

PUBLIC HEARING & MEETING NOTICE

Town of Lowell, Dodge County, Wisconsin Plan Commission

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given that a public hearing will be conducted during the meeting of the Town of Lowell Plan Commission to be held on Tuesday, July 6, beginning at 7:30 pm at the Lowell Town Hall, W8906 O'Sixteen Road, Reeseville, WI. Members of the Town Board may also be in attendance to gather information about a subject over which it has decision making authority. The purpose for this hearing is to receive and consider comments regarding proposed amendments to the following sections of the Town's Zoning Code: Section 3.5 (minimum dwelling unit requirements); 13-1-25 (Residential Dwelling Standards); 13-1-43 (RC-1 Rural Cluster District); 13-1-46 (AG-1 Agricultural District); 13-1-47 (Conservancy District); 13-1-49 (AE Agricultural Enterprise District); 13-1-50 (FP Farmland Preservation District); 13-1-72 (Home Occupations); 14-1-42 (CSM Land Division Requirements); 2-5-2 (Board of Zoning Appeals). The proposed ordinance and amendments are available for inspection at the Village of Lowell Library located at 105 N. River St, Lowell, WI, and the Village of Reeseville Public Library located at 216 S. Main St. Reeseville, WI, and at the website: www.townoflowell.com.

Theresa Firari, Town Clerk

ORDINANCE NO. 2010-____

**AN ORDINANCE AMENDING THE TOWN OF LOWELL ZONING CODE
TOWN OF LOWELL, DODGE COUNTY, WISCONSIN**

WHEREAS, the Town of Lowell, Dodge County, Wisconsin, is authorized by Wisconsin Statutes Sec. 60.62, Sec. 61.35, and Sec. 62.23 to adopt a zoning Code for the purpose of promoting the health, safety, morals or the general welfare of the Town consistent with the goals, objectives and policies of the Town of Lowell comprehensive plan; and

WHEREAS, the Town of Lowell Town Board adopted a comprehensive revision to the Town of Lowell Zoning Code in September, 2004, and

WHEREAS, the Town of Lowell Town Board adopted the Town of Lowell 2030 Comprehensive Plan in July, 2009; and

WHEREAS, the Town of Lowell Plan Commission held a series of meetings to review necessary amendments to the Zoning Code during 2009 and 2010, and, held a public hearing of said code amendments on July ____, 2010, for purposes of soliciting comments and recommendations from the Town's residents and property owners concerning said amendments to the Zoning Code; and

WHEREAS, the Town of Lowell Plan Commission has recommended to the Town Board that the proposed amendments contained in the exhibits attached hereto are necessary and appropriate and that said amendments should be adopted by the Town Board and be forwarded to Dodge County for review and approval; and

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF LOWELL, DODGE COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

Section 1. Adoption of Amendments.

The amendments contained in Exhibits "A" through "I" are hereby ADOPTED and shall be made part of the Town's Zoning Code after review and approval by the Dodge County Board of Supervisors, as required under Wisconsin Statutes Sec. 60.23(3).

Section 2. Effective Date.

This Code shall take effect the day after the proof of posting in accordance with Wisconsin Statutes Section 60.80(1) has been filed with the Town Clerk, and, after review and approval by the Dodge County Board of Supervisors.

ADOPTED and approved this day, _____, 2010.

Town Board, Town of Lowell

Town Chairman

Supervisor #1

Supervisor #2

ATTEST and CERTIFIED:

Town Clerk

EXHIBIT "A"

Town of Lowell Zoning Code Amendment

Section 13-1-25 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

13-1-25 Minimum Residential Dwelling Standards.

- (f) Substandard Dwellings Prohibited.
 - (1) After the effective date of this Ordinance, the construction, installation and/or moving of dwellings within the Town that do not meet the minimum requirements established in 13-1-25 herein, including traditional mobile homes, manufactured homes, modular homes, or any other building or structure intended to be occupied as a dwelling unit, are prohibited.
 - (2) This restriction is not intended to affect the replacement of an existing mobile home that was legally installed or located on a lot or parcel prior to August 1, 2010, provided that the replacement mobile home is:
 - a. equal or greater in size, value, structural condition and appearance;
 - b. served by a legally installed and operational septic system; and
 - c. replacing an existing mobile home that was occupied and used for dwelling purposes on the effective date of this Ordinance.
 - (3) To ensure dwellings moved into the Town meet the requirements herein, an inspection permit shall be required with an inspection conducted by the Plan Commission prior to moving the dwelling into the Town.

PUBLIC HEARING DRAFT

EXHIBIT "B"

Town of Lowell Zoning Code Amendment

Section 13-1-43 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

13-1-43 RC-1 Rural Cluster Overlay District.

- (a) Purpose and Characteristics. The RC-1 Rural Cluster Residential Overlay District is primarily intended to provide for the creation and development of individual non-farm single-family residential lots or multiple non-farm residential lots development clustered in small groups in order to preserve the rural and natural environment. The RC-1 District is intended to be applied to undeveloped land currently in the AG-1: Agricultural and C-1: Conservancy Districts where the overall densities of such development shall not exceed one (1) dwelling unit per twenty-five (25) acres of land. The RC-1 District cannot be applied to undeveloped land currently in the AE: Agricultural Enterprise or FP: Farmland Preservation Districts.
- (b) Permitted Uses.
- (1) Single-family dwellings and essential services.
 - (2) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (3) Foster family care.
 - ~~(4) Minor Home occupations and professional home offices (see Section 13-1-72). and residential businesses.~~
 - (5) Agricultural activities on non-farm lots limited to:
 - a. The cultivation, harvesting and sale of crops and related farm products.
 - b. The raising and sale of livestock or fowl, with associated pasture and barnyards (subject to the animal unit restrictions in Section 13-1-43(f) herein).
 - c. Orchards, nurseries, greenhouses and related horticultural uses.
 - d. Growing and sale of Christmas trees.
 - (6) Open space uses, primarily passive including:
 - a. Hiking and walking trails, picnic areas and similar uses.
 - b. Conservation of natural areas in their existing state.
 - c. Easements for access, drainage, sewer and water lines or other public purposes.
 - d. Storm water management facilities for the proposed development, including detention and retention ponds.
 - (7) Dog kennels and horse boarding (see Section 13-1-76).
- (c) Conditional Uses.
- (1) Conversion of single-family dwelling to a two-family dwelling, provided that:
 - a. The dwelling shall have a minimum total building area of two thousand (2,400) square feet.
 - (2) Two-family dwelling, provided that:
 - a. The proposed two-family dwelling is architecturally compatible with the character of a single-family residential development typically permitted in the RC-1 District.

- b. The proposed two-family dwelling shall have a minimum total building area of two thousand four hundred (2,400) square feet.
- (3) ~~Bed & Breakfast or other similar establishments (see Section 13-1-71). Boarders and lodgers not to exceed two (2) persons per dwelling.~~
- (4) ~~Stables, Commercial Dog kennels and horse boarding (see Section 13-1-76).~~
- (5) Utilities (see Section 13-1-73).
- (6) ~~Major Home occupations and professional home offices (see Section 13-1-72).~~
- (7) ~~Agricultural uses listed under (b)(5) above other than those that are permitted uses, on parcels less than three (3) acres in area.~~
- (8) ~~Governmental and cultural uses (see Section 13-1-73) as approved by the Town.~~
- (9) Residential lots are allowable on substandard lots if they:
- Were created before the adoption of this Chapter; and
 - Are a minimum of one (1) acre.
- (d) RC-1 Site Regulations.
- (1) Parent Tract Size.
- Minimum twenty-five (25) acres.
 - If a parent tract proposed for land division is forty (40) acres or less in size:
 - the entire parent tract must be included in the land division document (certified survey map or subdivision plat) and ordinance attaching the RC-1 Overlay District.
 - If a parent tract proposed for land division is greater than forty (40) acres:
 - only the lot being created is required to be included in the land division document provided that the entire parent tract is included in the zoning ordinance assigning the RC-1 District; and
 - a deed or other legal document restricting the remaining land from further division or development that has been reviewed and approved by the Town Board shall be recorded with the land division document (CSM or plat).
- (2) Density.
- the number of non-farm lots that can be divided from a parent tract (i.e. one "development right") shall be limited to one (1) lot for each twenty-five (25) contiguous acres.
 - All land within a parent tract that is currently zoned AG-1 or C-1 can be used in the calculation of the total number of "development rights" for a parent tract.
 - If a parent tract contains more than fifty (50) acres, two (2) or more "development rights" may be combined so that one, larger lot may be created and developed. When two or more "development rights" are proposed for combination, the lot being

