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Chapter 9 - Zoning and Land Use
CHAPTER 9
ZONING AND LAND USE

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9.01 TITLE/PURPOSE. This Ordinance is entitled the "Town of Centerville Zoning and Land Use Ordinance." Taking into consideration the amenities provided by the surrounding area, it is the purpose of this Ordinance to promote the public health, safety and general welfare of the Town of Centerville of Manitowoc County; and it is the intent of this Ordinance to protect and preserve rural land resources, to assure adequate living areas by preventing overcrowding and by providing lots of adequate size; by providing for a variety of housing types; by providing for shopping, church, and cultural facilities without disrupting the rural quality of the area; by preventing blight and slum development through the prevention of incompatible land uses; by encouraging attractiveness and sound development; prevent rural slums and blight; conserve the scenic beauty of the countryside; discourage uneconomical scattering of development; to conserve and wisely use the town's natural resources; to provide for the uses of land and buildings in such a way as to provide for economy in government; and to implement the *Town of Centerville 20-Year Comprehensive Plan* or components thereof adopted by the Town of Centerville.

9.02 AUTHORITY. The Town of Centerville pursuant to the authority conferred by Sections 60.61 and its predecessor statutes, 61.35, 62.23 and other applicable sections of the Wisconsin Statutes, hereby enacts a Zoning and Land Use Ordinance.

9.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Centerville has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance the certain areas and the regulations and controlling of certain uses, activities, businesses and operations in the Town of Centerville.

9.04 DEFINITIONS.

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A. General Definitions. For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular includes the plural number and the plural includes the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the Wisconsin Statutes.

B. Words Defined:

1. Accessory Building: A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

2. Accessory Use: An accessory use is any use subordinate to principal use and used for the purposes customarily incidental to the principal use.

3. Adult Oriented Business. Adult oriented business shall include, but is not limited to, an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center and any bar, dance hall, restaurant or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers or waiters or waitresses who engage in sexual conduct or the simulation of such conduct. Adult oriented business shall also include any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures or wherein an entertainer or waiter provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

4. Agricultural Accessory Use: Means any of the following land uses on a farm:
- a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 1 full-time employee annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

5. Agricultural Operation: Including, but not limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.

6. Agricultural Use: Means any of the following activities conducted for the

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purpose of producing an income or livelihood:

- a. Crop or forage production.
- b. Keeping livestock.
- c. Beekeeping.
- d. Nursery, sod, or Christmas tree production.
- e. Floriculture.
- f. Aquaculture.
- g. Fur farming.
- h. Forest management.
- i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- j. Grazing
- k. Greenhouses
- l. Orchards
- m. Raising of tree fruits, nuts and berries
- n. Vegetable raising
- o. Viticulture,

7. Agriculture-related Use: Means an agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural waste.

8. Alternative Tower Structure: Man-made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including by way of illustration but not limitation elevated tanks, electric transmission poles or towers, non-residential buildings, clock towers, bell steeples, and silos. See COMMUNICATION TOWER.

9. Antenna: Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), or any other form of wireless telecommunication signal, including radio, television, telephone, microwave, cellular, and PCS signals. See ANTENNA ARRAY.

10. Antenna Array: A set of interconnected antennas installed on one tower by one telecommunications provider that receive and/or transmit one type of telecommunications signal.

11. Automobile Salvage/Wrecking Yard: Any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

12. Basement: A story partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

13. Bed & Breakfast: An owner-occupied, single-family dwelling where lodging in up to four (4) guest rooms and breakfast are provided to the travelling public by the resident owner for compensation.

14. Building: Any structure used, designed or intended for the protection, shelter,

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enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

15. Building, Height of: The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

16. Co-Location: Location of antennas or antenna arrays operated by more than one wireless communication service provider on a single tower or alternative tower structure.

17. Communication Tower: Any structure that supports one or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, and alternative tower structures, and further including all bases and supports for the structure of the tower.

18. DATCP: Wisconsin Department of Agriculture, Trade and Consumer Protection.

19. Dwelling, Single Family: A building designed for or occupied exclusively by one family meeting Wisconsin Uniform Dwelling Code requirements. The 1,100 square foot requirement is eliminated.

20. Dwelling, Multiple: A building or portion thereof designed for and occupied by more than two families including, but not limited to, tenement houses, row houses, apartment houses and apartment hotels.

21. Dwelling, Two Family: A building with two separate dwelling units designed for and occupied by two families.

22. Essential Services: The erection, construction or alteration by public or private utility companies of underground, surface or overhead transmission or distribution systems for gas, electricity, water, communications, fuel and disposal by towers, poles, wires, mains, drains, sewers, pipes, conduits, cable, hydrants and similar devices but not including buildings necessary in supplying the foregoing essential services.

23. FAA: Federal Aviation Administration.

24. Family: Two or more persons each related to the other by blood, marriage or legal adoption. A family may include, in addition thereto, not more than two roomers, boarders or permanent guests, whether or not gratuitous.

25. FCC: Federal Communications Commission.

26. Farm: Any parcel of land containing at least five (5) acres under common ownership that is primarily devoted to agricultural use.

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27. Farm Consolidation: The joining together of two or more farm operations or portions thereof, which were in existence before the adoption or amendment of this Ordinance, into one farm.

28. Farm Homestead: Original residence on a property.

29. Farm Residence: Means a single-family or duplex residence on a farm that is the only residential structure on the farm or is occupied by any of the following:

- a. An owner or operator of the farm.
- b. A parent or child of an owner or operator of the farm.
- c. An individual who earns more than 50 percent of his or her gross income from the farm.

Farm residences cannot be converted to non-farm residences, nor sold to non-farm owners without the property being first rezoned out of the A3, Exclusive Agriculture, district. New farm residences should be constructed near fence lines or existing residences to prevent dwelling construction in middle of productive fields.

30. Frontage: All the property abutting on one side of a road between two intersecting roads or all of the property abutting on one side of a road between an intersecting road and the dead end of a road.

31. Garage, Private: An accessory building or space for the storage of privately-owned vehicles.

32. Garage, Public: Any building or premises, other than a private or storage garage, where licensed motor driven vehicles are equipped, repaired, serviced, hired, sold or stored for a period not to exceed six months.

33. Home Occupation: An occupation conducted for financial gain entirely within a dwelling by the occupants which is clearly incidental and secondary to the use of the dwelling for residential purposes. A home occupation must meet the standards and requirements of Section 9.06 A. 6&7 of this Ordinance to be recognized as a home occupation.

34. Hotel: A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

35. Junk Yard: Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored or customarily stored for salvage, unless such accumulation shall be housed in a completely enclosed building.

36. Livestock: Means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

37. Lot: A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by

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this Ordinance and abutting on a public road or officially-approved place.

38. Lot, Corner: A lot abutting on two or more roads at their intersection, provided that the interior angle of such intersections is less than one hundred thirty-five (135) degrees.

39. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

40. Lot, Interior: A lot other than a corner lot.

41. Lot Lines: The lines bounding a lot as defined herein.

42. Lot, Substandard: A lot smaller than the minimum required acreage that has been recorded with the Register of Deeds prior to the adoption of the Zoning and Land Use Ordinance.

43. Lot, Through: An interior lot having frontage on two nonintersecting roads.

44. Manufactured Home: Manufactured home means a structure, transportable in one or more sections, when erected on a site, is 1,100 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities.

45. Mini-Warehouses: A one-story, multi-partitioned building not to exceed 14 foot sidewall (eave) height with a multitude of doors on any or all sides, rented or leased for storage purposes only.

46. Mobile Homes: Mobile homes means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of forty-five (45) feet. Mobile home includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

47. Manufactured/Mobile Home Court: Any plot or plots of ground upon which two or more manufactured/mobile home units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

48. Motel: A building or group of buildings, containing rooms which are offered for a consideration for the temporary accommodation of transients.

49. Nonconforming Use: A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto.

50. Nonfarm Residence: Means a single-family or multi-family residence other than a farm residence.

51. One-Vehicle Parking Space: For the purposes of this Ordinance, two hundred

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(200) square feet of lot or floor area exclusive of aisles and/or driveways or internal moving lanes this has a means of ingress and egress from any alley or road.

52. Pre-existing Antenna or Tower: Any antenna or tower constructed prior to the effective date of this ordinance.

53. Professional Office: The office of a doctor, practitioner, dentists, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. (See Section 9.06 A.7.)

54. Public Utilities: The meaning of this term shall be as defined in Wisconsin Statutes 196.01(5).

55. Recreational Camp: An area, premises or parcel of land on which is provided facilities for overnight or short-term camping in tents, bedrolls, travel trailers, pick-up coaches, motor homes, or camping trailers, as defined in Chapter HSS78 of the Wisconsin Administrative Code. Recreational camps include accessory buildings and service facilities required by the State Board of Health together with a dwelling or living quarters for the owner or caretaker on the premises. Recreational camps shall mean and be synonymous with camps and campgrounds for the purposes of this Ordinance.

56. Right of Way: Lines delineating the outer limits of land, property or interest therein acquired for or devoted to a highway.

57. Road: All property dedicated or intended for public or private travel purposes or subject to public easements therefore and is classified on the State Certified Mileage List.

58. Road Line: The dividing line between a lot, tract or parcel of land and a contiguous road.

59. Roadside Stand: A structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. (See Section 9.04 B.4.b and 9.06 A.8.)

60. Setback Line: A line established adjacent to a highway at a specified distance from the centerline thereof.

61. Sign: Any structure or part thereof, and any structure attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard", but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, and religious or like campaign, drive, movement or event.

62. Sign, Directional: Signs of not more than three (3) square feet containing directional information about public places owned or operated by federal, state or local governments, or

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their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the travelling public.

63. Sign, Temporary: A nonpermanent, unlighted sign which is in the nature of an announcement, directional or advertisement (e.g. real estate, bazaar, garage sale, political, etc.). Such sign shall not exceed 20 square feet.

64. Stable: An accessory building in which horses or domestic livestock are kept.

65. Storage Facilities: Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

66. Story: That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one half or more of its height above grade shall be deemed a story for purposes of height regulations.

67. Story, Half: The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.

68. Structural Alterations: Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

69. Structure: Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

70. Vision Clearance: An unoccupied triangular space at the intersection of two or more roads or highways which is bounded by the road lines or highway right-of-way lines and a setback line connecting points specified by measurement from the corner on each road or highway line.

71. Yard: An open space, unoccupied and unobstructed from the ground upward, on the same lot with a building except as otherwise provided herein.

72. Yard, Front: A yard extending the full width of the lot between the front line and the nearest part of the main building, excluding uncovered steps.

73. Yard, Rear: A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding uncovered steps.

74. Yard, Side: A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

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9.05 ESTABLISHMENT OF DISTRICTS. For the purpose of promoting public health, safety, morals, general welfare and conservation of land for farm purposes in the Town of Centerville; the Township is hereby divided into the following types of districts:

- A-1 Agricultural Rural Residential Districts
- A-2 Agricultural Districts
- A-3 Exclusive Agricultural Districts
- A-4 Agricultural Residential Districts
- A-5 Agricultural Residential Districts
- B-1 Business Districts
- PRD-1 Planned Residential Districts
- Interchange Zone
- C-1 Conservancy Districts

A. Zoning/Public Properties. Said districts are bounded as shown on a map Chapter 9 - Appendix A entitled "Zoning Map for Town of Centerville" and public property is shown on "Public Property Map" shown on Chapter 9 - Appendix B; these maps are made a part of this Ordinance.

B. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerline of roads or highways, or following road lines, highway right-of-way lines, section lines, one-half section lines or one-quarter section lines, said lines shall be such boundaries.

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be said boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to the centerline or road lines of roads, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the scale zoning map.

4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

9.06 GENERAL REGULATIONS:

A. Application of Regulations. The following regulations shall apply, except as otherwise specifically provided herein:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No part of a yard or other open space about any building required for the purpose

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of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

3. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which any permit has been issued before the effective date of this Ordinance and the construction of which shall have been started within six (6) months from the date of such permit.

4. No building or structure adjacent to any river, stream or lake except boathouse, piers, wharves and similar structures, hydroelectric, navigation and flood control dams and structures, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and permitted signs, shall hereafter be erected, moved or structurally altered so that the bottom of its lowest floor is lower than four (4) feet above the ordinary high-water mark.

5. The installation of any private sewage disposal facilities for any dwelling, cottage, club or place of business shall be according to this Ordinance, applicable Wisconsin Statutes and the Wisconsin Administrative Code.

6. Intent and purpose of home occupations: It is the intent and purpose of the home occupation provisions to provide for certain types of restricted occupational uses within residential and agricultural districts but only if such uses:

- a. Are incidental and secondary to the use of the premises as a dwelling.
- b. Are compatible with residential or agricultural uses.
- c. Are limited in extent.
- d. Do not detract from the character of the neighborhood.

7. Special requirements governing home occupations:

a. Not more than one person, other than occupants of the dwelling, shall be engaged in such home occupation in connection with which there is no group instruction, assembly or activities;

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation;

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that an unlighted nameplate with an area of three (3) square feet or less may be installed.

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d. No stock in trade shall be kept or sold on the premises and no article shall be sold or offered for sale except that which is actually produced by the home occupation.

e. No traffic shall be generated by such home occupation in excess of 20 vehicle trips in one day (20 trips is equal to 10 round trips) and any need for parking generated by the conduct of such home occupation shall be met off the road and not located in any required yard except as herein provided.

f. Use of the dwelling for the home occupation does not confer nonconforming use status on the affected property.

g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Home occupations shall include the use of the premises for such things as (1) professional offices where the service rendered is by other than direct contact with customers at that location (for example, where the bulk of the business is by telephone--actual work is performed in home and customer is contacted in other than that location) and (2) also could include persons engaged in the preparation of a commodity (such as certain clothing items by a seamstress, certain candy items or bakery items, etc.) to be sold at locations other than on the premises.

8. No roadside stand shall have an area of more than three hundred (300) square feet. There shall be not more than one such stand on any one premise.

9. Any separate dwelling established as permitted in either Sections 9.08 or 9.09 hereunder shall conform to the requirements under Section 9.08 D. and E.

10. All debris must be disposed of in a legal manner when a structure is removed.

B. Signs:

1. No sign shall be erected or maintained at any location whereby reasons of its position, working, illumination, size, shape or color may obstruct, impair or interfere with the view of, or be confused with any authorized traffic control sign, signal or device.

2. No illuminated sign shall be permitted within one hundred (100) feet of any dwelling unless such sign is so designed that it does not shine or reflect light onto such dwelling.

