

SECTION 3: ZONING DISTRICTS

3.1 Residential Districts Interpretation. The residential zoning standards of this Ordinance are divided into those for home-sites with public sewer and those for home-sites dependent upon on-site private sewage disposal systems. Home-sites developed on a scattered basis, disassociated from any recorded subdivision or approved planned unit development shall conform to the lot size and associated standards of the appropriate residential district designated "non-subdivided". The smaller lot size and associated standards which accompany residential districts designated as "subdivided" shall be utilized in determining optimum land use in the process of establishing a duly recorded subdivision. "Subdivided" lot sizes and standards shall not be applied to any unplatted lands or assessor's plats, and when applied to existing plats shall not allow a change in recorded lot size without a certified survey map and replat of the affected subdivision, approved by the Town of Black Wolf Town Board prior to approval of the County.

3.2 Residential Conditional Uses. Residential conditional uses and their accessory uses are considered as special uses which require review, public hearing, and all in accordance with Section 4.0 of this Ordinance.

In addition to those stated under Sec. 2.9, the following shall be conditional uses in all residential districts of this Ordinance.

- (1) Public, private and parochial elementary and secondary schools and all churches.
- (2) Clubs, fraternities, lodges, and meeting places of a non-commercial nature.
- (3) Home occupations and professional offices which require on site customer access.
- (4) Model homes and accessory sign according to Sec. 2.9.
- (5) Bed and Breakfasts.
- (6) Community living arrangements greater than 8 (eight) persons as defined in Sec. 59.97(15), Statutes.

3.3 Residential Accessory Uses. In addition to those accessory uses specified under Sec. 2.9, or under a special district, the following accessory standards shall apply in all residential districts:

- (1) Fences.
 - (a) Fences will be permitted on or within the property line. On or within the side and rear yard the height shall not exceed six (6) feet. In the street yard, the fence shall be an open type (50% or less opaque) and shall not exceed four (4) feet in height; and shall be no closer than two (2) feet to a road R.O.W. In

those cases where the rear yard is a shore yard, fences located between the shore yard setback line and half the distance to the high-water mark shall adhere to the rear yard standard, and shall comply with the street yard standards.

(b) Fences on the property line of a through lot abutting an access restricted right-of-way shall be allowed at the rear yard height and opacity standards.

(2) Outdoor Lighting. Outdoor lighting installations shall be permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(3) Parking. According to Section 5.0.

(4) Signs. According to Section 7.0.

(5) Accessory Buildings. Accessory buildings including garages (attached and detached), storage structures, pole buildings and other similar structures in all residential districts or on a lot where the principal use is residential, shall conform to the following:

(a) No detached accessory structure or garage shall exceed a height of twenty-two (22) feet, measured from floor to roof peak, on a parcel $\frac{1}{2}$ acre or larger. A parcel under $\frac{1}{2}$ acre shall not exceed a height of 17 feet, measured from floor to roof peak. Attached garages shall not exceed the height of the main structure.

(b) Allowed floor area:

- 1) Total floor area for accessory structures in R-1 Residential District With a lot size of less than one acre (43,560 sq.ft.) shall not exceed 1200 sq. ft.
- 2) Total floor area for accessory structures in a R-1 Residential District or A-2 Agriculture District with R-1 use with a lot size of one acre (43,560 sq. ft.) or larger shall not exceed 1500 sq. ft. plus 1% of the lot area in excess of the 43,560 sq. ft.
- 3) Total floor area for accessory structures in an R-2 Residential subdivided or MH-1 Mobile Home District shall not exceed 900 sq. ft., except where the lot size exceeds 10,000 sq. ft., the total accessory square footage may increase by 1% of the lot area in excess of the 10,000 sq. ft.

- 4) Total floor area for an accessory structure with an R-3 Two Family Residential use shall not exceed 900 sq. ft. for a single accessory structure nor shall any combined total exceed 1700 sq. ft
- 5) Total floor area for R-4 Multi Family District and R-5 Planned Residential District shall not exceed:
 - (a) Three units, 870 (eight hundred and seventy) sq. ft.
 - (b) Each additional unit, 265 (two hundred and sixty-five) sq. ft.
 - (c) Increased floor area may be granted by conditional use permit.
- 6) No more than three (3) detached accessory structures shall be permitted on a lot.
- 7) Accessory structure setbacks shall comply as follows in all above districts.
 - (a) Three (3) feet from side lot line
 - (b) Three (3) feet from rear lot line
 - (c) Ten (10) feet minimum from principal structure and abutting structures
 - (d) Fifty (50) feet street yard *
 - (e) Seventy Five (75) feet shore yard

*** 11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.**

(6) Boathouses. Boathouses shall be located within a shore yard but shall be no closer than five (5) feet to the average annual high-water elevation of the stream, lake, pond or wetland. In no case, however, shall boathouses be located below a high-water elevation, nor shall boathouses be used for human habitation. Furthermore, boathouses shall not exceed one (1) boathouse for each shoreland lot; shall not exceed a height of fifteen (15) feet (to peak) above the high-water elevation: shall not exceed five hundred (500) square feet in horizontal area covered and shall not be closer than three (3) feet to any side lot line. Boathouses shall not reduce the floor area or number of accessory structures allowed per lot.

(7) Backyard Chickens.

- (a) No More than 4 chickens may be kept
- (b) The keeping of Roosters is prohibited
- (c) The Slaughter of chickens is prohibited
- (d) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

- (e) The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.
- (f) The owner, operator, or tenant shall register the premises where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.

3.4 Density Standards: To ensure consistency with the Town of Black Wolf Comprehensive Plan and the adopted Future Land Use Map, all zoning districts within this ordinance shall adhere to the parcel size and density standards established in this section. These standards apply town-wide and replace previous lot size and density references found within individual zoning district descriptions.

- (1) A. Density Tier System: Parcel size and density shall be determined according to the location of a property in relation to the Town's Sewer Service Area (SSA) and the Future Land Use Map. The following three tiers apply:
- (2) High Density Residential
 - (a) Minimum Lot Size: 0.5 acres
 - (b) Maximum Density: Up to 2 dwelling units per acre
 - (c) Applicability: Lands located within the SSA boundary and designated as high-density on the Future Land Use Map.
- (3) Medium Density Residential
 - (a) Minimum Lot Size: 1.0 acre
 - (b) Maximum Density: 1 dwelling unit per acre
 - (c) Applicability: Lands immediately adjacent to or near the SSA boundary and designated as medium-density on the Future Land Use Map.
- (4) Low Density / Agricultural Transition (Outside SSA)
 - (a) Minimum Lot Size: 4.0 acres
 - (b) Target Density: 1 dwelling unit per 10 acres
 - (c) Applicability: Lands outside of the SSA boundary and designated as low density on the Future Land Use Map.
- (5) Conflicts and Interpretation
 - (a) In the event of a conflict between this section and any other dimensional standard within this zoning code or the subdivision code, the standards outlined herein shall prevail.
 - (b) When interpreting which density tier applies to a property, the adopted Future Land Use Map shall serve as the controlling document.
 - (c) Farm Exemption: The density standards outlined in this section shall apply to all residential and non-residential development except for parcels used for bona fide agricultural operations as defined in this ordinance. Agricultural uses in the A-1 and A-2 districts shall instead be governed by the minimum lot sizes, spacing, and standards set forth within those respective zoning districts.

3.5 R-1 Rural Residential District (non-subdivided).

- (1) Statement of Intent. The intent of this district is to provide a lot size and associated

standards for home-sites developed on a scattered basis. The criteria of this district are designed to provide reliable, single-family home-sites in those areas where "neighborhood" and "community" facilities and services are of secondary significance to the location of the home-site itself.

(2) Principal Use.

- (a) One-family dwellings and Community Living Arrangements defined in 59.97(15), Statutes.
- (b) Incidental agricultural activities when the site is used as a farm home-site.
- (c) Dwellings shall measure a minimum of 24 ft. across from exterior edges of walls for:

50% of length/width without attached garage
 66% of length/width with attached garage(s)
 and a minimum of 1200 sq. ft.