- created can be increased up to three (3) additional acres for each "development right" used.
- d. The number of non-farm lots that can be created from land already located in the RC-1 District was determined at the time the rezoning of such land was approved and is available from the Town.
- (3) Lot Size for Residential Use Area.
- a. Minimum: Two (2) acres.
- b. Maximum: Three (3) acres (except that the maximum lot size may be increased up to five (5) acres where the creation of a lot equal or less than three (3) acres would result in the creation of outlots that cannot be logically included as part of the original agricultural land or reasonably used for agricultural purposes, or, in the opinion of the Plan Commission an increase in the maximum lot size will result in a more logical layout or parcel configuration or approximately close to such dimensions- depending on natural boundaries, fence lines, ditches, etc.).
- (4) Lot Location and Layout.
- a. where and when practical, lots should be created from that portion of a parent tract that is less suitable for agricultural uses by virtue of:
- i. having relatively less productive soils,
- ii. being wooded, having relatively steeper topography,
- iii. having an odd shape or limited width due to natural or other fixed boundaries,
- iv. being located relatively farther away and/or naturally buffered from existing agricultural operations on adjacent land that could adversely affect the proposed residential lot(s) and future residents.
- b. the configuration and layout of lots should:
- i. follow existing tree lines, stone fences or similar features;
- ii. preserve such features as a natural buffer between the lot(s) and agricultural uses of adjacent areas
- iii. accommodate existing buildings and structures with sufficient setback to property lines.
- (5) Transfer of Development Rights.
- a. The transferring of one or more "development rights" between adjoining and/or non-adjoining parent tracts that are located in the Town of Lowell and under the same or common ownership may be permitted provided that:
- i. Only "development rights" attached to land currently zoned AG-1 can be transferred (development rights attached to C-1 zoned land is not transferrable);
- ii. a Transfer of Development Rights (TDR) Agreement affecting both parcels involved in the transfer that is mutually agreed

- to by the property owner(s) and the Town Board is submitted to and approved by the Town Board and recorded with the CSM or subdivision plat;
- iii. the Town board agrees that the transfer of development rights and the subsequent development of residential lots is consistent with and furthers the intent of this Ordinance in terms of:
1. preserving natural resources, environmentally sensitive and/or prime agricultural land on the "sending" parcel; and
 2. not adversely impacting the adjacent property, natural resources, environmentally sensitive and/or prime agricultural land on the "receiving" parcel.
- (6) Dwelling Unit Building Area.
- a. Minimum one thousand two hundred (1,200) square feet.
- (7) Dwelling Unit Building Height.
- a. Maximum thirty-five (35) feet.
- (8) Setbacks for Primary Structures.
- a. Street Yard: Seventy-five (75) feet unless otherwise specified in Section 13-1-24 due to the highway classification whichever is greater.
 - b. Side Yard: Twenty-five (25) feet.
 - c. Rear Yard: Twenty-five (25) feet.
- (e) Accessory Uses and Detached Accessory Structures.
- (1) Residential Lots.
 - a. Accessory uses and detached accessory structures:
 - i. are permitted in the rear and side yards only.
 - ii. Such uses and structures shall not exceed fifteen (15) feet in sidewall height and twenty-five (25) feet in overall height.
 - iii. shall not be closer than twenty-five (25) feet to a rear lot line.
 - iv. accessory structures shall not be larger than five (5) percent of the lot size in square feet (e.g., if the total property is five (5) acres, the accessory structure cannot be larger than ten thousand eight hundred ninety (10,890) square feet which is a building of one hundred feet by one hundred eight feet (100' by 108').
 - v. b. Accessory structures shall be of materials and color which matches those of the principal structure and shall have a similar roof pitch.
- (f) Animal Unit Restrictions. Unless otherwise specifically allowed or restricted as part of a conditional use permit, variance or existing as a legal non-conforming use prior to January 1, 2010, the number of animal units (see "animal unit" definition

in Section 13-1-7) allowed to be kept on a non-farm parcel of land shall be limited as follows:

- | | | |
|-----|--------------------------------------|---|
| (1) | <u>Non-farm Parcel < 3 acres:</u> | <u>One (1) animal unit.</u> |
| (2) | <u>Non-farm Parcel =>3 acres:</u> | <u>Two (2) animal units for the first three (3) acres plus one (1) additional animal unit per each additional acre.</u> |
| (3) | <u>Farm Parcel:</u> | <u>No restriction.</u> |

(g) Cluster Subdivision Design Standards. The following standards shall apply to all cluster groups of five (5) lots or more created by a subdivision:

- (1) Layout.
- a. All dwelling units ~~shall~~ ~~may~~ be grouped into cluster groups.
 - b. Cluster groups shall be defined by the outer perimeter of contiguous lot areas or abutting streets and may contain lots, streets, and cluster group open space.
 - c. Clusters shall be a minimum of one hundred (100) feet from another cluster with a significant open space or natural feature creating the separation.
 - d. Clusters shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lots.
 - e. Cluster groups containing eight (8) or more dwelling units shall provide internal open space at a minimum of two thousand (2,000) square feet per dwelling unit. This open space may count toward the overall open space requirement for the development and shall meet the following standards:
 - i. The open space shall be configured as a cul-de-sac island, an island within a larger loop or semicircular loop, an island in a boulevard street, or a common green area.
 - ii. The open space shall have a minimum street frontage of one hundred (100) feet.
 - iii. All lots in a cluster group shall abut common open space to the front or rear where common open space across a street shall qualify for this requirement.
 - iv. Disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime farm land soils and large areas of contiguous land suitable for agricultural use, dwelling units may be located within the woodlands, provided that no more than thirty (30) percent of a single wooded lot is cleared.
- (2) Landscaping. The following standards shall apply to all cluster developments:
- a. Preserve existing natural landscape.
 - b. Installation of street trees is required along internal streets within the cluster development. Street trees may be planted, but are not

- required, along internal streets which pass through common open space.
- c. Buffers between the cluster development and external streets are required. A planted buffer area at least thirty (30) feet wide shall be established. Planting should occur as follows:
 - i. The landscape screen must include vegetation of a size and type that will disrupt views of residential homes within the cluster from outside of the development.
 - ii. The landscape screen must blend into the natural landscape of the Town.
 - iii. The landscape screen must include a mixture of deciduous and evergreen trees that will provide year-round screening. The Town may consult with a landscape architect or forester in reviewing the landscape plan. The cost of this consultation will be billed to the developer.
 - iv. Retain any existing trees and shrubs and add additional plantings when necessary to obstruct the view between the external street and the cluster development.
- (3) Ownership of Common Facilities and Open Space. The following methods may be used, either individually or in combination, to own common facilities and open space:
- a. Homeowner's Association. Common facilities and open space shall be held in common ownership as undivided proportionate interests by the members of the association (i.e. all lot owners in the development). The homeowner's association shall be governed according to the following:
 - i. The applicant shall provide to the Town a description of the organization, including any bylaws, and all documents governing maintenance requirements and use restrictions for the common areas.
 - ii. Membership in the association shall be mandatory for all purchasers of dwelling units.
 - iii. The members of the association shall share equitably the costs of maintaining and operating the common facilities and open space.
 - iv. The association shall have or hire adequate staff to maintain the common facilities and open space.
 - v. The association is responsible for the maintenance of the common facilities and open space. In the event the association does not maintain the common facilities and open space, the Town may maintain the common properties and assess the association members the cost of doing so as necessary.
 - vi. The association shall hold a conservation easement or deed restriction on the common open space and common facilities to protect them from further land division or development.
 - b. Transfer of Ownership.