3. Signs shall be permitted only after a thorough evaluation of the effects of such signs in relation to the surrounding environment.

4. Signs shall not exceed one hundred fifty (150) square feet in area.

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5. No sign shall exceed twenty (20) feet in height above the natural terrain it is standing on.

6. notwithstanding, any other provisions of this Ordinance to the contrary, no permit is required for changing the message content on signs and billboards.

C. Signs, Directional. Directional signs shall be permitted in the right of way along Town Roads, provided Town Board approval is obtained prior to the placement of the sign.

D. Parking:

1. Minimum parking space requirements shall be provided in the following amounts:

a. Living quarters - dwelling (all types): Two for each dwelling unit.

b. Hotel and motel: One for each lodging unit.

c. Places of public assembly, auditorium, theater, churches: One for each six seats based on maximum seating capacity.

d. Bowling alley: five for each alley.

e. Dance hall, skating rink or private club: One for each one hundred (100) square feet of floor area used for dancing or assembly.

f. Industrial or manufacturing: One for each five employees based on the maximum eight-hour shift.

g. Retail and wholesale tavern, restaurant, retail stores and offices: One for each two hundred (200) square feet of floor space.

h. Wholesale: One for each three employees.

i. Unspecified: In case of a use not specifically mentioned in this section, the requirements for off-road parking facilities shall be the same as for the previously-mentioned uses which, in the opinion of the Zoning Administrator, shall be deemed most similar.

E. Setbacks:

1. Town Roads: Setbacks shall be a minimum of sixty (60) feet from centerline of road. The minimum sight triangle at each corner of intersection shall have two (2) sides which measure one hundred sixty (160) feet along centerline of road from point of intersection.

2. County highways shall be governed by county ordinance.

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3. State and federal highways:

- a. Setbacks shall be a minimum of one hundred (100) feet from the centerline of said highway.
- b. The minimum sight triangle at each corner of intersection shall have two (2) sides which measure two hundred (200) feet along the centerline of the highway from the point of intersection.

4. State and county regulations:

- a. All applicable county and state regulations shall be complied with.

F. Substandard Lots.

1. Substandard lots may be used for any use which is permitted in the district in which the lot is located or for a single-family dwelling in an A-3 Zoning District, provided that the lot as it exists was recorded in the office of the Register of Deeds for Manitowoc County prior to April 6, 1977. Any non-farm residence to be sited in an A-3 Exclusive Agriculture District must comply with s. 91.46(2)(c), Wis. Stats.

2. Such lot shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical.

G. Manufactured/Mobile Homes. The following regulations shall apply to the location and placement of manufactured/mobile homes within the Agricultural Districts only in the Town of Centerville, Manitowoc County, Wisconsin, excepting manufactured/mobile home courts as set forth in Section 9.12 PRD-1 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT.

1. The proposed site plan shall be submitted with the application and shall include the size of the manufactured/mobile home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.

2. The manufactured/mobile home shall be classed as real estate and be placed on a five (5) inch thick concrete slab or placed on a permanent foundation wall. The wall shall extend below the frost line and may be used as a basement wall. The manufactured/mobile home shall have manufactured/mobile home skirts when mounted on a concrete slab.

3. The manufactured/mobile home shall be securely anchored to its foundation with tie downs, having a minimum tensile strength of two-thousand eight-hundred (2,800) pounds and the anchors embedded in concrete to withstand the tie down strain. The number of tie downs shall be guided by the manufactured/mobile home manufacturer's recommendations provided there are no less than four (4) tie downs.

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4. The minimum yard requirements of the underlying district shall apply.

H. Shoreline and Flood Plain. This Ordinance is subject to the Shoreline and Flood Plain Ordinance of Manitowoc County. Any permit required by said county ordinance shall be obtained from the Manitowoc County Planning and Park Commission prior to the issuance of any permit under this Ordinance.

I. Livestock Facility Licensing. This Ordinance is subject to the Manitowoc County Chapter 28 Livestock Facility Licensing Ordinance. Any permit required by said County Ordinance shall be obtained from the Manitowoc County Soil and Water Conservation Department prior to the issuance of any permit under this Ordinance.

9.07 A-1 AGRICULTURAL RURAL RESIDENTIAL DISTRICTS. Refer to Town of Centerville Comprehensive Plan for areas of A-1 intent. Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28.

A. Purpose and Intent of the Agricultural Rural Residential Districts (A-1). This district is designed to permit utilization of smaller land parcels in predominantly agricultural areas for small-scale agricultural and low-density rural residential uses. The A-1 District is to be applied to those lands with less than 35 acres and which have marginal utility for agricultural use because of soil type, lot configuration and/or topography.

B. Permitted Uses. The following uses are permitted in this district:

1. Single-family dwellings.
2. General farming, orchards, vegetable raising, plant nurseries, greenhouses and forestry.
3. Roadside stands (see Section 9.06 A.8.) not exceeding one per farm or dwelling.

C. Permitted Accessory Uses:

1. Accessory buildings, including buildings clearly incidental to the residential use of the property, provided that no accessory building may be used as a separate dwelling unit. Residence required prior to permit for accessory building.
2. No sign shall be allowed, except that one unlighted nameplate with area not more than three (3) square feet may be installed.
3. Customary home occupations as defined herein and subject to the provisions of Section 9.06 A.6-7 of this Ordinance.
4. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the dwelling and incidental to the residential use of the premises.

D. Conditional Uses. The following uses are permitted on issuance of a conditional use permit as provided in Section 9.19:

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1. Cemeteries.
 2. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
 3. Schools and churches.
 4. Public utilities, except antenna and communication towers.
 5. Directional signs.
 6. Bed & Breakfast Inns.
 7. Small Wind Energy Systems
- E. Yard Requirements. Same as A-4 Districts.
- F. Height and Area Requirements:
1. No building shall be erected to a height in excess of thirty-five (35) feet.
 2. The minimum lot width shall be three hundred thirty (330) feet.
 3. The minimum lot area shall be five (5) acres.

9.08 A-2 AGRICULTURAL DISTRICTS. The A-2 District is designed to allow nonfarm related small businesses and some rural dwellings not connected to a farming operation. The following regulations shall apply in all A-2 Districts: Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28. Horses are not allowed in an A-2 District.

- A. Permitted Principal Uses:
1. Beekeeping.
 2. Floriculture.
 3. Greenhouses.
 4. Orchards.
 5. Plant nurseries.
 6. Poultry raising.
 7. Raising of tree fruits, nuts and berries.
 8. Sod farming.
 9. Essential services, where such services are exempt from local regulation and have received a certificate under Section 196.491 Wisconsin Statutes.
 10. Vegetable raising.
 11. Viticulture.

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12. Dwellings as follows:

- a. Farm homestead.
- b. One additional single-family dwelling or manufactured/mobile home per farm. Any manufactured/mobile home constructed shall be subject to the provisions of Section 9.06 G.
- c. One nonfarm related single-family dwelling per lot where no dwelling existed on April 6, 1977.
- d. Existing dwellings at the time of the adoption of this Ordinance, located in areas subject to this Section which do not conform to the requirements may be continued in residential use and shall not be subject to any limitations imposed; such existing dwellings may be altered, repaired or rebuilt if destroyed but are subject to setback, width and other dimensional requirements.
- e. Substandard lots in existence at the time this Ordinance was adopted (April 6, 1977) may be used in compliance with Section 9.06 F.

B. Permitted Accessory Uses:

1. Private garage/shed with existing residence present.
2. Customary home occupations as defined herein and subject to the provisions of Section 9.06 A.6-7 of this Ordinance.
3. Signs, free standing, not to exceed twenty (20) square feet in area displaying the name of the farm, business, owner, farm organization or advertising the products produced on the premises.
4. Temporary signs not to exceed 20 square feet (e.g. real estate, for rent, bazaar, garage sale, political, etc.).

C. Conditional Uses. The following uses are permitted on issuance of a conditional use permit as provided in Section 9.19:

1. Dog kennels.
2. Gas or electrical utility uses not requiring authorization under Section 196.491 (3) Wisconsin Statutes.
3. Radio and television broadcasting, transmitting and communication tower or microwave relay stations. This item shall be exempt from the provisions of 9.08E.1.
4. Small business subject to the provision of Section 9.19 A-B of this Ordinance (see especially section 9.19 B.7.) and conditional upon site plan approval by the Town of Centerville Board of Appeals.

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5. Two-family dwellings.
 6. Directional signs.
 7. Bed & Breakfast Inns.
 8. Small Wind Energy Systems
- D. Yard Requirements. Same as A-4 Districts.
- E. Height and Area Requirements:
1. No building shall be erected to a height in excess of thirty-five (35) feet.
 2. The minimum lot width shall be one hundred fifty (150) feet.
 3. The minimum lot area shall be one (1) acre.

9.09 A-3 Exclusive AGRICULTURAL DISTRICTS. The primary purposes of this district are to: (1) Preserve productive agricultural land for food fiber production; (2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service cost; (3) Maintain a viable agricultural base to support agricultural processing and service industries; and (4) Pace and shape urban growth. This district is intended to comply with the standards contained in Chapter 91 of the Wisconsin Statutes to permit eligible landowners to receive tax credits and includes lands identified for agricultural preservation in the Manitowoc County Farmland Preservation Plan. All rezones out of the A3 Exclusive Agriculture district must follow the procedures outlined in Section 9.23 C.7 and 8. The following regulations shall apply in all A-3 Districts: Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28.

- A. Permitted Principal Uses:
1. Agricultural Use (See 9.04 B.6.)
 2. Essential services, where such services are exempt from local regulation and have received a certificate under Section 196.491 Wisconsin Statutes.
 3. Dwellings as follows:
 - a. Farm residence.
 - b. Existing dwellings prior to January 1, 2014 located in areas subject to this Section which do not conform to the requirements may be continued in residential use and shall not be subject to any limitations imposed; such existing dwellings may be altered, repaired or rebuilt if destroyed but are subject to setback, width and other dimensional requirements.
 - c. Substandard lots in existence prior to April 6, 1977 may be used in

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compliance with Section 9.06 F.

B. Permitted Accessory Uses:

1. Agricultural Accessory Use (See 9.04 B.4.)
2. Private garage/shed with existing residence present.
3. Customary home occupations subject to the provisions of Section 9.04 B.4.d of this Ordinance.
4. Other customary accessory use buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a non-agricultural business.
5. Roadside stands (subject to the provisions of Section 9.04 B.4 a, b and d) for the sale of farm products.
6. Signs, free standing, not to exceed twenty (20) square feet in area displaying the name of the farm, business, owner, farm organization or advertising the products produced on the premises.
7. Announcement signs attached or painted to a structure displaying farm, business, name or occupants. All accessories representative to sign not to exceed a total of fifty (50) square feet.
8. Temporary signs not to exceed 20 square feet (e.g. real estate, for rent, bazaar, garage sale, political, etc.).

C. Conditional Uses. The following uses are permitted on issuance of a conditional use permit as provided in Section 9.19:

1. Small and Large Wind Energy Systems used primarily for on-farm consumption and meeting Section 9.04 B.4.
2. Private garage/shed without existing residence to the provisions of Section 9.04 B.4.a of this Ordinance.
3. Sand and gravel extraction, subject to permission of the Town Board (See Chapter 4, Section 4.10 Non-Metallic Mining Permit) and meets requirements in 9.04 B.4.b for extractions to be used strictly on the farm.
4. Nonmetallic mineral extraction, subject to permission of the Town Board (See Chapter 4, Section 4.10 Non-Metallic Mining Permit) and meets the following requirements:
 - a. The operation complies with subchapter I of Wisconsin Statutes Chapter 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s.

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295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

b. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

c. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

f. The owner must restore the land to agricultural use when extraction is completed.

5. Saw mills meeting Agricultural Related Use (9.04 B.7).

6. Riding stables meeting Section 9.04 B.4 of this Ordinance.

7. Equestrian trails meeting Section 9.04 B.4 of this Ordinance.

8. Governmental, institutional, religious, or nonprofit community use. A governmental, institutional, religious, or nonprofit community use meeting all of the following:

a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

9. The sale and service of machinery used in agricultural production.

10. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.

11. The storage and sale of seed, feed, fertilizer and other products essential to agricultural production.

12. Facilities used to provide veterinarian services for livestock.

13. Other agricultural-related, religious, utility, institutional or governmental uses similar to those listed (in Section 9.09 C.1-15.) which are compatible with the purposes of this district, which do not conflict with agricultural uses and which are found necessary in light of alternative locations available for such uses.

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14. Transportation, communications, pipeline, electric transmission, utility, drainage use or Wind Energy System diverting power to the grid when all of the following apply:

a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

15. Bed & Breakfast Inns meeting Section 9.04 B.4.d of this Ordinance.

16. The preceding list of conditional uses is permitted on issuance of a conditional use permit as provided in Section 9.19 and provided such uses meet the applicable provisions of s. 91.46 Wis. Stats.

17. The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional use. In passing upon applications for conditional uses, the Board of Appeals shall also consider the following relevant factors:

a. The potential for conflict with agricultural use.

b. The need of the proposed use for a location in an agricultural area.

c. The availability of alternative locations.

d. The productivity of the lands involved.

e. The location of the proposed use so as to reduce to a minimum, the amount of productive agricultural land converted.

f. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

D. Yard Requirements:

1. Same as A-4 Districts.

2. Notwithstanding anything to the contrary in this Section, no open manure pit or tank shall be permitted within three hundred fifty (350) feet of the road and three hundred fifty (350) feet of any adjoining lot line.

E. Height and Area Requirements.

1. No building shall be erected in excess of sixty (60) feet, except that farm structures or parts thereof not used for human occupation may be erected to a height exceeding the limitations of this district, provided that such structures conform to the regulations of the Manitowoc County Airport Height Limitations Zoning Ordinance and does not present a hazard to aircraft in or adjacent to the county.

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2. Lot area shall not be less than twenty (20) acres.
3. A lot that contains farm dwelling(s) or structures which existed prior to January 1, 2014 or amendments thereto, that is one (1) acre or more but less than twenty (20) acres in size may be created in an A-3 Agricultural District to accommodate farm consolidations and the resultant small lot is deemed to be a conforming lot for the purpose of this Ordinance.
4. A remnant parcel that is 1 acre or more, but less than twenty (20) acres in size resulting from acreage removal due to a rezone is deemed to be a conforming lot for the purpose of this Ordinance.

