front, side, and rear yard(s).
- (D) The consideration of a zoning map amendment shall include, but not be limited to, the following:
 - 1. Compatibility with existing or permitted uses on adjacent lands.
 - 2. In an agriculture district the productivity of the lands involved.
 - 3. Location of the proposed amendment so as to minimize the amount of productive agricultural land converted from a use consistent with agricultural use as defined in 2-2.81 hereof and with s. 91.01(2) Wis. Stats.
 - 4. Need for public services created by the proposed amendment.

5. Availability of adequate public services.
 6. The effect of the proposed amendment on water or air pollution, soil erosion, and rare or irreplaceable natural resources.
 7. The creation of nuisance conditions for the public or for users of nearby areas.
 8. The creation of traffic hazards.
 9. The creation of health hazards.
 10. Other factors affecting the general welfare.
- (E) Additional information as required by the Town Plan Commission, Town Board or Zoning Administrator.
- (F) The Town Plan Commission will hold hearings, gather information and make recommendations to the Town Board who will make a final decision on the request.
- (G) A decision on the request will be made in a timely manner not to exceed 90 days from the date of the original petition.

4-6.00 ZONING BOARD OF APPEALS

4-6.01 **ESTABLISHMENT.** There is hereby established a Town of Lincoln Zoning Board of Appeals for the purpose of hearing appeals and applications and granting variances to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance.

4-6.02 **MEMBERSHIP.** The Zoning Board of Appeals shall be appointed in accordance with Section 62.23 (7)(e) Wisconsin Statutes.

4-6.03 **PROCEDURE.**

- (A) The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance and consistent with the Wisconsin Statutes.
- (B) Meetings shall be held at the call of the Chairman, and shall be open to the public.
- (C) Minutes of the proceedings and a record of all actions shall be kept by the Town Clerk and shall be a public record. These records shall be filed in the Office of the Town Clerk.
- (D) A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse the decision appealed from, or to grant a variance.

4-6.04 **POWERS.** The Zoning Board of Appeals shall have the following powers:

- (A) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator. The Board may reverse, affirm wholly or partly, and may modify the requirements appealed from, and may issue or direct the issuance of a permit.
- (B) **Variances.** The law governing variances is an amalgam of statutes, case law and local ordinance. The standards set forth herein are based on the governing standards existing at the time of adoption. It is the intent of the Town of Lincoln, however, to apply the governing standards applicable at the time of the consideration of the requested variance.

1. Application for a variance shall be submitted to the Zoning Administrator on the prescribed form.
2. The Board of Appeals may authorize, in specific cases, such variance from the terms of this Section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Section will result in unnecessary hardship and so that the spirit of Zoning shall be observed and substantial justice done. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements. There are two types of variances:
 - a. Use variance - allows property to be used in a manner otherwise prohibited by this Zoning Ordinance.
 - b. Area variance - allows an exception to a dimensional restriction for area, density, height, frontage, or setback for a use that is permitted in the applicable zoning district.
3. A variance may not be granted unless the following four conditions have been proven by the applicant:
 - a. A literal enforcement of the zoning requirement will result in unnecessary hardship.
 - (1) Use Variance: For the purpose of determining whether to grant a use variance, an unnecessary hardship shall be defined as a condition that, without the granting of the variance, would render the property without any reasonable or feasible use.
 - (2) Area variance: For the purpose of determining whether to grant an area variance, the term unnecessary hardship shall be interpreted according to the following standard: whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
 - b. The hardship is based on a physical limitation unique to the property and not shared by other properties, as distinguished from a mere inconvenience.
 - c. The hardship is not self-created.
 - d. The variance is not contrary to the public interest
4. A property owner is not entitled to a variance simply to increase the value of the property or for economic gain.
5. A variance will not be granted if it would impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public roads or increase the danger of fire, or endanger the public safety, or possess the likelihood to

significantly diminish or impair property values within the neighborhood.

6. Conditions and Guarantees: The Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this Section.
 7. Authorized Variances: Variances from the regulations of this Section shall be granted by the Board of Appeals only in accordance with the standards established in this Section.
- (C) In determining whether to grant or deny a requested variance, the Board of Appeals shall prepare written finding of fact setting forth the criteria it considered in reaching its decision and what facts it considered in relation to the criteria.
- (D) Assistance. This Board may request assistance from town or county officers, departments, commissions, state agencies and boards.
- (E) Oaths. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

4-6.05 **APPEALS AND APPLICATIONS.** Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by a person aggrieved or by any officer, or member of the official Zoning Board of Appeals. Appeals shall be filed with the Town Clerk within 30 days of the date of the written notice of the decision or order of the Zoning Administrator. Such appeals and applications shall include the following:

- (A) Name and address of the appellant or applicant.
 - (B) A location sketch showing all of the information required under Section 4-3.02 of this Ordinance.
 - (C) Specify the grounds for appeal or application.
 - (D) A receipt from the Town Treasurer indicating that the required fee has been paid.
 - (E) Additional information as required by the Town Board of Appeals.
- An appeal stays all legal proceedings in furtherance of the action except as provided for in Sec. 62.23(7)(e) 5. Wis. Stats.