- i. Transfer of easements to a private conservation organization or land trust is acceptable if approved by the Town Board.
 - ii. Ownership may be retained by the original landowner if the Town and residents of the development hold conservation easements on the land protecting it from any further development.
- (4) ~~Sanitary Sewer, Drainage and On-site Storm water Management. The following standards shall apply to all cluster development:~~
- a. Sewerage facilities for cluster development may consist of any system meeting the requirements of the Wisconsin Department of Commerce for private sewerage system and the Wisconsin Department of Natural Resources for public sewerage systems. Acceptable systems may include:
 - i. Private individual on-site systems serving a single lot.
 - ii. Public community systems ~~consisting of dispersed community systems~~ shared by two (2) or more dwelling units or a centralized systems serving the entire development.
 - ~~b. Drainage of on-site storm water shall not be in excess of the storm water which existing before the development.~~
 - c. Adequate storm water management facilities shall be provided as part of all cluster developments as set forth in the Town's storm water management regulations on-site, i.e. detention or retention ponds.

PUBLIC HEARING DRAFT

EXHIBIT "C"

Town of Lowell Zoning Code Amendment

Section 13-1-46 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

13-1-46 AG-I General Agricultural District.

- (a) Purpose and Characteristics. The AG-I General Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production and maintain the existing rural character. ~~If agricultural land is developed for residential purposes, it shall follow the RC-1 regulations.~~
- (b) Permitted Uses.
- ~~(1) Agriculture.~~
 - (2) Dairy farming (limited to operations with less than 500 animal units; see Section 13-1-7).
 - (3) Floriculture and florists.
 - (4) Forestry.
 - ~~(5) General farming.~~
 - (6) Grazing and pasturing.
 - (7) Greenhouses and plant nurseries.
 - ~~(8) Florists (established prior to adoption of this Chapter.)~~
 - (9) Fish Hatcheries.
 - (10) Fur farms.
 - (11) Horticulture.
 - (12) Livestock raising (limited to operations with less than 500 animal units; see Section 13-1-7).
 - ~~(13) Plant Nurseries.~~
 - (14) Orchards and vineyards.
 - (15) Paddocks and stables.
 - ~~(16) Pasturage.~~
 - (17) Poultry raising (limited to operations with less than 500 animal units; see Section 13-1-7).
 - ~~(18) Stables.~~
 - ~~(19) Viticulture.~~
 - (20) Essential services for farming.
 - (21) Single family residences and necessary appurtenant structures on any operating farm for occupancy by those employed in connection with the farm operation and their families.
 - ~~(22) Minor Home occupations and professional home offices (see Section 13-1-72).~~
- (c) Conditional Uses.
- (1) Aircraft landing fields and hangars (see Section 13-1-73).
 - (2) Commercial greenhouse, landscape and nursery business.
 - (3) Sanitary landfill that serves the needs of Town residents.
 - (4) Duplexes (two-family dwellings) subject to the provisions of the RC-1 district.
 - (5) Farm machinery repair businesses.
 - ~~(6) Fur farms.~~

- (7) Governmental and cultural uses ~~such as town halls, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, schools and museums (see Section 13-1-73).~~
 - (8) Utilities ~~(see Section 13-1-73).~~
 - (9) Gravel pits and quarries, but not including the manufacture of products other than the production of crushed stone, gravel or sand (see Section 13-1-74).
 - (10) Dog kennels and horse boarding ~~(see Section 13-1-76).~~
 - ~~(11) Major Home occupations and professional home offices (see Section 13-1-72).~~
 - (12) Landscape contracting.
 - (13) Storing, manufacturing and sale of explosives (limited to such uses existing as of January 1, 2009 and which are deemed to be non-conforming uses subject to Section 13-1-80).
 - (14) ~~All other Agricultural and other compatible~~ uses of existing farm structures.
 - (15) Farmettes ~~(see Section 13-1-46(f)).~~
 - (16) Agricultural operations listed ~~as or permitted or as~~ conditional uses on substandard lots existing prior to the adoption of this ordinance.
 - (17) Rifle/shotgun ranges.
- (d) AG-1 Site Regulations (Principal Structure).
- (1) Lot Width.
 - a. Minimum: Two hundred fifty (250) feet.
 - (2) Lot Size Area.
 - a. Minimum: ~~Thirty-Five (35) acres.~~ (except lots created under the provisions of the RC-1 Rural Cluster Overlay District).
 - (3) Agriculture Structure Height.
 - a. Maximum: None.
 - (4) Residential Structure Height.
 - a. Maximum: Thirty-five (35) feet.
 - (5) Setbacks for Primary Agricultural Structures.
 - a. Street Yard: Seventy-five (75) feet unless otherwise specified in Section 13-1-24 due to the highway classification whichever is greater.
 - b. Side Yard: Twenty-five (25) feet.
 - c. Rear ~~Back~~ Yard: Twenty-five (25) feet.
- ~~(e) AG-1 Site Regulations (Second Structure Principal Structure Must Exist).~~
- ~~(1) Lot Width.

 - a. Minimum: Two hundred fifty (250) feet.~~
 - ~~(2) Lot Size Area.

 - a. Minimum: ~~Two (2) acres.~~~~
 - ~~(3) Agriculture Structure Height.

 - a. Maximum: ~~One hundred (100) feet.~~~~
 - ~~(4) Residential Structure Height.

 - a. Maximum: ~~Thirty five (35) feet.~~~~

- (6) Setbacks for Secondary Agricultural Structures (non residential).
- a. Street Yard: Seventy-five (75) feet unless otherwise specified in Section 13-1-24 due to the highway classification whichever is greater.
 - b. Side Yard: ~~Seventy-five (75)~~ ~~Twenty-five (25)~~ feet.
 - c. Rear ~~Back~~ Yard: Seventy-five (75) feet.
- (f) Farmette Regulations. A farmette is a small farm containing pre-existing farm buildings that is at least five (5) acres in size created by a land division usually because of a farm consolidation. A farmette is intended to be used for hobby farm or other small-scale agricultural uses.
- (1) Lot Size.
 - a. Minimum: Five (5) acres.
 - b. Maximum: to be determined by the Plan Commission but not to exceed fifteen (15) acres based on the suitability of the land and existing buildings for the intended use and the required setbacks surrounding the existing buildings deemed necessary by the Plan Commission to buffer adjacent uses and parcels.
 - (2) Lot Width.
 - a. Minimum: None.
 - (3) Agriculture Structure Height.
 - a. Minimum: None.
 - (4) Residential Structure Height.
 - a. Maximum: Thirty-five (35) feet.
 - (5) Minimum Setbacks.
 - a. Street Yard: Seventy-five (75) feet unless otherwise specified in Section 13-1-24 due to the highway classification whichever is greater.
 - b. Side Yard: Twenty-five (25) feet.
 - c. Rear Yard: Twenty-five (25) feet.
- (g) Animal Unit Restrictions. Unless otherwise specifically allowed or restricted as part of a conditional use permit, variance or previously existing as a legal non-conforming use prior to January 1, 2010, the number of animal units (see "animal unit" definition in Section 13-1-7) allowed to be kept on a parcel of land shall be limited as follows:
- (1) Parcel \leq 3 acres: One (1) animal unit.
 - (2) Parcel 3 to 15 acres: One (1) animal unit for the first three (3) acres plus one (1) additional animal unit per each additional acre.
 - (3) Parcel $>$ 15 acres: No limit.

EXHIBIT "D"

Town of Lowell Zoning Code Amendment

Section 13-1-47 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

13-1-47 C-1: Conservancy Overlay District.

(d) Structure Prohibited.

- (1) No structures shall be placed or moved onto lands lying in the C-1 District, except structures not exceeding an area of five hundred (500) square feet which are accessory to a principal or conditional use. Habitable buildings or structures used for dwelling purposes are prohibited.

PUBLIC HEARING DRAFT

EXHIBIT "E"

Town of Lowell Zoning Code Amendment

Section 13-1-49 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

13-1-49 AE Agricultural Enterprise District.