(3) Basic District Standards. The basic lot standards in this district after the effective date of this ordinance shall be as follows:

Building	Height	Maximum	35 Ft.
Yards	Street	Minimum	50 Ft. *
	Rear	Minimum	25 Ft.
	Side	Minimum	10 Ft. both sides *
	Shore	Minimum	75

11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.

(4) Conditional Uses. (according to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 2.9.
- (b) All uses specified under Sec. 3.2.
- (c) The following uses provided that they shall be of a non-commercial nature and exceed the standards set in 3.4 (5):
 - 1) Raising and keeping of stable animals and all other domestic livestock. Shall require a minimum parcel of 5 (five) acres.
 - 2) Raising and keeping of dogs in excess of animal restriction under Sec. 2.9 (6) not to include breeding or boarding.
 - 3) Raising and keeping of domestic fowl including gallinaceous birds.
 - 4) Smaller "hobby"-type animals not to include those animals of such size or character as to normally be considered to be big game, e.g. lions, tigers, bears, etc. and not to include fur bearing animals, e.g. mink, chinchilla, etc., except rabbits.
 - 5) Domestic Rabbits or Hares exceeding a total of 6 (six).

Furthermore,

- (d) Where the application is for raising and keeping of stable animals, or domestic livestock on a minimum of 5 acres, the applicant must reserve sufficient area for the relocation of the residential structure's drain field. Such reserved area must be verified as suitable by a Certified Soil Tester, or by detailed soil maps. Furthermore, the reserved area must be safe-guarded from heavy traffic and shall be located so as to comply with the setback standards of ILHR 83 of the Wisconsin Administrative Code and the Winnebago County Sanitary Ordinance - both for existing and future structures.
 - (e) The number of animals to be kept shall be established in the conditional use approval. (See standard of animal/equivalency/acre 3.4 (5)).
 - (f) The conditional use shall address disposal and/ or removal of animal waste and run off.
- (5) Non-Farming Animal Allowance. Permitted animal uses on 5 acres or greater shall include raising and keeping of domestic stable animal and other domestic livestock, the raising and keeping of domestic fowl, including gallinaceous birds, which shall be of a non-commercial nature.

- (a) One (1) acre shall be dedicated to residence/building use and shall be excluded from the formula.
- (b) A formula of one animal unit/equivalence/acre shall be used to determine the total number of allowable animals/fowl.

<u>Description</u>	<u>One Animal unit/equivalence/acre</u>
Horse per animal	0.5
Cattle per animal	1.0
Llama per animal	1.0
Sheep, goat per animal	2.0
Chicken, Duck, Turkey	5.0

- (c) Animals or fowl not listed shall fall under Section 3.4 (4).

- (6) Accessory Structures for Animal Uses. Permitted accessory structures in this district shall include stables, sheds and similar structures as accessory structures to conditional uses in Section 3.4 (4) or allowed use in 3.4 (5). Accessory structure standards for this district shall meet the standards for floor area set in 3.3(5 and shall meet the following:

<u>Yards</u>	Street	Minimum	150 Ft. or as specified in the Conditional Use Approval
	Side	Minimum	75 Ft.
	Rear		150 Ft.
Building	Height	Maximum	22 Ft.
	Sidewall	Maximum	18 Ft. High

Confinement. The permanent confinement of animals; the placement of pens, including fencing; and location of structures for same shall be a minimum of seventy five (75) Ft. from any adjoining residence. (Said adjoining residence shall have the right to expand, remodel or reconstruct without regard for this minimum distance.)

- (7) Accessory Uses By Permit Only. Swimming pools (in-ground) shall be surrounded by suitable fencing. Fencing shall be a minimum of forty-eight (48) inches above finish grade level, construction material shall be of a chain link or wood or similar strength material. Fencing shall be constructed to prohibit passage of a six (6) inch

sphere between fence members, and the bottom of said fence shall be no more than two(2) inches above the existing ground elevation. Any gates installed shall be constructed so as to be capable of being locked, shall be self- closing, and shall be

closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. All electrical installations shall be in compliance with the National Electrical Code. All new and existing pools are required to comply with fencing standards.

3.6 R-2 Suburban Residential District (subdivided).

(1) Statement of Intent. The intent of this District is to provide a lot size and associated standards for home-sites in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable single-family home-sites which offer a "suburban arrangement of amenities, services, facilities, etc.

(2) Principal Uses

(a) Principal uses shall include one-family dwellings on lots which have been developed and recorded according to Chapter 236 of the Wisconsin Statutes, Town of Black Wolf Subdivision Ordinance, and Chapter ILHR83 or the Wisconsin Administrative Code for lots not served by public sanitary sewer.

(b) Dwellings shall measure a minimum of 24 ft. across from exterior edges of walls for:

50% of length/width without attached garage

66% of length/width with attached garage(s)

and a minimum of 1200 sq. ft.

(3) Basic District Standards (Sewered and Un-sewered)

Building	Height	Maximum	35 ft.
Yards	Street	Minimum	50 Ft. *
	Rear	Minimum	25 ft.
	Side	Minimum	10 Ft. both sides *
	Shore	Minimum	75 ft.

*** 11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.**

(4) Conditional Uses (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

(a) All uses specified under Sec. 2.9.

(b) All uses specified under Sec. 3.2.

3.7 R-3 Two Family Residential District

(1) Statement of Intent. The intent of this district is to provide a lot size and associated standards for a home-site which will accommodate the use of a "duplex" housing type. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, duplex zoning - when desired - should be applied on a district basis, adjacent to, but not within the character of the single-family neighborhood in which it is to be located.

(2) Principal Uses. Two-family and single family dwellings and incidental agricultural activities when such a site is utilized as a farm home-site in an A-1, or A-2 district.

(a) Two-family dwellings shall contain a minimum length/width of 24 feet, both units included and measured from the narrowest part of the structure, and a minimum area of 1000 sq. ft. for each dwelling unit.

(b) Dwelling shall measure a minimum of 24 ft. across from exterior edges of walls for:

50% of length/width without attached garage

66% of length/width with attached garage(s)

and a minimum of 1200 sq. ft.

(3) Basic District Standards

Building	Height	Maximum	35 ft.
Yards	Street	Minimum	50 ft*
	Rear	Minimum	25 ft.
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.

*** 11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.**

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 2.9.
- (b) All uses specified under Sec. 3.2.
- (c) Rest homes, nursing homes, homes for the aged, day care centers, children's nurseries and medical clinics.

3.8 R-4 Multiple-Family Residential District (sewered).

(1) Statement of intent. The intent of this district is to provide residential development of "walk-up" type apartment buildings which provide rental housing to be built within the economies of scale, while retaining a relatively low-density pattern. The use of this district should be applied to those locations in the "neighborhood" in which it will be compatible with surrounding uses; where the increased density would not create a service problem; and where the use will accommodate both the existing or anticipated character of the surrounding area and the needs of the future of the multiple-family development itself.

(2) Principal Uses.

- (a) Multiple-family dwellings, on lots served by public sanitary sewers.
- (b) All dwelling units shall contain a minimum area of 800 Sq. Ft.

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Building	Height	Maximum	36 ft.
Yards	Street	Minimum	50 ft.
	Rear	Minimum	40 ft.
	Side	Minimum	15 ft. each
	Shore	Minimum	75 ft
	Open Space	Minimum	500 Sq. ft per dwelling unit

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 2.9.
- (b) All uses specified under Sec. 3.2.
- (c) All conditional uses specified under R-3 Two Family Residential.

3.9 R-5 Planned Residential District (sewered).

(1) Statement of Intent. The intent of this district is to produce a total residential development area with standards designed to encourage creativity in the arrangement and placement of residential dwellings. To this end, the district allows a diversity of dwelling types, open spaces, and uses conceived and planned as comprehensive and cohesive projects.

(2) Unified Control

(a) All land included for development as a PRD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, a corporation or group of individual. Applicants requesting approval of a PRD shall present firm evidence of unified control of the entire area within the proposed PRD, together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provision of these regulations.

(b) The applicant shall state agreement to:

1. Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be required.
2. Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans.
3. Bind their successors in title to any commitments made in the approval process.