4-6.06 **HEARINGS.** The Zoning Board of Appeals, with assistance of the Town Clerk, shall schedule a reasonable time and place for the required public hearing, give public notice thereof and shall give due notice to parties in interest including the Town Board, Town Attorney, Zoning Administrator, and the Town Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

4-6.07 **DECISION.** The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall instruct the Town Clerk to transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, Town Plan Commission, Town Board and Town Attorney.

- (A) Conditions may be placed upon any land use permit ordered or authorized by this Zoning Board of Appeals.

- (B) Pursuant to Sec. 62.23(7)(e) 7. Wis. Stats., the action authorized by the variance must be completed within two years of the date the variance was granted.

4-6.08 **REVIEW BY COURT OF RECORD.** Any person or persons aggrieved by any decision of the Zoning Board of Appeals may commence a certiorari action in Adams County Circuit Court as provided for in Sec. 62.23(7)(e) 10. Such action must be filed in the Adams County Circuit Court within 30 days after the filing of the decision of the Board of Appeals in the office of the Town of Lincoln Clerk.

4-7.00 FEES

4-7.01 Fees shall be set from time to time by the Town Board as identified on the Fee Schedule.

- (A) Fees shall be required of all property owners performing projects for which this Ordinance requires a permit. As provided for in Sec. 66.0628 Wis. Stats., fees shall bear a rational relationship to the service provided.
- (B) Fees may be required of all persons, firms, or corporations requesting an ordinance, amendment, variance, or conditional use or appeal.

4-7.02 A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from the requirement for full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

4-8.00 VIOLATIONS

It shall be unlawful to construct or use any structure or land in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Administrator, the Town Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin the violation of this Ordinance.

4-9.00 PENALTIES

Any person, firm, partnership or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit the appropriate amount as identified in the Fee Schedule and costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the Adams County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

4-10.00 PUBLIC HEARING NOTICE

Notice of any public hearing, which the Town Board, Town Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Ordinance, shall specify the date, time, and place of the hearing and shall state the matter to be considered. The notice shall be published as a Class 2 notice under Chapter 985 of the Wisconsin Statutes.

SECTION 5 - ZONING DISTRICTS

5-1.00 ESTABLISHMENT

5-1.01 **DISTRICTS.** For the purpose of this Ordinance, Town of Lincoln is divided into Zoning Districts.

5-1.02 **BOUNDARIES.**

- (A) The boundaries of these districts are hereby established as shown on the map entitled, Zoning Map, Town of Lincoln, Adams County, Wisconsin, which accompanies and is part of this Ordinance.
- (B) Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
 - 1. Boundaries shown as approximately following U.S. Public Land Survey lines; lot or property lines, center lines of roads, highways, easements, and railroad rights-of-way and to allow such lines unless otherwise noted on the Zoning Map. In order to reflect specific existing uses, some district boundaries do not follow these lines.
 - 2. Vacation of public roads shall cause the area vacated to be automatically placed in the same district as the land to which the vacated area reverts.

5-2.00 ZONING MAP

5-2.01 The Zoning Map shall be adopted and approved as part of this Ordinance and shall bear upon its face the attestation of the Town Board and shall be available to the public in the office of the Zoning Administrator. Said Zoning Map shall be updated to note zoning amendments as they are approved pursuant to Sec. 4-5.00 herein.

5-3.00 A-1 EXCLUSIVE AGRICULTURAL DISTRICT

5-3.01 **PURPOSE AND INTENT**

- (A) The Purposes of the Exclusive Agricultural District are to:
 - 1. Preserve agricultural land for food and fiber production.
 - 2. Protect productive farms.
 - 3. Maintain a viable agricultural base to support agricultural processing and service industries.
 - 4. Prevent conflicts between incompatible uses.
 - 5. Reduce costs of providing services to scattered non-farm uses.
 - 6. Pace and shape urban growth.
 - 7. Comply with provisions of the Comprehensive Land Use Plan when adopted and periodically revised.
- (B) The intentions of this district are to protect lands in productive farm operations which include:
 - 1. Lands historically producing or capable of producing crops.
 - 2. Lands productive for dairying, livestock raising, and grazing.
 - 3. Other lands which are integral parts of such farm operations.
 - 4. Land used to produce specialty crops such as cranberries, mint, sod, tree crops, fruits and vegetables.
 - 5. Lands capable of productive use through economically feasible

improvements such as irrigation or agricultural conservation practices.