9.10 **A-4 AGRICULTURAL RESIDENTIAL DISTRICTS.** The A-4 District permits small scale agriculture and low density rural residential use on small land parcels. The A-4 District is to be applied to those lands with less than 35 acres and which have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The following regulations shall apply in all A-4 Districts: Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28.

A. Permitted Principal Uses.

1. One- and two-family dwellings.
2. Churches and similar places of worship.
3. Convents and monasteries.
4. Public schools, parks and playgrounds.
5. Private elementary and high schools.
6. Fire stations.
7. Public utilities, except antenna and communication towers.
8. Customary agriculture operations including a garden, nursery, greenhouse and usual farm building, subject to the following restrictions:
 - a. No building in which farm animals are kept shall be closer than one hundred (100) feet to any adjoining lot line.
 - b. No storage of manure or odor or dust-producing substances shall be permitted within one hundred (100) feet of any adjoining lot line. No open manure pit or tank shall be permitted within three hundred fifty (350) feet of the road or any adjoining lot line.
 - c. No greenhouse heating plant shall be operated within fifty (50) feet of any adjoining lot line.
 - d. No swine farms or fur farms shall be permitted.

B. Permitted Accessory Uses. The following accessory uses are permitted if located on the same lot with the permitted use:

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1. Private garage.
2. Customary home occupations as defined herein and subject to the provisions of Section 9.06 A. 6-7 of this Ordinance.
3. Other customary accessory uses and building, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.
4. Directional and temporary signs.

C. Conditional Uses. The following uses are permitted on issuance of a conditional use permit as provided in Section 9.19:

1. Public building and institutions.
2. Hospitals, sanitariums, nursing homes, convalescent homes.
5. Bed & Breakfast Inns.
4. Small Wind Energy Systems

D. Yard Requirements:

1. Front yard setbacks shall be as required in Section 9.06 E.
2. Side yards shall each have a width of not less than twenty-five (25) feet.
3. Rear yards shall each have a width of not less than twenty-five (25) feet.

E. Height and Area Requirements:

1. No building shall be erected to a height in excess of thirty-five (35) feet.
2. Lot width shall not be less than one hundred fifty (150) feet.
3. Lot area shall not be less than one (1) acre.

9.11 A-5 AGRICULTURAL RURAL RESIDENTIAL DISTRICTS. The A-5 District permits single-family residential and some agricultural activity on relatively large lots. The A-4 District is to be applied to those lands with less than 35 acres and which have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The following regulations shall apply in all A-5 Districts: Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28.

A. Permitted Principal Uses.

1. Single-family dwelling.

B. Permitted Accessory Uses.

1. Same as A-4 Districts.
2. Utility buildings not greater than 75% of the principal building.
3. Stable.

C. Conditional Uses. The following uses are permitted on issuance of a conditional use permit as provided in Section 9.19:

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1. Bed & Breakfast Inns.
 2. Small Wind Energy Systems
- D. Yard Requirements. Same as A-4 Districts.
- E. Height and Area Requirements:
1. No building shall be erected to a height in excess of thirty-five (35) feet.
 2. Lot width shall not be less than two hundred fifty (250) feet.
 3. Lot area shall not be less than three (3) acres.

9.12 PRD-1 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT. The Planned Residential Development District is intended to allow for cluster developments, garden apartments, row housing and group housing. A Planned Residential Development District may be established only after application is made by the property owner, or his authorized agent, to the Town Board and the public hearing and amendment procedures established in Section 9.24 are followed: Such a district may be established within A-2, A-4, and A-5 Districts, subject to the following provisions: Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28.

A. Permitted uses include single- and multiple-family developments and normally attendant accessory uses.

B. Manufactured/Mobile home courts shall be permitted in PRD-1 within a B-1 area only.

C. The underlying district regulations, including dwelling types, minimum lot area and yard requirements may be varied, provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the underlying district in which it is proposed to be located.

D. A site plan shall be submitted with the application and shall include road design, number and general location of dwelling units, common structures and facilities, public utilities (except antenna and communication towers) and other information that the Town Board or its delegated authority may required to make a decision.

E. The proper preservation, care and maintenance by the original and all subsequent owners, of exterior design, common structures, public utilities (except antenna and communication towers), access and open space shall be assured by deed restrictions or other measures deemed appropriate by the Town Board or its delegated authority.

F. The minimum size of a development shall be twenty (20) acres.

G. All roads shall be hard surfaced and a minimum of thirty (30) feet. All roads shall be well graded and surface drained.

H. All walkways shall be hard surfaced and a minimum of forty-two (42) inches. Walkways shall be well graded and drained to be free of surface waters.

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I. Ample road lighting shall be provided for roads and walkways to the satisfaction of the Town Board.

J. Approved sanitary sewer system shall be provided.

K. Approved surface water drainage shall be provided.

L. Fresh water supply tested and approved shall be provided at each dwelling unit.

M. Public utilities, except antenna and communication towers, shall be provided at each dwelling unit.

N. All areas not hard surfaced shall be graded and seeded to meet the approval of the Town Board.

O. Ample parking areas shall be provided along with playground areas, all well graded and drained.

P. Manufactured/Mobile homes courts: All of the above conditions shall apply, with the following conditions--compliance shall be subject to the Town Board:

1. Each manufactured/mobile home shall be set on a five (5) inch thick hard-surfaced slab. Slab shall be the minimum of the outside of manufactured/mobile home.

2. Tie downs well anchored and capable of withstanding a minimum tensile strength of two thousand eight hundred (2,800) pounds shall be provided for each manufactured/mobile home.

3. Minimum distance between manufactured/mobile homes shall be twenty-five (25) feet. Minimum rear yard to be twenty-five (25) feet.

4. The manufactured/mobile home court shall provide an approved, screened refuse and garbage receptacle with properly controlled collection or disposal service (see Chapter 8, Section 8.08).

5. The entire manufactured/mobile home area shall be well maintained and screened with quick-growing shrubs and ornamental screen fence to properly screen area from roadway.

9.13 **B-1 BUSINESS DISTRICTS**. The following regulations shall apply in all B-1 Districts: Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28.

A. Permitted Principal Uses.

1. Exercise centers.

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2. Mini-warehouses.
3. Motels and hotels.
4. Parking lot.

B. Conditional Uses. The following uses are permitted on issuance of a conditional use permit as provided in Section 9.19:

1. Same as A-4 Districts.
2. Animal hospital.
3. Bowling alleys.
4. Business and professional offices and service.
5. Dairies.
6. Dance halls.
7. Drive-in eating and drinking establishments.
8. Gasoline filling station and public garage.
9. Manufactured/Mobile home courts as provided in Section 9.06 G.
10. Outdoor theaters.
11. Printing and duplication.
12. Private clubs and lodges.
13. Public utilities, except antenna and communication towers.
14. Radio and television broadcasting studio, tower and mast or microwave-relay structure, or communication tower. This item shall be exempt from the provisions of 9.13.C.1.
15. Shopping center.
16. Signs and sign shops.
17. Stores and shops for conduction of retail, service or wholesale business.
18. Taverns and restaurants, excepting drive-ins.
19. Theaters, excepting outdoor theaters.
20. Adult Oriented Businesses.
21. Small Wind Energy Systems

C. Yard Requirements:

1. Front yard setbacks shall be as required under Section 9.06 E.
2. A minimum side yard of ten (10) feet shall be required, except where adjoining another district, in which case the side yard shall be the same as required in the adjoining district.
3. Rear yard shall be not less than twenty-five (25) feet.

D. Height and Area Requirements:

1. No building shall be more than thirty-five (35) feet in height.
2. The minimum lot area shall be fifteen thousand (15,000) square feet.

9.14 INTERCHANGE ZONE. Also, refer to Chapter 12, Section 12.06 Wellhead Protection Area,

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for Town of Centerville Section Nos. 22, 27 and 28.

A. Purpose. The primary purpose of Interchange Zoning is to provide for the orderly development of lands adjacent to the I-43 Interchange. The secondary purpose is to preserve the appearance of the interchange area as the "front door" to the adjacent community or rural area, to preserve special scenic features for recreational purposes and to prevent commercial development on unsuitable terrain.

B. Permitted Principal Uses.

1. Beekeeping.
2. Cash cropping and field cropping.
3. Floriculture.
4. Forest and game management.
5. Raising of grain, grass, mint and seed crops.
6. Raising of fruit trees, nuts and berries.
7. Vegetable raising.
8. Viticulture.
9. Essential services, where such services are exempt from local regulation and have received a certificate under Section 196.491 Wisconsin Statutes.
10. Existing dwellings at the time of the adoption of this Ordinance (April 6, 1977), located in areas subject to this section which do not conform to the requirements may be continued in residential use and shall not be subject to any limitations imposed; such existing dwellings may be altered, repaired or rebuilt if destroyed but are subject to setback, width and other dimensional requirements.

C. Conditional Uses. The following uses are permitted on issuance of a conditional use permit as provided in Section 9.19:

1. One- and two-family dwellings.
2. Churches and similar places of worship.
3. Convents and monasteries.
4. Public schools, parks and playgrounds.
5. Private, elementary and high schools.
6. Fire stations.
7. Public utilities, except antenna and communication towers.
8. Greenhouses.
9. Plant nurseries.
10. Sod farming.
11. Stores and shops for the conduct of retail, service or wholesale business.
12. Business and professional offices and service.
13. Taverns and restaurants.
14. Motels and hotels.
15. Radio and television broadcasting studio, tower and mast or microwave relay structure, or communication tower.
16. Animal hospital.

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17. Theaters, except outdoor theaters.
18. Dairies.
19. Parking lot.
20. Private clubs and lodges.
21. Gasoline filling station and public garage.
22. Bowling alleys.
23. Dance halls.
24. Exercise centers.
25. Shopping center.
26. Signs.
27. Bed & Breakfast Inns.
28. Adult Oriented Businesses.
29. Small Wind Energy Systems

D. Permitted Accessory Uses.

1. Private garage.
2. Customary home occupations as defined herein and subject to the provisions of Section 9.06 A.6-7 of this Ordinance.
3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.
4. Roadside stands (see Section 9.06 A.8.) for the sale of farm products.
5. Signs not to exceed twenty (20) square feet in area, displaying the name of the farm, owner, and farm organization or advertising the products produced on the premises.
6. Temporary signs.

E. Yard Requirements.

1. Yards for residential buildings.
 - a. Front yard setback shall be a minimum of sixty (60) feet from the centerline of road except on state or federal highways. (See Setbacks, Section 9.06 E.)
 - b. Side yards shall each have a width of not less than twenty-five (25) feet.
 - c. Rear yards shall have a width of not less than twenty-five (25) feet.
2. Yards for other buildings.
 - a. Front yard setback shall be a minimum of sixty (60) feet from centerline of road, except on state or federal highways. (See Setbacks, Section 9.06 E.)

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b. A minimum side yard of ten (10) feet shall be required, except where adjoining another district, in which case the side yard shall be the same as required in the adjoining district.

c. Rear yard shall not be less than twenty-five (25) feet.

F. Height and Area Requirements.

1. Height and area for all buildings.

a. No building shall be erected to a height in excess of thirty five (35) feet.

b. Lot width shall not be less than one hundred fifty (150) feet.

c. Lot area shall not be less than one acre.

9.15 C-1 CONSERVANCY DISTRICTS. The following regulations shall apply in all C-1 Districts, provided that no use shall involve the dumping, filling, cultivation, mineral, soil or peat removal, or any other use that would disturb the natural fauna, flora, watercourses, water regimen or topography of said district: Also refer to Chapter 12, Section 12.06 Wellhead Protection Area, for Town of Centerville Section Nos. 22, 27 and 28.

A. Permitted Uses:

1. Grazing of animals and the raising of crops.
2. Harvesting of wild crops.
3. Hunting, fishing and trapping.
4. Forestry.
5. Nonresidential building and structures used for the raising of wildlife and fish, and the practice of forestry.
6. Boat launching areas and boat liveries.
7. Public parks.

B. Conditional Uses. The following uses are permitted upon issuance of a conditional use permit as provided in Section 9.19:

1. Recreational camps.
2. Sale of bait.

C. Yard Requirements:

1. Same as A-4 Districts.
2. The minimum lot size shall be twenty thousand (20,000) square feet.

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9.16 COMMUNICATION TOWERS AND ANTENNAS

A. Applicability. This section applies to all "communications towers" and "antennas" as defined in Section 9.04 except for:

1. Any device that does not exceed in height the lesser of 35 feet or such other height limitation that may apply to the zoning classification in which the device will be sited.

2. Any device not exceeding 70 feet in height for reception of television signals or owned and operated pursuant to a license granted by the FCC.

3. Pre-existing towers and antennas.

B. Purpose. The purpose of this section is to:

1. Protect Safety by such methods as prohibiting the siting of antennas and towers in or near residential areas, and providing height and setback restrictions.

2. Promote Aesthetics by minimizing the number of towers in the Town, requiring towers to be sited and configured in ways that minimize their adverse visual impact, and by encouraging the utilization of alternative tower structures rather than free-standing towers whenever feasible.

3. Encourage Commerce by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.

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

D. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the governing authority is not by sharing such information in any way representing or warranting that such sites are available or suitable.

E. Aesthetics and Lighting.

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1. If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish, or be painted to a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.

2. At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and pre-existing improvements.

3. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of neutral colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives, and shall approve the design that would cause the least disturbance to surrounding areas.

5. Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 feet above the ground on a placard no larger than 1-1/2 square feet, or as required by the FCC.

F. Federal and State Requirements. All communication towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal or state government with the authority to regulate towers and antennas.

G. Building Codes and Safety Standards. The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the administrative agency of the State of Wisconsin with jurisdiction.

H. Setbacks. All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height including antennas. If an application for a Conditional Use Permit is required, this one-to-one setback requirement may be increased or decreased on a site-by-site basis by the applicable governing authority in its sole discretion.

I. Conditional Use Permits. All antennas and communication towers subject to this Section shall require a Conditional Use Permit. Applications for Conditional Use Permits shall be made in accordance with the procedures of Section 9.19 and the following:

1. Information Required In Writing. Each applicant requesting a Conditional Use Permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, frequency, coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess

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compliance with this article.

2. Factors. The governing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- a. Height of the proposed tower.
- b. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
- c. Proximity of the tower to residential structures and residential district boundaries within 1,000 feet of the tower.
- d. List of nature of uses on all adjacent parcels and all other parcels within 1,000 feet of the tower.
- e. Surrounding topography within 1,000 feet of the tower.
- f. Surrounding tree coverage and foliage within 500 feet of the tower.
- g. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- h. Proposed ingress and egress.
- i. Availability of suitable existing towers and other structures as discussed below.