- (a) Purpose and Characteristics. The AE Agriculture Enterprise District is intended to preserve and promote a full range of agricultural uses, secure land for livestock production and other agricultural uses that may be more intensive than crop production. The AE District is intended to implement the requirements of and be consistent with Wisconsin's Livestock Facility Siting Law established in Wis. Stats. 93.90 and Wis. Admin. Code ATPC 51. The AE District is intended to implement applicable 2020 Comprehensive Plan goals, objectives and policies by encouraging livestock and other agricultural uses in areas where conditions are best suited for these agricultural uses and discourage non-farm residential development to avoid potential land use conflicts. The AE district is generally compatible with the "Agricultural" areas designated on the Future Land Use Plan Map in the 2020 Comprehensive Plan. Due to the more intensive nature of uses allowed, the AE district is not intended to be applied within the "Agricultural Transition" areas designated on the Future Land Use Plan Map in the 2020 Comprehensive Plan.
- (b) Permitted Uses.
- (1) General Agricultural uses, including: floriculture, forestry, grazing and pasturing, greenhouses, florists, plant nurseries, orchards, hatcheries, horticulture, viticulture.
 - (2) Livestock facilities with less than 500 animal units; see Section 13-1-__.
 - (3) Paddocks and stables.
 - (4) Single-family residences and accessory structures thereto for occupancy by those employed in connection with the agricultural operation and their families.
 - (5) Minor Home occupations and professional home offices (see Section 13-1-72).
- (c) Conditional Uses.
- (1) Aircraft landing fields and hangars (see Section 13-1-73).
 - (2) Livestock facilities and animal confinement facilities with more than 500 animal units (see Section 13-1-__).
 - (3) Commercial greenhouse, landscape and nursery business.
 - (4) Sanitary landfill that serves the needs of Town residents.
 - (5) Governmental and cultural uses (see Section 13-1-73).
 - (6) Utilities (see Section 13-1-73).
 - (7) Rifle/shotgun ranges.
 - (8) Gravel pits and quarries, but not including the manufacture of products other than the production of crushed stone, gravel or sand (see Section 13-1-74).
 - (9) Major Home occupations and professional home offices (see Section 13-1-72).
 - (10) Agricultural operations listed or permitted as conditional uses herein on substandard lots in existence prior to the adoption of this ordinance.

- (d) AE Site Regulations.
- (1) Lot Size.
 - a. Minimum: One Hundred (100) acres.
 - (2) Lot Width.
 - a. Minimum: One Thousand Three Hundred Twenty (1,320) feet.
 - (3) Agriculture Structure Height.
 - a. Maximum: One hundred (100) feet.
 - (4) Non-Agricultural Structure Height.
 - a. Maximum: Thirty-five (35) feet.
 - (5) Setbacks for Primary Structures except for Livestock Facilities and Waste Storage Structures serving Livestock Facilities.
 - a. Street Yard: Seventy-five (75) feet.
 - b. Side Yard: Twenty-five (25) feet.
 - c. Rear Yard: Twenty-five (25) feet.
 - (6) Setbacks for Livestock Facilities.
 - a. < 1,000 animal units:
 - i. (100) feet from property lines
 - ii. (100) feet from rights-of-way
 - b. => 1,000 animal units:
 - i. (200) feet from all property lines
 - ii. (150) feet from rights-of-way
 - (7) Setbacks for Waste Storage Structures serving Livestock Facilities.
 - a. All property lines: Three hundred-fifty (350) feet.
 - b. Rights-of-way: Three hundred-fifty (350) feet.

NOTE: The setback requirements under (6) and (7) above do not prevent the use or expansion of a livestock facility or waste storage structure that was located within the setback area prior to the effective date of this ordinance, except that a structure may not be expanded closer to the property line and/or right-of-way.

- (8) Water quality and related setbacks
 - a. Navigable Waters and Wetlands
 - i. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under s. 59.692, 61.351 or 62.231, Stats.
 - b. Floodplain
 - i. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under s. 87.30, Stats.

- c. Wells
 - i. All wells located within in a livestock facility shall comply with Wis. Admin. Code NR 811 and NR 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
- (e) Supplemental Conditional Use Permit Application Requirements & Review Procedures for Livestock Facilities
 - (1) Permits Required.
 - a. A permit is required for a new livestock facility if the number of animal units kept at the facility exceeds five hundred (500).
 - b. A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
 - i. Five hundred (500) animal units.
 - ii. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006, or on the effective date of the permit requirement, whichever date is later.
 - c. A permit is not required for livestock facility that existed before May 1, 2006 or before the effective date of the permit requirement in this ordinance (except as provided in sub. b).
 - d. A permit is not required for livestock facility that was previously issued a conditional use permit or other local approval (except as provided in sub. b). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.
 - (2) Application Procedure
 - a. A livestock operator must complete the application and worksheets prescribed by ATCP 51, including any authorized local modifications. The application requirements specified in ATCP 51, Wis. Adm. Code are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this ordinance.

- b. The operator must file four (4) duplicate copies of the application form, including all worksheets, maps and documents (other than engineering design specifications) included in the application.
- (3) Application Fee
- a. A non-refundable application fee of \$1,000 shall accompany each application.
- (4) Application Review Procedure
- a. Within 45 days after the Town receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
 - b. Within 14 days after the Town notifies an applicant that the application is complete, the Town shall notify adjacent landowners of the application. The Town shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.
 - c. The Town shall grant or deny an application within 90 days after the notice of a complete application is provided as required by b. above. The Town may extend this time limit for good cause, including any of the following:
 - i. The Town needs additional information to act on the application.
 - ii. The applicant materially modifies the application or agrees to an extension.
 - iii. The Town shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town will act on the application.
 - d. Public Hearing
 - i. The Town may schedule public hearing on the application within 90 days after issuing notice of a complete application.
- (5) Standards
- a. The standards for issuing a permit are as follows:
 - i. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code. These standards are incorporated by reference, without reproducing them in full.
 - ii. Setbacks established by this ordinance.
- (6) Criteria for Issuance of a Permit
- a. A permit shall issue if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that

- the proposed livestock facility meets the standards specified in this ordinance.
- b. A permit may be denied if any of the following apply:
 - i. The application, on its face, fails to meet the standard for approval.
 - ii. The Town finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with applicable standards in this ordinance.
 - iii. Other grounds authorized by s. 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.
 - c. No conditions may be imposed on permit other than standards provided herein.
- (7) Record of Decision
- a. The Town shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
 - b. In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.
- (8) Notice to the Department
- a. The clerk as required by ATCP 51.36 within 30 days of the town/county decision on the application shall do all of the following:
 - i. Give the Department of Agriculture, Trade and Consumer Protection written notice of the Town's decision.
 - ii. File with the Department a copy of the final application granted or denied, if the town/county has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
 - iii. If the Town has withdrawn a local approval under this ordinance, file with the department a copy of the town/county final notice or order withdrawing the local approval.
- (9) Expiration of Permit
- a. A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the political subdivision may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of permit:

- i. Begin populating the new or expanded livestock facility.
 - ii. Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.
- (10) Permit modifications
 - a. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the Town shall not withhold authorization for those changes.
- (11) Compliance Monitoring
 - a. The Town shall monitor compliance with the ordinance as follows:
 - i. Upon notice to the livestock facility owner request the right of the Town to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
 - ii. If the livestock facility owner refuses the Town the right to view the permitted facility, the Town may request the assistance of the Dodge County Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.
 - iii. If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Town shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application and be complied with in a reasonable amount of time stated in this written notice.
 - iv. If non-compliance of the permit conditions as described in the written notice given by the Town continue past the stated reasonable time to comply, the Town may take further action as provided in this ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.
 - v. If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of noncompliance. The Town shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.
- (12) Terms of the Permit
 - a. A permit and the privileges granted by a permit issued under this ordinance is conditioned on the livestock operator's compliance

with the standards in this ordinance, and with commitments made in the application for a permit. The Town is authorized suspend a permit or seek other redress provided in this ordinance for non-compliance.