5-3.02 **PERMITTED USES.**

The following uses and their customary accessory uses are permitted:

- (A) Agricultural uses (not to exceed 499 animal units total or 25 animal units per acre):
1. Beekeeping
 2. Dairying
 3. Floriculture (cultivation of ornamental flowering plants.)
 4. Grazing.
 5. Livestock raising.
 6. Poultry raising.
 7. Kennels. (Capacity not exceeding six adult animals. Over six requires a Conditional Use Permit.)
 8. Plant nurseries and orchards.
 9. Raising of grain, grass, mint, and seed crops.
 10. Raising of tree fruit, nuts, and berries.
 11. Sod farming.
 12. Tree farming including Christmas trees and pulp wood.
 13. Vegetable raising.
 14. Viticulture (grape growing).
 15. Forest and game management.
 16. Nature trails and walks.
 17. Greenhouses.
 18. Roadside stand(s) used for the sale of produce.
 19. Permanent Saw Mills.
 20. Other related agricultural activities.
 21. Commercial and agricultural trucking operation.
 22. Commercial and agricultural repair shop.
- (B) Residential uses.
1. Single and Two-Family Dwellings that have a minimum of 720 square feet and have a use consistent with agricultural use and that are occupied by any of the following: (constructed to Uniform Dwelling Code (UDC) standards)
 - a. There shall be no more than one residential structure per parcel.
 - b. An owner/tenant of the parcel.
 - c. A person who, or a family at least one adult member of which, earns a portion of his or her gross income from conducting the farm operations on the parcel.
 - d. A parent or child of an owner who conducts the majority of the farm operations on the parcel.
 - e. A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
 2. Pre-existing residences located in areas subject to zoning under this section which do not conform to this paragraph may be continued in residential use. Such pre-existing residences may

- be altered, repaired, or rebuilt, but are subject to setback, height, and other dimensional requirements.
- 3. Recreational vehicles.
 - a. Temporary living quarters being used in the construction of a permanent structure not to exceed one year.
 - b. Storage is permitted subject to district setbacks.
- (C) Other agricultural structures and improvements consistent with Sec. 91.44(1)(a) Wis. Stats.
- (D) Farm Consolidation Homesteads. In spite of the minimum parcel size requirements that are otherwise required in this district, the separation by land division of farm residences or structures from the larger parcel may be allowed if all of the following requirements are met:
 - 1. The separation is for the purpose of farm consolidation.
 - 2. The residence or structure existed prior to the adoption of this Ordinance or approved hereunder.
 - 3. No additional residences may be built.
 - 4. The separated parcel is no larger than reasonably necessary to meet sanitary requirements and to accommodate the use of the buildings.
 - 5. The separation meets all the standards applicable to conditional uses.
 - 6. The created parcel must conform with all the regulations set forth in section 3-2.00 Use Restrictions.

5-3.03 **CONDITIONAL USES.**

A conditional use permit is required for uses that are not “agricultural uses” but are consistent with agricultural use, and for agricultural uses with potentially high impacts on land, water, or neighboring farms or land uses, where conditions need to be set to mitigate the impacts.

- (A) The following uses may be permitted after review and approval by the Town Plan Commission (see Section 4-4.00 for application and review requirements);
 - 1. Family businesses, including home occupations, and professional home offices conducted within existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses.
 - 2. Temporary housing for seasonal farm labor.
 - 3. Feedlots/Concentrated Feeding Operations (CAFO’s) involving more than 25 animal units per acre occupied including cattle, swine, poultry, sheep and goats regulated under ATCP 51. NOTE: “Animal Unit” definition 2-2.03 applies.
 - 4. Fur farms.
 - 5. Fish farms.
 - 6. Governmental uses such as police and fire stations, highway storage garages, potable water wells and treatment facilities, wastewater treatment plants, schools, parks and campgrounds, and airports and landing strips.
 - 7. Religious uses such as churches, schools, and cemeteries.
 - 8. Gas and electric utility uses not requiring authorization under

Wis. Stats. Section 196.491.

9. Nonmetallic mineral extraction, in excess of 2,500 square feet, for which a reclamation plan, that provides for restoration of the site to agricultural use, has been approved by the Adams County Land Conservation Committee. This use includes extraction of sand and gravel, quarry of stones, rock or aggregate and processing of such materials and reprocessing of asphalt and cement and erection of buildings and temporary operation of an asphalt plant and storage of equipment incidental to these activities.
 10. Veterinarian services involving outdoor keeping of patient animals, serving primarily farm livestock; non-veterinarian kennels with capacity to breed, raise, or board more than six animals at once.
 11. ATCP 51 defined "Livestock Facilities Siting" 500 animal units and larger. NOTE: "Animal Unit" has the meaning given in Section NR 243.03(3) as of April 27, 2004. See Administrative Code ATCP 51 for procedures and regulations.
 12. Aircraft landing fields, bases and hangars incidental for agricultural use or governmental owned.
 13. All signs in excess of 32 square feet in area, illuminated and non-illuminated on premises, signs only for agricultural production or services available on the premises.
 14. Grain elevators and storage bins, accessory building structures and uses including sales of related items such as seed, feed, fertilizer, insecticides and similar products.
 15. Electrical regulator stations, electric sub-stations, pipelines or other public and private utilities.
- (B) Standards Applicable to Conditional Uses other than ATCP 51 regulated Livestock Facilities: The Department of Agriculture, Trade, and Consumer Protection shall be notified of the approval of any conditional uses. See Section 4-4.00 for processing applications for conditional use.