3. Availability of Existing Towers or Structures. No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

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f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. Radio Frequency Engineer's investigation (cost of which shall be borne by the applicant) finds the need for the proposed cell tower.

4. Landscaping. The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least four feet in width surrounding the tower and structures that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view from nearby parcels. The governing authority may impose greater requirements or may reduce these requirements for a particular site.

J. Towers and Antennas. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

K. Special Assessments. Pursuant to authority granted by Section 66.0703 Wisconsin Statutes, any costs incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the permit holder. Any amounts not paid within 30 days of billing, shall accrue interest at 1.5% per month compounded monthly. Any amounts not paid within 90 days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) upon which the tower and/or antenna are located.

9.17 LARGE AND SMALL WIND ENERGY SYSTEMS

A. Wind Energy Systems: The following regulations shall apply to all Wind Energy Systems as defined in Section C of this ordinance hereinafter constructed or developed within the Town of Centerville. Certain requirements apply to all sizes of Wind Energy Systems (WES), others may apply to only Large Wind Energy Systems (LWES) and others may apply to only Small Wind Energy Systems (SWES). The distinctions will be noted in this chapter. When a distinction as to "Large" or "Small" is not indicated, the requirement applies to all sizes.

B. Purpose: The purpose of the Wind Energy System Ordinance is to provide a regulatory scheme for the construction and operation of Wind Energy Systems in the Town of Centerville, subject to reasonable restrictions, which will preserve the public health and safety, and the Town of Centerville financial interests.

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C. Definitions:

1. Ambient Sound: The lowest sound level present at a location for which ninety per cent of the time louder sounds were measured during the nighttime hours between 10 p.m. and 6 a.m.

2. Commission: The Town of Centerville Planning and Zoning Commission.

3. Decommissioning: The process of use termination and removal of all or part of a Large Wind Energy System by the Owner or assigns of the Large Wind Energy System.

4. Good Utility Practice: Good Utility Practice means any of the practices, methods and acts with respect to the safe operation of a Large Wind Energy System engaged in or approved by a significant portion of the electric utility industry and, in particular, those portions of the industry with experience in the construction, operation and maintenance of Wind Turbines during the relevant time period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

5. Inhabited Structures: A permanent building existing or with an approved permit to construct prior to the conditional use application and intended for the use of human habitation for either a full-time or a part-time basis.

6. Karst Feature: An area or superficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas.

7. Landowner: The person who owns the property on which a Wind Energy System is located or person(s) who own property on which no Wind Energy is planned. The wording in this ordinance will differentiate which is the case if not obvious in its use.

8. MET Tower: A meteorological tower used for the measurement of wind speed and/or wind direction.

9. Non-Participating Property: Real property that has no Wind Energy System.

10. Owner: The person or entity who develops, operates or owns a Wind Energy System, whether an individual, proprietorship, corporation, association, partnership, limited liability entity or any other legal entity. For purposes of this ordinance, Owner also includes the applicant and any assignees.

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11. Participating Property: Real property that has a Wind Energy System within its property lines and is owned by the Landowner of the property, or is subject to an agreement between the Landowner and the Owner of the Wind Energy System, allowing the construction and operation of the Wind Energy System.

12. Shadow Flicker: Moving shadows caused by the rotation of the turbine blades passing in front of the sun.

13. Total Height: When referring to a Wind Turbine, the distance measured from ground level at normal grade to the blade extended at its highest point.

14. Town: Town of Centerville, Manitowoc County, Wisconsin.

15. Use Termination: The point in time at which a Large Wind Energy System Owner provides notice to the Town of Centerville that the Large Wind Energy System or individual Wind Turbines are no longer used to produce electricity unless due to repairs. Such notice of use termination shall occur no less than 30 days prior to actual use termination.

16. Wind Energy System: An energy conversion facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to convert and then store or transfer energy from wind into usable forms of energy.

17. Wind Energy System, Large: A Wind Energy System which has a total installed nameplate capacity of more than 300 kilowatts or of which any one Wind Turbine has a nameplate capacity of the equivalent of more than 100 kilowatts.

18. Wind Energy System, Small: A Wind Energy System which has a total installed nameplate capacity of 300 kilowatts or less and any one Wind Turbine has a nameplate capacity of the equivalent of no more than 100 kilowatts.

19. Wind Turbine: The portion of a Wind Energy System, which converts wind energy into electricity or other forms of energy, through the use of a Wind Turbine generator or convertor, and includes the turbine, blade, tower, base, and equipment immediately adjacent to the tower such as a pad transformer or energy storage device.

D. Regulatory Framework

1. Zoning

a. Large Wind Energy Systems may only be constructed in areas zoned Agriculture with an approved conditional use permit and a building permit from the Town of Centerville.

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b. Small Wind Energy Systems may be constructed in areas zoned A1, A2, A3, A4, A5, or Business with an approved conditional use permit and a building permit from the Town of Centerville.

2. At least 90 days (60 days for a small) before an Owner files an application to construct a Wind Energy System, an Owner shall hand-deliver or use commercially reasonable methods with an acknowledged receipt to provide written notice of the planned Wind Energy System with a project description and construction timeline to all of the following:

For Large Wind Energy Systems-

a. Landowners and political subdivisions within one mile of a planned Wind Energy System host property which is referred to as the Participating Property in this Chapter. In addition, an Owner shall provide any landowner with whom the Owner may be seeking an agreement to use or affect the landowner's property or be seeking waivers for impacting the landowner with written information describing the landowner's rights and considerations for negotiating land use and the possible effects of Wind Energy Systems as prescribed by the Town. A landowner who agrees to a waiver does not waive any rights or protections granted to a Non-participating landowner unless specifically waived in the agreement.

b. Town of Centerville

c. Emergency first-responders and air ambulance service providers serving a political subdivision within one mile of where the Wind Energy System may be located.

d. Wisconsin Department of Transportation.

e. Public Service Commission of Wisconsin, if required.

f. Wisconsin Department of Natural Resources.

g. Wisconsin Department of Agriculture, Trade and Consumer Protection.

h. The office of the deputy undersecretary of the U.S. Department of Defense.

i. Electric utility serving the area.

j. All public libraries in the county and adjacent counties.

For Small Wind Energy Systems-

k. All landowners of real property adjacent to the Participating Property

l. Town of Centerville

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- m. Electric Utility serving the area.

3. An applicant for a Large Wind Energy System shall request, at applicant's expense, a pre-application public meeting with the Town Board and Planning and Zoning Commission, at which no official Town action shall be taken. Notice of the meeting shall be sent to all landowners within one mile of the proposed boundary of the Wind Energy System. If the Owner does not contact each landowner directly but instead sends the notice by mail, the Owner shall provide the Town with a certificate of mailing for each landowner. The Owner shall send the notice twenty business days prior to the date of the meeting. A pre-application public meeting shall be held in order for the applicant to accomplish the following:

- a. Inform Town residents of the project and provide answers to Town residents with questions.
- b. Provide informational displays of the areas of the Town that meet the requirements of the Town ordinance and are likely locations for a Large Wind Energy System.
- c. Town residents who are not able to attend the meeting shall have the option to provide written comments or questions to the applicant and/or Town.
- d. In no instance shall this meeting take the place of a formal public hearing for the conditional use permit.

4. Application for a conditional use permit for a Large, Medium, or Small Wind Energy System shall be submitted to the Zoning Administrator with information as follows:

- a. Name, address, any legal corporate status and telephone number of the applicant, which by definition herein is the Owner, responsible for the accuracy of the application and site plan.
- b. Name, address, legal corporate status and telephone number of the future Owner of the proposed Wind Energy System if it is known that the future Owner will be different from the Owner making the application.
- c. For a Large Wind Energy System, a signed statement indicating that the Owner has legal authority to develop, construct, and operate the Large Wind Energy System(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA). The FAA will issue a signed statement when the precise location has been determined. Building permits will not be issued prior to receiving all signed statements, but a conditional use permit may be granted.
- d. For a Large Wind Energy System, an applicant shall also provide copies of the Proof of a Certificate of Authority or Certificate of Public Convenience and Necessity from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Impact Assessment, if applicable and when available.

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- e. Description of the number and kind of Wind Energy System(s) to be installed.
- f. Description of the Wind Energy System's Total Height and design, including a cross section, elevation, and diagram of how the Wind Energy System will be anchored to the ground.
- g. Site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, karst features, support facilities, access, and proposed landscaping or fencing. An Owner of a Medium or Small Wind Energy System may provide less detail as determined by the Town Board.
- h. Photo exhibits visualizing the proposed Wind Energy System.
- i. Statement from the Owner that all Wind Energy System(s) will be installed in compliance with manufacturer's specifications and a copy of those manufacturer's specifications.
- j. Information regarding the impact of the Wind Energy System as to local infrastructure, anticipated noise, anticipated shadow flicker, line-of-sight communication, airports, aircraft landing fields and airspace, including aerial spraying.
- k. Information regarding use and modifications of roads and other public property during construction, operation, and decommissioning.
- l. For Large Wind Energy Systems, copy of all emergency plans prepared in collaboration with appropriate first-responders.
- m. Plan for decommissioning and site restoration.
- n. Evidence (a signed statement from the Owner and countersigned by the Participating Property Landowner) that the Owner has negotiated with adjacent Landowners and has obtained written agreements with all Landowners whose wind rights may be affected by the Wind Energy System's conditional use or who could otherwise potentially interfere with the Owner's wind access.
- o. Copy of the Wisconsin Distributed Generation Application Form and the Wisconsin Distributed Generation Interconnection Agreement
- p. Copy of the Statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored and disposed.
- q. A statement indicating how the Large Wind Energy System will be lit with the latest technology to minimize on-time, if lighting is required.

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r. A list of all potential permits or approvals the Owner anticipates may be necessary for construction of the Wind Energy System.

5. After the Owner notifies the Town in writing that all application materials have been filed, the Town shall notify the Owner no later than 45 days whether or not the application is considered complete. If considered incomplete, the Town will state the reasons for that determination. The day after the Town receives responses to all items that were considered incomplete; another 45-day completeness review period begins. If the Town fails to determine whether the application is complete or incomplete within 45 days after the application is filed, the application is considered to be complete. The Town may request additional information after the application is considered complete. The Town shall approve or disapprove the application no later than 90 days after the day on which the Town notified the Owner that the application was complete. Within the 90-day approval period, the Town may authorize an extension of the approval period for reasons allowed by Wisconsin statute s. 66.0401 (a) 4. The Town shall make a record of its decision-making proceedings as required by s. 66.0401(a)4.

6. A site grading, erosion control and storm water drainage plan shall be submitted to the Zoning administrator prior to issuing a building permit. At the Town's discretion, these plans may be reviewed by the Town's engineering firm. The cost of this review will be the responsibility of the Owner of the Large Wind Energy System.

7. The applicant shall acquire all other permits, including driveway/culvert permits and permits for work done in right-of-ways prior to construction.

8. Wind Energy Systems may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per Wind Turbine at Town Board discretion. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation, storage or distribution of the converted energy.

9. An applicant may submit one conditional use permit application for an entire Large, Medium, or Small Wind Energy System project located in the Town of Centerville, provided that a detailed map identifying parcel locations for all proposed Wind Turbines is provided to the Town of Centerville at the time a conditional use application is submitted. Each Wind Turbine's characteristics and specific siting will be considered individually but not independently as to its impact on health and safety.

10. No grading, filling, or construction may begin until the Town of Centerville Zoning Administrator issues a building permit. A separate building permit is required for each Wind Turbine to be constructed.

11. All Owners shall maintain insurance coverage commencing upon construction of the facility and continuing in effect for the life of the project as follows:

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- a. The Owner shall, at its expense, maintain a broad-form comprehensive coverage policy of public liability insurance insuring Applicant and Participating Landowners against loss or liability caused by Owner's occupation and use of the Property under the Lease, in an amount not less than five million dollars (\$5,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. The Town shall be named as an additional insured on the policy.
- b. Worker's compensation coverage in an amount required by Wisconsin law. The Owner shall require subcontractors and others not protected under its insurance to obtain and maintain worker's compensation and employers' liability insurance.
- c. Certificates of insurance evidencing compliance with these requirements shall be provided to the Town. The insurer will provide notice to the Town in the event there is any change in the policies' owner(s), provisions, terms or conditions. All policies other than worker's compensation shall be written on an occurrence and not on a claim-made basis.
- d. Upon each renewal of any of these insurance policies, proof of continuous liability in the minimum amount of five million dollars (5,000,000.00) per occurrence shall be submitted to the Town of Centerville indicating coverage for potential damages or injury to Landowners, occupants, Town property and Town roads, and other third parties. The Town shall be named as an additional insured on the policy.

12. The Town of Centerville shall require an irrevocable letter of credit, bond, cash escrow, and/or personal guarantee, held in trust in favor of the Town of Centerville to recover the costs associated with removal of a use-terminated Wind Energy System and appurtenant facilities. The amount of the irrevocable letter of credit, bond, cash escrow, and/or personal guarantee shall be negotiated by the Town of Centerville prior to conditional use permit approval and shall remain in effect until released by the Town. The Centerville Town Board will determine which method of financial security will be allowed. The Town may solicit estimates from consultants or construction entities to determine the dollar amount required to dismantle and dispose of the Wind Energy System. Every five years the Town may evaluate whether the dollar amount of the decommissioning funds are still adequate and, if necessary, require an adjustment to the amount by requiring additional funds from the Owner.

13. On-site construction of a Wind Energy System authorized by conditional use permit shall be started within twenty- four (24) months of issuance of the conditional use permit and completed within thirty-six (36) months of issuance of the conditional use permit, or in accordance with a timeline approved by the Town Board. Upon request of an Owner and for good cause, the Town Board may grant an extension of time.

14. The Owner of a Large Wind Energy System shall submit a copy of all "as-built" plans including structural engineering and electrical plans for all towers following construction to the Town to use for decommissioning of Large Wind Energy System, if Large Wind Energy System Owner or its assigns fail to meet the requirements of this ordinance.

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15. The Town may require additional conditions to ensure safety and proper land use fit to the surrounding area.

16. The Town of Centerville will periodically review any conditional use permits. The first review will be one (1) year after operation commences. Thereafter, a review will take place every five (5) years. The purpose of the review is to determine whether the Owner has complied with the terms and conditions of the conditional use permit. There will be a charge at the Owner's expense for the review process. The Town may alter the frequency of these reviews for Small Wind Energy Systems.