- (13) Transferability
- a. A permit and the privileges granted by the permit run with land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application. Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.
- (f) Definitions. For purposes of administering this section the following definitions shall apply:
- (1) "Adjacent" means located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
 - (2) "Agriculture, Animal" means the use of land for animal feeding operations, including areas for the storage, treatment and disposal of manure and other related waste products.
 - (3) "Agriculture, Crop" means the use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.
 - (4) "Agricultural use" means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; and vegetable raising.
 - (5) "Agriculturally Related Residence" means a residence which are occupied by (1) a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the land, or (2) a parent or child of the owner of the farm.
 - (6) "Agricultural Processing and Packaging" means an establishment primarily engaged in refining, processing or otherwise adding value to raw agricultural goods, including but not limited to washing, sorting, cutting, bagging, freezing, canning, packing, bottling or butchering.
 - (7) "Agricultural Research and Development" means the use of land or buildings for agriculture research and the cultivation of new agricultural products.
 - (8) "Agricultural Sales and Service" means an establishment primarily engaged in (1) the sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies and the like, or (2) performing agricultural or horticultural services on a fee or contract basis,

including but not limited to crop dusting and spraying services, harvesting and plowing services, agricultural land grading services, farm equipment service and repair, and large animal veterinary services.

- (9) "Agricultural Storage" means grain elevators and other facilities for the warehousing and storage of agricultural products.
- (10) "Animal Unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, Wisconsin Administrative Code, which are fed, confined, maintained or stabled in an animal feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Animal Unit Calculation Table		
Number Equivalent to 500 Animal Units		
Number Equivalent to 500 Units	Animal Type	Animal Equivalency Factor
Dairy Cattle:		
350	Milking and Dry Cows	1.4
455	Heifers (800 to 1200 lbs)	1.1
835	Heifers (400 to 800 lbs)	0.6
2500	Calves (under 400 lbs)	0.2
Beef Cattle:		
500	Steers or Cows (600 lbs to Mkt.)	1.0
1000	Calves (under 600 lbs)	0.5
350	Bulls	1.4
Swine:		
1250	Pigs (55 lbs to Mkt.)	0.4
5000	Pigs (up to 55 lbs)	0.1
1250	Sows	0.4
1000	Boars	0.5
Sheep:		
5000	Per Animal	0.1
Horses:		
250	Per Animal	2.0
Ducks:		
2500	Per Bird (Wet Lot)	0.2
50000	Per Bird (Dry Lot)	0.01
Chickens:		
50000	Layers	0.01
100000	Broilers	0.005
50000	Broilers (continuous over flow watering)	0.01
15000	Layers or Broilers (Liquid Manure System)	0.033
Turkeys:		
27500	Per Bird	0.018

- (11) "Complete application for local approval" means an application that contains everything required under ss. ATCP 51.30(1) to (4).
- (12) "Department" means the Department of Agriculture, Trade, and Consumer Protection.
- (13) "Expanded livestock facility" means the entire livestock facility that is created by the expansion, after May 1, 2006.
- (14) "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
- (15) **NOTE:** This chapter applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units. Although this chapter covers all livestock structures in an "expanded livestock facility," existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.
- (16) "Expansion" means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.
- (17) "Livestock" means domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (18) "Livestock facility" means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility."
- (19) "Livestock structure" means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility.
- (20) "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (21) "Navigable waters" has the meaning given in s. 30.01 (4m), Wis. Stats.
- (22) "New livestock facility" means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if

- any portion of that facility has been used as a livestock facility in the preceding 5 years.
- (23) "Operator" means a person who applies for or holds a local approval for a livestock facility.
- (24) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.
- (25) "Populate" means to add animal units for which a permit or other local approval is required.
- (26) "Property line" means a line that separates parcels of land owned by different persons.
- (27) "Qualified nutrient management planner" means a person qualified under s. ATCP 50.48.
- (28) "Related livestock facilities" means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
- a. They are located on the same tax parcel or adjacent tax parcels of land.
 - i. **NOTE:** A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities.
 - b. They use one or more of the same livestock structures to collect or store manure.
 - c. At least a portion of their manure is applied to the same land spreading acreage.
 - i. **NOTE:** Compare definition of "animal feeding operation" under s. NR 243.03(2). "Related livestock facilities" are treated as a single livestock facility for purposes of local approval, except that a "separate species facility" may be treated as a separate livestock facility.
- (29) "Separate species facility" means a livestock facility that meets all of the following criteria:
- a. It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a "related livestock facility"):
 - i. Cattle.
 - ii. Swine.
 - iii. Poultry.
 - iv. Sheep.
 - v. Goats.
 - b. It has no more than 500 animal units.
 - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
 - d. It meets one of the following criteria:
 - i. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock

- housing or manure storage structure used by a livestock facility to which it is related.
- ii. It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.
- (30) "Roadside Stand" means a building or part of a building no more than 500 square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located.
- (31) "Stable, Commercial" means a building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.
- (32) "Signage" mean outdoor advertising attached to, made a part of, or placed in front, rear, sides, or top of any structure or on any land to announce the name or nature of a farm business including a roadside stand. Signs are limited to 8 square feet of panel area, not to exceed eight feet (8') in height above grade, unlighted.
- (33) "Single Family Residence" means the principal use of a lot only for one dwelling unit.
- (34) "Value Added Agriculture" means a small commercial, manufacturing or service operation, which is accessory to an agricultural use. Examples of value added agriculture include small scale food processing, handcrafting, product packaging and marketing, and agricultural tourism. These farm-based activities cannot exceed a certain size and scale, but may involve new structures. Additional permits and licenses may be required to carry on these activities.
- (35) "Waste" means manure, milking center waste and other organic waste generated by a livestock facility.
- (36) "Waste storage facility" means one or more waste storage structures. "Waste storage facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.
- (37) "Waste storage structure" means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of ATCP 51.12(2) and 51.14, "waste storage structure" does not include any of the following:
- a. A structure used to collect and store waste under a livestock housing facility.
 - b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.
- (38) "Winter grazing area" means cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30.
- (39) "Winter grazing area" does not include any of the following:
- a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
 - b. An area which at any time has an average of more than 4 livestock animal units per acre.

- c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
 - d. An area in which manure deposited by livestock causes nutrient levels to exceed standards in ATCP 51.16.
- (40) "WPDES permit" means a Wisconsin pollutant discharge elimination system permit issued by DNR under NR 243.

PUBLIC HEARING DRAFT

EXHIBIT "F"

Town of Lowell Zoning Code Amendment

Section 13-1-50 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

13-1-50 FP: FARMLAND PRESERVATION DISTRICT.**(1) Purpose and Intent.**

The Farmland Preservation District is intended to:

- (a) Implement Wisconsin's Working Lands Initiative (WLI) farmland preservation policies through the creation, administration and enforcement of a farmland preservation zoning district that complies with the requirements of Wis. Stats. Chapter 91 so that farmers and property owners are eligible to apply for farmland preservation property tax credits;
- (b) Provide for the long-term preservation and protection of existing and future farming and other agricultural activities and land uses where farming is a viable component of the local and regional economy;
- (c) Separate agricultural activities and land uses from incompatible residential, commercial, and industrial development and land uses and certain public facilities;
- (d) Provide for the continued use of existing residential parcels and to allow the creation and development of only a limited number of non-farm, low-density residential lots in a manner that:
 1. Minimizes the costs of providing public facilities and services; and
 2. Minimizes potential conflicts with agricultural land uses by limiting the density, maximum lot area and relative location of non-farm uses by "clustering" non-farm lots within farm parcels where soil productivity and topography are less suited for agriculture uses and well suited for on-site sewage systems.
- (e) Include land in this Farmland Preservation District that has been deemed to be worthy of long-term protection as of the date of adoption of the Ordinance where the owners of such land have agreed to include it in the Farmland Preservation District. The Town of Lowell intends to include additional land in to the Farmland Preservation District at the request of farmers and/or property owners once the Dodge County Farmland Preservation Plan has been revised and adopted (expected adoption no later than January 1, 2012).

(2) Permitted Uses.

- (a) Agricultural uses and activities, including the following:
 1. Crop production.
 2. Livestock keeping and raising (excluding operations with over 500 animal units).
 3. Beekeeping.
 4. Plant nurseries and greenhouses (production operations only, no retail sales).
 5. Sod farms and Christmas tree production.
 6. Floriculture.
 7. Aquaculture.
 8. Fur Farming.
- (b) Game farms and fish hatcheries.
- (c) Forest and game management.