5-3.04 **YARD/SETBACK REQUIREMENTS.**

- (A) Livestock Facilities of five hundred (500) animal units and larger see ATCP51 for regulations.
- (B) Non-ATCP 51 regulated agricultural uses:
All buildings which house animals, including but not limited to animal hospitals, kennels, and stables, shall meet the following minimum setback requirements:
1. From Residence: 50 feet
 2. Side Yard: 50 feet from lot line
 3. Rear Yard: 50 feet from lot line
 4. Front Yard:
 - a. There shall be no structure located closer than 125 feet of the centerline of any State or Federal Highway, or 75 feet from the right-of-way line, whichever is greater.
 - b. There shall be no structure located closer than 108 feet from the centerline of any County highway or 75 feet

from the right-of-way line, whichever is greater.

- c. There shall be no structure located closer than 83 feet from the centerline of any town road, public roads and highways not otherwise classified or 50 feet from the right-of-way line, whichever is greater.
- (C) All non-residential buildings that do not house livestock or poultry shall meet minimum set back requirements:
- 1. From Residence: 10 feet
 - 2. From Side Yard: 10 feet from lot line
 - 3. From Rear Yard: 10 feet from lot line
 - 4. Front Yard:
 - a. There shall be no structure located closer than 125 feet of the centerline of any State or Federal Highway, or 75 feet from the right-of-way line, whichever is greater.
 - b. There shall be no structure located closer than 108 feet from the centerline of any County highway or 75 feet from the right-of-way line, whichever is greater.
 - c. There shall be no structure located closer than 83 feet from the centerline of any town road, public roads and highways not otherwise classified or 50 feet from the right-of-way line, whichever is greater.
- (D) Residential Setbacks:
- 1. Residence Front Yard
 - a. There shall be no structure located closer than 125 feet of the centerline of any State or Federal Highway, or 75 feet from the right-of-way line, whichever is greater.
 - b. There shall be no structure located closer than 108 feet from the centerline of any County highway or 75 feet from the right-of-way line, whichever is greater.
 - c. There shall be no structure located closer than 83 feet from the centerline of any town road, public roads and highways not otherwise classified or 50 feet from the right-of-way line, whichever is greater.
 - 2. Residence Side Yard
 - a. 40 feet minimum
 - 3. Residence Rear Yard
 - a. 100 feet minimum

5-3.05 **HEIGHT REQUIREMENTS.** (See also Section 3-4.00)

- (A) All residential structures and their accessory structures shall not exceed the following maximum requirements:
 - 1. Residential structure and attached accessory buildings: 35 feet
 - 2. Detached Accessory structures: 35 feet
- (B) All other structures shall not exceed the following maximum: 85 feet

5-3.06 **AREA REQUIREMENTS.** All lots shall meet the following minimum requirements:

- (A) Lot area:
 - 1. To establish a farm residence or farm operation (as allowed in 5-

3.02): 35 acres

(B) Lot Area Farmland Consolidation:

1. For a farm residence or structures remaining after farm consolidation as allowed in 5-3.02(D): 2 acres

(C) Lot Width:

1. To establish a residence or farm operation (as allowed in 5-3.02): 300 feet
2. To establish a separate parcel for an additional residence as allowed in 5-3.02(B): 150 feet

(D) Lot Width Farm Consolidation:

1. For a farm residence or structures remaining after farm consolidation as allowed in 5-3.02(D): 300 feet

5-3.07 **PARKING AND ACCESS REGULATIONS.** (See Section 7)

5-3.08 **SIGN REGULATIONS.** (See Section 8)

5-3.09 **STANDARDS FOR RE-ZONING.**

(A) Decisions on petitions for re-zoning areas zoned for Exclusive Agricultural use shall be based on findings which consider:

1. Adequate public facilities to serve the development are present or will be provided.
2. Provision of these facilities will not be an unreasonable burden to local government.
3. The land is suitable for development.
4. Development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need of the proposed development location in an agricultural area.
7. Availability of alternative locations.
8. Productivity of the agricultural lands involved.
9. The location of the proposed development to minimize the amount of agricultural land converted.

5-4.00 A-2 SECONDARY AGRICULTURAL DISTRICT

5-4.01 PURPOSE AND INTENT.

- (A) The purposes of this district are to:
1. To protect agricultural uses from encroachment by non-agricultural uses.
 2. To establish a controlled land use development.
 3. To protect agricultural operations.
 4. To prevent haphazard development.
 5. To regulate population density, and
 6. To provide adequate space for roadways and utilities in the rural areas.
- (B) The intentions of this district are to protect those lands best suited to smaller farm uses including, but not limited to, truck farming, horse farming, hobby farming, and silviculture.

5-4.02 PERMITTED USES. The following uses and their customary accessory uses are permitted:

- (A) Uses permitted in Section 5-3.02(A) & (C), provided that there is no more than one animal unit per acre.
- (B) A limit of one Single or one Two-Family residential dwelling or seasonal dwelling having a minimum of 720 square feet.
- (C) Community-Based Residential Facilities (CBRF) which serve 8 or less residents.
- (D) Recreational vehicles.
1. Temporary living quarters being used in the construction of a permanent structure not to exceed one year (see 3-2.06)
 2. Storage is permitted subject to district setbacks.
- (E) Occupied manufactured homes.