(4) Basic District Standards. The basic lot standards in this district shall be as follows:

Development	Area	Minimum	10 acres in one ownership (recommended)
	Width	Minimum	None
Open Space	Area	Minimum	20% of the development area
Building	Height	Maximum	35 ft.
Yards	Street	Minimum	None
	Rear	Minimum	None

Side	Minimum	15 ft. between single and two-family buildings
Other	Minimum	30 ft. from public street rights-of-way; from exterior property lines of the development and according to Conditional Use Permit.
Shore	Minimum	75 ft.

(5) Approval.

(a) Application. In addition to the requirements of Section 4.0 there shall be a preliminary plan provided with each application. The data on this plan shall conform to the standards of Section 5.0 of the Town of Black Wolf Zoning Ordinance and all provisions of the Black Wolf Subdivision Ordinance and shall also show:

- 1) The overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces;
- 2) Total development area (square feet);
- 3) Total proposed number of living units;
- 4) Total proposed building area at ground level including garages, carports, and other community facilities;
- 5) Total open space area (square feet);
- 6) Total number of parking spaces;
- 7) In the event the Town of Black Wolf Planning and Zoning Committee and the Black Wolf Town Board approves the preliminary plan, or tentatively approves it with condition, the applicant shall submit a final plan for final approval within six (6) months. (After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration.)

(b) Permit. Issuance of a Conditional Use Permit shall be based upon the following evaluation of the final plan by the Planning and Zoning Committee with approval by the Town Board:

- 1) That the final plan conforms to the conditions for approval of the preliminary plan;
- 2) That all Basic District Standards are satisfied;
- 3) That the overall density of the project is in compliance with a comprehensive plan, or where no such plan has been duly adopted, is, in the Town of Black Wolf Planning and Zoning Committee's judgment, compatible with the surrounding area and/or within the capacity of the community's public services;
- 4) That public sewer and adequate water is present;
- 5) That landscaping and grading will be done to assure compliance with Sec. 2.6;
- 6) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture, and other pickups and deliveries without blocking traffic;
- 7) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;
- 8) That adequate lighting will be provided;
- 9) That the final plans include the planting of adequate trees and shrubs where not already present;
- 10) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;
- 11) That adequate surety bonds and/or scheduling dates are provided to guarantee the improvements shown on the plans;
- 12) That deed restrictions are included, to assure the proper preservation, care, and maintenance, by the original and all subsequent owners of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces and park lands;
- 13) That the final plan shall be platted and duly recorded according to the standards and procedures of the Town of Black Wolf Subdivision Ordinance and Chapter 236 of the State Statutes.

(6) Conditional Uses. (According to Section 4.0 and Approval above)

- (a) Location, site, and operational plans for all structures and improvements which serve the principal use.
- (b) All principal, conditional, and Sec. 4.4 approval uses of the B-1 and B-2 Business Districts and any other business uses which will complement the density and setting of the residential development.
- (c) Elevator apartments in excess of thirty-five (35) feet in height when distance between subject building and other structures and/or from property lines is increased at a rate of two (2) feet for each additional five (5) feet of height of the building over the first thirty-five (35) feet of height.
- (d) All uses specified under Sec. 2.9.
- (e) All uses specified under Sec. 3.2.
- (f) All conditional uses specified under R-3 two Family Residential.
- (g) Patio, or zero side yard houses.
- (h) Single- and two-family residences with on-site sewage disposal systems; providing the overall density of the development does not exceed two (2) dwelling units/acre.
- (i) Private roads.

3.10 M H - 1 Mobile Home District. (subdivided, sewerred).

- (1) Statement of intent. The intent of this district is to provide a lot size and associated standards for mobile homes in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable home-sites in those developing areas which have public sanitary sewer, and which offer a "suburban" arrangement of amenities, services, facilities, etc. It is the intent of the Town of Black Wolf not to create or provide a Mobile Home District.
- (2) Principal uses. Shall include mobile home dwellings on lots which have been developed and recorded according to Chapter 236 of the State of Wisconsin Statutes, the Town of Black Wolf Subdivision Ordinance.
- (3) Basic District Standards The basic lot standards in this district shall be according to R-2 "Suburban Residential District".

(4) Conditional Uses, (according to Section 4.0). Permitted Conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 2.9.
- (b) All uses specified under Sec. 3.2.
- (c) Mobile home parks according to the procedures for application and Permit provided under the R-5 "Planned Residential District" providing:
 - 1) Each mobile home shall be located on a lot of not less than forty-three thousand five hundred and sixty (43,560) square feet (one acre).
 - 2) Each mobile home lot shall contain a parking space upon which the mobile home shall be situated which parking space shall be paved with concrete or bituminous material.
 - 3) There shall be a system of roadways with a minimum of thirty-six (36) feet widths, surfaced as required by item 2) above, providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park.
 - 4) Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces, or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs, or trees, which shall not be less than Fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park.
 - 5) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than fifteen (15) feet wide.
 - 6) Each mobile home park shall have an office constructed as a safe storm shelter to accommodate the residents and staff of the mobile home park and shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to town officials for inspection.

3.11 G-1 Garage Lot District. (Floating)

- (1) Statement of intent. The intent of this district is to allow the establishment of "Garage" lots in conjunction with residential lots in existence on the effective date of this ordinance which do not have sufficient area, width, or depth to allow construction of a garage.
- (2) Principal uses. Shall include One (1) detached garage as a garage. This district will allow the establishment of such a garage lot in direct proximity to an existing residential lot. (According to Sec. 2.9).

- (3) Basic District Standards The basic lot standards in this district shall be as follows:

Structure	Height	Maximum	17 Ft.
	Floor Area	Maximum	750 sq. ft.
Yards	Street	Minimum	30 ft.
	Rear	Minimum	25 ft.
	Side	Minimum	10 ft. One side 25 ft. total both sides
	Shore	Minimum	75 ft.

In addition, prior to the issuance of a zoning permit, the garage lot and existing related residential lot shall be deed restricted so as to require use and all transfers of ownership of the two lots as one (1) parcel.

- (4) Approval of Building Site And Operational Plans. (according to Sec. 4.4) Boathouse. According to Sec. 3.3 (6).

3.12 Business Districts Interpretation. The uses within each of these districts have been grouped according to the expected intensity of the commercial activity. Also, lot sizes have been adjusted according to service by public sewer or on-site sanitary system.

3.13 Business Conditional Uses. Business conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance.

In addition to those stated under Sec. 2.9, the following shall be conditional uses in all business districts of this Ordinance:

- (1) Residential apartments may be permitted as a conditional use provided that the quarters are an integral part of the design of the commercial activities not exceeding sixty (60) percent of the floor area of the structure.
- (2) Public passenger transportation terminals, such as heliports, bus and rail depots - except airports, airstrips, and landing fields - provided all principal structures and uses are not less than Three Hundred (300) feet from any residential district boundary.
- (3) Planned Business District with minimum of four (4) acres in one ownership and with a minimum frontage of 200 feet subject to the Approval procedures for Permit provided under the R-5 "Planned Residential District."

3.14 Business Accessory Uses. In addition to those accessory uses and standards specified under Sec. 2.9 the following accessory standards shall apply in Business Districts:

- (1) Security fences are permitted on the property lines, but shall not exceed ten (10) feet in height and shall be an open type similar to woven wire or chain link fencing.
- (2) Outdoor lighting installations are permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties. Wisconsin State electrical codes shall be followed and height shall not exceed twenty-five (25) feet.
- (3) Residential quarters are permitted within the business structure providing the occupant is an owner, manager or caretaker of the business.
- (4) Signs are permitted according to Section 7.0.
- (5) Parking is required according to Section 5.0.
- (6) Garages and storage buildings for storage of vehicles, supplies, equipment, etc. used in conjunction with the operation of the business.

3.15 B-1 Local Service District.

- (1) Statement of Intent. The intent of this district is to provide for an individual or a small grouping of retail and customer service establishments which will serve the daily needs of the local area residents. The physical location and arrangement of these facilities should be laid out so as to orient themselves to the local residential population to be served while remaining compatible in appearance and character with this area.

