

# Town of Lincoln Zoning Ordinance

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*Wood County, Wisconsin*

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**ZONING ORDINANCE,  
TOWN OF LINCOLN, WISCONSIN**

The Town Board of the Town of Lincoln, Wood County, Wisconsin, does ordain as follows:

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**SECTION 1. INTERPRETATION AND PURPOSES.**

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**1.01 Authority.**

Pursuant to Sections 60.10(2) (c), 60.62, 61.35 and 62.23 (7), Wis. Stats., the Town of Lincoln, Wood County, Wisconsin, being authorized to exercise the powers of a village, does hereby ordain this Ordinance.

**1.02 Title.**

This Ordinance shall be known as, referred to and cited as the "Zoning Ordinance, Town of Lincoln, Wood County, Wisconsin" and is hereinafter referred to as the *Town of Lincoln Zoning Ordinance*, "Zoning Ordinance" or "Ordinance".

**1.03 Purpose and Intent.**

This is an ordinance established to promote the health, safety, and general welfare; to regulate and restrict the height, number of stories and size of building and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purposes to divide the Town of Lincoln, Wood County, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement, and to establish penalties for its violation.

**1.04 Repeal.**

The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote the health, safety, aesthetics, comfort, prosperity and general welfare of the Town of Lincoln. All previous Zoning Ordinances of the Town of Lincoln are hereby repealed.

**1.05 Abrogation and Greater Restrictions.**

This Ordinance shall not repeal, abrogate, annul, impair or interfere with existing easements, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces that are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Ordinance shall apply.

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**SECTION 2. DEFINITION OF WORDS AND PHRASES**

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The following words, phrases and terms, wherever they occur in the Ordinance, shall be interpreted as herein defined:

- (1) **ACCESSORY OR AUXILIARY USE OR STRUCTURE (OUTBUILDING)**: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use. In the case of a house and detached garage on a lot, the accessory building is the garage.
- (2) **AGRICULTURAL USE**: Means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish and fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising. (Wis. Stat. 91.01 (1)). Some agricultural uses are permitted as of right and some are permitted by conditional use (see Section 4.05 and 4.06).
- (3) **AIRPORT**: Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxi ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (4) **ALLEY OR LANE**: A Public or private way not more than thirty (30) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
- (5) **ALTERNATIVE TOWER STRUCTURE**. Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.
- (6) **ANIMAL UNIT**: A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in NR 243.11 of the Wisconsin Administrative Code, which are fed, confined, maintained or stabled in an animal feeding operation. See Appendix 1 for an equivalency conversion table.
- (7) **ANTENNA**. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- (8) **APARTMENT**: See Dwelling, Multi-Family.
- (9) **AUTOMOBILE REPAIR**: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop, and vehicle steam cleaning.

- (10) **AUTOMOBILE OR TRAILER SALES AREA:** An open area, other than a street used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- (11) **AUTOMOBILE SALVAGE YARD:** Any area of land where two or more inoperative vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles.
- (12) **AUTOMOBILE SERVICE STATION OR FILLING STATION:** A building or other structure or a tract of land where gasoline or similar fuel stored only in underground tanks, is directed to users of motor vehicles. The following activities are permitted as accessory uses to a gasoline station: the dispensing of oil, greases, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor servicing and repair to the extent of installation of the items enumerated above; washing of automobiles. All other activities shall be prohibited, including, but not limited to: upholstering work, auto glass work, painting, welding, tire recapping, auto dismantling and auto sales.
- (13) **BACKHAUL NETWORK.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and or long distance providers, or the public switched telephone network.
- (14) **BASEMENT:** A story whose floor line is below grade and having more than half of its clear height below the adjoining finished grade.
- (15) **BOARDING OR ROOM HOUSE:** A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three or more persons, not transients, for compensation by previous agreement.
- (16) **BUILDING:** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, materials or machinery. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.
- (17) **Building, Lot Areas:** That part of a lot not included within the open areas required by the Ordinance.
- (18) **Building, Height of:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for the gable, hip or gambrel roofs.
- (19) **Building or Setback Line:** The line outside the right-of-way of a street beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.
- (20) **Building - Floor Area Ratio:** The gross floor area of all buildings on a lot divided by the area of that lot. The floor area of the building shall include that area of ground covered by the roof of the building.

- (21) **Building, Completion:** The building shall be considered complete when roofing materials, siding materials, windows, doors and steps have been affixed to the exterior and the interior supplied with electricity, plumbing and heating fixtures in operable condition and in conformance with applicable codes.
- (22) **CAMPGROUNDS:** Any public or private premises, including buildings, established for temporary day and overnight habitation by persons using equipment designed for the purpose of temporary camping.
- (23) **CAMPING TRAILER:** A vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.
- (24) **CEMETERY:** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, of operated in connection with and within the boundaries of such cemetery.
- (25) **CHANNEL:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically following water.
- (26) **CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, and injured persons or animals and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises, except veterinarian clinics.
- (27) **CLUB:** A non-profit association of persons who are bona fide members, paying regular fees, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- (28) **COLLOCATION.** The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
- (29) **CONDITIONAL USE:** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety or general welfare. Conditional use is the same as “special permit” as provided for in the Wisconsin Statutes.
- (30) **CONVALESCENT HOME:** A home designed for the care of patients after they leave the hospital but before they are released from observation and treatment.
- (31) **COURT:** An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides.
- (32) **DENSITY:** The number of dwelling units allowable under a schedule of district regulations.
- (33) **DISTRICT:** A portion of the territory of the Town within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance as specified on the Official Zoning Map as adopted by the Town Board of Supervisors.

- (34) **DRIVE-IN ESTABLISHMENT:** A place of business in which patrons can be serviced while remaining in their automobiles.
- (35) **DWELLING:** Any building or portion thereof designed or used exclusively as a living space for one or more persons, but not including hotels, boarding houses, and lodging houses.
- (36) **Dwelling, Single Family:** A building designed for or used exclusively for residence purposes by one family or housekeeping unit entirely surrounded by open space on the same lot.
- (37) **Dwelling, Two Family:** A building designed for or used exclusively by two families or housekeeping units living independently of each other and containing two dwelling units.
- (38) **Dwelling, Multi-Family:** A building or portion thereof designed for or used by three or more families or housekeeping units living independently of each other and containing three or more dwelling units.
- (39) **Dwelling Group:** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- (40) **Dwelling Unit:** One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having kitchen and toilet facilities.
- (41) **FAA.** Federal Aviation Administration.
- (42) **FARM:** An area which is used for the growing of agricultural products such as vegetables, fruit trees, and grain, and their storage on the area, as well as for the raising thereon of poultry and domestic animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (43) **FARMER:** A person who manages or operates a farm.
- (44) **FCC.** Federal Communications Commission.
- (45) **FRONTAGE:** Frontage shall be the boundary of a lot that is along an existing or dedicated public street or, where no public street exists, is along a public way. Where a lot abuts more than one street, the Zoning Committee shall determine the frontage for purposes of this Ordinance.
- (46) **Frontage, Where Measured:** For construction purposes, minimum frontage requirements set forth in Section 5 of this Ordinance shall be met at the front building line.
- (47) **FUR FARM:** A tract of land or buildings devoted in whole or part to the raising of fur-bearing animals.

- (48) **GARAGE, PRIVATE:** A detached accessory building or a portion of the principal building used or intended for use by the occupants as the premises for the storage of self-propelled vehicles or trailers.
- (49) **Garage, Public:** A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.
- (50) **Garage, Storage:** Any building or premises, used for housing only, of self-propelled vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and self-propelled vehicles are not equipped, repaired, hired or sold.
- (51) **GRADE:** The slope of a road, street, or other public way specified in percent. The percent is based upon elevation difference in one hundred (100) feet of horizontal distance. (Five (5) feet of change in elevation in 100 feet horizontal distance would be a 5% grade.)
- (52) **HEIGHT.** When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
- (53) **HOME OCCUPATION:** Any occupation for gain or support conducted entirely on the premises solely by resident occupants, which is customarily incidental to the principal use of the premises, does not result in a substantial increase in traffic or require additional parking on or adjacent to the premises, and where no stock in trade is kept or sold except that made on the premises.
- (54) **HOTEL:** Any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing guest rooms or suites where no provisions for cooking is made in any individual guest room or suite, except hospitals and jails.
- (55) **HOUSEHOLD UNIT:** The body of persons who live together in one dwelling unit as a single housekeeping unit.
- (56) **INDUSTRY, HEAVY:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- (57) **INDUSTRY, LIGHT:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- (58) **JUNK YARD:** A place where waste, discarded or salvaged materials are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment,

used cars in working condition, or salvaged materials incidental and necessary to manufacturing operations.

- (59) **KENNEL**: Any structure or premises on which three or more dogs over four months of age are kept.
- (60) **LAUNDROMAT**: A business that provided home type washing, drying and/or ironing machines for hire to be used by customers on the premises.
- (61) **LOADING SPACE**: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- (62) **LOT**: A parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on an officially approved street or place.
- (63) **Lot Area**: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.
- (64) **Lot, Corner**: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".
- (65) **Lot, Depth**: The mean horizontal distance between the front and the rear lot lines.
- (66) **Lot, Interior**: A lot other than a corner lot.
- (67) **Lot Lines**: A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley right-of-way line.
- (68) **Lot of Record**: A lot which is part of a subdivision, the plat of which has been officially recorded in the office of Register of Deeds in the Wood County Courthouse.
- (69) **Lot, Through**: A lot having frontage on two parallel or approximately parallel streets.
- (70) **Lot Width**: The mean width of the lot measured at right angles to its depth.
- (71) **MANUFACTURED HOME**: A structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For purposes of zoning code enforcement, manufactured homes shall be set upon a permanent foundation which extends below the frost line in accordance with Chapter Comm 27, Wisconsin Administrative Code. Manufactured homes shall be

allowed as permitted and conditional uses where “single family dwellings” and “two family dwellings” are shown as permitted and conditional uses. All such structures manufactured prior to July 15, 1976 shall be defined as mobile homes.

- (72) **MINOR STRUCTURE**: Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment arbors and walls and fences under four feet in height.
- (73) **MANUFACTURED DWELLING**: A dwelling structure or component thereof as defined in the Wisconsin Uniform Dwelling Code § 20.07(52)(a), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Sub-chapter V of said Uniform Dwelling Code.
- (74) **MANUFACTURED HOME**: A single family dwelling structure or component thereof as is defined in the Wis. Stats. §101.91(2), fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. §§ 5401 to 5426.
- (75) **MOBILE HOME**: As defined in Wis. Stat. §101.91(10), a mobile home is 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 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.
- (76) **MOBILE HOME PARK**: Any plot or plots of ground upon which 2 or more manufactured or mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation as defined and regulated in Wis. Stats. § 66.0435 “Mobile home parks.”
- (77) **MOTOR HOME**: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and have the same internal characteristics and equipment as a mobile home.
- (78) **MOTEL OR MOTOR HOTEL**: A series of attached, semi-attached or detached sleeping or living units, primarily for the accommodation of automobile transient guests for compensation; said units, have convenience access to off-street parking spaces for the exclusive use of the guests or occupants; a swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.
- (79) **NONCONFORMING USE**: The use or occupancy of a building or premises, which is lawful at the time of the enactment of this Ordinance or amendments thereto, or which has been established by approved variance of this Ordinance, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.
- (80) **NON-METALLIC MINING**: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, and non-

metallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and non-metallic minerals and related processes such as crushing, screening, scalping, de-watering and blending.