5-4.03 CONDITIONAL USES. The following uses may be permitted after review and approval by the Town Plan Commission (See Section 4-4.00 for application and review requirements).

- (A) The following uses may be permitted after review and approval by the Town Plan Commission (See Section 4-4.00 for application and review requirements):
1. Family businesses, including home occupations and professional home offices conducted within existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses.
 2. Temporary housing for seasonal farm labor.
 3. Fur farms.
 4. Fish farms.
 5. Governmental uses such as police and fire stations, highway storage garages, potable water wells and treatment facilities, wastewater treatment plants, schools, parks and campgrounds, and airports and landing strips.
 6. Religious uses such as churches, schools, and cemeteries.
 7. Gas and electric utility uses not requiring authorization under Wis. Stats. Section 196.491.

8. Veterinarian services involving outdoor keeping of patient animals, serving primarily farm livestock; non-veterinarian kennels with capacity to breed, raise, or board more than six animals at once.
9. Aircraft landing fields, bases and hangars incidental for agricultural use or governmental owned.
10. All signs in excess of 32 square feet in area, illuminated and non-illuminated on premises, signs only for agricultural production or services available on the premises.
11. Grain elevators and storage bins, accessory building structures and uses including sales of related items such as see, feed, fertilizer, insecticides and similar products.
12. Electrical regulator stations, electric sub-stations, pipelines or other public and private utilities.

5-4.04 **YARD SETBACK REQUIREMENTS.** Same as A-1 Exclusive Agriculture (See Section 5-3.04).

5-4.05 **HEIGHT REQUIREMENTS.** Same as A-1 Exclusive Agriculture (See Section 5-3.05).

5-4.06 **AREA REQUIREMENTS.** All parcels shall meet the following minimum requirements:

- (A) Parcel Area: 15 Acres
- (B) Parcel Width: 300 feet

5-4.07 **SIGN REGULATION.**

- (A) 32 square feet maximum.

5-4.08 **STANDARDS FOR RE-ZONING.** Same as A-1 Exclusive Agriculture (See Section 5-3.09).

5-5.00 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

5-5.01 PURPOSE AND INTENT.

- (A) The purposes of this district are to provide:
 - 1. For areas of residential living in the rural countryside, where prime agricultural lands would not be involved.
 - 2. An area where residents of this district accept agriculture as a dominant way of life, wishing to participate in a limited way, living on lots that have space for vegetable gardens, small crop fields or orchards, keeping of livestock and similar rural activities.
- (B) The intent of this district is to regulate small groups of residences:
 - 1. Because parcels suitable to be placed in this district may be scattered along with rural road networks, among larger tracts of A-1 zoning.
 - 2. Because the emphasis of this district is on residential living, it is necessary to place limits on the amount of animal keeping on each parcel even though this district may be used in an agricultural environment.

5-5.02 PERMITTED USES. The following uses and their customary accessory uses are permitted:

- (A) Single-family dwellings or a single two-family dwellings provided they contain the minimum 720 square feet of livable floor space and follow Uniform Dwelling Code (UDC) standards.
- (B) Home occupations and professional home office.
- (C) Essential services.
- (D) Community based residential facilities which serve eight or less residents.
- (E) Recreational vehicles.
 - 1. Temporary living quarters being used in the construction of a permanent structure not to exceed one year (See 3-2.06).
 - 2. Storage is permitted subject to district setbacks.
- (F) The maximum number of animal units (2-2.04) permitted in a Residential District is two unless the lot area exceeds two acres.
- (G) Livestock shall not exceed one animal unit per acre.

5-5.03 CONDITIONAL USES. The following uses may be permitted after review and approval by the Town Plan Commission (See Section 4-4.00 for application and review requirements):

- (A) Community Based Residential Facilities which serve nine or more residents.
- (B) Private parks, commercial swimming pools, and similar commercial recreational facilities including ski and other trails; schools; and churches provided they are located, planned and designed to avoid undue noise or other nuisances and dangers.
- (C) Day Care Centers.
- (D) Animal hospitals, kennels and stables.

5-5.04 **YARD SETBACK REQUIREMENTS.** All uses shall meet the minimum setback requirements.

