

**Zoning Ordinance
for the Town of Russell
Sheboygan County, Wisconsin**

**Amended and adopted by Town of Russell Board of Supervisors
on October 6, 2015**

**Certified by Wisconsin Department of
Agriculture, Trade, and Consumer Protection
on March 2, 2017**

**Certified ordinance adopted by Town of Russell Board of Supervisors
on March 7, 2017**

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- 1.01 AUTHORITY. This Ordinance is adopted under the authority granted by Sections 60.62, 61.35, and 62.23 of the Wisconsin Statutes and amendments thereto. The Board of Supervisors of the Town of Russell, Sheboygan County, Wisconsin, does ordain as follows:
- 1.02 TITLE. This Ordinance shall be known as, referred to as, and cited as the “ZONING ORDINANCE FOR TOWN OF RUSSELL, SHEBOYGAN COUNTY, WISCONSIN” and hereinafter referred to as the “Ordinance.”
- 1.03 PURPOSE. The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Russell.
- 1.04 INTENT. It is the general intent of this Ordinance to:
- A. Stabilize and protect property values and the tax base.
 - B. Recognize the needs of agriculture, forestry, industry, residents, recreation, and business in future growth.
 - C. Encourage the appropriate use of land and conservation of natural resources.
 - D. Encourage that wise use, conservation, development, and protection of the Town of Russell water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.
 - E. Preserve natural growth and cover and promote the natural beauty of the Town of Russell.
 - F. Facilitate the adequate provision of public facilities and utilities.
 - G. Promote the safety and efficiency of streets, highways and other transportations systems.
 - H. Promote adequate light, air sanitation, drainage, and open space.
 - I. Regulate the use of structures, lands, and waters outside of shoreland areas.
 - J. Regulate lot coverage, population density and distribution, and the location and size of structures outside of shoreland areas.
 - K. Prohibit uses or structures incompatible with natural characteristics, existing development or intended development within or adjacent to a zoning district.
 - L. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town of Russell.

Additionally, it is intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

- 1.05 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- 1.06 INTERPRETATION. In the interpretation of this Ordinance and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the public welfare and shall not be deemed a limitation or repeal or any other power granted by the Wisconsin Statutes.
- 1.07 SEVERABILITY AND NON-LIABILITY.
- A. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

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

1.08 REPEAL OF CONFLICTING & EARLIER ORDINANCES. All other Ordinances or parts of Ordinances of the Town of Russell inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.09 ADOPTION AND EFFECTIVE DATE. This Ordinance shall be effective after a public hearing recommendation by the Planning Commission, adoption by the Town Board of Russell, and publication or posting as provided by law.

1.10 INTRODUCTION. The proper regulation of certain structures, lands, and waters only through the use of the zoning districts contained within this Ordinance is neither feasible nor adequate. Therefore, the following restrictions and regulations which shall be applied in addition to the district regulations are necessary to accomplish the intent of this Ordinance.

1.11 JURISDICTION. The provisions of this Ordinance shall apply to all structures, land, water, and air within the unincorporated areas of the Town of Russell, Sheboygan County, Wisconsin.

1.12 COMPLIANCE.

- A. No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except minor structures, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.
- B. Nothing herein contained shall require any change in 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 6 months from the date of such permit. Construction pursuant to a permit shall be substantially completed within 1 year of commencement.
- C. The Town Board shall accept all applications, issue or deny all building permits, investigate all complaints, give notice of violations, and enforce the provisions of this Ordinance. All violations of this Ordinance shall be reported to the Town Board who shall bring action to enforce the provisions of this Ordinance.

1.13 BUILDING PERMIT REQUIRED.

- A. No building or any part thereof shall be erected or ground broken therefore within the Town limits unless a permit for same has been approved by the Town Board or designated appointee. The term "building", as used in this section shall include erection, enlargement, or alteration of any structure; installation, enlargement, or alteration of any plumbing, or electrical system; any moving or demolishing of structures; or any operation affecting the value of real property within the Township.
- B. No permit shall be required for any building as defined in the previous paragraph when the total value of labor and materials does not exceed \$2000.00 as determined by the Town Board or when such work is determined by the Town Board to be maintenance and repair.
- C. A fee to be determined by the Town Board shall be paid with each application. Building permits shall be issued for one (1) year periods. Should applicants wish to renew such building permits at the end of one (1) year because work wasn't started, they must make new applications accompanied by building plans and pay the application fee.

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D. Any permit issued over \$50,000.00 MUST be accompanied by blue prints or plans.

1.14 USE REGULATIONS. Only the following uses and their essential services may be allowed in any district.

- A. Principal Uses Specified for a District. Only one principal structure as allowed hereunder shall be located, erected, or moved onto a lot except as permitted under planned unit development districts and other provisions hereof.
- B. Accessory Uses and Structures are permitted in any district. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein.
- C. Conditional Uses and their accessory uses shall be permitted in specified districts after review, public hearing, and approval by the Town Board in accordance with procedures and standards established in Sec. 1.36 of this Ordinance. Uses such as real estate, sales, field offices, shelter for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board, after recommendation by the Board of Appeals, as provided for in this Ordinance.
- D. Uses Not Specifically Listed in this Ordinance as permitted, but which are substantially similar to permitted uses, may be recommended by the Zoning Administrator to the Town Board. Subsequent action by the Town Board shall be deemed clarification of the Ordinance.

1.15 SUBDIVISION REGULATIONS. All existing, undeveloped parcels of land of Record in the County Register of Deeds office, and any new land divisions or subdivisions as defined in the LAND DIVISION AND SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, shall conform in full with the provisions of that Ordinance. No building permit shall be issued for any lot until such compliance is assured.