Recommended District Size: 80,000 - 130,000 Sq. Ft. (un-sewered)
 40,000 - 65,000 Sq. Ft. (sewered)

(2) Principal Use. The following uses and similar stores and shops offering convenience goods and personal services, provided that they shall be retail establishments, selling and storing only new merchandise provided there is no outdoor storage yard, and provided that retail convenience or service facility does not exceed 1,500 Sq. Ft. of area for the principal structure:

- (a) Low traffic generating retail stores and shops offering convenience goods and services, e.g. mini-markets, bakeries, and beauty shops;
- (b) Business and professional offices;
- (c) Specialties, e.g. dance schools and art studios;
- (d) Customer service establishments, e.g. tailor shops and restaurants not to include drive in or drive up type.

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Building	Height	Maximum	15 ft.
Yards	Street	Minimum	50 ft.
(sewered)	Rear	Minimum	25 ft.
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.
Yards	Street	Minimum	50 ft.
(un-sewered)	Rear	Minimum	50 ft.
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.

(4) Conditional Uses. (according to Section 4.0) permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 3.12.

- 3.16 B-2 Community Business District.

- Recommended District Size: 130,000 - 220,000 (un-sewered) Sq. Ft.
65,000 - 110,000 (sewered) Sq. Ft.

- Antique Shops
- Appliance Stores
- Churches
- Dry Goods Stores
- Financial Institutions
- Garden Supplies
- Catalog Stores
- Florist & Gift Shops
- Carpet Stores
- Travel Bureaus
- Caterers
- Furniture Stores & Upholstery Shops
- Hardware/Sporting Goods Stores
- Heating Supplies
- Junior Department Stores except Discount Department Stores and Discount Centers
- Leather Goods & Luggage Stores
- Medical Appliances
- Photographic Supplies
- Plumbing and Heating Supplies
- Radio & TV Repair & Service Shops
- Taxidermists
- Trade and Variety Stores
- Bicycle Sales, repair & rental
- Card & Picture Framing Shops

Office Supplies
Pet Shops For Indoor Sales Only

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Building	Height	Maximum	25 ft.
Yards(sewered)	Street	Minimum	50 ft.
	Rear	Minimum	25 ft.
	Side	Minimum	10 Ft. both sides
	Shore	Minimum	75 ft.
Yards(un-sewered)	Street	Minimum	50 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	10 Ft. both sides
	Shore	Minimum	75 ft.

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

(a) All uses specified under Sec. 3.12.

(b) Supermarkets

Places of Entertainment

Small Engine Repair

Laundry/Dry Cleaning Establishments employing not over four (4) persons

Liquor Stores

Music Stores with no outdoor speakers or amplification

Night Clubs

Personal Service Establishments

(5) Approval of Building, Site and Operational Plans. (According to Sec. 4.4)

- (a) Commercial recreational facilities, e.g.:
- | | |
|-----------------------|------------------|
| Clubs | Dance Halls |
| Driving Ranges | Lodges |
| Miniature Golf | Physical Culture |
| Skating Rinks | Bowling Alleys |
| Pool & Billiard Halls | Gymnasiums |
| Theaters | Turkish Baths |
| Arcades | |
- (b) Funeral Homes.
- (c) Water-oriented commercial uses when on lakes and streams, e.g., bait shops, bath houses, bathing and fishing areas, boat and marine sales, boat launching areas, boat liveryes, boat storage, repair and service marinas, sales, service and repair, dance halls, fishing equipment sales, hotels, resorts, restaurants, and campgrounds.

3.17 B-3 General Business District.

- (1) **Statement of Intent.** The primary intent of this district is to provide for the special development needs of those wholesale and retail stores, shops and services and those professional offices which, by their nature, are dependent upon a community wide trade area and/or employee base. The secondary intent of this district is to provide for certain commercial activities which are uniquely oriented towards the service of highway traffic. Therefore, whether for use as a community wide retail district, or for use by highway businesses, this district should be utilized to produce a safe and orderly placement of facilities and activities along and/or with access to major traffic routes. Additionally, when applied as a community wide business district, its size and location should be in relationship to the needs and economy of the entire service area.

Recommended District Size: 12 - 20 Acres (un-sewered)
6 - 11 Acres (sewered)

- (2) Principal Uses. Shall include all principal uses permitted in the B-1 and in the B-2 - Districts. Also, the following uses and similar wholesale and retail stores, shops and services provided that they do not have outdoor storage yards:

Automotive Part & Supply Stores
Department Stores, (except Discount Dept. Stores & Discount Centers)
Food Lockers
Monument Sales
Physical Culture & Health Studios
Printing, Advertising & Publishing Shops

Private Clubs, Lodges & Indoor Court Facilities
 Trade & Contractors Offices
 Feed & Seed Stores
 Vending Machine Sales, Service & Repair
 Wholesale Establishments, except Vehicle Wholesale & Auction

(3) Basic District Standards. The basic lot standards in this District shall be as follows:

Building	Height	Maximum	35 ft.
Yards (sewered)	Street	Minimum	50 ft.
	Rear	Minimum	25 ft.
	Side	Minimum	10 ft Both sides
	Shore	Minimum	75 ft.
Yards (un-sewered)	Street	Minimum	50 ft.
	Rear	Minimum	50 ft
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this District shall be as follows:

- (a) All uses specified under Sec. 3.12.
- (b) All conditional uses specified under the B-2 District.
- (c) Vehicle Body Shops when accessory to sales, but not including the storage of junked or wrecked vehicles and parts.
- (d) Drive-in Theaters.
- (e) Commercial stables with a minimum of twelve (12) acres.
- (f) Model homes and garages.

- (g) Animal hospitals with or without boarding, with outdoor pens, providing all principal structures are at least three hundred (300) feet from any less restrictive zoning district.
- (h) Auction galleries (indoor only).
- (i) Auto, Truck & Heavy Equipment Sales, Service and Mechanical repair.
- (j) Automotive Upholstery Shops.
- (k) Boat Sales, Rental and Repair.
- (l) Building Material & Product Sales.
- (m) Exterminating Shops.
- (n) Motorcycle and RV Sales, Repair and Service.
- (o) Newspaper Offices and Press Rooms.
- (p) Radio Broadcast Studios.
- (q) Second Hand Shops and Pawn Shops.

(5) Approval of Building Site and Operational Plans. (According to Sec. 4.4)

- (a) All uses requiring Sec. 4.4 Review under the B-2 "Community Business District"
- (b) Highway Business Uses - **(H.B.)** - such as:
 - 1) Drive-in establishments serving food or beverages for consumption outside the structure.
 - 2) Motels, mini-warehouses.
 - 3) Tourist's homes provided such district is located on a State Trunk or U.S. numbered highway.
 - 4) Highway oriented recreation, e.g. driving ranges, miniature golf.
 - 5) Discount Department Stores and Discount Centers.
 - 6) Home building centers, including lumber yards.

7) Outdoor sales, e.g. garden centers, nurseries, greenhouses and landscaping supplies.

8) Any B-3 Principal Use to be developed in an area mapped as B-3 (H.B.).

(c) Outdoor Display Areas when accessory to a principal use.