- (81) **NURSING HOME**: A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
- (82) **PARKING AREA OR LOT, PUBLIC**: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- (83) **PARKING SPACE**: A permanently surfaced area of not less than one hundred eighty (180) square feet, having a minimum width of nine feet and a minimum length of eighteen (18) feet, driveways or access drives, for the parking of motor vehicles.
- (84) **PERSON**: An individual, firm, trust, partnership, public or private association or corporation; or an individual, partnership, firm, company, corporation, municipality, county, town, state or federal agency, whether tenant, owner, lessee, licensee, or their agent, heir or assignee.
- (85) **PLANNED UNIT DEVELOPMENT**: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
- (86) **PREEXISTING TOWERS/ANTENNAS**. Any tower or antennas for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance.
- (87) **PRINCIPAL BUILDING**: The building of primary importance of a parcel of land, in contrast to those which are accessory or of secondary importance.
- (88) **QUARRYING**: The removal of rock, slate, gravel, sand, top soil or other natural material from the earth by excavating, stripping, leveling or any other such process.
- (89) **RECREATIONAL AREA**: Shall include park, playground, ball field, ski hill, sport field, swimming pool, riding stables or riding academies or other facilities and area constructed for recreational activities and open for uses by the public or private organization.
- (90) **RECREATIONAL MOBILE HOME**: A mobile home which does not exceed 8'4" in overall width and/or 45 feet in length.
- (91) **RESORT**: An area containing one or more permanent buildings utilized principally for the accommodation of the public for recreational purposes.

- (92) **RIDING STABLES OR RIDING ACADEMIES:** Shall, for the purpose of this Ordinance, include buildings or premises used for the rent or lease of horses or animals for riding.
- (93) **ROADSIDE STAND:** A temporary structure, of open design and so constructed that the structure is easily portable and can be readily moved.
- (94) **SANITARY LAND FILL:** A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.
- (95) **SERVICE BUILDING:** A structure housing toilet, washing and bathing facilities and such other facilities as may be required by this Ordinance.
- (96) **SETBACK:** The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, waterline, or prospective line to the nearest vertical wall or other element of a building or structure.
- (97) **SHOOTING RANGE:** An area designed and constructed for the discharge of firearms that is open for club members or public use.
- (98) **SIGN:** An outdoor medium including its component parts, which is used or intended to be used to direct attention to a business, product, subject, idea, premises, person or thing.
- (99) **Advertising Sign:** Any non-point-of-sale sign, usually of changeable character, such as a billboard which portrays advertisements for establishments, services, articles or products not necessarily located with the premises upon the sign is located.
- (100) **Illuminated Sign:** A sign designed to give forth any artificial light or reflect such light from an artificial source.
- (101) **SLAUGHTERHOUSE:** Any building or premises used for the killing or dressing of fowl, cattle, sheep, swing, goats and preparation of meat products.
- (102) **STABLE, COMMERCIAL:** A stable for horses, donkeys, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation.
- (103) **STABLE, PRIVATE:** An accessory building for the keeping of horses, donkeys, mules or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.
- (104) **STORY:** That portion of a building included between the surface of any 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 above it.
- (105) **Story, Half:** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such a story; provided, however, that any half of partial story used for residence purposes shall be deemed a story; provided that a basement or cellar used purely for recreational purposes shall not be deemed that first story.

- (106)**STREET**: A public right-of-way that provides a public means of access to abutting property. The term “street” shall include avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare or any other similar term.
- (107)**Arterial Street**: A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
- (108)**Collector Street**: A street intended to serve and provide access to neighborhoods or sub-neighborhoods.
- (109)**STRUCTURE**: Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. It includes, but is not limited to objects such as buildings, factories, sheds and cabins.
- (110)**Permanent Structure**: A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.
- (111)**Temporary Structure**: A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short term.
- (112)**Structural Alteration**: Any change in the component members of a building, such as walls, columns, beams or girders.
- (113)**SUBDIVISION**: The division of a lot, parcel or tract of land into two or more parcels by the owner thereof, or his agent for the purpose of sale or of building development.
- (114)**Subdivision - County**: The division of a lot, parcel or tract of land by the owner thereof, or his agent, where the act of division creates five(5) or more parcels or building sites of ten (10) acres each or less, but greater than one and one-half (1½) acres, in area, or where the act of division creates five (5) or more parcels or building sites of between one and one-half (1½) acres and ten(10) acres in size by successive division within a five-year period. This plat need not be submitted to the Wisconsin Department of Administration for review, but is to be recorded in the same manner as a “State” subdivision plat as defined below.
- (115)**Subdivision – State**: The division of a lot, parcel or tract of land by the owner thereof, or his agent, where the act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in size in area, or where the act of division creates five (5) or more building sites of one and one-half (1½) acres each or less in area by successive division within a five-year period. This plat shall be submitted to the Wisconsin Department of Administration for review.
- (116)**TOWER**. Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone

towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(117)**TOWN:** The Town of Lincoln.

(118)**TOWN BOARD:** The Board of Supervisors of the Town of Lincoln.

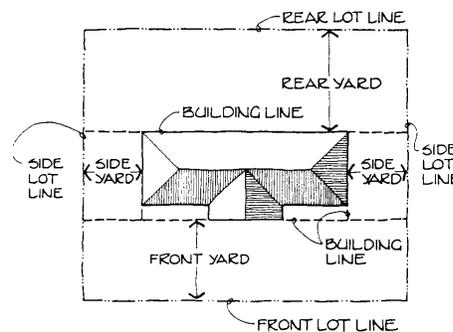
(119)**USE:** The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.

(120)**Use - Principal:** A use which is permitted outright in a district for which a Building Permit may be issued by the Town Board in accordance with the Ordinance.

(121)**Use - Conditional:** A use which is permitted in a district only if a Conditional Use Permit is expressly authorized in accordance with this Ordinance. (*see definition #29*)

(122)**VARIANCE:** A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the condition permitted by the departure will be in fundamental harmony with surrounding uses and the intent and purpose of this Ordinance.

(123)**YARD:** A required open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.



(124)**Front Yard:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as required in the district where located.

(125)**Front Yard - How Measured:** Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way of such street differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street.

(126)**Rear Yard:** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required in the district where located.

- (127)**Side Yard**: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required in the district where located.
- (128)**Side Yard - Least Width, How Measured**: Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street.
- (129)**ZONING COMMITTEE**: A group of five residents of the Town of Lincoln, appointed by the Town Board, to act in an advisory capacity in making recommendations to the Town Board regarding the boundaries of zoning districts and appropriate regulations and restrictions to be imposed within those districts.
- (130)**ZONING PERMIT**: Written Approval by the zoning administrator that is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any use on any lot.

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**SECTION 3. GENERAL PROVISIONS.**

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**3.01 Except as Otherwise Provided.****(A) Compliance**

The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

**(B) Lot Area, Yards, Open Space**

No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located. No part of a yard or court, or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required for another building.

**(C) Principal Building**

Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one principal building on one lot.

**3.02 Non-Conforming Uses.****(A) Grandfather Clause**

(1) The existing lawful use of a building or premises at the time of the enactment of this Ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this Ordinance for the district in which it is located, but such non-conforming use shall not be extended or enlarged. Development on parcels deemed non-conforming due to the adoption of this Ordinance, but platted or surveyed and approved for residential use by the Town Board prior to the adoption of this Ordinance, shall be deemed conforming use if it complies with all other applicable regulations for the Residential District.

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

**(B) Change in Non-Conforming Uses**

If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted non-conforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

**(C) Discontinuance**

If a non-conforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulation for the District in which it is located. This provision shall not apply to initial development of land platted or surveyed and approved by the Town Board for residential use prior to the adoption of this Ordinance.

**(D) Repair**

When a building containing a non-conforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 50 percent of its current local assessed value, it shall not be restored except in conformity with the regulations of the District in which it is located. The total structural repairs or alterations in any non-conforming use shall not, during

its life, exceed 75 percent of the local assessed value of the building at the time of its becoming a non-conforming use unless permanently changed to a conforming use.

### 3.03 Miscellaneous.

#### (A) Loading and Unloading of Vehicles

In any commercial or industrial district, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of all traffic.

#### (B) Yard Setbacks for Abutting Districts

Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

#### (C) Non-Traditional Developments

When a housing project consisting of a group of two or more buildings is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this Ordinance to the individual building units, the Town Board of the Town of Lincoln may, upon recommendation of the Zoning Committee, approve a development plan provided it complies with the regulations of this Ordinance as applied to the whole plat. Where appropriate, such development shall be zoned a Planned Unit Development District.

#### (D) Lot Splits

After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements specified by this Ordinance cannot be met.

#### (E) Property maintenance

Provisions of this Ordinance shall not be construed to prevent the customary and necessary maintenance or repair of buildings, utilities and property.

#### (F) Accessory buildings

Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use unless otherwise approved by the Zoning Committee.

### 3.04 Airport Approaches.

#### (A) Height Limitations

(1) Height limitations on land surrounding the Marshfield Airport are regulated on the *Height Limitation Zoning Map, Marshfield Airport* map. Reference should be made to that map to determine maximum elevations prior to approving development plans and issuing building permits.

(2) Except as otherwise provided, no building or object of natural growth located within 3 miles of the boundaries of any airport, landing field or take-off strip shall hereafter be erected, altered or permitted to grow to a height above the elevation of the nearest point of the boundary of such airport, landing field, or landing and take-off strip greater than 1/30 of the distance from the said point of such boundary.

#### (B) Use Restrictions

No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and take-off strip. No building or land located within 3 miles of the boundary of any airport landing field, or landing and take-off strip shall be so used that by the reason of the emission of smoke, gas or other emanation, it shall produce a hazard to the operation of aircraft. The regulations set forth in this

paragraph shall not apply to growing field crops, which are harvested at least once a year, nor to fences not over 5 feet high.

### **3.05 Signs.**

The erection and use of free-standing advertising signs unrelated to the use of the premises are prohibited in all districts except the Industrial District, wherein such signs shall be a conditional use. The use of free-standing advertising signs related to the use of the premises shall be a conditional use in all districts, except as specifically provided or limited herein. Signs must not exceed 40 square feet on one side. Both sides may be used.

### **3.06 Home Occupations.**

#### **(A) General Requirements**

No home occupation, as defined in Section 2 of this Ordinance, shall be permitted that:

1. Involves external alteration that effects a substantial change in the residential character of the building or is visible from the street;
2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
4. Results in outside storage or display of anything.
5. Involves other characteristics that are deemed by the Zoning Committee and confirmed by the Town Board to be unsuitable or incompatible with the surrounding residential uses.

#### **(B) Permitted Home Occupations.**

The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

1. Home office;
2. Dressmaking, sewing, and tailoring;
3. Painting, Sculpturing, or writing;
4. Telephone answering;
5. Home crafts, such as model making, rug weaving, lapidary work, and cabinet making;
6. Tutoring, limited to four students at a time;
7. Home cooking and preserving;
8. Computer programming;
9. Barber shops and beauty parlors.

#### **(C) Prohibited Home Occupations.**

The following are prohibited as home occupations:

1. Animal hospitals;
2. Dancing studios;
3. Mortuaries;
4. Private clubs;
5. Repair shops;
6. Restaurants;
7. Stables or kennels;
8. Automobile repair or paint shops.

#### **(D) Home Occupations Not Listed.**

Any proposed home occupation that is neither specifically permitted by paragraph (B) nor specifically prohibited by paragraph (C) shall be considered a conditional use and be granted or denied by the Zoning Committee upon consideration of those standards in paragraph (A).