- (A) Non-ATCP 51 regulated agricultural uses:
All buildings which house animals, including but not limited to animal hospitals, kennels, and stables, shall meet the following minimum setback requirements:
1. From Residence: 50 feet
 2. Side Yard: 50 feet from lot line
 3. Rear Yard: 50 feet from lot line
 4. Front Yard:
 - a. There shall be no structure located closer than 125 feet of the centerline of any State or Federal Highway, or 75 feet from the right-of-way line, whichever is greater.
 - b. There shall be no structure located closer than 108 feet from the centerline of any County highway or 75 feet from the right-of-way line, whichever is greater.
 - c. There shall be no structure located closer than 83 feet from the centerline of any town road, public roads and highways not otherwise classified or 50 feet from the right-of-way line, whichever is greater.
- (B) All non-residential buildings that do not house livestock or poultry shall meet minimum set back requirements:
1. From Residence: 10 feet
 2. From Side Yard: 10 feet from lot line
 3. From Rear Yard: 10 feet from lot line
 4. Front Yard:
 - a. There shall be no structure located closer than 125 feet of the centerline of any State or Federal Highway, or 75 feet from the right-of-way line, whichever is greater.
 - b. There shall be no structure located closer than 108 feet from the centerline of any County highway or 75 feet from the right-of-way line, whichever is greater.
 - c. There shall be no structure located closer than 83 feet from the centerline of any town road, public roads and highways not otherwise classified or 50 feet from the right-of-way line, whichever is greater.
- (C) Residential Setbacks:
1. Residence Front Yard
 - a. There shall be no structure located closer than 125 feet of the centerline of any State or Federal Highway, or 75 feet from the right-of-way line, whichever is greater.
 - b. There shall be no structure located closer than 108 feet from the centerline of any County highway or 75 feet from the right-of-way line, whichever is greater.
 - c. There shall be no structure located closer than 83 feet from the centerline of any town road, public roads and highways not otherwise classified or 50 feet from the right-of-way line, whichever is greater.

2. Residence Side Yard
 - a. 10 feet minimum
3. Residence Rear Yard
 - a. 10 feet minimum

5-5.06 **HEIGHT REQUIREMENTS.**

- (A) All single-family dwellings, manufactured homes, and Community Based Residential Facilities and their accessory structures shall not exceed the following maximum requirements:
1. Principal buildings: 35 feet
 2. Accessory structures: 35 feet

5-5.07 **AREA REQUIREMENTS.**

- (A) Lot Area: 2 acres minimum
- (B) Lot Width. All lots shall have a minimum width of 75 feet, measured at 83 feet from the road centerline.

5-5.08 **PARKING AND ACCESS REGULATIONS.** (See Section 7).

5-5.09 **SIGN REGULATIONS.** Maximum 32 square feet.

5-6.00 I-1 INDUSTRIAL DISTRICT

5-6.01 PURPOSE AND INTENT.

- (A) The purpose of the Industrial District is to provide areas for manufacturing and related uses and employment within the Town of Lincoln.
- (B) The intent is to provide a district for industrial purposes so as to not harm agricultural or residential districts

5-6.02 PERMITTED USES.

- (A) Manufacturing, assembly, fabrication, and processing operations, including related materials and product storage and warehousing.
- (B) Transportation terminals, including trucking and railroading, and related transportation services, including accessory sale of fuel or service, overnight lodging, and eating facilities oriented to trucks.
- (C) General Warehousing.
- (D) Commercial or service uses that are oriented to serve industrial functions, and which prefer to locate within an industrial area, such as restaurants, professional offices, and highway service uses such as those listed in (B), but which also serve passenger automobiles.
- (E) Public or private utilities, offices and installations, including service yards.
- (F) Retail uses which by virtue of their extensive outdoor storage or display of product prefer to locate in an industrial area, including building supply, contractor or farm equipment, recreational or mobile home vehicles, and similar uses.
- (G) Offices or owner/caretaker residence accessory to any of the above uses.

5-6.03 CONDITIONAL USES.

- (A) Day Care facilities for the children or older adult relatives of employees or other community residents, where the location within an industrial area is convenient, and yet not detrimental to the day care occupants.
- (B) Auto or equipment salvage yards, provided the conditions include adequate protective measures as well as visual screening necessary to shield product storage areas.
- (C) Stockyards or related facilities that process livestock, wherein violation of the standards of the Intent of this district are a high probability, but where through location, and agreement on special conditions, the use might become acceptable.
- (D) Adult Oriented Establishments (See Ordinance #01-2008)
- (E) Structures to exceed 100 feet in height.

5-6.04 YARD/SETBACK REQUIREMENTS.

- (A) 1. Front Yard
 - a. There shall be no structure located closer than 125 feet of the centerline of any State or Federal Highway, or 75 feet from the right-of-way line, whichever is greater.
 - b. There shall be no structure located closer than 108 feet from the centerline of any County highway or 75 feet

- c. from the right-of-way line, whichever is greater.
There shall be no structure located closer than 83 feet from the centerline of any town road, public roads and highways not otherwise classified or 50 feet from the right-of-way line, whichever is greater.
- 2. Side Yard
 - a. 40 feet minimum
- 3. Rear Yard
 - a. 100 feet minimum

5-6.05 **HEIGHT REQUIREMENTS** All buildings or structures shall not exceed 100 feet.

5-6.06 **AREA REQUIREMENTS** All Parcels shall meet the following minimum requirements.

{A} Lot Area: 2 acres minimum

{B} Lot Width: 150 feet

5-6.07 **TRAFFIC, LOADING, PARKING AND ACCESS REQUIREMENTS.**
(See Section 7).