(6) Adult Entertainment Overlay District (AEO)

(a) Statement of Intent. Mindful of the fact that it is the intent of this Ordinance to protect the health, safety and morals of the citizens of the Town of Black Wolf and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhood in the Town of Black Wolf and prevent adverse and deleterious effects contributing the blight and downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment and also mindful of the criminal activity and disruption of public peace associated with such establishments of adult entertainment. By the enactment of the Ordinance, the Black Wolf Town Board does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

(b) Definitions. For the purpose of this section:

"Specified sexual activities" is defined as:

- 1) Human genital in a state of sexual stimulation or arousal.
- 2) Acts of human masturbation, sexual intercourse or sodomy.
- 3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

"Specified anatomical areas" is defined as:

- 1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the aureole.
- 2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Adult Establishments" includes bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, cabarets and video rental and sales agencies, and are specifically defined as:

- 1) Adult Bookstore. An establishment having a substantial or significant portion of its stock and trade in books, magazines and other periodicals, videos, tapes, and other similar items, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- 2) Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- 3) Adult Motion Picture Theater (Outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- 4) Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- 5) Adult Bath Houses. An establishment of business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.
- 6) Adult Massage Parlors. A business or establishment with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activities" as defined in this ordinance.
- 7) Adult Modeling Studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

- 8) Adult Body Painting Studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For the purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
 - 9) Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
 - 10) Adult Novelty Shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items including movies, tapes, videos, books, etc., which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.
 - 11) Adult Video Stores. An establishment or business that provides video rentals or sales which are distinguished or characterizes by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- (c) Adult Entertainment District. So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land, there is hereby created an adult entertainment district which, subject to the standards set forth in the Ordinance, may be used for an adult establishment as defined herein.
- (d) Adult Entertainment District Overlay - General Standards. Adult bath houses, body painting studios, bookstores, cabarets, massage parlors, mini-motion picture theaters, modeling studios, motion picture theaters, motion picture theaters (outdoors), novelty shops and video stores in the AEO District.
- 1) The Adult Entertainment District shall only be established by Conditional Use Permit in situations in which the underlying district is a B-3 Business District.
 - 2) No more than one of the above adult uses may be established on any one parcel and the establishment of any one of the above adult uses shall be at least 1500 feet from the establishment of any other adult use. No adult shall be permitted within 2000 feet of any land zoned residential or institutional or within 2000 feet of a residential Planned Unit Development or Residential Property in Agricultural Zoning.

- 3) There shall be no sale of intoxicating beverages in the Adult Entertainment District.
- 4) Signs advertising any of the aforementioned adult uses shall conform with Section 7 of this Ordinance with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict specified sexual activities and/or specified anatomical areas as defined in the Ordinance, and provided further that there shall be no flashing or traveling lights located outside the building.
- 5) Adequate parking shall be provided in a lighted area.
- 6) There shall be no display windows on the premises.
- 7) The owner and/or operator of the adult entertainment establishment shall agree to comply with all State, Federal and Local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further insure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- 8) In the case of adult cabarets, there shall be compliance with Section 3.15 (4) of this Ordinance relating to noise, and the hours of operations for such establishments shall be limited to the same hours of operation for bars and taverns within that community within which the district is located, it shall also comply with the Town of Black Wolf Cabaret Ordinance.
- 9) In the case of adult motion picture theaters (outdoors), the establishment shall comply with the same conditional use standards set forth for drive-in theaters in the B-3 District and shall furthermore comply with the standards set forth in Sections 3.16 (4) of this Ordinance pertaining to noise. Furthermore, outdoor adult motion picture theaters shall confine their hours of operation to those hours of operation established for bars and taverns within the community within which the establishment is located. Outdoor adult motion picture theaters shall also have a viewing screen located in such a fashion as to not be visible from any road, street, highway or residence and the premises shall be surrounded by solid fencing at least eight feet in height. All theaters shall be in compliance with Section 134.46 of the Wisconsin Statutes.
- 10) Prior to the establishment of an adult entertainment district, an inventory of the surrounding area and population shall be made by a Registered Land Surveyor or Planner, along with a study of proposed development and plans for the area so as to enable the Town of Black Wolf Planning &

Zoning Committee to make appropriate findings relating to the effect of the establishment of such a district in that area.

11) The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Town of Black Wolf Planning & Zoning Committee.

(e) Principal Uses. No principal uses shall be permitted as a matter of right in the Adult Entertainment Overlay District. All uses shall be conditional uses.

(f) Conditional Uses.

- 1) Adult Bath Houses
- 2) Adult Body Painting Studios
- 3) Adult Bookstores
- 4) Adult Cabarets
- 5) Adult Massage Parlors
- 6) Adult Mini-Motion Picture Theaters
- 7) Adult Modeling Studios
- 8) Adult Motion Picture Theater
- 9) Adult Motion Picture Theaters (Outdoors)
- 10) Adult Novelty Shops
- 11) All Accessory, Conditional, and Principal Uses of Underlying District
- 12) Video Rentals/Sales Agencies

(g) Underlying District Standards. Lot area and width, building height and area, yard requirements and sanitary sewer systems required in the underlying district shall be complied with in the Adult Entertainment Overlay District.

(h) Procedure for Establishing Adult Entertainment District.

- 1) An application for the establishment of an Adult Entertainment District petitioning for the issuance of a conditional use permit shall be made in accordance with Section. §. 4.
- 2) No application for an Adult Entertainment District shall be approved by the Town of Black Wolf Planning and Zoning Committee unless, however, the following findings have been made:
 - (a) That all the standards and requirements in this Ordinance have been met.
 - (b) That the proposed use will not be a detriment to the public welfare.
 - (c) That the proposed zoning change is consistent with the general intent of any comprehensive plan in existence.

- (d) That the existing streets and utility services are adequate for the proposed use.
 - (e) That the establishment will in no way contribute to the deterioration of the surrounding neighborhood.
 - (f) That the presence of the adult entertainment establishment will not have a harmful influence on children residing in or frequenting the area.
- 3) Approval of the application shall cause the official zoning map to be annotated as an Adult Entertainment District (AEO).

3.18 B-4 Business Park District (Sewered Only)

- (1) Statement of Intent. The intent of this district is to provide for the development of an attractive and aesthetically pleasing mixed group of office uses and activities in a park-like setting. This district is further intended to promote the provision of ample off-street parking and loading areas, on-site open space, landscape plantings, and planting screens in areas adjacent to non-business or other incompatible land uses/zoning districts.
- (2) Principal Uses. The following and similar uses shall be permitted subject to the same process of application, except that a public hearing shall not be necessary. Upon written request by the Town of Black Wolf Town Board all site development plan review, approval, and enforcement within the B-4 district shall be done by the Town. When such review, approval and enforcement authority has been transferred to a Town, such authority shall remain with the Town for a period of not less than 12 months, after which time the Town may request the County take over this responsibility. When a Town has assumed the review, approval and enforcement authority, the plan review fee, if any, shall be as set forth by the Town.
- (a) Printing and publication
 - (b) Professional offices and services including, but not limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services.
 - (c) Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services.
 - (d) Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investments, insurance agency, insurance carriers, governmental and public services.
- (3) Accessory Uses. Section 3.13 (1) - (6) shall not apply in the B-4 zoning district. The following accessory uses shall be permitted:

(a) Fences. Security fences are permitted on the side and rear property lines but no closer to the street yard property line than the principal structure. Security fences shall be of an open type (not more than 50% opacity) and shall not exceed eight (8) feet in height. Decorative and privacy fences (i.e. wooden wrought iron, etc. versus chain link) no more than six (6) feet in height shall be permitted on the side and rear property line but no closer to the street yard property line than the principal structure. Decorative fences four (4) feet in height or less shall be permitted with a ten (10) foot street yard setback.

(b) Outdoor Lighting. Outdoor lighting installation shall be regulated as follows:

- 1) No light fixture shall exceed twenty-five (25) feet in height.
- 2) All outdoor lighting fixtures shall be of a cut-off design (i.e. shall not emit light at an angle greater than 90 degrees from vertical).
- 3) All outdoor lighting fixtures shall be adequately shielded or directed so as to confine the area of light dispersion to the property and/or building area on which such fixture is located.
- 4) Use of wooden poles for outdoor lighting shall be prohibited.
- 5) The following types of lighting shall be prohibited except as otherwise approved by the Town of Black Wolf Town Board:
 - a) Festoon lighting, "string" lighting or any light source erected in such manner as to be subject to noticeable periodic movement as a result of wind pressure or atmospheric conditions.
 - b) Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.
 - c) Display of intermittent lights or flashing, blinking, moving, beacon or search lights except as follows:
 1. Where such lights are required by State or Federal Law.
 2. Where such lighting is a temporary nature including but not limited to holiday displays and grand opening events.

(c) Signs. Signs shall be permitted in accordance with Section 7 of the Town of Black Wolf Zoning Ordinance.

(d) Parking. Parking requirements shall be in accordance with Section 5 of the Town of Black Wolf Zoning Ordinance except as follows:

- 1) No driveway or parking area shall be located closer than ten (10) feet to a side or rear lot line or twenty-five (25) feet to a street yard lot line. That portion of

driveway required for roadway access shall not be subject to the aforesaid street yard setback requirement.