**3.07 Parking.****(A) Loading and Unloading Vehicles**

When a Commercial or Industrial district lot abuts a public or private right-of-way, sufficient space for loading and unloading vehicles shall be provided on the Commercial or Industrial lot so that the right-of-way will be free and unobstructed for passing traffic at all times.

**(B) Parking Schedule**

Unless otherwise specified, parking areas shall be provided as listed in Table 1, "Parking Schedule". For uses not listed in Table 1, parking areas required for a use which is similar in probable traffic generation shall apply.

**(C) Multiple Uses**

Where more than one use is present on a single site, parking areas shall be provided equal to

Table 1: PARKING SCHEDULE

USE	MINIMUM PARKING REQUIRED
One and two-family dwellings and mobile homes	2 stalls for each dwelling unit
Multiple-family dwellings	2 stalls for each dwelling unit
Hotels, motels, boarding houses and bed & breakfasts	1 stall for each guest room plus 1 stall for each 3 employees
Nursing homes and rest homes	1 stall for each 5 beds plus 2 stalls for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Places of public gathering (i.e., community center, school auditorium)	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus 5 stalls for each 10 students at 16 years of age or more
Restaurants, clubs, lodges, bars, place of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 2 employees
Financial institutions, business, government, and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats

the total number of stalls required for each individual use.

### **3.08 Wireless Telecommunications Towers.**

Wireless telecommunications towers and antennas may be installed, erected and maintained pursuant to the provisions of this section. Telecommunication towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities.

(A) Purpose.

The purpose of this ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the Town in regulating local zoning. The goals of this ordinance are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(B) Applicability.

1. New Towers and Antennas. All new towers or antennas in the Town of Lincoln shall be subject to these regulations except as provided in Sections 3.08(B)(2), 3.08(B)(3) and 3.08(B)(4).
2. Amateur Radio Station Operator/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
3. Citizens Band Radio. This ordinance does not restrict the use of citizen band radio.
4. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 3.08(D)(2).

(C) Permit Required.

No tower or antenna shall be installed unless the owner or his agent first obtains a permit from the Zoning Administrator. The following shall be required as part of the application submittal.

1. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.
2. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.
3. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
4. Landscape plan showing specific plant materials.
5. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening.

6. Description of compliance with Section 3.08(D).

(D) General Requirements.

In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:

1. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. All towers in the town of Lincoln shall be inspected every 2 years at the owner's expense by a qualified inspector as approved by the Town of Lincoln. A copy of this report shall be filed with the Town Clerk, along with current contact information. If, upon inspection, a qualified inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, the owners will be notified and have 30 days to respond to the notice with a detailed plan for repairs to bring such tower into compliance with such standards, and an additional 30 days to bring such tower into compliance. Failure to bring such tower into compliance within said 60 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
2. **State or Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
3. **Collocation.** A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
4. **Height.** The height of an antenna affixed to tower shall not be restricted, provided such device is installed and maintained in accord with applicable state or local building codes, and in compliance with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.
5. **Setbacks.** A tower shall be located not closer than a distance equal to 100% of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.
6. **Aesthetics.** Towers shall maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
7. **Signs.** No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

8. Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
9. Fencing. A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
10. Landscaping. A buffer of evergreen plants of sufficient height to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible.
  - a. Appurtenant Equipment and Buildings. Antennas mounted on structures or rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.
  - b. Antennas mounted on utility poles, light poles or towers. The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

(E) Permitted Uses.

1. Antennas or Towers on Existing Structures. An antenna or tower may be situated on the roof of a residential, commercial, industrial, professional, or institutional structure, provided that such device is installed and maintained in accord with applicable state or local building codes, and complies with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.
2. Antennas on Existing Towers. The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that; (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole; (2) An existing tower may be, modified or rebuilt to accommodate the collocation of additional antenna and may be moved on-site within 50 feet of its existing location provided all setbacks requirements are met, but the relocation may only occur one time per communication tower; (3) After a tower is rebuilt to accommodate collocation, only one tower may remain on the site; and (4) The on-site relocation of a tower which complies with the setback in Section 3.08 (D)(5) shall only be permitted when approved by the Town.
3. Cable Microcell Network. The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(F) Conditional Uses.

The installation of towers and antennas, including the placement of appurtenant equipment or buildings, may be allowed only by conditional use permit and only in non-residential zoning districts. An application for a conditional use permit shall be subject to the procedures and requirements of Section 7. In addition, a conditional use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance.

(G) Removal of Abandoned Antennas and Towers.

An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove the tower or provide proof of operation within 90 days of receipt of notice from the Town notifying the owner of such abandonment. Determination of the date of abandonment shall be made by the Zoning Administrator who shall have the right to request documentation and/or affidavits from the facility owner/operator regarding the active use of the tower. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner’s expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(H) Nonconforming Uses.

1. No expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, or replacement of an existing tower other than routine maintenance shall comply with the requirements of this ordinance.

(I) Wireless Telecommunications Towers and Antennas.

1. Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.
2. Tower Height. The following criteria shall apply in determining the maximum height of a tower.
  - a. For a single user, up to 90 feet.
  - b. For two users, up to 120 feet.
  - c. For three or more users, up to 195 feet.
3. Availability of Suitable Existing Towers; Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the

Table 2: Minimum Separation Distance Between Towers				
NEW TOWER TYPE	Existing Tower Type			
	Lattice	Guyed	Monopole: 75 feet in height or greater	Monopole: Less than 75 feet in height
Lattice	5000 feet	5000 feet	1500 feet	750 feet
Guyed	5000 feet	5000 feet	1500 feet	750 feet
Monopole: 75 feet in height or greater	1500 feet	1500 feet	1500 feet	1500 feet
Monopole: Less than 75 feet in height	750 feet	750 feet	750 feet	750 feet

applicant's proposed antenna. Evidence submitted to the Town to determine that no existing tower, structure or alternative technology 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 which meet the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support the 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 in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

### **3.09 Small Wind Energy Systems.**

(A) Authority.

This section is adopted pursuant to authority granted by:

1. For counties: Wis. Stat. § 59.69 and 66.0401
2. For towns and villages: Wis. Stat. § 60.61 or 60.62 and 62.23(7), or 60.22(3) and 66.0401

(B) Purpose.

The purpose of this section is to:

1. Oversee the permitting of small wind energy systems
2. Preserve and protect public health and safety.

(C) Definitions.

The following definitions apply to Section 3.09 of this ordinance.

1. "Administrator" means the Town of Lincoln Planning and Zoning Administrator.
2. "Board" means the Town of Lincoln Board of Supervisors.
3. "Meteorological tower" (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind Speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at any given location.
4. "Owner" shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
5. "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
6. "Small wind energy system" means a wind energy system that

- a. is used to generate electricity;
  - b. has a nameplate capacity of 100 kilowatts or less; and
  - c. has a total height of 170 feet or less.
7. "Total height" means the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point.
  8. "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
  9. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. § 66.0403(1)(m)). This equipment includes and base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.
  10. "Wind Generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.
- (D) Standards.
- A small wind energy system shall be permitted use in all zoning districts subject to the following requirements:
1. Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:
    - a. Any public right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
    - b. Any overhead utility lines, unless written permission is granted by the affected utility;
    - c. All property lines.
  2. Access.
    - a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
    - b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum of 8 feet above the ground.
  3. Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring the disconnect junction box, and the grounding wires shall be located underground.
  4. Lighting. A wind tower and generator shall not be artificially lighted.
  5. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved by the building permit.
  6. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
  7. Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
  8. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
  9. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- (E) Permit Requirements.
1. Zoning Permit. A zoning permit shall be required for the installation of a small wind energy system.
  2. Documents: The zoning permit application shall be accompanied by a plot plan which includes the following:

- a. Property lines and physical dimensions of the property.
  - b. Location, dimension, and types of the major existing structures on the property.
  - c. Location of the proposed wind system tower.
  - d. The right-of-way of any public road that is contiguous to the property.
  - e. Any overhead utility lines.
  - f. Wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
  - g. Tower foundation blueprints or drawings.
  - h. Tower blueprints or drawing.
  - i. WI Dept. of Transportation-Bureau of Aeronautics and FAA.
  - j. Landscape plan.
3. Fees. The application for a zoning permit application for a small wind energy system must be accompanied by the fee required for a zoning permit for a conditional use permit.
  4. Expiration. A permit issued pursuant to this ordinance shall expire if:
    - a. The small wind energy system is not installed and functioning within 12 months from the date the permit is issued; or,
    - b. The small wind energy system is out of service or otherwise unused for a continuous 12-month period.
- (F) Abandonment.
1. A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
  2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator and the tower at the Owner's sole expense within the 3 months of the receipt of the Notice of Abandonment. If the owner fails to remove the wind generator and the tower, the Administrator may pursue a legal action to have the wind generator and the tower removed at the Owner's expense.
- (G) Zoning Permit Procedure.
1. An Owner shall submit an application to the Administrator for a zoning permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in Section 3.09(F)(2) above.
  2. The Administrator shall issue a permit or deny the application within 6 months of the date on which the application is received.
  3. The Administrator shall issue a zoning permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this ordinance.
  4. If the application is approved, the Administrator will return one signed copy of the application with the permit and retain the other copy with the application.
  5. If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68 Wis. Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.

6. The Owner shall conspicuously post the zoning permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.

(H) Violations.

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a zoning permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

(I) Administration and Enforcement.

1. This ordinance shall be administered by the Administrator or other official as designated
2. The Administrator may enter any property for which a zoning permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
3. The Administrator may issue orders to abate any violation of this ordinance.
4. The Administrator may issue a citation for any violation of this ordinance.
5. The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

(J) Penalties.

1. Any person who fails to comply with any provision of this ordinance or a zoning permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Section 12, Chapter 12.01.
2. Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this ordinance.

(K) Severability.

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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**SECTION 4. ZONING DISTRICTS AND DISTRICT REGULATIONS**

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**4.01 Districts.**

For the purpose of this Ordinance, the Town of Lincoln is hereby divided into five districts as follows:

- (A) Residence District (R-1)
- (B) Agricultural District (A-1)
- (C) Agricultural District (A-2)
- (D) Commercial District (C)
- (E) Industrial District (I)
- (F) Planned Unit Development District (PUD)

**4.02 Official Zoning Map**

The boundaries of the aforesaid districts are hereby established as shown on the map entitled the “Town of Lincoln Zoning Map”, which map accompanies and is made a part of this Ordinance. All notations and references shown on the Zoning Map are a part of this Ordinance as though specifically described herein. In subdivided property, the district boundary lines shown on the Zoning Map shall be determined by use of the scale shown on such map.