- (d) Undeveloped natural resource and open space areas.
- (e) Land enrolled in a federal agricultural commodity or conservation program or a state agricultural land conservation program.
- (f) Transportation, utility, communication and other public, quasi-public and private uses structures and buildings whose location is determined by preemptive state or federal authority or regulations.
- (g) Farm Residences subject to the following limitations:
 - 1. a single-family or a duplex dwelling that is the only residential structure on the farm;
 - 2. the dwelling is occupied by the owner or operator of the farm, a parent or child of the owner or operator of the farm, or another individual who earns more than 50% of their gross income from the farm upon which the farm residence is located;
- (h) Nonconforming uses, including, but not limited to, farm and non-farm dwellings on non-conforming lots or parcels that existed on the effective date of this Ordinance.

(3) Conditional Uses and Structures.

- (a) Farms for the disposal, injection and/or land spreading of agricultural and non-agricultural waste.
- (b) Non-farm residences subject to the following limitations:
 - 1. The proposed non-farm residence can be on a new lot or parcel, or, the conversion of a farm residence to a non-farm residence through a change in occupancy;
 - 2. The ratio of non-farm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a non-farm residence;
 - 3. There will not be more than 4 dwelling units in non-farm residences or more than 5 dwelling units total in residences of any kind created on or from the base farm tract after the residence is constructed or converted to a non-farm residence;
 - 4. The location and size of the proposed non-farm dwelling(s) and lot or parcel will not result in the following:
 - a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if there is a reasonable alternative location or size for such non-farm parcel or non-farm residence; and
 - b. Significantly impair or limit the current or future agricultural use of other protected farmland.
- (c) Transportation, communications, pipeline, electric transmission, utility, and drainage uses (including but not be limited to roads and highways, commercial communication towers and relay facilities, electricity, natural gas and other essential services and facility transmission equipment) subject to meeting all of the following requirements:
 - 1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize the conversion of land from an agricultural use or open space use.
 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (d) Governmental, institutional, religious, or nonprofit community uses (including but not limited to public, private, and parochial schools, churches and cemeteries, government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, sewage treatment facilities, airports, airstrips, aircraft landing fields, heliports) subject to meeting all of the following requirements:
1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize the conversion of land from an agricultural use or open space use.
 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (e) Housing for seasonal or migratory farm laborers subject to the following limitations and requirements:
1. lots, parcels, or tracts devoted to the farm operation upon which such housing is located shall be not less than one-hundred (100) acres;
 2. is only occupied by farm laborers;
 3. notwithstanding other provisions in this Ordinance regulating their use and placement, only mobile homes or other similarly removable dwelling structures shall be used; and
 4. Dwellings are removed when farm laborers are no longer used as part of the farm operation.
- (f) Raising, breeding, boarding and/or sheltering of domestic and exotic or other non-traditional livestock, including but not limited to, llama, emu, buffalo.
- (g) Short-term mineral extraction and mining activities subject to meeting all of the following requirements:
1. activities shall not exceed a period of three (3) years of operation;
 2. the operation shall meet the plan and restoration requirements of Section 13-1-74;
 3. restoration of the land shall be to/for an agricultural use and shall be ongoing and, to the greatest extent possible, completed in phases as extraction is completed in a given area;

4. the operation complies with all applicable requirements of the Wisconsin Department of Transportation concerning the restoration of non-metallic mining sites;
5. the operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district;
6. the operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law;
7. the operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use;
8. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(4) Accessory Uses and Structures.

- (a) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins and structures used for storage of farm implements, machinery and related equipment.
- (b) Home occupations or non-agricultural enterprises subject to the following minimum regulations:
 1. the enterprise shall be conducted entirely within the confines of a principal residence or an existing accessory building, or, in the rear or side yard of a lot or parcel and properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
 2. no more than one (1) acre of land shall be devoted to such use including areas used for buildings, parking, and storage;
 3. storage of all items shall be in the rear or side yard of a lot or parcel and shall either be within the confines of a building or a properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
 4. other than persons residing in the dwelling, no more than three (3) non-related persons may be employed;
 5. The enterprise does not substantially impair or limit the current or future agricultural use of the parcel or surrounding land that is zoned for or legally restricted to agricultural use.

(5) Parcel Area and Width.

- (a) Farm/agricultural uses:
 1. minimum: 35 acres
 2. maximum: none
- (b) Non-farm residential uses:
 1. minimum: 2 acre
 2. maximum: 3 acres
- (c) Other non-farm uses:
 1. minimum: 2 acre

- 2. maximum: none.
- (d) Parcel Width:
 - 1. minimum: 250 feet

(6) Building and Structure Height.

- (a) Non-farm dwellings:
 - 1. maximum: 35 feet
- (b) Farm dwellings:
 - 1. maximum: 35 feet
- (c) Farm buildings:
 - 1. maximum: None.
- (d) Farm buildings and structures including barns, elevators, grain dryers, silos:
 - 1. height shall not exceed distance from nearest property line.
- (e) Other non-farm, non-residential structures including communication towers:
 - 1. height shall not exceed distance from nearest property line up to a maximum of 200 feet.

(7) Building and Site Area Restrictions.

- (a) Maximum Floor Area Ratio:
 - 1. Farm: 10 percent
 - 2. Non-farm: 25 percent

(8) Building Setbacks.

- (a) Minimum side yard:
 - 1. Farm buildings: 25 feet
 - 2. Non-farm buildings: 25 feet
- (b) Minimum rear yard:
 - 1. Farm buildings: 25 feet
 - 2. Non-farm buildings: 75 feet
- (c) Minimum street yard:
 - 1. Farm buildings: 75 feet (see Section 13-1-24)
 - 2. Non-farm buildings: 75 feet (see Section 13-1-74)

- (9) **Non-Conforming Uses, Structures, and Lots.** (see Article E).
- (10) **Vehicle Access, Parking, and Loading.** (see Article F).
- (11) **Signs.** (see Article G).

EXHIBIT "G"

Town of Lowell Zoning Code Amendment

Section 13-1-72 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

13-1-72 Home Occupations.

- (a) Purpose and Intent. The purpose of this section is to establish the requirements and criteria for permitting uses of and/or activities from residential dwellings located in residential and agricultural zoning districts for home-based occupations, businesses, professions, or trades where such uses and activities are:
- (1) accessory and subordinate to the primary residential or agricultural use of the property;
 - (2) conducted in a manner that is compatible with the surrounding residential and agricultural zoning properties; and
 - (3) not detrimental to the character, appearance or quality of life of the surrounding properties or neighborhood within which such uses and activities are to be conducted.
- (b) Home Occupation Classifications. A home occupation shall be classified as either a "minor" or a "major" home occupation based on the size, intensity, number and type of employees, the characteristics and types of activities associated with a particular home occupation. The determination as to whether a home occupation is to be classified as a minor or major home occupation shall be made by the Plan Commission as set forth in this section.
- (1) Minor Home Occupation. Minor home occupations are occupations that, given their size, appearance, number of employees, operational characteristics and activities, are less likely to have a noticeable and negative impact on the surrounding properties and neighborhood. Minor home occupations are allowed "by right" as a permitted accessory use and only require a zoning permit obtained from the Plan Commission.
 - (2) Major Home Occupation. Major home occupations are occupations that given their size, appearance, number of employees, operational characteristics and activities, are more likely to have more noticeable and potentially negative impacts on the surrounding properties and neighborhood. Major home occupations are only allowed with a conditional use permit obtained from the Town Board with a recommendation from the Plan Commission and following a public hearing of the proposed home occupation.
- (c) General Requirements and Performance Criteria. All minor and major home occupations shall comply with all of the following requirements prior to or as a result of complying with any conditions of approval required by the Town prior to obtaining the required permit (zoning permit or conditional use permit):
- (1) The owner/operator of a home occupation shall reside in the dwelling from which the home occupation is being conducted.
 - (2) The total area of the dwelling used to conduct activities associated with a home occupation shall not exceed one-third of the total gross floor area

of the residential dwelling (excluding activities conducted in accessory buildings).