- 2) All parking and driveway areas shall be hard-surfaced (i.e. blacktop, concrete, etc.) within twelve months of receiving approval to occupy the principal structure.

- (e) Garages and Storage Buildings. Detached garages and storage buildings for storage of vehicles, supplies, equipment used in conjunction with the operation of the premises or for use by the resident occupant of the premises subject to the following conditions:

- 1) No detached garage or storage building shall exceed twenty (20) feet in height.
- 2) No detached garage or storage building shall be situated closer than ten (10) feet to a side or rear lot line nor shall detached garage or storage building be situated closer to the street yard lot line than the principal structure.

- (f) Radio and Television Antennas. Radio and television antennas not attached to the principal structure may be permitted to the sides and rear of the principal structure provided they are set back from the side and rear property lines a distance equal to or greater than the height of the antenna. No radio or television antenna shall be situated closer to the street yard lot line than the principal structure.

- (g) Satellite Dishes. Satellite dishes shall be permitted subject to the following conditions:

- 1) Not more than one satellite earth station may be allowed per lot.
- 2) Satellite earth stations shall be allowed in rear and side yards; however, satellite stations may not be any closer to the street line than the established setback of the principal building or structure.
- 3) Side and rear yard setbacks shall be equal to or greater than the required side and rear yard setbacks for the principal structure, but not less than the total vertical height of the satellite earth station.
- 4) Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be permitted subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite earth station is structurally sound. A building mounted satellite station where visible from the front lot line will be permitted only when reception would not be possible from a less conspicuous location as verified by appropriate test data.
- 5) The owner who proposes a building-mounted satellite earth station must also submit a plan for screening the satellite earth station from surrounding properties in a manner that is appropriate to the architecture of the building.

Building mounted satellite earth stations shall not exceed the maximum height regulation of the zoning district in which they are located.

- 6) Ground mounted satellite earth stations located where visible to adjacent streets or roadways or neighboring properties shall be of a dark color and effectively screened by the use of appropriate landscaping or a structure (i.e. 100% opaque screening).
 - 7) All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of eight (8) m.p.h.
 - 8) No form of advertising or identification is allowed on the dish or framework other than the customary manufacturer's identification plates.
 - 9) Portable or trailer mounted satellite earth stations are not allowed. Exception: Temporary installations for on-site testing and demonstration purposes may be allowed for periods not to exceed 46 hours with prior approval from the Town Building Inspector or his/her designee.
 - 10) Electrical installations in connection with earth satellite receiving stations including grounding of the systems shall be in accordance with the National Electrical Code Standards.
 - 11) All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground.
 - 12) Satellite earth stations that cause any interference with the radio and/or television broadcasting or reception on nearby properties shall be governed in accordance with Federal Communications Commission Standards.
 - 13) No satellite earth station shall be erected without first obtaining a building and zoning permit.
- (4) Conditional Uses. Section 3.12 shall not apply in the B-4 zoning district. The following and similar uses shall be permitted subject to application, review, and approval in accordance with Section 4 of the Town of Black Wolf Zoning Ordinance.
- (a) Health clubs, barber shops, beauty salons, florists, (not including greenhouses) and studios for photography, painting, music, dance and other recognized fine arts where such uses are situated in the building of an approved principal use.
 - (b) Commercial child day care facilities.
 - (c) Restaurants (not including drive-in or drive-thru facilities), when located in the building of an approved principal use.
 - (d) One residential living quarter when located within the building of an approved principal use and provided occupancy thereof is restricted to an owner,

manager, caretaker or employee of the principal business. Such living quarter shall not exceed 1000 square feet in floor space, or 1% of the total building floor space, whichever is less.

- (e) Outside storage yards accessory to an approved principal use, provided such storage is adequately screened from the surrounding view.

(5) General Regulations.

- (a) No use which is offensive by reason of odor, smoke, fume, dust, noise, vibrations, radioactive emissions, pollution, or which presents excessive danger for fire or explosion shall be permitted.
- (b) Site access shall be oriented toward internal circulation drives with limited access points to existing roads.
- (c) All business park developments shall be serviced by underground utilities and infrastructure.
- (d) No transformer, electric, gas or other meter of any type shall be visible from the surrounding roadways or neighboring properties. Curb, gutter and storm sewer shall be required in all business park developments.
- (e) All business, servicing, processing, or storage except for off-street loading and parking areas, shall be conducted within completely enclosed buildings unless otherwise permitted herein or specifically approved by the Town of Black Wolf Plan Committee and Town of Black Wolf Town Board.
- (f) To alleviate any potential off-site impacts due to increased storm water run-off attributes to the business park development, one or more storm water retention/detention areas may be required. If such retention/detention areas are required, it shall be the responsibility of the property owner, or if applicable, the Property Owner's Association, to provide maintenance and upkeep thereof.

(6) Basic District Standards

- (a) Lot Coverage/Open Space. Not more than 60 percent of the lot shall be covered by an impervious surface (i.e. buildings, structures, pavement, etc.).

The open space configuration shall be an important element in the site plan review process.

- (b) Building Size/Floor Area Ratio. The building(s) floor area ratio shall not exceed 40 percent. The floor area ratio shall be calculated as the gross floor area of all buildings on a site divided by the gross site area.

- (c) Building Height.

- I) Principal structures. Principal structures shall not exceed 25 feet in height.

- (d) Yards.

- 1) Street. All structures shall be setback a minimum of 60 feet from any public, private, or officially mapped street/right-of-way. All parking lots or drives shall be setback a minimum of 30 feet from any public, private or officially mapped street/right-of-way.
 - 2) Rear. All structures shall be setback a minimum of 25 feet from the rear property line except as otherwise specified in this section.
 - 3) Side. All structures shall be setback a minimum of 20 feet from the side property line except as otherwise specified in this section.
 - 4) Shore. All structures shall be setback a minimum of 75 feet.

- * The above yards shall apply except where any portion of the development is adjacent to a residentially zoned property, in which case the Town of Black Wolf Planning and Zoning Committee and Town of Black Wolf Town Board may require an increased setback of up to 50 feet if deemed necessary to prevent an adverse impact of the residential site.

- (e) Loading Docks. Loading docks shall generally not face a dedicated or reserved public street. Sufficient on-site space shall be provided for each principal use as will enable the maneuvering of trucks to and from the loading docks without using public streets.

- (f) Roof-Mounted Equipment. All roof-mounted equipment shall be located, screened and/or painted using colors and architectural materials compatible with the principal building in order to minimize its visibility from streets and neighboring properties.

- (g) Outside Storage.

- 1) All required setback yard areas shall be landscaped and kept clean and free from the accumulation of debris and/or refuse, and shall not be used for the storage or display of any equipment, materials, products, vehicles or supplies.
 - 2) All development sites shall provide a refuse storage area adequate in size to serve the business uses situated thereon. Refuse storage receptacles shall be entirely screened from the view of surrounding properties and streets and the screening shall be a height not less than the height of the refuse receptacle.
 - 3) Refuse storage areas shall be permitted only to the rear of the principal structure. In no case shall a refuse storage area be situated closer than 20 feet to a side or rear property line.
- (h) Landscaping. Within one year of receiving approval for building occupancy, all yard areas shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials. Landscaping shall relate to the paved and building areas of the site relative to massing, size, shape and color. At the time of planning, vegetation shall be of sufficient size as to noticeably enhance the site (i.e. elements). Plant material shall be of hardy quality, preferably native to Wisconsin.
- (i) Architectural Control.
- 1) All exterior building walls shall be of the same color scheme and shall utilize the same architectural materials.
 - 2) The exterior building walls may be of metal except the lower one-third or lower seven feet (whichever is less) shall be of masonry, stone, glass or architectural precast concrete panels.
 - 3) Plain concrete blocks are prohibited on any exterior surface of a building.
- (1) Sanitation. In the interest of maintaining compact development patterns which in turn promotes efficiency in the delivery of public services such as police and fire safety, transportation, etc., B-4 (Business Park) developments shall be required to utilize municipal sewage disposal systems. Private on-site sewage systems such as septic, mound and holding tanks are expressly prohibited in the B-4 district.