**4.03 Conservation Areas**

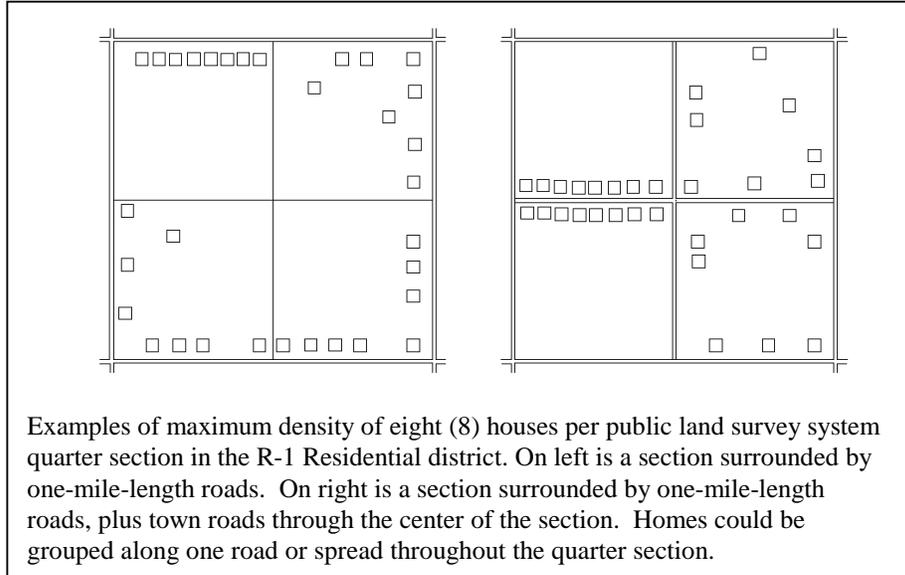
- (A) Primary Conservation Areas.  
Natural regions of the town protected from development by State or Federal regulations. These regulations include Wisconsin Department of Agriculture Farmland Preservation Program lands, Wisconsin Department of Natural Resources Regulated Wetlands, and the Federal Emergency Management Agency 100-year floodplain.
- (B) Secondary Conservation Areas.  
Natural regions identified as significant for preserving the natural environment of the Town of Lincoln. This category may include prime agricultural soils where these soils coincide with crop fields, meadows, and pastures, and slopes exceeding 20 percent. Residents in the Town identified the natural environment as the primary reason for living here. Other elements of town-wide significance can be added to this category for future protection. These could include woodlands, other meadows, historic and cultural elements, scenic vistas and road corridors.
- (C) Development Restrictions.
  - 1. Primary Conservation Areas: No development is allowed within a primary conservation area.
  - 2. Secondary Conservation Area: Any use allowed as a permitted use in the underlying zoning district must apply for and receive a conditional use permit before any construction may begin.
- (D) Open Space Community Development – When Required.
  - 1. Open Space Community Development Overlays shall be allowed in the R-1 Residential and A-2 Agricultural district in the Town of Lincoln.
  - 2. Whenever a division of land into four (4) or more parcels is proposed, that subdivision shall conform to the requirements of Section 4.09, Open Space Community Development Overlay.

**4.04 Residential District (R-1).**

- (A) Purpose.  
The R-1 district is intended to provide a quiet pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

## (B) Density.

1. No more than eight (8) houses per Public Land Survey System quarter section with frontage on public roadways within this district.
2. The minimum frontage shall be 200 feet on a public road right-of-way.



## (C) Permitted Uses.

The following uses of land are permitted in this district:

1. Single-family dwellings.
2. Accessory buildings, including private garages and buildings clearly incidental to the use of the property, provided however, that no accessory building may be used as a separate dwelling unit.
3. Unlighted signs and bulletin boards of up to sixteen (16) square feet for public announcements; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public sidewalk and shall not be within the right-of-way of any public street or highway.
4. Unlighted signs of up to six (6) square feet for advertisement for the lease or sale of the premises; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public sidewalk or street.
5. Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
6. Home occupations as per Section 3.06 of this Ordinance.

## (D) Conditional Uses.

The following are permitted as conditional uses within this district

1. Two to four family unit dwellings.
2. Open Space Community Developments as per the requirements of Section 4.09 of this Ordinance.
3. Free-standing advertising signs related to the use of the premises.
4. Libraries, museums, and art galleries.
5. Hospitals and clinics.
6. Colleges and vocational schools.
7. Utility buildings, excepting services garages and storage yards.
8. Public recreation grounds and buildings.
9. Graded schools.

10. Churches and their affiliated use.
  11. Cemeteries of less than one-acre located adjacent to a church.
  12. Public buildings.
  13. Water-storage facilities and their accessory structures.
  14. Other similar and compatible uses that are determined by the Zoning Committee to be in accord with the purpose of this district.
- (E) Height, Yard, Area and Other Requirements.  
See Section 4.11 Schedule of Regulations
- (F) Other Provisions:
1. Unless otherwise herein provided, minimum lot width and area as described in section 4.11 Schedule of Regulations in this Ordinance shall not apply to any residential lot as such recorded in the office of the Register of Deeds of Wood County at the time and date of the adoption of this Ordinance.
  2. Unless otherwise provided, all dwellings constructed after the adoption of this Ordinance shall be restricted to a single family dwelling, or a two to four unit apartment dwelling. Any apartment construction must be approved by the zoning administrator and must be in compliance and conformity of the general structures in the area in which it is proposed to be constructed.
  3. Whenever the setback distance shall be increased by Ordinance of the County or by State relative to State and County Highways this section of this Ordinance shall be automatically so changed and its restrictions so increased, without change of this Ordinance.
  4. Storage of Junk, Salvage or Litter shall not be permitted in a Residential Zones area.
  5. The Sanitation Code of the State of Wisconsin and all other standards established and provided by the Wisconsin Department of Health are hereby adopted by reference and shall be a part of this Ordinance, as such.
  6. Residents of any property within a residential zone shall be permitted to harbor only animals such as household pets. Any person owning or harboring animals in such numbers as to be a problem or annoyance to the general public shall be in violation of this Ordinance. Horses or cattle shall not be permitted to be housed or harbored in a Residential Zone, except the keeping of horses or cattle may be approved as a Conditional Use on lots of 5 acres or more. This section shall not apply to farmers engaged in the business of farming who are in possession of such animals for business purposes. All Agricultural uses existing in the R-1 zone on the date of acceptance of this Ordinance and referenced in the existing agriculture map shall be accepted conditional uses. These conditional uses are subject to requirements of Section 5, Conditional Uses, of this Ordinance. If the conditional use is left dormant for a period of more than three (3) years, any future use of the land, building or premises shall conform to the permitted uses of the district as referenced in the official zoning map.
  8. No mobile home, as defined in Section 2 of this Ordinance, shall be parked in a residential zone after the date of the adoption of this Ordinance, except for the purpose of using such unit while a permanent dwelling is being constructed, not to exceed a period of one year for such purpose. Whenever such mobile home is parked in a residential zone for such purpose herein described and provided, a permit for such use must first be obtained from the Zoning Administrator and the required fee shall be paid as provided in Section 7 of this Ordinance. An unoccupied recreational mobile home, motor home, tent trailer or camper may be stored by the owner on such owner's premises.
  9. Any new construction in a Residential Zone must have the exterior of such structure in a finished appearance after a maximum period of time of one (1) year from the date a building permit is issued.

**4.05 Agriculture District (A-1).**

(A) Purpose

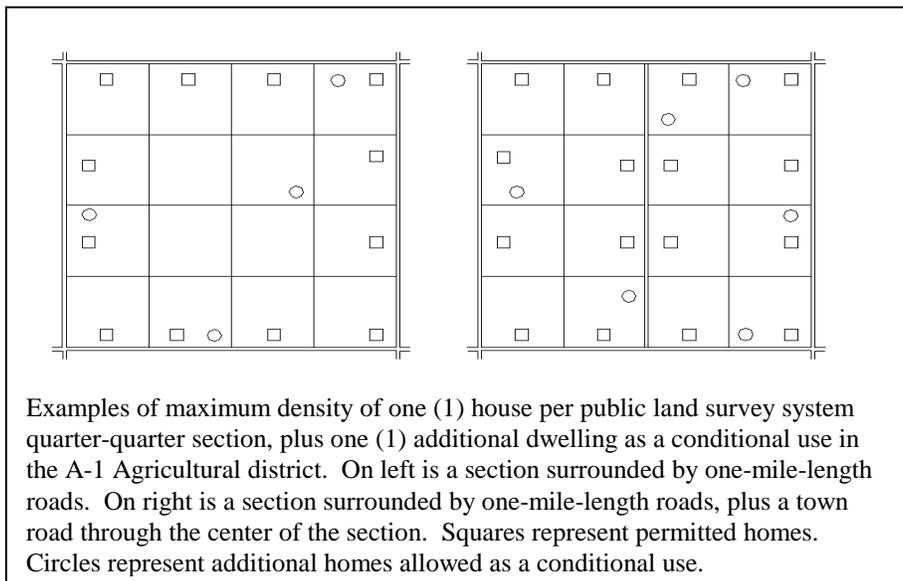
The purpose of this district is to permit, with limited exceptions, agricultural uses and uses compatible with agriculture. The intent is to conserve good farming areas, protect farming practices from encroachment of non-farm uses and prevent uncontrolled, uneconomical spread of residential development that results in unnecessary, added costs to the community for the provision of public improvements (i.e. road maintenance) and services (i.e. fire protection).

(B) Agricultural Use Notice

All lands within the Agricultural District are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or of neighboring property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort and possibly injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Wis. Stat. 823.08) may bar them from obtaining a legal judgment against such normal agricultural operations.

(C) Density

No more than one farm or non-farm dwelling shall be allowed as a permitted use per Public Land Survey System quarter-quarter section with frontage on public roadways within this district. No dwelling may be constructed on a quarter-quarter section without public road frontage. Minimum lot size is 1½ acres.



(D) Permitted Uses.

The following uses of land are permitted in this district, provided adherence to the provisions of 4.05 (B).

1. Agricultural uses including agricultural operations of up to 500 animal units (see definition #6 and Appendix 1); beekeeping; floriculture; fish and fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.
2. Farm dwellings.
3. In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight (8) square feet each, advertising such sale.
4. The necessary agricultural accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of permitted agricultural activities.
5. All principal uses permitted in the Single Family Residential District provided that:
  - i. Each application includes a scaled drawing indicating the location of the proposed dwelling to the surrounding farms;
  - ii. The dwelling is sited on that portion of the lot that separates it as much as possible from adjacent farming, including minimizing the length of property lines shared by the residential lot and adjoining farms;
  - iii. The dwelling and its lot are located on the least productive farmland wherever practical;
  - iv. The dwelling is sited on the smallest practical area to satisfy the requirements of this Ordinance and on-site sewage disposal regulations.

(E) Conditional Uses.

Examples of uses that may be approved as Conditional Uses in the "A-1" District as per the requirements of Section 5 of this Ordinance are:

1. Single-family dwellings above the permitted density as defined in 4.05 (B), provided that:
  - i. Total density does not exceed five (5) dwellings per section mile on one side of existing roads regardless of setback from such roads.
  - ii. Each application includes a scaled drawing indicating the location of the proposed dwelling to the surrounding farms;
  - iii. The dwelling is sited on that portion of the lot which separates it as much as possible from adjacent farming, including minimizing the length of property lines shared by the residential lot and adjoining farms;
  - iv. The dwelling and its lot are located on the least productive farmland wherever practical;
  - v. The dwelling is sited on the smallest practical area to satisfy the requirements of this Ordinance and on-site sewage disposal regulations.
2. Temporary farm housing, provided that this use:
  - i. Is located adjoining existing farmstead buildings;
  - ii. The Zoning Committee determines that it is needed as a part of a farm operation;
  - iii. Utilizes manufactured homes or dwellings;
  - iv. Is only used to house farm laborers, and;
  - v. Is removed when farm laborers no longer occupy the housing.
3. Agricultural operations exceeding 500 animal units (see definition #6 and Appendix 1).