17. An Owner shall not make any material changes in an approved design, location, construction, or operation of a Wind Energy System without the prior written approval of the Town.

18. The conditional use permit issued to the Owner is not assignable (except as collateral to obtain financing) or transferable to any other person, firm or corporation, whether by operation of law or otherwise, without the express prior written consent of the Town, for which consent is not to be unreasonably withheld. In addition to any other requirement imposed by the Town with regard to a proposed assignment, the assignee must submit an affidavit demonstrating its agreement to assume all of the Owner's rights, duties and obligations under the conditional use permit, including, without limitation, the financial security provisions.

19. The Owner shall cooperate with any study of the effects of Wind Energy Systems coordinated by a state agency.

E. Applicability

1. The requirements of this ordinance shall apply to Large or Small Wind Energy Systems for which permit application have been accepted as complete after the effective date of this ordinance. Wind Energy Systems for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such pre-existing Wind Energy System which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this ordinance prior to recommencing production of energy. No modification or alteration to an existing Wind Energy System shall be allowed without full compliance with this ordinance.

F. General Requirements for Wind Energy Systems

1. Principal Accessory Use

a. Wind Energy Systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy System or a part of such facility on such lot provided that all requirements of this ordinance or, when allowed, requirements modified by the Town are met. Wind Energy Systems constructed and installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

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b. A building permit, issued by the Town of Centerville Zoning Administrator, shall be required for each individual Wind Energy System structure prior to construction of any part of the Wind Energy System.

2. Design and Installation

a. Wind Turbines shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white to prevent sun glare.

b. At Large Wind Energy System sites, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the Large Wind Energy System to the natural setting and existing environment.

c. Owner is responsible for properly maintaining all landscaping, including grass cutting.

d. Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration's (FAA) minimum standards using red lights, if possible. Lighting shall be shielded from ground view to the extent allowed by FAA's maximum standards. Technology which turns-on lighting only when aircraft approaches the area shall be used by the Owner unless specifically not permitted by the FAA.

e. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or operator of the Large Wind Energy System.

f. All Wind Energy Systems shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

g. To the extent applicable, all Wind Energy Systems shall comply with all building, mechanical, electrical, and industry codes and standards. To ensure the integrity of the Large Wind Energy Systems, the Owner shall maintain the Wind Energy Systems in compliance with Good Utility Practice for Wind Energy Systems. If, upon inspection and advice by a qualified expert in Good Utility Practice, the Town reasonably concludes that any of component of a Wind Energy System fail to comply with Good Utility Practice or constitute a danger to persons or property, then upon notice being provided to the Owner, the Owner shall have 30 days to bring the non-compliant Wind Energy Systems into compliance with such standards or, if the 30 days is insufficient time to cure the non-compliance, the Owner shall present a plan to the Town describing the reason for the delay and the timeframe for the cure to be put in place. The Town shall determine whether the plan is acceptable or has to be redone to avoid the decommissioning process as provided for in this Chapter.

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- h. Electrical controls, control wiring, and power lines shall be wireless or below ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network adjacent to that network.
- i. All electrical components of a Wind Energy System shall conform to relevant and applicable local, state, national, and international codes, including IEEE 1547, UL1741 and PSC 114.
- j. At the discretion of the Town, the Town may hire a Wisconsin-licensed Professional Engineer or other expert as an electrical consultant to review the electrical system design, including those to eliminate stray voltage, and to oversee the installation of the Large Wind Energy System. The cost of the consultant will be the responsibility of the Owner of the Large Wind Energy System.
- k. The Owner of a Wind Energy System shall defend, indemnify, and hold harmless the Town of Centerville and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the Owner concerning the operation of the Wind Energy System without limitation, whether said liability is premised on contract or tort.
- l. The Owner of the Wind Energy System shall reimburse the Town, County, and State for any and all repairs and reconstruction to the public roads, culverts, and natural drainage ways resulting directly from the construction of a Wind Energy System. A qualified independent third party, agreed to by the Town, County, or Owner, and paid for by the Owner, may be hired to inspect the roadways to be used during construction. This third party shall evaluate document, videotape, and rate road conditions prior to the construction of the Wind Energy System and again upon notification of the completion of the Wind Energy System project. Any road damage done by the Owner or subcontractors shall be repaired or reconstructed at the Owner's expense. The Town of Centerville may require a bond or cash escrow, held in trust in favor of the Town of Centerville, to recover the costs associated with the repair of roadways damaged by the construction of any Wind Energy System.
- m. Where Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site, at the Owner's expense, to the satisfaction of the Landowner or Town.
- n. Any recorded access easement across private lands to a Wind Energy System shall in addition to naming the Wind Energy System Owner as having access to the easement shall also name the Town of Centerville as having access to the easement for purposes of inspection or decommission.
- o. The Owner of a Large Wind Energy System shall reimburse the Town of Centerville for any and all legal notices, meeting fees, and reasonable fees for consulting, legal advice, and engineering. Fifty percent of the estimated fees related to the permit application and its review shall be paid in advance by the Owner before a written decision is issued. The Town

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shall submit copies of all related Town-paid invoices to the Large Wind Energy System Owner for timely repayment to the Town.

p. Any Large Wind Energy System that does not produce energy or a component which is no longer needed for production of energy for a continuous period of twelve months, excluding time spent on repairs or improvements, shall be considered abandoned and shall be decommissioned in accord with the Decommissioning provisions of this ordinance. The Owner shall notify the Town when a Wind Energy System has not produced electricity for a continuous twelve months. Any person may ask the Town to investigate whether a Wind Energy System is still producing energy. If requested by the Town, the Owner shall provide evidence of energy production in a form acceptable to the Town.

q. The Large Wind Energy System Owner shall maintain a toll-free phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information shall be supplied to the Town Clerk and, if a Large Wind Energy System, posted at each facility site.

r. No blasting shall occur in connection with the construction of the facility unless the Owner has provided prior notification to the property owner, any abutting property owners, property owners within 1,500 feet of the blasting site, and the Town Board. All blasting shall be done in accordance with all applicable laws, regulations and ordinances.

s. At the discretion of the Town, the Town may consult with the Land and Water Conservation Office of Manitowoc County and/or the Department of Natural Resources (DNR) to review site plans prior to construction to ensure the least amount of impact on farm fields and sensitive areas. Construction of structures and trenches shall be avoided in environmentally-sensitive areas. The Town or these two agencies shall require the identification of sensitive areas by the Owner. The Large Wind Energy System Owner will be responsible for all costs associated with this review.

G. Setbacks

Large Wind Energy Systems

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or out-buildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

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Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or out-buildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

H. Karst Features and Ground Water

1. The Town of Centerville recognizes how susceptible our ground water supply is to contamination due to karst features located in the Town.

2. The Town may require consultation with the Manitowoc County Land and Water Conservation Department, the Wisconsin Department of Natural Resources and/or any appropriate government agency. The Town may require the Owner to develop an excavation design and procedure plan which shall include, but not limited to, identification of bedrock areas within twenty-four inches of any excavation, determination of slope gradients, mapping of sensitive geological features, evaluation of trench and road access path options. The excavation design and procedure plan shall include avoidance of karsts, sinkholes, and other sensitive geological features and specify procedures for minimizing soil compaction, mixing of soil types, and damage to drainage systems. The plan shall include special design specifications and construction procedures for all excavations to prevent any possible migration of contamination via these excavations, including consideration of trench breakers and trench liners. The Town may hire a consultant, at the expense of the Wind Energy System Owner, to review the excavation design and procedure plan and may require changes based upon this review. In addition, the Town may hire an inspector to monitor that all excavations, material laying, backfilling and surface restoration are done according to the plan accepted by the Town.

3. The Owner shall complete a storm water and soil erosion control plan to prevent contamination of wetlands via surface runoff and groundwater via karsts, sinkholes, and other geological features during the construction and operation of any Wind Energy System. If state regulations do not require their approval of the plan, the Town may hire a consultant to review the plan at the Owner's expense.

4. At the request of the Town, the Owner of the Large Wind Energy System may be required to run water tests on wells where Large Wind Energy System structures and excavations such as, but not limited to, foundations and cable trenches will be located, both prior and after construction of the Large Wind Energy System. The Owner of the Large Wind Energy System will

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be financially responsible for any costs associated with the testing of wells. The Town Board will determine how large the test area needs to be based on factors such as where bedrock is located. The State Board of Health has recommended well-testing be done within one mile of pathways which includes excavations within 24 inches of bedrock. The Owner of the Large Wind Energy System will be financially responsible for any contamination to wells which tested acceptable prior to construction but are not acceptable after construction. The Town Board will determine the time period when the testing will take place. A consultant may be hired to develop and oversee the testing process. Any associated costs to the Town and any landowners shall be reimbursed by the Owner.

I. Sound and Vibration

1. An Owner shall procure or design a proposed Wind Energy System to minimize sound at an inhabited structure to the extent reasonably practicable.
2. An Owner shall design a Wind Energy System to comply with the sound standards in this section under all planned operating conditions.
3. The Owner shall provide the sound level specifications of the Wind Energy System's manufacturer. Sound modeling, pre-construction baseline testing and post-construction testing may be required by the Town. When required, any modeling or testing shall be performed by an independent qualified acoustical consultant selected by the Town Board at the Owner's expense. Results of the pre-construction modeling shall be submitted with the conditional use permit application. The Owner may be required to submit their own modeling study and test results for review by the Town's consultant. If the Owner submits their own study, data showing the historical accuracy of their modeling shall also be submitted. If any of the modeling shows that sound levels will exceed stated design limits listed below, setback must be adjusted to conform to the sound level limits. The sound modeling required will be determined by the Town and may include, but not be limited to, infra-sound, low frequency sound, broad spectrum and full spectrum testing at various wind speed conditions below turbine cut-in speed and between turbine cut-in speed and maximum sound speed, usually 6 mph and 13 mph, respectively, at five feet above ground level.
4. Ambient sound levels shall be measured at the closest exterior wall of all potentially affected inhabited structures and at the property line of all Non-Participating Properties adjacent to all of the Participating Properties. Ambient sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone. Ambient sound level measurements shall be performed before construction of a Large Wind Energy System. If and when ambient sound measurements are also performed after construction, the Large Wind Energy System shall be shut down during the test period. Ambient sound measurements may be taken when wind velocities at a proposed or existing project site are at sufficient levels which would allow operation of a Large Wind Energy System without the actual operation of such Large Wind Energy System, provided that the wind velocity does not exceed thirteen (13) mph at the ambient sound level measurement location.

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5. When sound testing is required, sampling shall include LAeq, L10, and L90 metrics in both dB(A) and dB(C) scales. If the difference between dB(C) and dB(A) sound level measurements is more than 10 dB at any instance, a frequency analysis shall be required.

6. If the project consists of more than one Wind Turbine, the sound modeling and testing shall analyze the effects of the compounding of sound caused by multiple turbines and this effect upon inhabited structures and the property lines of adjacent Non-Participating Properties.

7. Sound testing, when required, shall conform to the applicable industry standards as provided by the American National Standards Institute such as, but not limited to, ANSI/ASA S12.9, S12.18, and S12.19 and by the International Electrotechnical Commission. Data sampling and sound level evaluations should consider the analysis outlined in “Baseline Environmental Sound Levels for Wind Turbine Projects” by George F. Hessler and David M. Hessler, published November 2006.

8. If a pre-construction baseline sound study was required, within twelve (12) months after the Wind Energy System is operational, and within four (4) weeks of the one-year anniversary date of the pre-construction baseline sound study, the Owner shall perform post-construction sound studies. If complaints are received prior to the one-year anniversary, the Town may determine there is the necessity to require the Owner to conduct sound studies before, and in addition to, the one-year post-construction study. The town may decide to have any study data reviewed by an independent acoustical consultant at the Owner’s expense.

9. Pre-construction and post-construction sound studies shall be filed with the Town Clerk. Findings shall be forwarded to the Town Board as soon as possible.

10. Audible sound due to a Wind Energy System shall not exceed the lesser of 45 dB(A) for nighttime and 50 dB(A) for daytime or ambient sound level for L90 plus 5 dB(A) at any time when measured outside an inhabited structure at an exterior wall. In addition, low frequency sound levels shall not exceed the lesser of 50 dB(C) L(90) or exceed a 20-dB difference between Leq(C) and L90(A) levels when Leq(C) is higher than L90(A). Daytime is 6AM to 10PM. Nighttime is 10PM to 6AM.

11. Any Wind Energy System shall not create an audible steady, pure tone such as a whine, screech, or hum or a vibration, whether or not created on the Wind Energy System itself or created when a Wind Energy System causes another structure or device to emit such sound or vibration. Any of these sounds or vibrations which can then be heard or felt on a Non-Participating Property shall be eliminated within 2 days by repair or shutting down the offending Wind Turbine.

12. If audible sound exceeds the sound level criteria of paragraphs 10 and 11, immediately above, the offending Wind Energy System must be shut down or operated in such a way as to meet these sound level criteria until repairs are completed unless a waiver is obtained from affected property owners.

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a. The Town of Centerville reserves the right to review any repair plan, evaluate its effectiveness, and require reasonable changes.

13. In the event the ambient sound level, measured when the Wind Energy System is not operating, exceeds the applicable standard given in paragraph 10, the applicable standard shall be adjusted so as to equal the ambient sound level. The ambient sound level shall be expressed in terms of the highest whole number sound pressure level in dB(A) and dB(C) for L90A. In this case, the Owner shall be allowed to have sound levels 5 dB(A) above ambient measured as required in this Chapter.

14. Any sound level emanating from a Wind Energy System falling between two whole decibels shall be rounded to the higher of the two for determining compliance with the applicable standard.

15. The Owner shall pay for reasonable sound monitoring or measurements whenever the need is determined by the Town in response to demonstrable problems.

16. In the event the sound levels resulting from the Wind Energy System exceed the criteria listed above, a waiver to said levels may be granted by the Town provided the following has been accomplished.

a. Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy System and sound limitations imposed by this ordinance, and that consent is granted to allow sound levels to exceed the maximum limits otherwise allowed; and,

b. A permanent sound impact easement has been recorded in the Manitowoc County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that sound levels in excess of those permitted by this ordinance may exist on or at the burdened property. Any continuing installment payment per a remuneration agreement stays with the property and is paid to whoever is the landowner at the time of the payment.

J. Minimum Ground Clearance

1. The blade tip of any Large Wind Energy System shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

2. The blade tip of any Small Wind Energy System shall, at its lowest point, have ground clearance of no less than thirty (30) feet.