5-6.08 **SIGN REGULATIONS.** (See Section 8).

5-7.00 TLD TOWN LANDFILL OVERLAY DISTRICT

5-7.01 **PURPOSE AND INTENT.** This district does not provide for any regulatory function. Its purpose is to alert land owners and others to the existence of past or present landfills. Such landfills may or may not be contaminating surface or ground waters coming in contact with contents of the landfill.

(A) Liability Disclaimer:

1. By placing lands in this district, the Town does not claim a hazard actually exists, only that extra care should be taken in making use of the waters on or under these lands for agriculture, or for human or animal consumption, and to alert owners to the possible need for special state permits to drill and use water from wells falling within this area.
2. By excluding lands from this district, the Town does not certify that lands falling outside the district are necessarily free from the hazards of the landfill. Excluding lands near a landfill from this district only indicates that criteria being followed by the Town, such as Wis. DNR radius lines, or groundwater hydrological studies, do not support placing the land in the district. As new studies from time to time suggest expanding or contracting the limits of this district, the Town reserves the right to make adjustments in the district's boundaries, as a service to the public.
3. To the best of the town board's knowledge, at the date of this ordinance, no other Town of Lincoln land has ever been used for the purpose of a public landfill.

5-7.02 **PERMITTED USES.** All permitted and accessory uses are allowed by the underlying zoning district, provided necessary state permits for well water usage have been obtained.

SECTION 6 - MANUFACTURED HOME COMMUNITIES

6-1.00 R-3 MANUFACTURED HOME COMMUNITY RESIDENTIAL DISTRICT

6-1.01 PURPOSE AND INTENT.

- (A) Purpose. To regulate existing manufactured home developments as regulated by U.S. Dept. Of HUD since June 15, 1976), and provide for new such settlements. Given the unusual architectural dimensions of such units, and the frequency of leased land occupancy, which sites have to be designed for the long narrow unit shapes, this district limits uses to such manufactured homes, and establishes suitable area requirements.
- (B) Intent.
 - 1. To establish and preserve single-family neighborhoods as desired by large numbers of people, free from uses except those which are both compatible with, and convenient to the residents of such a district.
 - 2. All manufactured home communities established in the Town of Lincoln shall comply with the design, system, and other requirements set forth hereunder, and those contained in SPS 326, Wisconsin Administrative Code. In the event such requirements are not consistent, the more restrictive shall apply.
- (C) License Required. Pursuant to Sec. 66.0435(2)(a) Wis. Stats., it is unlawful to maintain or operate a manufactured home community unless a license is issued by the town.

6-1.02 PERMITTED USES. The following uses and their customary accessory uses are permitted:

- (A) Single family dwellings (2-2.25) and manufactured homes (2-2.52), as defined in Section 2, having the minimum of 720 square feet.
- (B) Home occupations and professional home office.
- (C) Essential services.
- (D) Recreational vehicles.
- (E) Common open space and other recreational space set aside for common use by residents or their guests.
- (F) Management office for a manufactured home community.
- (G) Parks, playgrounds, and open-space uses.
- (H) The following commercial uses when they are for the exclusive use of community residents:
 - 1. Laundromat, provided that an approved sewerage system is available.
 - 2. Clubhouse and facilities for private social or recreation clubs.
- (I) Signs pertaining to the lease, hire, or sale of individual manufactured homes, not more than 12 square feet in area.
- (J) One manufactured home community identification sign not more than

32 square feet in area, to be located in proximity to the community entrance.

6-1.03 **CONDITIONAL USES.** The following uses may be permitted after review and approval by the Town Plan Commission.

- (A) Recreational facilities such as swimming pools, tennis or golf clubs, or lakeshore boating spaces, intended to serve more than just residents of a manufactured home community.
- (B) Day care centers

6-1.04 **COMMUNITY DESIGN AND LAND USE REQUIREMENTS.**

A manufactured home community shall be located only upon a site where the condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants.

6-1.05 **LOTS, DENSITY CONTROLS, AND STANDARDS.**

- (A) The minimum area for each manufactured home community shall be 5 acres. Five manufactured home lots shall be completed and ready for occupancy before the first occupancy.
- (B) Every manufactured home shall be located on a manufactured home lot exclusive of common open space having the following minimum dimensions exclusive of community roads:

	<u>With Public Sewer</u>	<u>Without Public Sewer</u>
Lot Area	5,400 sq. ft	10,000 sq. ft.
Lot Width	50 ft.	100 ft.
Lot Depth	100 ft.	100 ft.

- (C) No manufactured home community shall have an overall density greater than six manufactured homes per any one acre.
- (D) Occupied Lot Area Ratio: Manufactured homes shall not occupy an area in excess of one-third of their respective lot areas. The accumulated area of the manufactured home and its accessory structures on a manufactured home lot, shall not exceed two-thirds of the respective lot area.

6-1.06 **YARD/SETBACK REQUIREMENTS.**

- (A) Each manufactured home shall be located at least 10 feet from any manufactured home lot line.
- (B) Each accessory building shall be located at least 10 feet from any manufactured home lot line.