4. Fur farms, kennels, cheese factories or dairy processing plants, grain elevators and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.
  5. Trap or skeet shooting facilities, target ranges, gun clubs, shooting preserves.
  6. Free-standing advertising signs related to the use of the premises not to exceed 40 square feet.
  7. Riding stables, riding schools.
  8. Airport.
  9. Club or Lodge.
  10. Fish hatchery - commercial.
  11. Housing for migrant workers.
  12. Incinerator, public.
  13. Livestock feeding pens or yards (more than 500 animal units).
  14. Quarrying.
  15. Hot mix plants for road construction purposes.
  16. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.
- (F) Density, Height, Yard, Area and Other Requirements.  
See Section 4.11 Schedule of Regulations

#### **4.06 Agricultural District (A-2).**

(A) Purpose

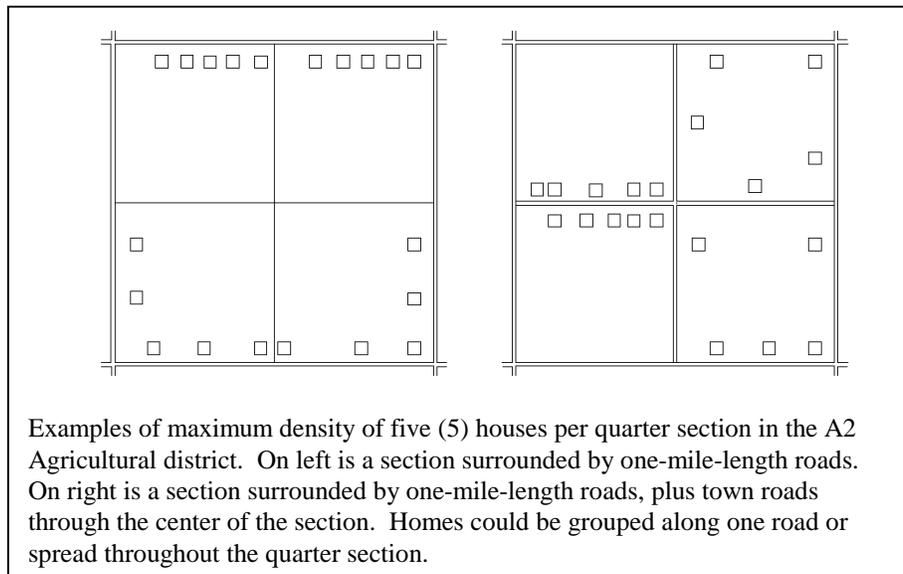
This district is established to provide a transition area between higher-density residential uses and low-density agricultural areas. The A-2 District preserves agricultural uses and uses compatible with agriculture, while allowing for the development of non-farm residential properties at a higher density than is allowed in the A-1 District.

(B) Agricultural Use Notice

All lands within the Agricultural District are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or of neighboring property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort and possibly injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Wis. Stat. 823.08) may bar them from obtaining a legal judgment against such normal agricultural operations.

(C) Density

No more than five (5) farm or non-farm dwellings shall be allowed as a permitted use per quarter section of land. No more than one farm or non-farm dwelling shall be located on a lot of not less than one and a half (1½) acres, provided the subdivision of such lot from a larger parcel does not create a remaining lot of less than one and a half (1½) acres. All development shall also be in strict compliance with all other applicable Ordinances of Wood County and the Town of Lincoln.

**(D) Permitted Uses.**

The following uses of land are permitted in this district:

1. Agricultural uses including agricultural operations of up to 500 animal units (see definition #6 and Appendix 1); bee-keeping; floriculture; fish and fur farming; forest and game management; grazing; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.
2. Farm dwellings.
3. In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight (8) square feet each, advertising such sale.
4. The necessary agricultural accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of permitted agricultural activities.
5. All principal uses permitted in the Single Family Residential District provided that;
  - i. Each application includes a scaled drawing indicating the location of the proposed dwelling to the surrounding farms;
  - ii. The dwelling is sited on that portion of the lot that separates it as much as possible from adjacent farming, including minimizing the length of property lines shared by the residential lot and adjoining farms;
  - iii. The dwelling and its lot are located on the least productive farmland wherever practical;
  - iv. The dwelling is sited on the smallest practical area to satisfy the requirements of this Ordinance and on-site sewage disposal regulations.
6. Open Space Community Developments as per the requirements of Section 4.09 of this Ordinance.

**(E) Conditional Uses.**

Examples of uses that may be approved as Conditional Uses in the “A-2” District as per the requirements of Section 5 of this Ordinance are:

1. Temporary farm housing, provided that this use;
  - i. Is located adjoining existing farmstead buildings;

- ii. The Zoning Committee determines that it is needed as a part of a farm operation;
  - iii. Utilizes manufactured homes or dwellings;
  - iv. Is only used to house farm laborers, and;
  - v. Is removed when farm laborers no longer occupy the housing.
2. Agricultural operations exceeding 500 animal units (see definition #6 and Appendix 1).
  3. Free-standing advertising signs related to the use of the premises not to exceed 40 square feet.
  4. Riding stables, riding schools.
  5. Airport.
  6. Club or Lodge.
  7. Fish hatchery - commercial.
  8. Housing for migrant workers.
  9. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.
- (F) Height, Yard, Area and Other Requirements.  
See Section 4.11 Schedule of Regulations

#### **4.07 Commercial District (C).**

- (A) Purpose.  
The Commercial district is intended to provide an area for the business and commercial needs of the community, especially those that can be most suitably located in a compact and centrally located business district.
- (B) Permitted Uses.  
The following uses of land are permitted in this district:
1. Department, variety and specialty merchandise stores (retail and wholesale).
  2. General grocery and specialty food establishments.
  3. Restaurants including drive-in establishments.
  4. Business and professional offices and studios.
  5. Personal service establishments (i.e. barbershops, beauty shops, shoe repair shops, etc.).
  6. Retail laundry and dry cleaning outlets, dry cleaning plants and laundromats.
  7. Hotels and motels.
  8. Rooming and boarding houses.
  9. Public transportation stations, except storage lots or garages.
  10. Semi-public buildings (i.e. fire stations, police station, administrative buildings, etc.).
  11. Liquor stores, taverns and bars.
  12. Banks and financial institutions.
  13. Funeral homes.
  14. Any use permitted as a primary use in the Residential District and Agricultural District.
- (C) Conditional Uses.  
The following are permitted as conditional uses in the district, provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations which are necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, buffer areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be

subject to the recommendation of the Zoning Committee to and the approval of the Town Board with regard to such matters.

The Following are permitted as conditional uses within this district:

1. Automobile service stations, repair shops and retail sales businesses.
  2. Establishments engaged in the sale, service, repair, testing, demonstration or other use of recreational vehicles, motor-driven cycles, boats, household appliances, trucks or farm equipment.
  3. Parking lots, parking garages, or parking structures.
  4. Bowling alleys, skating rinks and similar recreational uses.
  5. Establishments engaged in the publishing and printing of newspapers, periodicals, or books.
  6. Establishments or facilities for the sale, rental, service, repair, testing demonstration or other use of recreational vehicles and boats.
  7. Golf courses, athletic facilities, race tracks and similar facilities.
  8. Wholesale merchandise establishments.
  9. Warehouses.
  10. Motor carrier facilities.
  11. Travel trailer parks, specifically for transient dwelling purposes. This use shall be subject to the condition that it shall conform to all Ordinances and laws regulating such parts.
  12. Free-standing advertising signs related to the use of the premises, provided such signs do not exceed forty (40) square feet on one side. Both sides of the sign may be used.
  13. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.
- (D) Height, Yard, Area and Other Requirements.  
See Section 4.11 Schedule of Regulations

#### **4.08 Industrial District (I).**

(A) Purpose.

This district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas; or which may create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions; or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.

(B) Permitted Uses.

All uses within the Industrial District shall be conditional uses.

(C) Conditional Uses.

Those uses shall be subject to the recommendation of the Zoning Committee and approval of the Town Board with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.

Examples of uses that may be approved as Conditional Uses in the “Ind” District are:

1. Manufacturing establishments, in which raw materials are transformed into finished products and establishments engaged in assembling component parts of manufactured products.
2. Other industrial or commercial activities that possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

3. The outdoor storage of industrial products, machinery, equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
  4. Slaughterhouses and stock yards, or any establishment providing facilities for receiving, shipping, weighing, or feeding livestock temporarily held either pending sale or while in transit.
  5. Freestanding advertising signs related to the use of the premises, provided such signs do not exceed forty (40) square feet on one side. Both sides of the sign may be used.
  6. A dwelling unit provided for a caretaker or superintendent, in the case of an industrial use that requires constant supervision.
  7. Research and testing laboratories.
  8. Waste treatment disposal or storage facilities.
  9. Sand or gravel quarries and other non-metallic and metallic mining operations, provided they meet the standards set forth in the Wood County Non-Metallic Mining Ordinance and Chapter NR135, Wisconsin Administrative Code.
  10. Facilities for production, storage or processing of road surfacing or paving materials.
  11. Uses customarily incident to, a part of our substantially similar to the above uses.
  12. Any use permitted as a primary use in the Commercial District, except uses adopted by referral to the Agricultural or Residential District.
  13. Other similar and compatible uses that are determined by the Zoning Committee to be in accord with the purpose of this Ordinance.
- (D) Height, Yard, Area and Other Requirements.  
See Section 4.11 Schedule of Regulations

#### **4.09 Open Space Community Overlay District**

(A) Definition

The grouping of single-family homes onto part of a parcel, with the remaining acreage preserved as open lands. Open space developments emphasize the preservation of natural environment as a basis for grouping of dwellings. Homes are separated from adjacent property or other groupings of dwellings by the substantial open space that is permanently protected from development.

(B) Purpose

The intent of the Open Space Community Overlay District is to permit residential development that results in an enhanced living environment through the preservation of agriculture, environment, and rural landscape. The provisions set forth encourage innovative and livable housing environments within residential districts through both permanent dedication of open space and a planned reduction of individual lot area requirements. The overall density remains the same as would be found in a traditional development in the underlying zone.

Increasing suburban development of rural areas has produced a need for more environmentally sensitive and cost efficient single-family development. The Open Space Community Overlay District meets this need as dwelling units are grouped onto part of the parcel so the remaining acreage can be preserved as open lands.

The following provisions are intended to result in residential development that is consistent with zoning ordinance standards, yet allows for modifications from the general standards to insure appropriate, fair and consistent decision making.

(C) Objectives

The following objectives shall be considered in the review of any application for an Open Space Community Zoning District development.

1. To provide a more environmentally sensitive residential environment by preserving the natural character of open fields, stands of trees, ponds, streams, hills and similar natural features.
2. To preserve the rural landscape and protect environmentally sensitive lands from the disruptive effects of traditional subdivision developments.
3. To provide a more efficient and aesthetic use of open space by allowing developers to reduce lot sizes while maintaining the residential density required in the underlying zoning district.
4. To allow a more flexible and economical residential layout and street design.
5. To assure the permanent preservation of open space, rural lands and natural resources.

(D) Establishment of Overlay District

The Open Space Community Districts are herein established as overlay districts, provided they are established as a homeowners association to provide perpetual care of the open spaces. The Open Space Community Districts are described on the Town zoning map as open space protection districts within the single-family residential zones. This district includes open space lands of state and local significance. Determination of open space significance is based upon a combination of factors including soil type, topography, existing vegetation and habitat, historic use of land, size of parcel, use of land for agricultural purposes and character of the surrounding areas.