K. Signal Interference

1. A Wind Energy System shall be sited and operated so that it does not interfere with commercial, personal and government communications including, but not limited to, telephone

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(including cellular and digital), standard digital TV (antenna), microwave, satellite (dish), navigational, weather forecasting facilities, internet, broadband or radio communications and reception to and from neighboring areas. The Wind Energy System shall not interfere with any and all future electromagnetic communications and technological mediums for home and business operations. The Owner shall be responsible for the full cost of any remediation necessary to provide equivalent or better alternate service or correct any problems. Remediation shall continue for the life of the project. Owner shall use the latest technology as it becomes available in situations where remediation still had some residual negative impacts. Should remediation not be completed within five (5) business days after the Owner receives notice of the interference, the Owner shall be required to cease operations until remediation is completed. If the interference is adversely affecting emergency communications, the Owner shall immediately eliminate the interference or cease operations.

2. The Owner of a Large Wind Energy System shall provide a pre-construction critical communications study prepared by an independent Wisconsin-licensed Professional Engineer, selected by the Town Board at the Owner's expense. The study shall show that the proposed Large Wind Energy System will not interfere with emergency (fire, police/sheriff, ambulance), radio, two-way communications (base stations, mobile, hand-held radios, including digital), paging, broadband, standard digital TV (antenna), telephone (including cellular and digital), microwave, satellite (dish), navigational, weather forecasting facilities, internet or radio communications and reception to and from neighboring areas. The Town may modify this list in order to encompass all future electromagnetic communications and technological mediums for home and business operations.

3. If the applicant is a public utility, Administrative Code PSC 113.0707 also applies.

L. Shadow Flicker

1. The Wind Energy System Owner shall make reasonable efforts, including the use of automatic shadow sensors to stop the operation of an offending Wind Turbine, to eliminate shadow flicker effects upon any inhabited structure on Non-Participating Property.

2. The Owner of a Large Wind Energy System shall provide a shadow flicker assessment utilizing the latest technology with the conditional use permit application. Also, an engineering analysis of the historical accuracy of the modeling program shall be provided. The Town may hire a professional consultant to evaluate the quality of the assessment at the Owner's expense.

3. Whenever an inhabited structure on a Non-Participating Property experiences shadow flicker and the Landowner files a complaint with the Owner and/or the Town, all reasonable mitigation techniques shall be offered to the Landowner and provided as chosen by the Landowner at the Owner's expense.

4. Shadow Flicker or Blade Glint: The facility shall be designed such that shadow flicker or blade glint will not fall on, or in any existing sensitive receptor. Shadow flicker or blade

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glint expected to fall on a roadway or a portion of a non-participating residence may be acceptable under the following circumstances;

- a. The flicker or glint will not exceed 30 hours per year.
- b. The traffic volumes are less than 500 vehicles per day on the roadway.
- c. The flicker or glint shall not fall onto an intersection.
- d. If shadow flicker or blade glint exceeds any of the conditions listed in a-c above, the source WECU(s) shall be shut down until the flicker or glint problem is remedied.

M. Ice Shedding and Debris Throw

1. The Wind Energy System Owner shall ensure that ice or debris from the Wind Turbine blades does not impact any Non-Participating Property. For a Large Wind Energy System, the latest technology shall be used to detect ice formation and detect imbalance to shut-down the Large Wind Energy System before ice or debris becomes a danger.

N. Avian and Bat Impact

1. The Large Wind Energy System Owner shall make reasonable efforts to minimize avian and bat mortality from the operation of a Large Wind Energy System. The Town of Centerville may require an avian and/or bat impact study prior to issuance of a conditional use permit for a Large Wind Energy System. The Owner of the Large Wind Energy System may submit an Avian or Bat Impact study from another community in the state as long as the avian or bat populations are similar and the study was not completed more than five (5) years prior to the conditional use permit request. The Owner is responsible for the cost of the study.

O. Waste Management

1. All solid waste, whether generated from supplies, equipment, parts, packaging, or operating or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards at the Owner's expense.

2. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

P. General Safety

1. All electrical wires and lines running from each Wind Turbine or component to another Wind Turbine or component of the Wind Energy System shall be installed a minimum of 36 inches underground. The wires and lines running from a Wind Turbine or any component to any

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substation connecting to the electric utility shall also be run underground, unless the Town determines that overhead lines would best serve the intent of the ordinance.

2. Wind Turbine towers shall not be climbable up to fifteen (15) feet above ground level. When possible, ladders or steps shall be located inside of the tower. If the structure is a lattice design or such that it cannot be easily made un-climbable, a fence to prevent access shall be installed.

3. All access doors to Wind Turbine towers and electrical equipment shall be locked when unattended.

4. Appropriate warning signage shall be placed on any size Wind Turbine towers, electrical equipment, and at access points to Large Wind Energy System entrances.

5. The Large Wind Energy System site and all structures shall have an annual inspection report of structural stability done by a Wisconsin-licensed Professional Engineer, at the cost of the Large Wind Energy System Owner, with a report filed with the Centerville Town Clerk.

6. The Owner of a Large Wind Energy System shall submit an annual operations and maintenance report to the Town.

7. All substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.

8. The Owner of the Large Wind Energy System shall post and maintain at each facility a 24-hour/7 days per week, manned telephone number in case of an emergency.

9. The Owner of the Large Wind Energy System shall provide qualified personnel to conduct training sessions to emergency responders before construction and whenever requested by the Town Board at the expense of the Owner.

10. The Owner of the Large Wind Energy System shall provide a company representative to accompany the local Fire Department Inspector during site visits. The Owner of the Large Wind Energy System shall comply with all applicable laws regarding those inspections.

11. The Owner of the Large Wind Energy System shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.

Q. Stray Voltage

1. The Owner of the Large Wind Energy System shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a Wind Energy System pursuant to the stray voltage protocol established by the Public Service Commission of Wisconsin (PSCW) before any Large Wind Energy System construction

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activity, which may interfere with testing, commences and again after construction of the Wind Energy System is completed.

2. The Town may hire a qualified consultant to review the stray voltage prevention plan with the expense paid by the Owner.

3. The Owner shall work with the electric distribution company and any farm owner to rectify any stray voltage problems attributable to the construction and operation of the Large Wind Energy System in compliance with the Public Service Commission's stray voltage protocol.

4. If corrections of problems affecting farm operations cannot be completed in 5 calendar days, the Wind Turbines or grid interconnections shall be shut down or disconnected as necessary until the proper repair is completed.

R. Complaint Process

1. Making a complaint

a. An aggrieved person may make a complaint regarding failure by an Owner to comply with an obligation under this ordinance.

b. A complaint shall be made first to the Owner of the Wind Energy System and, if the complaint relates to a Large Wind Energy System, pursuant to a complaint resolution process developed by the Owner and accepted by the Town.

c. A complainant may petition the Town for review of a complaint that is not resolved within 45 days of the day that the Owner receives the original complaint.

2. Complaint Process

a. An Owner shall use reasonable efforts to resolve complaints regarding a Wind Energy System and shall investigate complaints regarding a Wind Energy System at the Owner's expense.

b. Within 30 days of receiving a complaint, an Owner shall provide the complainant an explanation as to what was done to resolve the complaint or explain why it has not been resolved and what is the schedule for resolving the complaint.

c. An Owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An Owner shall notify the town of complaints that have not been resolved within 45 days of the date when the Owner received the original complaint.

d. An Owner of a Large Wind Energy System shall maintain a log of all complaints received regarding the Large Wind Energy System. The Owner shall include the name and address of each complainant in the log, the nature of each complaint, and the steps taken to

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resolve each complaint. The Owner shall provide a copy of a complaint log monthly, at no cost, to the Town or designated monitoring committee contact.

3. Monitoring Committee

a. The town may establish a monitoring committee to oversee resolution of complaints regarding a Large Wind Energy System. A monitoring committee shall include on the committee the Town Board, a member who is a local employee of an Owner of a Large Wind Energy System and at least one Non-Participating Property landowner residing in the Town.

b. The monitoring committee, when established, may do any of the following:

1) Maintain a record of all complaints brought to it.

2) Require the Owner to provide the committee with information regarding the Owner's response to any complaint forwarded to the Owner by the committee.

3) Recommend to the Town a reasonable resolution to a complaint based upon the information gathered by the committee.

S. Decommissioning of Large Wind Energy Systems

1. Requirement to decommission.

a. An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.

b. A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period. This presumption may be rebutted under par. (c).

c. Upon application by the owner, and except as provided in par. (d), a political subdivision shall grant an extension of the time period for returning the wind energy system to service by one or more additional 180 day periods if the owner demonstrates it is likely the wind energy system will operate again in the future and any of the following occur:

1) The owner submits a plan to the political subdivision that demonstrates an ongoing good faith effort to return the wind energy system to service and outlines the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.

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2) The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.

3) The owner demonstrates that the wind energy system is being used for educational purposes.

d. A political subdivision may deny a request for an extension under par. (c) if the wind energy system has not generated any electricity for a continuous period of 540 days or more and the political subdivision finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.

e. A wind energy system is irrefutably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of 540 days and any of the following occur:

1) The owner does not request an extension of the time period for returning the wind energy system to service under par. (c).

2) The political subdivision denies a request for an extension under par. (d) and any appeal rights have expired.

f. When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.

2. Decommissioning review. A political subdivision may establish a decommissioning review process to determine when a wind energy system has reached the end of its useful life.

3. Financial responsibility.

a. The owner of a wind energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.

b. A political subdivision may require an owner of a wind energy system with a nameplate capacity of one megawatt or larger to provide financial assurance of the owner's ability to pay for the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site. An owner may comply with this paragraph by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances, that will ensure the availability of funds necessary for decommissioning throughout the

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expected life of the wind energy system and through to completion of the decommissioning activities.

c. A political subdivision may require an owner to provide the financial assurance under par. (b) in an amount up to the estimated actual and necessary cost to decommission the wind energy system. If a political subdivision requires an owner to provide financial assurance under par. (b), the political subdivision may do any of the following:

1) Require the owner to provide the political subdivision with up to 3 cost estimates of the actual and necessary cost to decommission the wind energy system that are prepared by third parties agreeable to the owner and the political subdivision.

2) Require an owner to establish financial assurance that places the political subdivision in a secured position, and that any secured funds may only be used for decommissioning the wind energy system until either the political subdivision determines that the wind energy system has been decommissioned under sub. (5) (b), or until the political subdivision has otherwise approved the release of the secured funds, whichever is earlier.

3) Require an owner to establish financial assurance that allows the political subdivision to access funds for the purpose of decommissioning the wind energy system if the owner does not decommission the wind energy system when decommissioning is required.

d. If a political subdivision requires an owner to provide cost estimates under par. (c) 1., a political subdivision may not require the amount of the financial assurance to exceed the average of the cost estimates provided.

e. A political subdivision may condition its approval of a wind energy system on the owner's compliance with pars. (b) and (c).

f. During the useful life of a wind energy system, the political subdivision may periodically request information from the owner regarding the industry costs for decommissioning the wind energy system. If a political subdivision finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance previously provided under par. (b), the political subdivision may correspondingly increase or decrease the amount of financial assurance required for the wind energy system. A political subdivision may not adjust the financial assurance under this paragraph more often than once in a 5-year period.

g. A political subdivision may require an owner to submit to the political subdivision a substitute financial assurance of the owner's choosing under par. (b) if an event occurs that raises material concerns regarding the viability of the existing financial assurance.

4. Site restoration.

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a. Except as provided in par. (b), if a wind energy system was constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

b. If a wind energy system was constructed on a brownfield, as defined in s. 560.13 (1) (a), Stats., the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in s. 560.13 (1) (d), Stats.

5. Decommissioning completion.

a. An owner shall file a notice of decommissioning completion with the political subdivision and the commission when a wind energy system approved by the political subdivision has been decommissioned and removed.

b. Within 360 days of receiving a notice of decommissioning, a political subdivision shall determine whether the owner has satisfied the requirements of subs.(1) (a) and (4).

T. Forfeiture

1. Any Wind Energy System, its turbine or appurtenant facility hereinafter significantly erected, moved or structurally altered in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure.

2. Any Wind Energy System that does not meet the requirements of this ordinance, including but not limited to, those dealing with sound or visual appearance, or does not meet the conditions attached to an approved conditional use permit shall provide grounds for revocation of the conditional use permit, thereby deeming the facility an unlawful structure.

3. The Zoning Administrator shall report all such violations to the Town Board who may then refer the matter to the town attorney to bring action to enjoin the erection, moving or structural alteration of such facility or to cause such facility to be vacated or removed.

4. Any person, firm, corporation, agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall upon conviction thereof forfeit no less than \$1,000 and not more than \$5,000 per offense together with the costs of prosecution, and in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

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5. This section shall not preclude the Town of Centerville from maintaining any appropriate action to prevent or remove a violation of this section.

U. Review

1. Nothing in the ordinance shall be construed as limiting an aggrieved person's right to a Certiorari Review in Circuit Court as permitted by Wisconsin Law.

V. Severability

1. The sections, paragraphs, sentences, clauses, articles and phrases of this ordinance are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such find shall not affect the remaining portions of this ordinance.

W. Fees

1. Owner shall reimburse the Town's actual reasonable fees and costs incurred in the preparation, negotiation, review, inspection, administration and enforcement of the conditional use permit, including, without limitation, the Town's attorneys' fees, engineering and expert consultant fees, meeting/hearing fees and the costs of public notices. The preceding fees are payable within 30 days of invoice. Unpaid invoices shall bear interest at the rate of 1% per month until paid. The Town may recover all reasonable cost of collection, including attorney's fees.

X. Defense of Land Use Decision

1. In addition to the indemnification described above, the Owner shall reimburse the Town its reasonable attorneys' fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of the conditional use permit. If the Town seeks reimbursement, it shall notify the Owner in writing promptly upon discovery of any claim entitling it to a land use defense reimbursement, but in no event later than 60 days after receiving written notice of any action, lawsuit, proceeding investigation or other claim against it which may give rise to a claim for a land use defense reimbursement.

Y. Time is of the Essence: Time is of the essence in the performance of the requirements of the conditional use permit.

9.18 ADULT-ORIENTED ENTERTAINMENT BUSINESSES. All Adult-Oriented Entertainment Businesses shall be conditional uses and shall conform to the following minimum standards, subject to additional standards that may be required in individual cases by the Town Board. It is not the intent of the Town of Centerville to impose limitations on the First Amendment rights of any person, and the Town of Centerville recognizes that public nudity is not per se illegal. The purpose of this Section is to enact reasonable controls through zoning regulations on certain adult-oriented entertainment uses that have a high potential for causing detrimental effects on the character and wellbeing of the Town's residential neighborhoods and commercial areas.