6-1.07 **COMMUNITY ROAD REQUIREMENTS.**

- (A) General Requirements: In all manufactured home communities, safe and convenient vehicular access shall be provided, by means of roads or driveways, from public roads except that in those manufactured home communities in which grouping or clustering of parking spaces or other such design features are employed in the layout. Direct access need not be provided to every lot. However, in all cases access adequate for fire protection vehicles and other emergency vehicles shall be provided.
- (B) Community Entrance: Entrances to manufactured home communities

shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent roads.

- (C) Internal Roads: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - 1. Roadway width: all roads 66 feet
 - 2. Road width: 24 feet
 - 3. Dead-end roads or cul-de-sacs shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 150 feet, and a road diameter of at least 110 feet.
- (D) Road Construction and Design Standards:
 - 1. All roads shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions.
 - 2. Grades of all roads shall be sufficient to ensure adequate surface drainage.

6-1.08 **PARKING REQUIREMENTS.**

- (A) Occupant Parking: A minimum of two parking spaces shall be provided for occupant parking purposes. Such spaces shall be located within 150 feet of the manufactured home lot to be served.
- (B) Visitor Parking: A minimum of one space for every four manufactured home lots shall be provided for visitor parking purposes.
- (C) Parking Space: Each parking space shall contain a minimum of 200 square feet. The space shall be a hard and dense surface which shall be durable and well-drained under normal use and weather conditions.

SECTION 7 - TRAFFIC, LOADING, PARKING, AND ACCESS REQUIREMENTS

7-1.00 TRAFFIC VISIBILITY

7-1.01 To protect the visibility of motorists, cyclists, riders, and pedestrians at the intersection of any two roads, no obstruction which creates a substantial impediment to visibility in the right-of-way shall be created or maintained.

- (A) A substantial impediment to visibility is defined as any fence, wall, sign, vegetation, or other obstructive structure which substantially blocks the view of approaching vehicular, cyclist, or pedestrian traffic.

7-2.00 LOADING AREA REQUIREMENTS

7-2.01 On every lot which a business, trade, or industrial use exists, an adequate loading area shall be provided so that all vehicles loading, maneuvering, or unloading are completely off public roads and so that no vehicles will back onto public roads.

7-3.00 PARKING REQUIREMENTS

7-3.01 In all districts and in connection with every use, there shall be provided, off-road parking in accordance with the following:

- (A) Adequate access to a public road shall be provided for each parking space, and driveways shall be as required by Section 7-4.00.
- (B) Each parking space shall be not less than 10 feet wide and 20 feet in length exclusive of the space required for driveways.

7-4.00 DRIVEWAYS

7-4.01 All driveways installed, altered, changed, replaced, or extended should:

- (A) Have a minimum width of at least 12 feet.

SECTION 8 - SIGNS

8-1.00 PURPOSE AND INTENT

No sign may be erected in the road right-of-way.

SECTION 9 - NONCONFORMING USES, LOT AND STRUCTURES

9-1.00 EXISTING NONCONFORMING USES

The lawful use of a structure, land, or water, existing at the time of adoption of or amendment to this Ordinance, may be continued although the use does not conform with the provisions of this Ordinance. The nonconforming use may not be extended. If the nonconforming use is discontinued for a period of 12 consecutive months, any future use shall conform to this Ordinance.

9-2.00 EXISTING NONCONFORMING STRUCTURES

9-2.01 Except as provided in Sec. 62.23(7)(hb) and (hc), Wis. Stats., the total structural repairs or alterations in a nonconforming building, premises, structure and fixture shall not exceed fifty percent (50%) of the assessed value of the building, premises, structure and fixture, as stated in the tax roll in effect on the date of permit issuance.

9-2.02 Except as provided in Sec. 62.23(7) (hb) and (hc), Wis. Stats., no structure shall be restored or replaced except in conformity with the regulations of the district in which it is located.

9-2.03 These regulations are not to be construed to prevent the necessary and routine maintenance or repairs of buildings, utilities and property.

9-3.00 EXISTING NONCONFORMING LOTS

9-3.01 In any district which allows a residential dwelling, a dwelling and its accessory structures may be erected on any legal lot of record in the Adams County Register of Deeds Office as of May 11, 1995, provided requirements of all other applicable ordinances are met. Such lots shall meet the same setback requirements as specified in the R-1 Single Family Residential District.

9-3.02 If abutting lands and the substandard lot are in the same ownership, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance.

9-3.03 If such lot was created after May 11, 1995, and is located within Agricultural District, any new dwelling or structure shall be consistent with agricultural use and shall be considered a conditional use subject to the provisions of Section 4-4.00 and Section 5-3.03.

9-4.00 CHANGES AND SUBSTITUTIONS

Once a nonconforming use, lot, or structure has been changed to conform, it shall not revert to a nonconforming use, lot, or structure. Once the Town Plan Commission has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the previous use shall lose its status as a legal nonconforming use.

This Ordinance Amendment is to be effective as of the date of its publication, following adoption by the Town Board of Lincoln.