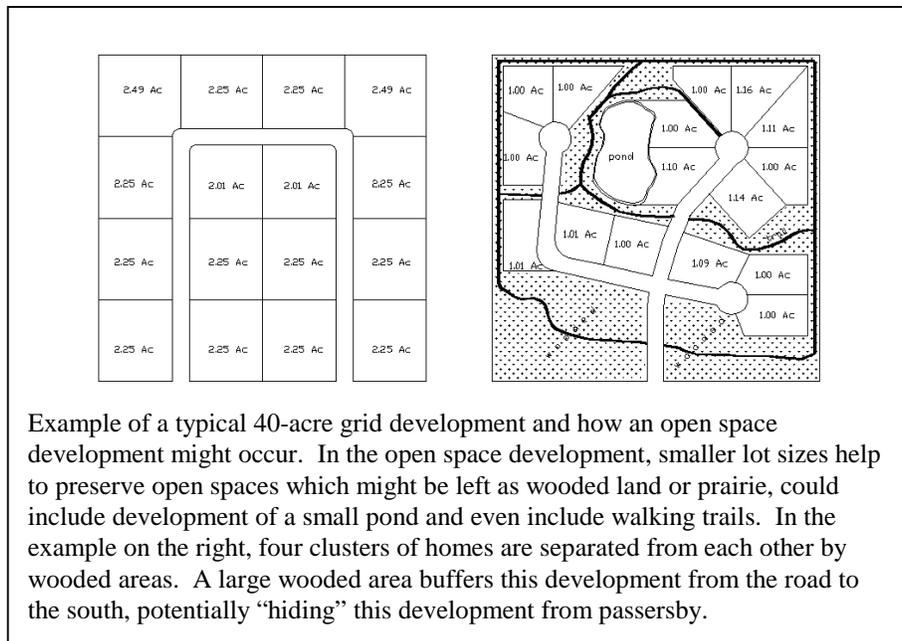
(E) Principal Permitted Uses

1. All types of attached and detached single-family residential dwellings are permitted. Attached dwellings shall number no more than twenty-five (25) percent of the total number of dwellings and shall not exceed four (4) dwelling units in one building.
2. Agriculture, horticulture or floriculture excluding farm based agribusiness and intensive livestock raising operations, stables, or veterinary hospitals or clinics.
3. Accessory uses and buildings incidental to the principal permitted uses including recreational activities that are passive and occur on common open space lands only.

(F) Site Location Principles

The following general principles shall be utilized to evaluate the proposed location of any open space community development within a permitted district. The Zoning Committee shall apply these principles as a general guideline to help assess the impact of the development.

1. Protecting Natural Features. The purpose of an open space community is to maintain the rural, natural and scenic qualities of the Town. Toward this end, all open space community developments shall be designed to promote the preservation of natural features. Significant wildlife habitats, sensitive environmental lands and scenic vistas are to be protected.
2. Single Ownership Control. The proposed development in an Open Space Community District shall be under single ownership and control, such that a single person or entity has proprietary responsibility for the completion of the development. The applicant shall provide documentation of ownership or control in the form of agreements, contracts, covenants and/or deed restrictions that indicate the development will be completed as proposed.
3. Access to Public Roadway. Open space community developments shall have one property line abutting a public roadway. All entrances and exits shall be directly onto or from said roadway.



### (G) Development Requirements

#### 1. Density Standards

- a. The total number of dwelling units permitted in an open space community development shall be determined by submittal of a conventional subdivision plan identifying the lots and buildable lands. After Zoning Committee review of the conventional subdivision plan, the maximum number of lots for the open space community development will be determined. In no case shall the maximum residential density specified for the zoning district in which the development is located be increased.
- b. Lots not served by a public or common sanitary sewer shall be at least 30,000 square feet in area. Lots served by public or common sanitary sewers or served by a common, public water well system shall have a minimum lot area of 15,000 square feet.
- c. Lots may vary in size but in no case shall they consume, on average, more than 1½ acres per dwelling including roads.
- d. Dwelling units shall be grouped so that open space within a development is at least fifty (50) percent of the total area of buildable land. (May require revision if alternative approaches for density standards or wetland credits are adopted).
- e. No more than ten (10) dwelling units per cluster shall be permitted within a development.

#### 2. Open Space Standards

- a. Areas Not Considered Open Space. The following areas shall not be calculated as dedicated open space:
  - i. Open space shall not include areas devoted to public or private streets or rights-of-way or any land that has been or is to be conveyed to a public agency.
  - ii. Any area devoted to natural or improved flood control channels, or those areas encumbered by floodway or county drain easements.
  - iii. All areas in surface water bodies or wetlands shall not be considered dedicated open space.
- b. Calculating Open Space. Except as noted above, any undeveloped land area within the boundaries of the parcel may be included as required open space.

3. Use of Open Space.  
All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement, or is not considered open space as defined above shall be considered dedicated open space and shall be set aside as common land for recreation, conservation, agricultural uses, or preservation in an undeveloped state. Further subdivision of open space lands, or their use for other than recreation, conservation or agriculture shall be prohibited.
4. Preservation of Open Space.  
Open space shall be set aside by the developer through an irrevocable conveyance that is acceptable to the Zoning Committee. Forms of dedicating open space may include:
  - a. A recorded deed restriction,
  - b. Covenants that run perpetually with the land, or
  - c. A conservation easement.Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
  - a. Indicate the proposed allowable use(s) of the dedicated open space.
  - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
  - d. Provide for maintenance to be undertaken by the Town in the event that the dedicated open space is inadequately maintained, or is determined by the Town to be a public nuisance, with the assessment of cost upon the property owners.
5. Structures Built in Open Space Areas.  
Any structure(s) or building(s) accessory to recreation, conservation or agriculture may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or buildings shall not exceed, in the aggregate, one (1) percent of the required open space area.
6. Access to Open Space.  
Open space intended for recreation or use by the residents shall be easily accessible to pedestrians. Accessibility shall meet the needs of the handicapped and older citizens.

(H) Design Standards

1. Location of Lots
  - a. Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
    - i. On the most suitable soils for subsurface septic disposal.
    - ii. Within a woodland contained in the parcel or along the far edge of open fields adjacent to any woodland.
    - iii. In locations least likely to block or interrupt scenic vistas, as seen from public roadway(s).
2. Setbacks.  
The following design parameters will be used to establish setbacks.
  - a. Front, rear and side yard setbacks - see Section 4.11, Schedule of Regulations.
  - b. The minimum distance between dwellings shall be fifty (50) feet.
  - c. Maximum possible rear yards onto open space shall be provided.
  - d. Dwelling placement shall be as far as possible from open space.
3. Lot Width.  
Eighty (80) feet as measured from the front building line.
4. Open Space Between Clusters.

Open spaces between clusters, including those spaces used as recreation areas, shall be at least one hundred (100) feet wide and shall be protected with an irrevocable conveyance that is found acceptable to the Zoning Committee.

5. Landscaping and Buffering.

- a. Buffer zones at least one hundred (100) feet in width shall be required between residential and agricultural areas and shall be planted with fast growing native shrubs and trees to create an effective barrier separating yards from field and pastures.
- b. Landscaped or natural vegetative cover shall provide a screened buffer between dwellings and neighboring properties.

6. Dwelling Placement.

Dwelling units shall be carefully located and designed in accordance with community plans, inventories and mapping in order to avoid conflicts with neighboring land uses. Dwelling placement shall be planned to screen homes from offsite vantage points, away from environmentally sensitive areas, existing agricultural uses, sites suitable for open space and upwind from areas subject to land management practices that will cause dust, noise, smoke, odors or similar problems.

7. Natural Features Preservation.

The development shall be designed to promote the preservation of natural features. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural environment.

8. Compatibility with Adjacent Land Uses.

Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from public roadways and to blend into the existing natural landscape.

9. Preserving Rural Character.

The design of open space should show consideration for the character of the open space reserve. Wildlife habitats shall be preserved by leaving open space in single blocks of land. Prime agriculture and woodlands shall be preserved in such a way to ensure continuing feasibility of agriculture and forestry.

10. Vehicular and Open Space Access.

Cluster home sites shall provide vehicular access from an interior common area. The interior common area shall be connected to the common open space system by an open space corridor.

11. Waterway and Wetlands Buffering.

All dwellings, accessory structures and roadways shall be no less than one hundred (100) feet from lakes, ponds, streams and wetlands. The one hundred (100) foot area shall be part of the dedicated open space and shall not be in private ownership.

12. Preserving Roadway Frontage.

All dwellings and accessory structures shall be no less than one hundred (100) feet from the edge of the major arterial and that one hundred (100) foot area shall be maintained in native plants and trees so as to create a buffer between the roadway and the development.

(I) Roadway Standards

1. Access.

Open space community developments shall have direct access to a public roadway. Any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection as measured from the nearest right-of-way line.

2. Internal Roads.

- a. Construction of private roads or private access drives as a means of providing access and circulation is encouraged. Private roadways within an open space community must meet the design requirements of the Town Private Road Ordinance.

(J) Open Space Community Standards

In considering any application for approval of an Open Space Community site plan, the Zoning Committee shall make their determination on the basis of the standards for site plan approval set forth in the Town of Lincoln Subdivision Ordinance, as well as the following standards and requirements.

1. The overall design and land use proposed in connection with the open space community development shall be consistent with the Open Space Community District objectives in Section 4.09 (C), as well as with specific development requirements and standards set forth herein.
2. An open space community site plan shall set forth in detail specifications with respect to height, setback, density, parking, circulation, landscaping, views and other design features that illustrate the relationship of the proposed development to surrounding properties, the character of the parcel, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk and placement of proposed structures.
  - b. Vehicular and pedestrian circulation.
  - c. Location and screening of proposed dwelling units from neighboring property.
  - d. Provision of landscaping and other site amenities.
3. The usefulness of open space intended for recreation, conservation or agricultural purposes shall be determined by the size, shape, topography and location requirements of the particular purpose proposed for the parcel.
4. Open space shall include irreplaceable natural features located on the parcel, such as but not limited to stream beds, significant stands of trees, and individual trees of significant size.
5. The suitability of open space intended for scenic value purposes shall be determined by its visibility from a significant number of units or buildings.
6. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.

**4.10 Planned Unit Development District (PUD).**

(A) Purpose

The PUD District is intended to provide for large-scale combined use development. It is especially applicable to a development in which a number of different land uses are combined in a design which provides for desirable and convenient living conditions and which minimizes conflicts between the various land uses involved.

(B) District boundaries

Except for previously approved developments, this zoning district shall have no definite and measurable boundaries until the Zoning Committee approves a specific planned unit development. Plans for the proposed development shall be submitted to the Zoning Committee and shall show the location, size and proposed use of all structures and land included in the area involved. The plans may provide for a combination of single-family and multiple-family residential development as well as other compatible uses.

(C) Minimum project area

Each separate planned unit development shall consist of an area of not less than five (5) acres, not including the area of land used solely for access to the development site.

(D) Conditional use

All land uses in the Planned Unit Development District shall be conditional uses.

(E) Town review

Every such planned unit development shall be subject to review and consideration by the Zoning Committee, with Town Board approval, with regard to its acceptability under this

section. The following criteria shall be applied to every proposed planned unit development as a basis for determining its compliance with the letter and spirit of this Ordinance:

1. Its compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
2. Its overall compatibility with existing land uses in the vicinity and with probable future land uses in the vicinity.
3. The internal compatibility of the various land uses proposed to be included within the development.
4. Its compatibility with existing and probable future transportation facilities in the vicinity, and its tendency to increase the demand upon those facilities.
5. The provision of adequate internal circulation facilities, including streets, sidewalks and parking facilities within the development, and sufficient access to the development site.
6. Its compatibility with existing and future provisions of public utility services such as sewer and water facilities and its tendency to increase the demand upon those facilities.
7. Its compatibility with existing and future public services, such as schools, police protection, fire protection, street maintenance, and its tendency to increase the demand upon those services.
8. The provision of adequate open space, the provision of public access to streams and bodies of water, the provision of adequate and appropriate arrangements for the continuing preservation of environmental and aesthetic values, including legal restrictions, and the provision of adequate and appropriate institutional arrangements for continued maintenance.
9. The long-term economic stability of the proposed development and its economic impact on other properties in the vicinity.
10. The presentation of an adequate and practical development plan, whether by stages or all in one period, in order to insure that the adverse results of failure to complete the development may be effectively avoided.