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A. **Applicability.** This Section shall apply to all existing and future adult-entertainment oriented businesses. However, any such existing business that does not meet the zoning district restrictions, the distance limitations, or any other minimum standard set forth herein, may continue its existence as a non-conforming use; provided, however, that no such business may be enlarged or increased in size or be discontinued for a period of no more than 180 days.

B. **Distance Limitations.** No adult-oriented entertainment business as defined under this Section shall:

1. Be operated or maintained within 1000 feet of the boundary of any A-1, A-2, A-3, A-4, A-5, PRD-1 or C-1 District;

2. Be operated or maintained within 2500 feet of a church or other place of worship, public park, recreational site open to the public, licensed daycare facility, public library, public or private educational facility, restaurant, store, gas station, mini-mart or other businesses which serve persons age seventeen (17) or younger, elementary school, middle school, high school, or long term care/residential health care facility including licensed nursing homes, assisted living facilities, and community-based residential facilities.

3. Be operated or maintained so that there is more than one (1) such business in the same building, on the same tax parcel of real estate, or within 2500 feet of each other as measured in a straight line along the shortest distance between the tax parcel boundaries of each such business.

C. **Sign Limitations.** Adult-oriented entertainment businesses shall comply with the requirements of this subsection in addition to the requirements of any other provision of the Municipal Code regulating signs. An adult-oriented entertainment business shall not be permitted more than one (1) sign advertising its business, which shall be an on-premise or building sign only. All such signs shall meet the following criteria:

1. The business shall have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from an adjacent street, sidewalk, or other public area.

2. No sign shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.

3. No sign shall contain any flashing lights, moving elements, or mechanically changing messages.

4. No sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit or sexually suggestive language such as “nude dancing”, “adult toys”, “XXX fun”, “Girls, Girls, Girls”, or the like.

5. No such business may have any off-premise sign in the Town.

6. If such a business is in legal operation within the Town prior to the date of enactment of this ordinance and has a sign or sign in place for which permits were issued by the Town,

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such businesses shall bring its signage into conformity with the provisions of this paragraph within one year from the date of enactment of this ordinance.

D. Operating Standards. All such adult-oriented entertainment businesses shall operate in accordance with the following:

1. No employee shall solicit business outside the building in which the business is located.
2. No male or female person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft.
3. No person on the premises shall engage in or simulate an act of sadomasochistic abuse, or any form of explicit or suggestive sexual conduct including but not limited to fondling their genitals or the genitals of another.
4. No person on the premises including a customer, employee of the business, or independent contractor can be totally or partially nude while being in direct, personal contact with another person, regardless of whether the other person is fully or partially clothed.

E. Exterior Appearance. The exterior of all buildings on the premises of an adult oriented entertainment business shall meet the following minimum criteria, together with any additional requirements established by the Town Board:

1. All colors shall be earth or neutral tones with primary accent colors to be within the same color family.
2. Stripes, geometric patterns, murals, and graffiti of any type whether intentionally permitted by the owner or otherwise, are prohibited.
3. Detailed plans prepared by a registered architect shall be submitted to the Town Board for review and approval, and shall include samples of materials to be utilized, color chips, or samples, and the detailed design scheme with elevations, rendered in true color. The Town Board may vary the specific requirements of this paragraph after review of the architectural plans in order to harmonize the building's design with a unique recognized architectural style or with other improvements in the nearby area.
4. The exterior shall be adequately maintained in good condition at all times.

F. Limited Term of Conditional Use Permit. The Town Board may limit the term of a conditional use permit for an adult-oriented business establishment and require periodic application for renewal of the same, provided that the initial term and each renewal term shall be not less than one year. The Town Board may impose additional requirements at any time as conditions for renewal of a conditional use permit whenever the Board concludes there is a rational basis to do so and finds that the additional requirements are in the public interest.

9.19 CONDITIONAL USE PERMIT STANDARDS FOR CONDITIONAL USES

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A. General Provisions:

1. Purposes. In order to accomplish the general purposes of this Ordinance, it is deemed necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such development cannot definitely be foreseen. They must be specially considered and placed into the development pattern that exists at the time of their arrival. They are not permitted automatically, but are subject to compliance with the regulations herein and with the conditions imposed at the time of application for approval.

2. Application. An application for a conditional use permit shall be made to the Planning and Zoning Commission and shall include a plot plan of the proposed use or development. Applications for conditional use permits under Section 9.17 shall be governed solely by the provisions of that section, except as the Board shall otherwise direct.

a. Surrounding uses shall be given primary consideration before granting a conditional use permit.

3. Standards applicable to all conditional uses.

a. Required plan. A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open space, landscaping and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this Ordinance.

b. Expiration. A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than twelve (12) months for any reason. Any permit issued shall expire if not used in a twelve- (12) month period.

c. Standards. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to existing or future roads giving access to it, shall be such that it will be in harmony with orderly development of the district; the location, nature and height of buildings, walls, and fences shall not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

d. Operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights, than would be the operations of any permitted uses.

e. The Planning and Zoning Commission shall consider those of the following standards for evaluating the appropriateness of a proposed use that they deem relevant to the particular case. The Commission may view the proposed site and call upon the services of qualified agencies in making its appraisal.

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- 1) Site design and physical characteristics:
 - a) Existing topography, drainage patterns, water table and high-water table, vegetative cover and the suitability of the proposed use in this regard.
 - b) Availability of water, sewer, rail and other services and the utility requirements of the proposed use.
 - c) Where sewers are not available, the percolation characteristics of the soil.
 - d) Adequacy of the proposed internal circulation system, including safety considerations.
 - e) Preservation of adequate traffic visibility.
 - f) Access to sites from the internal circulation system.

- 2) Site location relative to the freeway and the interchange area highways.
highways.
highway.
movements.
 - a) Need of the use for convenient access to a high-volume highway.
 - b) Visibility from the freeway and the need for visibility.
 - c) Location to provide access primarily by right-hand turning movements.

- 3) Land use.
 - a) Compatibility with existing or proposed uses in the area.
 - b) Relation to any existing land use plan.
 - c) Relation to existing or proposed development at nearby interchanges.

- 4) Traffic generation.
 - a) Amount of daily and peak-hour traffic generated, related to site size; traffic to be subclassified as to approach routes.
 - b) Amount of traffic generated relative to existing and anticipated traffic in the interchange area.
 - c) Expected composition of site-generated traffic by vehicle types.
 - d) Effect of site-generated traffic on the operation of the interchange.

- 5) Community effects.
 - a) Immediate and long-range tax base.
 - b) Access to market or service area.

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c) Relation to scenic or recreation values.

d) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.

6) Other relevant factors.

B. Specific Provisions. In addition to the general provisions above, a conditional use permit for a conditional use shall not be issued by the Town Board or its delegated authority unless the specific provisions contained herein are met.

1. Public buildings, institutions, hospitals, sanitariums, nursing homes, convalescent homes and utilities, except antennas and communication towers.

a. The site proposed shall be one that does not tend to prevent the development and use of the surrounding land in the principal uses of the district.

b. Side yards and rear yards of not less than forty (40) feet shall be provided.

c. Adequate planting and landscaping shall be provided to screen off the conditional use from adjacent area.

d. A sufficient number of off-road parking stalls shall be provided to assure that employees, visitors or users need not park on the public right-of-ways during normal periods of activity.

2. Automobile/salvage wrecking yards or junk yards:

a. Shall be adequately fenced and/or shall be screened with a dense shrub growth to prevent blowing of materials and to prevent unsightliness.

b. Side yards and rear yards shall be not less than fifty (50) feet.

3. Cemeteries.

a. All burial lots or structures shall be set back a minimum of one hundred (100) feet from any road right-of-way line.

b. The site proposed shall not interfere with the development of thoroughfares in the area.

c. This applies to new cemeteries developed after the adoption of this Ordinance (April 6, 1977).

4. Sand and Gravel Extractions (see also Chapter 4, Section 4.10 Non-Metallic Mining

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Permit). An area in which sand or gravel is extracted which does not operate for any twelve (12) month period from date of adoption of this Ordinance will be required to conform to the following regulations. It will be the property owner's responsibility to notify the Town Board or its delegated authority, in writing, when the area is being used for sand or gravel extraction:

a. All excavations must either be made to a water-producing depth or graded and back filled. Excavations made to a water-producing depth must meet the following requirements:

1) All banks shall be sloped to the water line at a slope which will not be deeper than one and one-half (1-1/2) feet horizontal, to one foot vertical and shall be sodded or planted with trees, shrubs, legumes or grasses.

b. Excavations not made to a water-producing depth, but which must be graded or back-filled, shall meet the following requirements:

1) The graded or back-filled area shall not collect and permit stagnant water to remain therein.

2) The peaks and depressions of the area shall be reduced to a surface that will result in a gently rolling topography.

3) The area shall be resurfaced with soil and planted with trees, shrubs, legumes or grasses.

c. Sand and gravel extractions shall conform to the setback requirements of this Ordinance and shall, in addition, be set back two (2) times the depth of the excavation beyond the required setback. No excavation shall take place within twenty-five (25) feet of any property line.

5. Conservation, Sportsmen's Clubs or Shooting Ranges.

a. The proposed site shall not be located so that a nuisance or danger will result from the use of firearms.

b. Such accessory uses as dining facilities, bar, a kitchen, storage shed when incidental to the operation of the club may be permitted.

6. Bed & Breakfast Inns.

a. Off road parking requirements as per Section 9.06 D.1.b.

b. Sign limitations: There shall be no more than one on-premise non-illuminated sign which shall be no larger than nine (9) square feet.

c. Breakfast only may be provided.

d. No cooking facilities allowed in rooms.

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7. Small Businesses.

a. The small business conditional use permit is intended to serve the need for small, incubator, oftentimes, family business that are larger than home occupations but smaller than full-time, full-size business establishments. When these small businesses grow to full size commercial establishments, they should relocate to areas zoned for business and/or industry. The small business conditional use should not be used as a substitute for business or industrial zoning.

b. The proposed site and the intensity of development should be reviewed by the Planning and Zoning Commission to determine if the proposed use is a "small business". Factors such as the size of the site, the percentage of ground coverage, the number and size of buildings, the number of employees, hours of operation and similar factors can be used by the Planning and Zoning Commission to make the threshold decision as to whether or not a proposed use is a small business. The Planning and Zoning Commission shall make a recommendation to the Town Board to deny, approve or approve with conditions applications for a Conditional Use Permit.

c. The site shall not be one that tends to prevent the development and use of the surrounding land.

d. Adequate planting and landscaping shall be provided to screen off the conditional use from adjacent areas.

e. Adequate off road parking and loading spaces must be provided.

f. There shall be no more than one on-premises non-illuminated sign that shall be no larger than twenty (20) square feet.

g. Lighting shall be directed away from the adjacent highways or roads and away from buildings on adjacent properties that are occupied by people or animals.

h. There shall be no open storage of equipment or vehicles.

i. The Planning and Zoning Commission may limit the ground area coverage by building number of employees, hours of operation and similar considerations so as to assure the compatibility of the proposed use with adjacent land uses.

9.20 NONCONFORMING USES AND BUILDINGS. The lawful use of any building or land at the time of the enactment of this Ordinance or any amendment thereto may be continued although such use or building does not conform to the provisions of this Ordinance. However, a nonconforming use or building shall be subject to the following regulations:

A. A nonconforming use may be extended throughout the building, provided no structural alterations or changes are made therein, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to secure the continued use of the building during its natural lifetime.

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B. A nonconforming use may be changed to another nonconforming use of the same or greater

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restriction, but shall not thereafter be changed again to another nonconforming use.

C. No nonconforming use of a building may be moved to any other part of a parcel of land upon which same was conducted at the time of the adoption of this Ordinance.

D. No nonconforming building shall be enlarged or structurally altered to more than 50% of the existing structure to make it a conforming building or to comply with requirements of health and safety laws or ordinances.

E. Any nonconforming building which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of 60% or more of its existing replacement cost at the time such damage occurred shall thereafter be made to conform to the provisions of this Ordinance.

F. Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of twelve (12) months shall thereafter conform to the provisions of this Ordinance.

9.21 ADMINISTRATION AND ENFORCEMENT

A. This Ordinance shall be enforced by the Town Attorney under the direction of the Town Board.

B. The Town Board shall appoint a Zoning Administrator to perform the duties required by this section. The Zoning Administrator shall have the following duties:

1. Report all violations of the terms of this Ordinance to the Town Board. The Town Board shall take legal action whenever necessary.

2. No building or structure shall hereafter be erected, moved, structurally altered or removed until a Building/Zoning permit shall first have been applied for and issued. Such applications shall be made to the Zoning Administrator on forms provided by him/her. All applications shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and/or intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the centerline of the highway and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application by the Zoning Administrator, or may be necessary to provide for the enforcement of this Ordinance.

If the Zoning Administrator finds that the proposed building or structure will not be in violation of any of the terms of this Ordinance, he/she may issue a Building/Zoning permit, retain one copy, and return the other with the Zoning Administrator's approval; otherwise, he/she shall reject the application and inform the application of the reasons, in writing.

3. Any Building/Zoning permit shall be issued within sixty (60) days after the receipt of the application. If no permit is issued, then the application shall be deemed to be denied. Such

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Building/Zoning permit shall be posted on the premises so as to be visible from the highway at all times until such construction has been completed.

4. Any statement made in the application shall be deemed to be made under oath, and any willfully false statement in the application shall subject the person making it to the penalties of this Ordinance.

5. No Building/Zoning permit shall be issued by the Zoning Administrator unless, along with the application, there is rendered the nonrefundable permit fee. The fee shall be in accordance with the fee schedule set by the Town Board. (See Chapter 4, Section 4.05)

9.22 BOARD OF APPEALS. (See also Chapter 10, Section 10.06.)

A. A Board of Appeals is hereby established, under authority of Sections 60.61 and its predecessor statutes, 61.35 and 62.23 Wisconsin Statutes. The Board of Appeals shall consist of five members appointed by the Chairman of the Town Board, subject to confirmation by the Town Board, for three (3) years, except that of those first appointed, one shall serve for one (1) year, two for two (2) years, and two for three (3) years. Whenever a vacancy occurs, it shall be the duty of the Planning and Zoning Commission to submit a list of one or more names to the Town Chairman who shall either appoint or reject the names submitted, in which event he/she shall ask the Commission for a new list. The members of the Board of Appeals shall all reside within the Township of Centerville that is under the jurisdiction of this Ordinance, and no two members shall be from the same land section. No person shall serve more than two consecutive three (3) year terms. The Town Board may allow compensation for members of the Board of Appeals. The Board of Appeals shall designate one of its members chairman. Vacancies shall be filled for the unexpired term of members whose terms become vacant.