- (3) All applicable state, federal and local business and/or occupational licenses and any other approvals required shall be obtained as necessary and kept up-to-date throughout the duration of the home occupation. All activities associated with a home occupation and the residential dwelling, accessory building, structure, and overall property from which such home occupation is being conducted shall comply with all local, county, and state building, fire, sanitary, health and other applicable requirements and regulations including any homeowner's association, subdivision and other recorded property restrictions and covenants. Noncompliance with any applicable requirement and/or regulation may be grounds for a zoning code violation, denial of a home occupation application, or revocation of a home occupation permit.
- (4) The owner/operator of a home occupation shall be responsible for notifying the Plan Commission of any changes to the home occupation that are different from that included in the permit application or from any conditions or restrictions imposed as part of the permit. Changes that result in a home occupation that is larger, more intense, has more employees, has different or more activities, etc., may result in the need for a new permit and possible reclassification of the home occupation (from minor to major).
- (5) Activities associated with a home occupation shall not generate any traffic, parking, solid or liquid waste, water consumption, noise, vibrations, smoke, dust, odor, heat, glare, disturbance or interference with the provision of electrical, television or other utility services, or create any safety hazards exceeding those which are typically and customarily produced by and/or associated with a residential dwelling and residential uses in the zoning district and surrounding neighborhood within which the subject property and home occupation is located.
- (6) The residential dwelling, accessory buildings and structures, and overall property shall remain residential in character and appearance that is typical and customary for residential property located in the neighborhood within which the home occupation is located. Structural or other alterations to the exterior appearance that make the dwelling, accessory buildings, and/or the overall property appear similar to a commercial operation are prohibited.
- (7) Goods or products intended for sale as part of the home occupation may be displayed outside of a dwelling, accessory building or structure, or elsewhere on the property provided that such goods or products are kept in a neat appearing and orderly manner on the property.

- (8) Truck deliveries or pick-up of supplies or products associated with a home occupation shall be limited to the type of vehicles and pick-up/delivery hours that are typical and customary for residential dwellings and uses located in the neighborhood within which the home occupation is located.
- (9) In order to ensure that a home occupation does not become a nuisance to the surrounding properties and property owners, the Plan Commission and Town Board may impose reasonable conditions as deemed necessary to protect the health, safety and welfare of such properties, property owners, and general public.
- (10) Multiple home occupations may be permitted from a single residence provided that the general requirements and specific performance criteria set forth in this section can be met based on an accumulation of the activities, characteristics, etc., of all home occupations conducted from such dwelling.
- (11) The use of exterior signs is allowed subject to the allowances and requirements of Article G: Signs and Billboards.
- (12) Owners/operators of a "major" home occupation shall permit reasonable inspection of the premises by the Zoning Administrator, Plan Commission, Town Board, or other duly authorized agent of the Town or other agency having jurisdiction or responsibility for enforcing applicable laws, requirements, and regulations at the time of application or after the home occupation has commenced operation in order to determine compliance with the requirements of this section and/or any conditions of approving a home occupation.
- (13) All minor home occupation permits shall be deemed valid for an indefinite period of time unless:
- a. otherwise provided for as a condition of the approval of the permit;
 - b. if changes occur in the activities or character of the home occupation being conducted that warrant additional review and approval by the Plan Commission or Town Board.
- (14) All major home occupation permits shall be deemed valid for a period of three (3) years unless:
- a. otherwise provided for as a condition of the approval of the permit;
 - b. if changes occur in the activities or character of the home occupation being conducted that warrant additional review and approval by the Plan Commission or Town Board.
- (15) Whenever the Plan Commission or Town Board has reasonable cause to believe that any of the general or specific requirements and/or performance criteria set forth in this section, or, any conditions imposed as part of the home occupation have been violated, the Town shall have

the right to issue a notice of zoning code violation and pursue appropriate remedies including, but not limited to, imposing stricter conditions upon the home occupation or revocation of the permit issued for the home occupation.

- (16) The granting of a home occupation permit shall not constitute a covenant running with the property from which such home occupation is being conducted. A home occupation permit shall not be transferable to another property and shall automatically and immediately terminate and become null and void upon the sale, lease, or transfer of the property to a party different than to whom the home occupation permit was originally granted.
- (17) Failure to comply with the provisions of this section, including failure to obtain a home occupation permit as provided for herein, shall constitute a violation of the Town Zoning Code and be subject to the penalties set forth therein.
- (d) Specific Requirements and Performance Criteria.
- (1) Minor home occupations shall comply with all of the following performance criteria:
- a. Activities associated with a home occupation shall be conducted entirely within a residential dwelling and/or an accessory building;
 - b. The display, storage or parking of materials, goods, supplies or equipment outside of the dwelling or outside of an enclosed accessory building is prohibited; and
 - c. The total number of part-time or full-time non-resident employees working on the property at any one time shall not exceed three (3) non-resident employees. There is no limit on the number of resident employees.
- (2) Major home occupations shall comply with all of the following performance criteria:
- a. Activities associated with a home occupation shall be conducted entirely within the residential dwelling and/or in an enclosed accessory building or structure;
 - b. The display, storage or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building, or in the side or rear yard of the subject property provided the yard area used for such display, storage or parking is completely screened from view from all public streets and adjacent property through the use of natural landscaping materials, or, a combination of natural landscaping and other manmade or fabricated screening materials, e.g., fencing, etc.; and
 - c. The number of part-time or full-time non-resident employees working upon the premises at any given time shall not exceed ten

(10) employees unless specifically established as a condition of permit approval.

(e) Prohibited Home Occupations.

- (1) Any occupation involving the repetitive purchase and resale, exchange, production, refinement, packaging or handling of explosives or any hazardous materials by any person who devotes time or attention to such items as a regular or part-time course of trade or business with the objective of livelihood or principle means of profit is prohibited.
- (2) Any home occupation involving the on-site sale, resale, repair of automobiles, trucks, boats, trailers, or other motorized vehicles where the total number of all such items kept or being repaired at any given time is more than ten (10).
- (3) Truck-for-Hire operations with more than four (4) trucks.

(f) Application Procedures.

- (1) The Plan Commission shall determine whether a home occupation qualifies as a minor or major home occupation at their next regularly scheduled meeting but not later than sixty (60) days after the date an application has been received. In the event that the Plan Commission that the home occupation for which an application has been received does not conform to one or more of the general requirements and performances criteria, the Plan Commission has the right to deny the application.
- (2) An application for a home occupation that has been determined to be a major home occupation shall be reviewed and processed as a Conditional Use Permit as set forth in Article D, Section 13-1-60 of the Town Zoning Code.
- (3) Copies of all major home occupation applications may be forwarded to the appropriate village, county, state, and federal agencies for review and comment concerning applicable laws, regulations, and requirements and whether or not a proposed occupation complies with such laws, regulations, or requirements, or under what conditions compliance can be met.
- (4) Variances from the provisions of this article or an appeal of any decision of the zoning administrator, Plan Commission or Town Board shall be processed and considered by the Board of Zoning Appeals as set forth in Article N, Section 13-1-190 of the Town Zoning Code.

(g) Definitions. For purposes of this section, the following definitions shall apply:

- (1) "Home occupation" means a business, occupation, profession or trade use or activity conducted for financial gain or profit on a reoccurring basis within or from a residential dwelling and/or accessory building by one or

more occupants residing in the dwelling where the conduct of such use or activity is clearly incidental and subordinate to the primary or principal use of the dwelling and property for residential purposes, and, does not change the residential character or appearance of the dwelling or accessory building.

- (2) "Professional home office". For purposes of this section, a professional home office shall be the same as a home occupation. See definition of "home occupation".