(F) Phased construction

Lot size, setback requirements, parking and access requirements shall be adequate for each phase of any development when that phase is completed, and shall at a minimum conform to those requirements of the Residential District, where applicable.

4.11 Schedule of Regulations

SCHEDULE OF REGULATIONS FOR TOWN OF LINCOLN ZONING DISTRICTS									
ZONING DISTRICT	PERMITTED USES	DEVELOPMENT DENSITY	MINIMUM LOT SIZE		MINIMUM SETBACK REQUIREMENTS			MAX. BUILDING HEIGHT	OTHER REQUIREMENTS FOR DISTRICT
			AREA	FRONTAGE & WIDTH	FRONT	REAR	SIDE		
<b>R-1</b>	Single-Family Residential	Eight (8) houses per quarter section of land.	1½ acres	<u>FRONTAGE:</u> 200' 125' with public sewer and water. <u>WIDTH:</u> 100' minimum average lot width	<u>Any Town or County Highway:</u> The greater of 75' from centerline of said highway OR 42' from edge of right-of-way. <u>Any State Highway:</u> 110' from centerline of said highway OR 50' from edge of right-of-way, whichever is greater.	25' for principal buildings; 5' for accessory buildings.	25' for principal buildings; 5' for accessory buildings.	35' above grade.	
<b>A-1</b>	Agricultural uses Single-Family Residential	One farm or non-farm residence shall be permitted per Public Land Survey System quarter-quarter with frontage on a public roadway.	1½ acres	<u>FRONTAGE:</u> 200' <u>WIDTH:</u> 100' minimum average lot width	Same as R-1	25'	25'	Residential: 35' Farm: None	Exceeding permitted density for residential development requires a conditional use permit. Site plans required to be submitted to the Zoning Administrator prior to issuance of building permit.
<b>A-2</b>	Agricultural Uses Single-Family Residential	Five (5) houses per quarter section of land.	1½ acres	Same as A-1	Same as R-1	25'	25'	Same as A-1	
<b>Com</b>	Commercial		2 Acres	<u>FRONTAGE:</u> 200' <u>WIDTH:</u> 100' minimum average lot width	75' with front yard parking 50' without front yard parking Setback is from street right-of-way.	50'	20'	45'	See Table 1 or 1 space/350 sq. ft. floor area <u>Truck Unloading</u> to be sufficient space so that no streets or alleys need be blocked.
<b>Ind</b>	Industrial		2 Acres	<u>FRONTAGE:</u> 200' <u>WIDTH:</u> 100' minimum average lot width	The greater of: 110' from centerline of any public road or street. or 75' from edge of right-of-way	50'	20'	60'	Parking: See Table 1 <u>Truck Unloading</u> to be sufficient space so that no streets or alleys need be blocked; <u>ALL USES ARE CONDITIONAL</u>
Open Space Community Overlay District	Residential Developments. See 4.09 (B)	One and one half (1½) acres per dwelling unit minimum. 50% of buildable land dedicated open space.	15,000 sq.ft. with public sewer and water. 30,000 sq.ft. for all others.	<u>FRONTAGE:</u> Variable <u>WIDTH:</u> 80' minimum	75'	25'	25'	Same as R-1.	Please read Section 4.09 for further details.

<p><b>PUD</b></p>	<p>The PUD District is intended to provide for large-scale combined use development. It is especially applicable to a development in which a number of different land uses are combined in a design which provides for desirable and convenient living conditions and which minimizes conflicts between the various land uses involved.</p>								
<p>Non-Metallic Mining Overlay District</p>	<p>It is the purpose of this Overlay District to establish conditional regulations and performance standards for the extraction, processing, utilization and transport of non-metallic resources and products in such a manner as to ensure maximum protection to surrounding properties and the physical environment through siting of activities and structures, buffering, setbacks, visual screening, height limitations, access routing, and noise, vibration, air quality and water quality controls.</p>								

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**SECTION 5. CONDITIONAL USES.**

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Conditional uses as established herein may be extended to any person or persons who make application for such conditional use permit in the following manner.

**5.01 Procedure.****(A) Application**

Application for a conditional use shall be made to the Town of Lincoln Zoning Committee by filing a written request with the Zoning Administrator in a format as deemed appropriate by the Committee. The written request for a conditional use permit shall show the applicant's name, address, phone number, the legal description of the property for which the conditional use is requested, proposed use of the property and other information as the Zoning Committee may deem necessary to establish the applicant's need and intent for approval of a conditional use permit.

**(B) Public Hearing**

Whenever an application for a conditional use permit is presented to the Town Zoning Committee for action, the Committee shall hold a public hearing to determine whether approval of the conditional use permit applied for is in the best public interest and to establish conditions for such approval. Within a reasonable time of the public hearing, the Zoning Committee shall take action to recommend that the Town Board approve or deny the conditional use permit. If the recommendation is for approval, the conditions for approval shall also be detailed to the Town Board. The Committee's recommendation shall be made to the Town Board in writing.

**(C) Town Board Action**

The Town Board after receiving a recommendation from the Zoning Committee shall either allow or disallow the conditional use permit. Whenever a conditional use permit has been approved by the Town Board, the Zoning Administrator may be authorized to furnish such permit to the applicant.

**5.02 Standards.**

No permit for a conditional use shall be granted unless the Zoning Committee and Town Board shall find that the following conditions are present:

- (A) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
- (B) That the existing uses, values and enjoyment of other property in the neighborhood shall be in no reasonably foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (C) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (D) That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- (E) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public roads.

**5.03 Conditions and Guarantees.**

The Zoning Committee may recommend that, prior to granting a permit for a conditional use, the Town Board stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as the Committee or Board may find necessary to secure compliance with the standards specified in 5.02. Establishment, maintenance and operation shall be construed to include, but shall not be limited to, landscaping, architectural design, type of construction, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirement, insofar as the Committee or Town Board shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this Ordinance. In all

cases in which a permit for conditional use is granted, the Zoning Committee and Town Board shall require such evidence and guarantees as necessary as proof that the conditions stipulated in connection therewith are being and will be complied with to include where appropriate a requirement for a bond or other financial security to assure completion of required improvements.

In addition to the above conditions and restrictions, the following special conditions may apply to allow requests that exceed a districts permitted development density:

- (A) The development shall be designed to promote the preservation of natural features, including significant wildlife habitat, sensitive environmental lands and scenic vistas.
- (B) Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
  - i. On the most suitable soils for subsurface septic disposal.
  - ii. Within a woodland contained in the parcel or along the far edge of open fields adjacent to any woodland.
  - iii. In locations least likely to block or interrupt scenic vistas, as seen from public roadway(s).
- (C) Dwelling units shall be carefully located in order to avoid conflicts with neighboring land uses. Dwelling placement shall be planned to screen homes from offsite vantage points, away from environmentally sensitive areas, existing agricultural uses, sites suitable for open space and upwind from areas subject to land management practices that will cause dust, noise, smoke, odors or similar problems.
- (D) Preserving Roadway Frontage. All dwellings and accessory structures shall be no less than one hundred (100) feet from the edge of the major arterial and that one hundred (100) foot area shall be maintained in native plants and trees so as to create a buffer between the roadway and the development.

Conditional uses shall comply with all other provisions of this Ordinance such as lot width and area, yards, height, parking and loading, unless a variance of such provisions is approved by the Board of Appeals.

#### **5.04 Termination.**

If the Zoning Committee or the Town Board determines that the development or use of the property does not comply with the necessary requirements and conditions for issue of the conditional use permit, the Zoning Committee may recommend that the Town Board adopt a resolution to cancel the permit. The Town shall have no liability for any loss incurred due to termination of such permit. The offending party may appeal such cancellation to the Board of Appeals.

#### **5.05 Reapplication.**

No application for a conditional use which has been terminated or denied wholly or in part by the Town Board shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to comply with the applicable conditions is included in the resubmitted application.

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**SECTION 6. ZONING PERMITS.**

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**6.01 Scope.**

A zoning permit shall hereafter be required for the construction, reconstruction, remodeling or moving of any building within the Town of Lincoln, whenever the cost of such shall be estimated to be over the amount of \$500.00. Reconstruction and remodeling shall be interpreted to include only structural changes to a building, and shall not include maintenance or repair of a building or placement of building components with new components of similar size and function.

**6.02 Application.**

Application for a zoning permit shall be made to the Zoning Administrator in writing and on a form designated to give pertinent information relative to any such proposed construction, reconstruction, remodeling or moving project.

**6.03 Compliance.**

After the application has been filed, the Zoning Administrator shall inspect any plans, written or oral, to insure the proposed work is in every way in compliance with this Ordinance, other applicable Ordinances of the Town and County, and laws of the State of Wisconsin. If the proposed work is in compliance, the Zoning Administrator shall issue the zoning permit. A copy of such permit shall be forwarded to the Town Assessor.

**6.04 Content.**

Any such zoning permit so issued shall show the owner or owners of such property upon which such proposed construction is to take place, describe the property as described in the town assessment roll, and show the amount of the cost or estimated cost of the proposed construction, reconstruction, remodeling or moving project.

**6.05 Fee.**

The fee for issuance of a zoning permit shall be \$1.50 for each \$1,000.00 of estimated cost of the improvement, or \$25.00, whichever is greater. The fee must be paid at the time of application, and shall be non-refundable.

**6.06 Effective Period.**

A zoning permit shall be effective for a period of twelve (12) months, after which it will expire. A zoning permit may be reissued on application to the Zoning Administrator for an additional twelve (12) month period, without fee.

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**SECTION 7. ZONING COMMITTEE.**

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**7.01 Membership.**

- (A) The Town Board shall appoint and maintain a committee to act in an advisory capacity regarding zoning matters and the enforcement and interpretation of this Ordinance. The Committee shall be comprised of five (5) members, all of whom shall be resident landowners in the Town. No member of the Zoning Committee shall also be a member of the Town Board of Supervisors. In addition, two (2) alternates shall be appointed to serve when regular members are unable to attend Zoning Committee meetings.
- (B) Appointment to the Zoning Committee shall be for three (3) year terms, except the initial appointments upon approval of this Ordinance. Terms shall be staggered with terms of two members expiring after one year, terms of two members expiring after two years and the term of the other member expiring after three years.
- (C) The Chairman and Secretary of the Zoning Committee shall be designated by election of the full membership of the Zoning Committee and shall serve as such for a period of one (1) year. A member of the Committee may serve more than one term as Chairman and Secretary.

**7.02 Meetings and Minutes.**

- (A) Meetings of the Zoning Committee shall be held at the call of the Chairman and at such other times as the Committee may determine. Meetings shall be preceded by public notice as provided in Sec. 19.84, Wisconsin Statutes and shall be held in open session. All discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in Sec. 19.85, Wisconsin Statutes.
- (B) Minutes of each meeting of the Zoning Committee shall be kept and maintained by the Secretary of the Committee and shall be public record.