(7) Basis for Approval.

- (a) To implement the intent of the B-4 district as set forth in Section 3.16 of the Town of Black Wolf Zoning Ordinance, site development plan review shall

take into consideration, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, sewerage and water systems, and proposed operation. The Town of Black Wolf Planning and Zoning Committee or Black Wolf Town Board of Supervisors will approve said site plans only after determining that:

- 1) The proposed use(s) conform(s) to the uses permitted in that zoning district.
- 2) The dimensional arrangement of building and structures conform to the required area, yard, setback, and height restrictions of this section.
- 3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this section for the specified uses.
- 4) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the projects in order to assure the safety and convenience of pedestrian and vehicular traffic.
- 5) The proposed on-site buildings, structures, and entryways are situated and designated to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water, drainage, erosion control, grading, lighting and parking, as specified by this section and any other codes or laws.
- 6) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- 7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this section.
- 8) Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.
- 9) The site plan is consistent with the intent and purpose of this section, which is to promote the public health, safety and general welfare, to encourage the use of lands, in accordance with their character and adaptability, to avoid overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community development plans.

3.19 P-1 Institutional & Recreational Park District.

- (1) Statement of Intent. The intent of this District is to provide an area for public and private institutional and recreational uses. The area utilized for such a district should be such that it is compatible with and is an asset to the surrounding land uses.
- (2) Principal Uses. Shall include public and private institutional uses such as: colleges and universities, parks and playgrounds, religious and charitable institutions, and schools.
- (3) Basic District Standards. The basic lot standards in this district shall be as follows:

Building	Height	Maximum	50 ft.
Yards	Street	Minimum	75 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	15 ft.
	Shore	Minimum	75 ft.

- (4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) Airports, airstrips, and landing airfields with a minimum area of 20 acres.

- (b) Public and quasi-public cultural recreational facilities, e.g.:

- Golf Courses
- Driving Ranges
- Archery and Firearm Ranges (Outdoor)
- Sports Fields
- Zoological and Botanical Gardens
- Race Tracks
- Camp Grounds
- Exposition & Fair Grounds
- Riding Academies & Stables

- (c) The following shall require a minimum of twenty (20) acres:

- Camp Grounds
- Exposition & Fairgrounds
- Riding Academies and Stables
- Cemeteries

- (d) Penal Institutions

- (5) Accessory Uses. Permitted accessory uses in this district shall be as follows:

- (a) All accessory uses listed under Sec. 3.13.
- (b) Clubs, taverns, nightclubs, restaurants and convenience goods and services, etc. when supportive of the Principal Use.
- (c) All equipment and improvements used in conjunction with the Principal Use.

3.20 Agricultural Conditional Uses. Agricultural conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance. In addition to those stated under Sec. 2.9, and unless otherwise specified, the following shall be conditional uses in all Agricultural districts of this Ordinance:

- (1) Airports, Airstrips and Landing Fields - agricultural and nonagricultural related, with a minimum of 20 acres and compliance with all FAA Regulations
- (2) Cemeteries and Colleges and religious and charitable institutions, Crematories, Universities
- (3) Condenseries, Creameries, Commercial butchering of animals, Commercial boarding of stable animals, Migratory Laborer Housing, Animal Hospitals
- (4) Sludge Disposal (Disposal must be in accordance with NR 113 of The Wisconsin Administrative Code.)
- (5) Storage and maintenance of construction equipment and vehicles is permitted as a conditional use if the storage area for all such equipment and vehicles is at least six hundred (600) feet from Residential, and Public and Semi-Public Districts. Except not allowed in A-1 "Agri-Business District".
- (6) Mobile home(s) which shall be occupied as an accessory use to the farm operation, except in the A-1 Agri-Business District, the occupant must earn a substantial part of his/her livelihood from farm operations on the parcel, providing:
 - (a) The Zoning Administrator verifies - in writing - said use of the proposed mobile home(s).
 - (b) The farm operator agrees - in writing - that discontinuance of the Mobile home occupancy as the specified accessory use will necessitate removal of the mobile home.
 - (c) The conditional use shall be renewed every two (2) years.
- (7) Farming operations, e.g. duck, turkey, mink farms, which involve potential nuisance conditions requiring special waste disposal and treatment facilities, e.g. lagoons and/or overhead irrigation disposal systems.

(8) Nurseries and Orchards for commercial use.

3.21 Agricultural Accessory Uses. In addition to those accessory uses specified under Sec. 2.9 (2) and 3.3, the following accessory standards shall apply in all Agricultural Districts:

(1) Security fences are permitted on the property line, but shall not exceed ten (10) feet in height and shall be of an open type or similar to woven wire or chain link fencing.

(2) Signs are permitted according to Sec. 7.0.

(3) One (1) roadside stand on any one (1) farm shall be permitted, providing it will be used only for the sale of the farm products raised on said farm.

(4) Outbuildings.

3.22 A-1 Agri-Business District.

(1) Statement of intent. The intent of this district is to identify and to establish those areas of the Town suited to the economics of large scale agricultural uses. In turn, the value of this land is to be maintained by protecting these areas from the intrusion of urban uses. The location of this district should encompass sufficient acreage where soil characteristics and/or existing operations will facilitate extensive production of crops; forest products; livestock, poultry and their products; and dairy products.

Identification of such districts should be by the use of detailed soil maps and by production records of the State of Wisconsin, Department of Agriculture. Principal uses shall include all farming and agricultural activities generally conducted on a large scale.

(2) Special Agri-Business Provisions. Establishment of a lot(s) for existing dwellings not accessory to any farm operation and farm dwellings remain after consolidation of neighboring farms are permitted, providing the lot shall comply with all the provisions of the applicable Residential District.

(3) Basic District Standards The basic lot standards in this district shall be as follows:

Farm	Frontage	Minimum	300 ft.
	Area	Minimum	80 acres
Structure	Height	Maximum	NONE
	Spacing	Minimum	10 ft. between each structure
Yards	Street	Minimum	75 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	15 ft. each side

Shore	Minimum	75 ft.
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(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 3.18.
- (b) Town halls, town offices and town fire stations.
- (c) Farm dwellings which are for those resident laborers who earn a substantial part of their livelihood from farm operations on the parcel, provided: the zoning administrator verifies in writing said use of proposed residential unit. (Yard standards according to the applicable Residential District.)

(5) Accessory Uses. Permitted accessory uses in this district shall be as follows:

- (a) All uses listed under Sec. 3.19.
- (b) Farm dwellings, (one and two family) for those resident owners who earn a substantial part of their livelihood from farm operations on the parcel. (Yard standards according to the applicable Residential District.)

3.23 A-2 General Farming.

- (1) Statement of intent. The intent of this district is to allow the development of small scale farming activities characterized by the mixed crop of the traditional "family farm" along with residential growth, although agriculture is to be recognized as the dominant activity in the district.
- (2) Principal uses. Shall include all uses permitted in the A-1 District and one and two family dwellings, whether or not accessory to farm operations. However, those residences which are not accessory to farm operations shall be restricted to the principal, accessory and conditional uses of the affected Residential uses.
- (3) Basic District Standards. The basic lot standards for residential uses in this district shall be those of the applicable Residential District, whether R-1 or R-3. The basic lot standards for farm uses shall be as follows:

Farm	Frontage	Minimum	300 ft.
	Area	Minimum	10 acres
Structure	Height	Maximum	NONE
	Spacing	Minimum	10 ft. between each structure

Yards	Street	Minimum	75 ft.
Rear		Minimum	50 ft.
Side		Minimum	15 ft. each side
Shore		Minimum	75 ft.

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 3.18, when developed according to Basic District Standards - Farm.
- (b) All Conditional Uses specified under the applicable Residential Use: R-1 for single family; R-3 duplex when not according to Basic District Standards - Farm.