The Board of Appeals may employ a secretary and other employees.

B. The Town Board shall adopt rules for the governance and procedure of the Board of Appeals. Meetings shall be held at the call of the Chairman of the Board of Appeals and at such other times as the Board of Appeals may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

C. The Board of Appeals shall keep minutes of its proceeding, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, any reasons for the Board's determination, finding of fact, and shall keep records of its examinations and other official actions as required in Section 9.22 E.4 herein, all of which shall be immediately filed in the office of the Board and shall be a public record.

D. Appeals to the Board of Appeals may be taken by any person aggrieved by any decision of the Zoning Administrator. A person aggrieved shall include any officer, department, board or bureau of the Town of Centerville. Such appeal shall be taken within sixty (60) days of denial or as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Chairman shall fix a reasonable time for the hearing of appeals and give public

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notice thereof as well as due notice to the parties of interest and the Board shall decide upon the appeal within a reasonable time.

E. Powers of the Board of Appeals. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district. The Board of Appeals shall have all powers pursuant to Wisconsin Statutes and the Wisconsin Administrative Code, and the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Town Board, Zoning Administrator or an administrative official.

2. To hear and decide special exceptions to the terms of this Ordinance upon which the Board of Appeals is required to pass.

3. To hear and decide upon appeal in specific cases, such variance from the terms of this Ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance shall:

- a. Be consistent with the spirit and intent of the Zoning Ordinance.
- b. Not permit any change in the uses in the established zoning districts.
- c. Not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.
- d. Not be granted for actions that require an amendment to the ordinances.
- e. Not have the effect of allowing a use or structure that is prohibited in that zoning district by the Zoning Ordinance.
- f. Not be granted on the basis of economic gain or loss.
- g. Not be granted for a self-created hardship.

4. In every case, where a variance from those regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" exists; and the records of the Board shall clearly show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" is created. In addition, the record shall show the recommendation of the Town Board, if any has been made.

5. Hear and decide on appeals of the Zoning Administrator's decision on the extension

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of structures, buildings or premises devoted to a non-conforming use.

6. Interpret the zoning district maps.
7. Advise on the meaning and intent of provisions of the Zoning Ordinances.

F. **Organization.** The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance, the Wisconsin Statutes and other applicable laws. The Board shall take no action unless at least four (4) members are present at any meeting.

G. **Fees.** A nonrefundable fee of \$300.00 shall be deposited with the Zoning Administrator to cover the costs of appeal to the Board of Appeals. Each additional meeting shall be \$200.00.

H. **Hearing to be published as per Section 9.24 D.**

I. **Decisions of the Board.** The Board of Appeals shall decide all appeals and application within thirty (30) days after the final hearing and shall submit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator and the Planning & Zoning Commission. Conditions may be placed upon any building/zoning permit ordered or authorized by the Board. The appellant or applicant for a Conditional Use Permit must return a signed copy of the Boards decision indicating they have received the decision and understand any required conditions as a requirement for the Conditional Use Permit to be valid. Variances and modifications granted by the Board shall expire within one (1) year unless substantial work has commenced pursuant to such grant, except the Board may, if it determines the circumstances warrant, establish a longer period on such terms and conditions as it deems appropriate.

J. **Review by Court of Record.** Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

9.23 **PLANNING AND ZONING COMMISSION.** A Planning and Zoning Commission is hereby established under authority of Sections 60.61 and its predecessor statutes, 61.35 and 62.23 Wisconsin Statutes. (See also Chapter 10, Section 10.05.)

The Planning and Zoning Commission shall consist of seven members.

One of the members shall be Town Board Supervisor #1 or Supervisor #2 as appointed by the Town Chairperson.

Whenever a vacancy occurs on the Planning and Zoning Commission, it shall be the duty of the remaining members to supply a list of one or more names to the Town Board within sixty (60) days of a vacancy. The Town Board shall either appoint a new member or reject names submitted, in which event a new list shall be submitted by the Planning and Zoning Commission members. The members of

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the Planning and Zoning Commission shall all reside within the Township of Centerville that is under the jurisdiction of this Ordinance, and no two members, with the exception of the Town Supervisor appointee, shall be from the same land section. Planning and Zoning Commission members shall serve for three (3) years, except that of those first appointed, two shall serve for one (1) year, two shall serve for two (2) years, and three shall serve for three (3) years. As the term of each Commission member expires, the Town Board shall appoint a successor commissioner for a term of three years. No person, with the exception of the Town Supervisor appointee, shall serve more than two consecutive three (3) year terms. The Town Board may allow compensation for members of the Planning and Zoning Commission. The Commission shall designate one of its members chairman.

A. Procedure for Hearings. Publish as per Section 9.24 D. Hearings on cases shall normally follow this order:

1. Board reads the fact sheet for the rezoning request.
2. Testimony and information is presented by those in favor of the rezoning.
3. Testimony and information is presented by those opposed to the rezoning.
4. Questions and debate by the Commission members and others present on the rezoning request.
5. Close the hearing.
6. The Commission votes on a recommendation.

Orderly procedure requires that each side shall proceed without interruption by the other; that all arguments and pleadings shall be addressed to the Commission and that there be no questions or arguments between individuals.

B. Relevant Information for Hearings:

1. During the hearings, the chairperson, Commission members and members of the staff may ask questions and make appropriate comments pertinent to the case; however, no member should debate or argue an issue with the applicant. The chair-person and Commission members may direct any question to the applicant or to any person speaking in order to bring out all relevant facts, circumstances and conditions affecting the case and may call for questions from members of the staff.
2. All supporting evidence for and against each case shall be presented to the assembled Commission. The applicant shall be responsible for the presentation of all information supporting his case.
3. The Commission shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative, or repetitious testimony or evidence.

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4. The chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Commission.

5. Persons having an interest in the case may attend the hearing without request from the chair-person or acting chair-person, and may request an opportunity to testify provided they identify themselves and sign the list of persons attending the hearing.

6. All proceedings at a hearing shall be recorded, which record shall be filed in the office of the Zoning Administrator and shall be open to the public.

7. The Commission may take a case under advisement for later consideration and determination, or they may defer action whenever it concludes that additional evidence is needed or further study is required.

8. Hearings may be postponed by prior arrangement with the Zoning Administrator.

C. Decisions of the Commission:

1. The concurring vote of a majority of the Commission shall be necessary to any order, requirement, decision, determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any Zoning Ordinance.

2. All decisions shall be made in writing and contain the facts upon which the decision is based.

3. In acting on any matters before the Commission, the Commission shall make findings supporting its actions.

4. A member may disqualify himself from voting whenever he has a personal or monetary interest in the property concerning the case, or he will be directly affected by the decision of the Commission, or has or believes he has any conflict or interests under State Statutes. A member may disqualify himself from voting whenever any applicant or his agent has sought to influence the vote of the member on his case, other than in the public hearing. All decisions of the Commission shall be made at a public meeting, by motion made and seconded and passed. The motion, which decides the issue, shall be in the form of findings of fact and shall state the reasons for the findings by the Commission.

5. The decision of the Commission shall be deemed as applying to the property rather than to the individual, unless otherwise stated, and is valid only for the specific premises in the case and is not transferable to other properties.

6. No action of the Commission shall set a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

7. Rezoning of land out of a farmland preservation zoning district (A3 Exclusive Agriculture) is permitted after a public hearing when all of the following apply:

a. The land is better suited for a use not allowed in the farmland preservation zoning district.

b. The rezoning is consistent with any applicable comprehensive plan.

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c. The rezoning is substantially consistent with the county certified farmland preservation plan.

d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

8. By March 1 of each year a report of the number of acres that have been rezoned out of the A3 Exclusive Agriculture district during the previous year and a map clearly showing the location of rezoned acres shall be provided to DATCP.

9.24 AMENDMENTS, CHANGES AND HEARINGS. Whenever the health, safety, morals or general welfare requires the Town Board may, by ordinance change or supplement the regulations established by the Ordinance or amendments thereto, such changes shall be subject to the review and recommendation of the Town Planning and Zoning Commission under 62.23 (7) (d) 2 and the approval of the Manitowoc County Board under 60.62 (3) Wisconsin Statutes.

A. Initiation of Amendment. A change or amendment may be initiated by the Town Board, Town Planning and Zoning Commission or one or more of the owners or lessees of property within the area proposed to be changed.

B. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Zoning Administrator and shall describe the premises to be rezoned or the regulations to be amended, and shall list the reasons justifying the petition, specify the proposed use and have attached the following:

1. Plot plan. A plot plan drawn to scale showing the area proposed to be rezoned, its location, its dimensions, the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.

2. Owner's name and addresses. The names and addresses of the owners of all properties lying within two hundred (200) feet of the area proposed to be rezoned.

3. Additional information. Any additional information required by the Town Planning and Zoning Commission or the Town Board.

4. Fee receipt. A fee receipt from the Zoning Administrator in the amount of \$350.00. Each additional meeting shall be \$250.00.

C. Recommendations. The Town Planning and Zoning Commission shall review all proposed changes and amendments within the town boundaries, at a public meeting for which a Class One notice shall be given under Chapter 985 Wisconsin Statutes, and shall recommend that the petition be granted as requested, modified or denied.

D. Hearings. The Town Board or delegated authority shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice by publication as a Class Two notice (as per Chapter 13, Section 13.04 D) listing the time, place and the changes or amendments proposed. The Town Board shall give at least ten (10) days prior written notice to the Clerk of any municipality within

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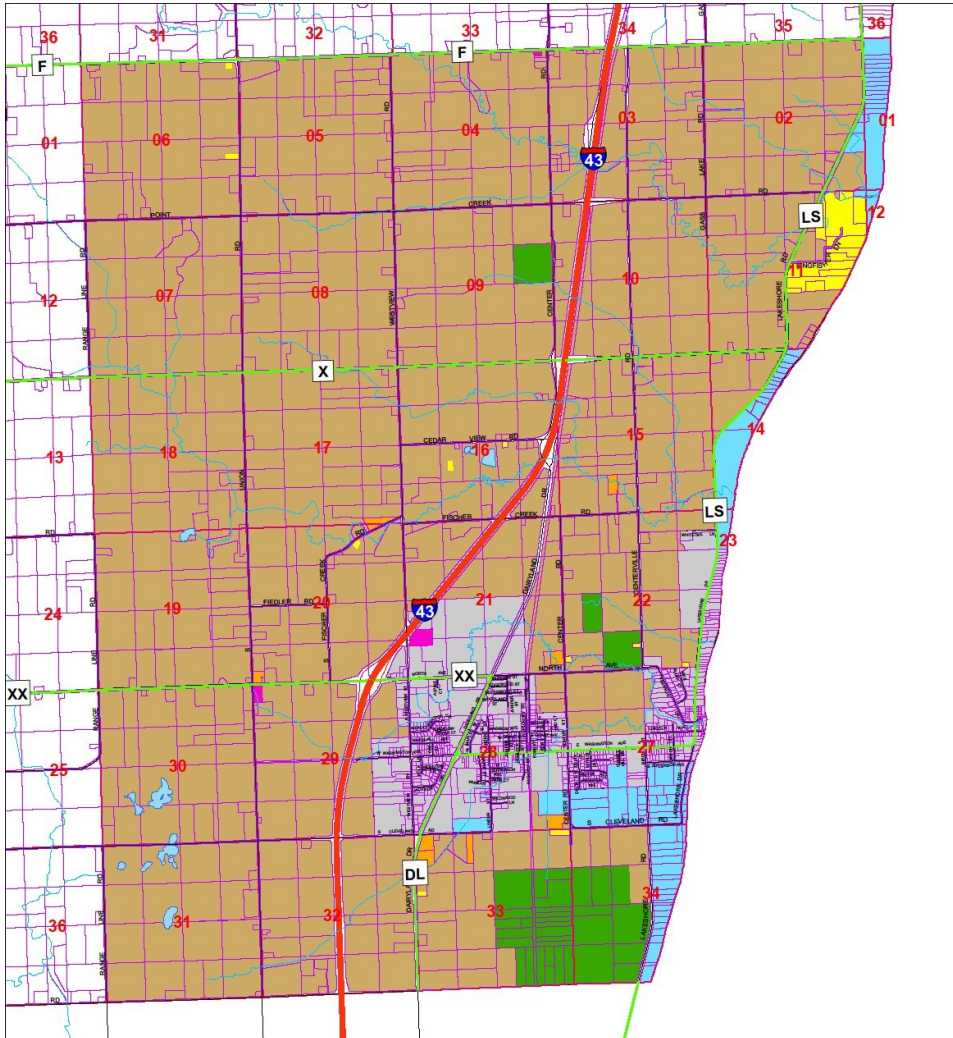
one thousand (1,000) feet of any land affected by the proposed change or amendment.

E. Town Board's Action. Following such hearing and after careful consideration of the Town Planning and Zoning Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment. The recommendations of the Town Planning and Zoning Commission may only be overruled by a three-quarter (3/4) vote of the full Town Board membership.

F. Protest. In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty (20) percent or more of either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the road frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-quarters (3/4) of the full Town Board membership.

9.25 PENALTY. Any person, who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Section 13.09 of this General Code.

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**Manitowoc County
Farmland Preservation
Zoning Map for
Town of Centerville**

Legend

Political Boundaries

- TOWN OF CENTERVILLE
- VILLAGE OF CLEVELAND

Road Types

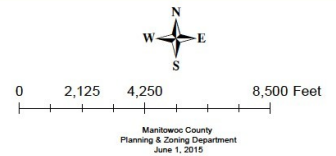
- I - 43
- U.S.H.
- S.T.H.
- C.T.H.
- ramp
- Town Road
- Village Street
- City Street
- Private Road

Zoning

- A-1 Agricultural Rural Residential Districts
- A-2 Agricultural Districts
- A-3 Exclusive Agricultural Districts
- A-4 Agricultural Residential Districts
- A-5 Agricultural Residential Districts
- B-1 Business Districts
- C-1 Conservancy Districts
- PRD-1 Planned Residential Development Districts

Other Features

- Parcels
- Sections
- Streams
- Lakes



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Chapter 9 – Zoning Map – Appendix A