**7.03 Duties and Responsibilities.**

The following duties and responsibilities are hereby designated to the Zoning Committee:

- (A) Maintain the adopted *Town of Lincoln Community Development Plan* and update and amend the plan as necessary.
- (B) Maintain the *Town of Lincoln Zoning Ordinance*, conduct meetings and, when required for zoning amendments, conduct public hearings on zoning text or map amendment provisions.
- (C) Forward Committee recommendations, in writing, to the Town Board regarding amendments to the *Town of Lincoln Zoning Ordinance* within 60 days of receipt of zoning ordinance amendment petitions;
- (D) Forward Committee recommendations, in writing, to the Town Board regarding the repeal or repeal and recreation of the entire zoning ordinance and all zoning ordinance regulations; and
- (E) Receive and review petitions for conditional use permits, as provided in Section 5 of this Ordinance, conduct public hearings, establish recommendations regarding conditions of approval for the conditional use permit or prepare reasons for denial and forward Committee recommendations, in writing, to the Town Board.

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**SECTION 8. ZONING ADMINISTRATOR, APPOINTMENT AND DUTIES.**

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**8.01 Appointment.**

A Zoning Administrator shall be appointed by the Town Board. The Zoning Administrator shall be appointed by the Town Board not less than 10 days after the April election for a two year term. The Town Board may request a recommendation for appointment from the Zoning Committee. The salary or fee at which such Zoning Administrator shall be compensated shall be set at the time such Zoning Administrator is appointed.

**8.02 Duties.**

- (A) The Zoning Administrator shall examine all plans, blueprints, drawings and other documents describing all new buildings to be constructed, and of all construction classified as remodeling or reconstruction. The Zoning Administrator shall approve or disapprove the moving of any buildings when such building is proposed to be moved into or within the Town.
- (B) The Zoning Administrator shall make an inspection of any building constructed, proposed to be constructed or remodeled, or moved in the Town, before such work is commenced, especially prior to the time that footings or walls are poured for the purpose of checking distances of such proposed construction relative to setback from highways and property lines as provided by this Ordinance. The Zoning Administrator shall make periodic checks of any construction in progress within the Town of Lincoln whenever he deems it necessary. The Zoning Administrator shall have the authority to halt any construction or reconstruction when in his opinion such construction or reconstruction or remodeling is not in compliance with this Ordinance. Whenever such construction, remodeling, or reconstruction is not in compliance with this Ordinance he may immediately revoke the building permit of the person or persons to whom such permit has been issued and such permit shall not be reissued to such person or persons unless the proper corrections shall have been made of those conditions which in his opinion were not in compliance with this Ordinance.
- (C) The Zoning Administrator shall not be required to make an inspection of the construction, reconstruction or remodeling and moving of any farm or agricultural accessory buildings, except to enforce the setback requirements of this Ordinance relative to the required distance from any highways within the Town.
- (D) The Zoning Administrator shall administer and enforce this Ordinance as required herein, shall issue permits as provided herein on proper application, shall keep a record of all receipts and disbursements incident to the performance of his duties and all applications, permits and other records created or obtained in the performance of his duties, and shall produce and explain such records as directed by the Town Board. He shall make recommendations to the Zoning Committee and the Town Board as required by this Ordinance and in his discretion, as necessary, to insure compliance with the intent and purpose of this Ordinance.

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**SECTION 9. BOARD OF APPEALS.**

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**9.01 Establishment.**

A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Town Board, two of whom shall be members of the Zoning Committee, for 3 year terms, except that of those first appointed upon adoption of this Ordinance, one shall serve for one year, two for two years and two for three years. The members shall serve without compensation unless the Town Board shall order or vote to compensate such members at the time of their appointment. The members of the Board of Appeals shall be removable by the Town Board for cause upon written notice and after public hearing. The Town Board shall designate one of the members Chairman. The Board of Appeals may employ a Secretary and other employees. The Town Board shall appoint an alternate member for a term of three years, who shall act with full power only when a member of the Board of Appeals refuses to vote because of interest. Vacancies shall be filled by appointment of the Town Board for the unexpired terms of members whose terms become vacant.

**9.02 Rules on Conduct:****(A) Rules**

The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be preceded by public notice as provided in Sec. 19.84, Wisconsin Statutes, and shall be held in open session. All discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in Sec. 19.85, Wisconsin Statutes.

**(B) Minutes**

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be a public record.

**(C) Appeals**

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the Town affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the Hearing of Appeals and give public notice and shall decide the same within a reasonable time.

**9.03 Power of the Board of Appeals:**

The Board of Appeals shall have the following powers:

- (A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.
- (B) To hear and decide special exceptions to the terms of this Ordinance, upon which the Board of Appeals is required to pass.
- (C) To authorize, upon appeal in the specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest when 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.

- (D) Permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this Ordinance, and for such Public Utility purposes which are reasonably necessary for public convenience and welfare.
- (E) The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises or may remand the matter to the original officer or Board for further action. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of the Ordinance.

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**SECTION 10. APPEALS**

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**10.01. Appeals to the Zoning Board of Appeals.**

## (A) Scope of Appeals.

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Town Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.

## (B) Stay of Proceedings.

An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril of life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

**10.02 Hearing on Appeals.**

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

**10.03 Decisions of Board of Appeals.**

## (A) Time Frame

The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Town Clerk.

## (B) Conditions.

Conditions may be placed upon any zoning permit ordered or authorized by this Board.

## (C) Validity.

Variations, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

**10.04 Variances.**

## (A) Purpose.

1. A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of the *Town of Lincoln Zoning Ordinance* would cause undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a non-conforming use brings that use into conformance with the district and zoning requirements.
2. The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the *Town of Lincoln Zoning Ordinance* as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial

justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for that particular area or permit standards lower than those required by state law.

3. For the purposes of this Ordinance, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to most or all property in the same zoning district.

(B) Application for Variance.

The application for variance shall be filed with the Town Clerk. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:

1. Name and address of applicant and all abutting and opposite property owners of record.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property.
3. Address and description of the property.
4. A site plan showing an accurate depiction of the property.
5. Additional information required by the Town Board, Town Attorney, or Board of Zoning Appeals.
6. Fee receipt as established by the Town Board and listed in the *Fee Schedule, Town of Lincoln*.

(C) Public Hearing of Application.

The Board of Appeals shall conduct at least one (1) public hearing on the proposed variance. Notice of such hearing shall be given pursuant to Chapter 985, Wisconsin Statutes, and shall comply with Sec. 19.84, Wisconsin Statutes regarding open meeting. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.

(D) Action of the Board of Appeals.

For the Board to grant a variance, it must find that:

1. Denial of variance may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
2. The conditions upon which a petition for a variance is based are unique to the property for which variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.
4. The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
5. The proposed variance will not undermine the spirit and general and specific purpose of the Zoning Ordinance.

(E) Conditions.

The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Ordinance.

### 10.05 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 the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

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**SECTION 11. AMENDMENTS.**


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**11.01 Authority**

The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time by Ordinance in accordance with Section 62.23, Wisconsin Statutes. An amendment shall be granted or denied by the Town Board only after a public hearing before the Zoning Committee and a report of its findings and recommendations has been submitted to the Town Board.

**11.02 Initiation.**

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by any member of the Town Board or by the Zoning Committee.

**11.03 Petitions.**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk and shall describe the premises to be rezoned (including legal descriptions) or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and list the owner's names and addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned. The petitioner shall provide additional information as may be required by the Zoning Committee or Town Board.

**11.04 Fee.**

The following shall be paid to the Town Clerk by the petitioner to defray the cost of administration, investigation, advertising and processing of the petition:

	<u>Initial Fee</u>
Conditional Use Permit	\$300.00
Board of Appeals Hearing	\$500.00

**11.05 Processing.**

A petition for amendment filed with the Town Clerk shall be forwarded from the Town Clerk to the Zoning Committee with a request to hold a public hearing in accordance with Section 60.74, 61.35 and 62.23, Wisconsin Statutes.

**11.06 Recommendations.**

The Zoning Committee shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in a written statement to the Town Board.

**11.07 Public Hearings.**

Notice of any public hearing which the Zoning Committee is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing and matters to come before the Zoning Committee at such hearing and notice shall be given in each of the following ways:

- (A) By publication of a Class 2 notice in the official newspaper of the Town as required by Chapter 985, Wisconsin Statutes.
- (B) By certified mail to the parties having a legal interest in any of the matters to come before the Zoning Committee at such hearing.

**11.08 Town Board Action.**

The Town Board, after public hearing and receiving the recommendation of the Zoning Committee, may grant or deny any proposed amendment in accordance with the terms and conditions of this Ordinance, applicable Statutes of the State of Wisconsin, and other applicable Town and County Ordinances.

**11.09 Effective Date of Amendment and the Ordinance.**

Any alteration, change or amendment of this Ordinance shall become effective immediately upon action by the Town of Lincoln Town Board and approval of the Wood County Board of Supervisors.

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**SECTION 12. PENALTIES.**

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**12.01 Failure to Comply.**

Any person, firm or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit two hundred dollars (\$200.00) for each violation plus the costs of prosecution for each violation. Each day a violation exists or continues after twenty (20) days from the date notice of said violation was given shall constitute a separate offense. The Town Board, on recommendation of the Zoning Administrator, may also authorize action to enjoin any violation of the Ordinance.

**12.02 Double Fee Provision.**

A double fee shall be charged by the Zoning Administrator for any act requiring issuance of a permit should the act commence prior to issuance of the permit.

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**SECTION 13. VALIDITY.**

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Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

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**SECTION 14. CONFLICTING PROVISIONS REPEALED.**

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Upon enactment of this Ordinance and zoning map, all previous zoning ordinances and zoning maps of the Town of Lincoln are repealed.

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**SECTION 15. EFFECTIVE DATE.**

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This Ordinance shall be in force from and after its passage, County Board approval, publication and recording, according to law.

**APPENDIX 1**  
**ANIMAL UNITS EQUIVALENCY CONVERSION CHART**

ANIMAL TYPE		Animal Unit Equivalency Conversion Factor	Animal Type Equivalent to 500 Animal Units per A- 1 and A-2 Zoning Districts	Calculation Worksheet	
				Current number of animals	Equivalent Animal Units
<i>Example – Milk &amp; Dry Cows:</i>				<i>1.4 x 120</i>	<i>= 168 AU</i>
<b>DAIRY CATTLE</b>	Milking and Dry Cows	1.4	357	1.4 x	=
	Heifers (800 lbs. to 1200 lbs.)	1.1	455	1.1 x	=
	Heifers (400 lbs. to 800 lbs.)	0.6	833	0.6 x	=
	Calves (up to 400 lbs.)	0.2	2,500	0.2 x	=
<b>BEEF</b>	Steers or Cows (600 lbs to market)	1.0	500	1.0 x	=
	Calves (under 600 lbs.)	0.5	1,000	0.5 x	=
	Bulls (each)	1.4	357	1.4 x	=
<b>SWINE</b>	Pigs (55 lbs. to market)	0.4	1,250	0.4 x	=
	Pigs (up to 55 lbs.)	0.1	5,000	0.1 x	=
	Sows (each)	0.4	1,250	0.4 x	=
	Boars (each)	0.5	1,000	0.5 x	=
<b>CHICKENS</b>	Layers (each)	0.01	50,000	0.01 x	=
	Broilers (each)	0.005	100,000	0.005 x	=
	Broilers (continuous overflow watering)	0.01	50,000	0.01 x	=
	Layers or Broilers – liquid manure system	0.033	15,152	0.033 x	=
<b>DUCKS</b>	Ducks – wet lot (each)	0.2	2,500	0.2 x	=
	Ducks – dry lot (each)	0.01	50,000	0.01 x	=
<b>TURKEYS (each)</b>		0.018	27,778	0.018 x	=
<b>SHEEP (each)</b>		0.1	5000	0.1 x	=
<b>HORSES (each)</b>		2.0	250	2.0 x	=
<b>TOTAL COMBINED ANIMAL UNITS:</b>				Current Status	=