3.24 Industrial Conditional Uses. Industrial conditional uses and their accessory uses are considered as special uses which require review, Public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance. In addition to those stated under Sec. 2.9 (4), the following shall be conditional uses in all industrial districts of this Ordinance:

- (1) Public passenger transportation terminals, except airports, airstrips and landing fields, provided all principal structures and uses are not less than three hundred (300) feet from any Residential district boundary.
- (2) Animal hospitals provided all principal structures and uses are not less than three hundred (300) feet from any Residential, Business, or, Agricultural use.

3.25 Industrial Accessory Uses. In addition to those accessory uses and standards specified under Sec. 2.9 (2) and 3.3, the following accessory standards shall apply in Industrial districts:

- (1) Security fences are permitted on the property line, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or chain link fencing - unless other specified by the conditional use permit.
- (2) Outdoor lighting installations are permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties, and shall meet all state electrical codes with height not to exceed 25 ft.
- (3) Signs are permitted according to Section 7.0.

(4) Parking is required according to Section 5.0.

(5) Storage facilities, power supply buildings and other uses normally supportive of the Principal Use.

3.26 M-1 Light Industrial District.

(1) Statement Of Intent. The intent of this district is to provide for the development of "clean" industrial employment centers within the immediate vicinity of residential neighborhoods. As with any activity which draws users from beyond the immediate population which surrounds it, suitable traffic routes and parking facilities must be integral to the location and plot plan design of the district.

(2) Principal Uses. The following and similar uses are permitted subject to approval by the Town of Black Wolf Planning and Zoning Committee as to location and operations (provided there is no outside storage of equipment or products):

(a) Research and testing laboratories, and training centers.

(b) Warehousing, food locker plants, cold storage warehousing, etc..

(c) Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication, and similar small industries.

(d) Manufacture, fabrication, packing, packaging, processing & assembly of confections, cosmetics, electrical appliances, electronic devices, foods (except garbage, fish and fish products, meat and meat products, and pea vineries), instruments, jewelry, pharmaceuticals, tobacco and toiletries.

(e) Wholesalers and distributors.

(f) Painting, printing, publishing establishments.

(g) Commercial bakeries and trade and contractor's offices.

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Building	Height	Maximum	45 ft.
Accessory Building	Height	Maximum	30 ft.
Lot	Area	Minimum	As necessary to comply with all district regulations

Yards	Street	Minimum	50 ft.
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Side & Rear Minimum 50 ft.

Shore Minimum 75 ft.

(4) Approval of Building Site And Operational Plans (According to Sec. 4.4) All structures and substantial improvements for principal uses subject to the following:

- (a) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.
- (b) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.
- (c) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any Residential District.
- (d) No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.
- (e) No vibration shall be detectable beyond the lot lines.
- (f) No glare or heat shall be detectable beyond the lot lines.
- (g) The storage or use of chemicals either solid, liquid or gas, shall be subject to the following conditions:
 - 1) The storage, utilization, or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.
 - 2) The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted providing the following condition is met:
 - (a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
 - 3) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

(5) Conditional Uses. (According to Section 4.0) Permitted conditional uses shall be as follows:

(a) All uses specified under Sec. 3.22.

(b) Outside storage yards.

3.27 M-2 Heavy Industrial District. The intent of this district is to provide for industrial uses often considered offensive or unique by nature. The location of such industries often requires isolation from residential areas and placement within industrial parks. It is the intent of the Town of Black Wolf not to create or provide such parks, nor to make other provisions for such industrial uses within the Town.

3.28 M-3 Extraction or Landfill District. (Overlay)

(1) Statement of intent. The intent of this district is to provide a means of properly regulating and reclaiming sites which are located primarily by their geological characteristics rather than to a planning and zoning process. It is the intent of the Town of Black Wolf not to create or provide for such operations or land fill sites within the town after the effective date of this ordinance.

(2) Principal uses. Shall include mineral extraction operations and closed landfill sites that are presently in existence.

3.29 Wireless Communications Facilities Ordinance

- (1) Statement of Intent. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The intent of this ordinance is to.,
- (a) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the Town of Black Wolf,
 - (b) encourage collocation of new and existing tower sites,
 - (c) encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal,
 - (d) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
 - (e) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(2) Definitions. As used in this ordinance, the following terms shall have the meanings indicated:

- (a) "Alternative tower structure" shall mean man-made structures such as clock towers, water towers, buildings, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- (b) "Antenna " shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.
- (c) "Collocation " shall mean the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.
- (d) "FAA" shall mean the Federal Aviation Administration.
- (e) "FCC" shall mean the Federal Communications Commission.
- (f) "Governing Authority" shall mean the governing authority of the Town of Black Wolf (Town Board, Planning and Zoning Committee, Zoning Administrator).
- (g) "Height" shall mean, when referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antennae.
- (h) "Personal Communications Service (PCS)" shall mean a provider of personal wireless service facilities as now defined in section 704 of the telecommunications act of 1996, 47 U.S.C. Par. 332, and as the same may be amended from time to time.
- (i) "Personal Wireless Facilities" shall mean transmitters, antennae structures and other types of installations used to provide personal wireless services.
- G) "Pre-existing Towers and Antennas" shall have the meaning set forth in Section 3 (d) of this ordinance.

(k) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or mono pole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

(l) "Tower Site" shall mean the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

(3) Applicability. No permit is required for the following uses:

(a) Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Governing authority.

(b) Amateur Radio and Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.

(c) Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 4.(c). Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas".

(4) General Provisions.

(a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Aesthetics, Lighting;

- 1) Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a light gray so as to reduce visual obtrusiveness and blend in to the natural setting and built environment.
- 2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- 3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

- (c) Federal Requirements. All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal Government with the authority to regulate towers and antennas.

(5) Conditional Uses.

- (a) Permit. A conditional use permit is required from the Town of Black Wolf for the following permitted uses:

- 1) Antennas. Locating a commercial antenna to an alternative tower structure, including placement of additional buildings or other supporting equipment used in connection with said antenna, shall be a permitted by conditional use in all zoning districts.
- 2) Towers. Locating a tower, including placement of additional buildings or other supporting equipment used in connection with said tower, shall be permitted by conditional use. Construction of new towers are prohibited in residential zoning districts.
- 3) Buildings. Buildings used for the exclusive use of housing antenna and tower equipment shall be no larger than 150 square feet per antenna.

- (b) Prohibited areas. Locating a tower in a residentially zoned area is prohibited.

(6) Conditional Use Requirements. Applications for conditional use permits shall adhere to the following:

- (a) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
- (b) Information Required. Each applicant requesting a conditional use permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and scaled by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.
- (c) Factors Considered in Granting Conditional Use Permits. The governing authority shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the intent of this ordinance are better served thereby.
 - 1) Height of the proposed tower;
 - 2) Proximity of the tower to residential structures and residential district boundaries;
 - 3) Nature of uses on adjacent and nearby properties;
 - 4) Surrounding topography;
 - 5) Surrounding tree coverage and foliage;
 - 6) Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users and reducing or eliminating visual obtrusiveness;
 - 7) Proposed ingress and egress;
 - 8) Availability of suitable existing towers and other structures as discussed in Section 6 (d) of this ordinance.
- (d) Availability Suitable Existing Towers or Other Structures. No new tower shall be conditionally permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna,
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (e) Accommodation of other users (Collocation)
- (1) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate collocation of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users. Tower and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment
 - (2) The holder of a permit for a tower shall allow collocation for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
- (f) Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a special permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the intent of this ordinance would be better served thereby.
- (1) Towers shall be set back a minimum distance of 1000' from any residential dwelling unit unless all residences within 1000' agree to it being built closer to them. (Revised 3/07).
 - (2) Towers, guy wires, and accessory facilities must satisfy the minimum zoning district setback requirements.

- (g) Security Fencing. Towers sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.
- (h) Landscaping. The following requirements shall govern the landscaping surrounding towers, however, the governing authority may waive such requirements if the intent of this ordinance would be better served thereby. Tower sites located in the B-4 zoning districts shall meet the requirements detailed in those sections.
- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.
 - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 - (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (7) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply:
- (a) The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of the governing authority does not occur within said ninety (90) days, the governing authority may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
 - (b) The applicant for a conditional use permit under this ordinance shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal based on the provisions of 8(a). Said agreement shall also identify that said agreement shall be binding on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).