PUBLIC HEARING DRAFT

EXHIBIT "H"

Town of Lowell Land Division Code Amendment

Section 14-1-42 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

14-1-42 Certified Survey Map (CSM) Land Division Requirements and Procedures. ~~Technical Requirements for Certified Survey Land Divisions; Review and Approval.~~

- (a) Certified Survey Map (CSM) for Minor Land Divisions. Any minor land division as defined herein shall be surveyed and a certified survey map prepared and recorded as provided in Ch. 236.34, Wis. Stats., and this Chapter. ~~Any parcel of twenty (20) acres or less resulting from a certified survey map, whether a lot, outlet or residual parcel shall not be further divided by another certified survey map; further land divisions shall be by major subdivision.~~
- (b) Review and Approval Process. ~~The process of submitting a CSM for review and approval by the Town is a two step process that involves the preparation of a "Preliminary Map" and the actual Certified Survey Map (CSM).~~
- (1) Preliminary Map. ~~The preliminary map is submitted to and review by the Plan Commission. The Plan Commission will review the proposed land division for compliance with the Town Zoning Code and other development-related regulations and advise the property owner and/or developer as to applicable fees, land division procedures, and what, if any, revisions are required in order for the proposed land division to comply and be eligible for approval by the Town.~~
 - (2) CSM. ~~Once the preliminary map has been reviewed and deemed compliant by the Plan Commission, the property owner and/or developer shall prepare and submit a CSM for review and approval by the Plan Commission that, in turn, makes a formal recommendation to approve or deny the proposed land division to the Town Board. At a separate and subsequent meeting, the Town Board will take final action to approve or deny the proposed land division.~~
 - (3) Dodge County Approval Authority. ~~Pursuant to Wis. Stats., Dodge County has approval authority over all land divisions in the Town. Consequently, a separate application for approval of a proposed land division, including preparation and submission of the same CSM, must be made with Dodge County either concurrently with or after the Town has reviewed and acted upon a proposed land division.~~
 - (4) If and after a CSM has been approved by Dodge County, the CSM shall be forwarded to the Plan Commission and Town Board for approval signatures prior to submitting the CSM to the County Register of Deeds for recording. The Plan Commission and Board shall ensure that all conditions of approval and/or required revisions to the CSM have been made prior to recording.
- (c) Preliminary Map Submission and Review Requirements.
- (1) ~~A preliminary map or drawing of the proposed minor land division certified survey shall be required to be submitted to the Town Plan Commission for preliminary review and approval prior to the preparation of the certified survey map document. Prior to submittal of the preliminary map or~~

- drawing, the owner shall consult with the Town Planner in order to obtain the Plan Commission's ~~not~~s advice and assistance.
- (2) The preliminary map shall be prepared in accordance with this Article and shall file ten (10) copies of the map and a letter of application with the Plan Commission Town Clerk at least thirty (30) ~~twenty (20)~~ days prior to the meeting of the Plan Commission at which review and discussion is requested.
 - (3) The preliminary map or drawing shall clearly indicate the manner in which all of the contiguous land under the same or common ownership will be affected by the land division. land owned or controlled by the person developing or owning the land is to be divided into streets, lots, blocks and outlots, notwithstanding the fact that only a portion of such land may be included on the minor subdivision proposal and certified survey map under consideration at any one time.
 - (4) The preliminary map should be prepared at a legible scale and include the following information:
 - a. Name of property owner, developer, and surveyor
 - b. Date, distance and direction scale
 - c. Land area in acres and square feet for each proposed parcel and total property
 - d. Length of exterior boundaries of property and proposed lot lines
 - e. Scaled distances and setbacks from existing buildings to property lines and nearest buildings on adjacent property
 - f. Aerial photograph
 - g. General Soil information and locations to help determine septic system suitability
 - h. Floodplain and wetland boundaries (if any)
 - i. Topographic information
 - j. Narrative description of the proposed land division and purpose
- (d) Non-farm Lot Location and Layout.
- (1) where and when practical, lots should be created from that portion of a parent tract that is less suitable for agricultural uses by virtue of:
 - a. having relatively less productive soils,
 - b. being wooded, having relatively steeper topography,
 - c. having an odd shape or limited width due to natural or other fixed boundaries,
 - d. being located relatively farther away and/or naturally buffered from existing agricultural operations on adjacent land that could adversely affect the proposed residential lot(s) and future residents.
 - e. the configuration and layout of lots should:
 - i. follow existing tree lines, stone fences or similar features;
 - ii. preserve such features as a natural buffer between the lot(s) and agricultural uses of adjacent areas
 - iii. accommodate existing buildings and structures with sufficient setback to property lines.

- (e) CSM Submission and Review Requirements.
- (1) The subdivider shall prepare the certified survey map in accordance with this Article and shall file ten (10) ~~the necessary number of~~ copies of the map and the letter of application with the Plan Commission Town Clerk at least thirty (30) ~~twenty (20)~~ days prior to the meeting of the Plan Commission at which action is desired.
 - (2) The Plan Commission Town Clerk shall, ~~within two (2) days after filing,~~ transmit the necessary number of copies of the map and letter of application to the Plan Commission.
 - (3) The Town Clerk shall transmit a copy of the map to all affected Town commissions and departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten (10) days from the date the map is received filed. ~~The comprehensive plans and comprehensive plan components that affect it, shall review the map.~~ The Plan Commission shall, within sixty (60) days from the date of filing of the map, recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Town Board.
 - (4) The Town Board shall approve, approve conditionally, or reject such map within ninety (90) ~~sixty (60)~~ days from the date of filing first consideration of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the town meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk or Town Board Chairman to so certify on the face of the original map and return it to Dodge County for review and approval ~~the subdivider~~.
- (f) Additional Information. In addition to the information required Section 236.34, Wis. Stats., the Certified Survey Map shall show correctly on its face, the following:
- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (2) All building and other setbacks or building lines required by the Town ordinances and specifically the Town Zoning Code.
 - (3) All Lands to be dedicated or reserved for future acquisition.
 - (4) Date of the Map.
 - (5) Graphic Scale.
 - (6) Name and address of the property owner, subdivider and surveyor.
 - (7) Square footage and acreage of each parcel.
 - (8) Present Zoning for the parcel.
- (g) Dodge County Coordinate System. Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the

Dodge County Coordinate System, South Zone, and adjusted to the Town's control survey.

- (h) Certificates and Approval Blocks. The surveyor shall certify on the face of the certified survey map that he/she has fully complied with all the provisions of this Chapter with all necessary certificates, including surveyor, property owner, mortgagee certificates. The Town Board, after a recommendation by the Plan Commission reviewing agencies, shall certify its approval on the face of the map with a Town Board and Plan Commission signature approval block.
- (i) Street Dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.2 I(2)(a) of the Wisconsin Statutes.
- (j) Recordation.
- (1) The subdivider shall record the map with the Dodge County Register of Deeds within sixty (60) days of its approval by the Town Board or Dodge County, whichever occurs later and any other approving agencies. Failure to do so ~~may shall~~ necessitate a new review and re-approval of the map by the Town Board.
 - (2) Three (3) copies of the final recorded map shall be forwarded to the Town of Lowell. ~~The volume and page number of the recording file shall be noted on the final approved map copies.~~
- (k) Agricultural Nuisance Disclosure Requirement. All certified survey maps creating non-farm parcels pursuant to this section shall contain an "Agricultural Nuisance Disclosure" stating: "the property owners and/or future residents occupying these parcels may be subjected to potential inconveniences and discomfort resulting from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of farm machinery, the storage, disposal and application of manure and fertilizer, herbicides, and pesticides".
- (l) Requirements. To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

EXHIBIT "I"

Town of Lowell Code Amendment

Section 2-5-2 is amended to read as follows where words that are underlined are to be added and words that are ~~stricken~~ are to be deleted:

PUBLIC HEARING DRAFT

2-5-2 Zoning Board of Appeals.

- (b) Powers. The Zoning Board of Appeals shall have the following powers:
- (5) The Zoning board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. When a quorum is present, the Zoning Board of Appeals may take action by a majority vote of the members present ~~The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from, or, to decide in favor of the applicant on any matter on which the Zoning Board of Appeals is required to~~ decide or act upon ~~pass, or, to grant a variance from effect any variation in the requirements of the Zoning Code.~~ The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) six (6) months from the date of such order unless the necessary town or county land use permit is obtained within ~~this such~~ period and /or the erection or alteration of a building is started or the use or building requiring the variance is commenced within this such period.
- (c) Meeting and Rules.
- (4) A quorum for any meeting or hearing shall consist of at least three (3) four (4) members, ~~but a lesser number may meet and adjourn to a specified time.~~