1.16 SANITARY REGULATIONS. No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No building permit shall be issued until a water supply and sewage disposal system is assured and a Sanitary Permit is issued according to State Code. Any future subdivisions adjacent to a public sewer system must join onto such system. No motorhome can be connected to a private sewage system.

1.17 GENERAL SITE RESTRICTIONS.

- A. No land shall be used or structure erected when the land is held unsuitable for such use or structure by the Zoning Administrator be reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography, impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful t the health, safety, prosperity, aesthetics, and/or general welfare of the Town of Russell. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Zoning Administrator may affirm, modify, or withdraw its determination of unsuitability.
- B. Additionally, all principal structures shall be located on a single lot; only 1 principal structure shall be located, erected, or moved onto a lot except as permitted under planned unit development districts or other provisions hereof. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side of such public street from which the required dedication has not been secured.

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- C. Location of residential structures on parcels. All residential structures, including accessory structures, shall be placed within 400 feet of the adjacent road right-of-way line except for agriculture-related structures. Any residential structure placed more than 400 feet from the adjacent road right-of-way must first be approved by the Planning Commission through a Conditional Use Permit.
- 1.18 REDUCTION OF LOT SIZE. No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulation.
- 1.19 VIOLATIONS. It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, any municipality, or any owner of real estate within the district affected who may be specifically damaged by such violation, may institute the appropriate action or proceeding to enjoin a violation of this Ordinance.
- 1.20 PENALTIES. Any person, firm, partnership or corporation who fails to comply with the provisions of this Ordinance or any order of the Town Board issued in accordance with this Ordinance, or resists enforcement, shall, upon conviction thereof, forfeit not more than \$500.00 for each offense, together with the costs of prosecution and, in default of payment for such forfeiture, shall be imprisoned in the County Jail of Sheboygan County until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.
- 1.21 ZONING DISTRICTS.
- A. Establishment. For the purpose of this Ordinance, the Town of Russell, Sheboygan County, Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following zoning districts:
1. A-1 Exclusive Agricultural Land District
 2. A-1PR Agricultural Parcel Remnants District
 3. A-2 Agricultural Land District
 4. A-4 Agricultural Related Manufacturing, Warehousing, and Marketing District
 5. B-1 Local Business & Industrial District
 6. C-1 Lowland Conservancy District
 7. C-2 Upland Conservancy District
 8. P-1 Recreational Park District
 9. R-1 Single-Family Residence (Unsewered) District
 10. Planned Residential Development
- B. Boundaries. The boundaries of these districts are hereby established as shown on a map entitled, “ZONING MAP, TOWN OF RUSSELL, SHEBOYGAN COUNTY, WISCONSIN”, which accompanies and is part of this Ordinance. All notations and references shown on the Zoning Map are as much a part of this Ordinance as those specifically described herein. Boundaries shall be construed to follow: Corporate limits, U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad right-of-way, or such lines extended; and lines identifying boundaries of natural resources area as shown by changes in vegetation, slope, and other natural resource base features, unless otherwise noted on the Zoning Map. All notations, references, and other information shown upon the said Zoning Map shall be as much a part of this Ordinance as if the matter and things set forth by the said map were fully described herein.
- C. Zoning Map. The official copy of the Zoning Map shall be adopted as part of this Ordinance and shall be available to the public in the Office of the Town Clerk. The Clerk shall, from time to time, update

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the Zoning Map as is necessary to reflect changes in zoning district boundaries effective under this Ordinance.

- D. Agricultural Districts and Character of Town. The Town recognizes that the Town is primarily agriculturally oriented. Environmental conditions customarily associated with farming, including the smells, noises, dust and mud of farming, are understood to be a normal part of such agricultural character.

1.22 A-1 EXCLUSIVE AGRICULTURAL LAND DISTRICT.

- A. Purpose. The purposes of the A-1 Exclusive Agricultural Land District are to:
1. Preserve larger tracts of productive agricultural land for food and fiber production.
 2. Preserve productive farms by limiting encroachment of non-agricultural development and preventing land use conflicts between incompatible uses.
 3. Maintain a viable agricultural base to support agricultural processing and service industries.
 4. Reduce costs of providing services to scattered, non-farm uses.
 5. Control and shape urban growth.
 6. Help implement the provisions of County, State, or Federal Agricultural Preservation Plans when adopted and periodically revised.
 7. Comply with the provisions of the Chapter 91, Wis. Stats. so as to permit eligible landowners to receive tax credits under the Wisconsin Farmland Preservation Program.
- B. Lands Included.
1. General Provisions. All uses allowed in the A-1 Exclusive Agricultural Land District shall be consistent with Sec. 91.44 and 91.46, Wis. Stats.
 2. Land Use in the Farmland Preservation District. Only the following land uses are allowed in the A-1 Exclusive Agricultural Land District:
 - a. Uses allowed under Sec. 1.22.C of this Ordinance as a principal use.
 - b. Uses allowed under Sec. 1.22.D of this Ordinance as a conditional use requiring a Conditional Use Permit.
 - c. Prior nonconforming uses, subject to 60.61(5), Wis. Stats., as applicable.
- C. Principal Uses.
1. Agricultural uses.
 2. The following accessory uses occurring on a farm:
 - a. A building, structure or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. One farm residence or existing residence.
 - d. A business, activity, or enterprise whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 1.22C.2.a or Sec. 1.22.C.2.c of this Ordinance, that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
 - e. Other uses that may be identified by DATCP by rule.
 3. Agriculture-related uses.
 4. Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under Sec. 1.22.D.2 of this Ordinance.
 5. Undeveloped natural resource and open space areas.
 6. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

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D. Conditional Uses.

1. Creation of a nonfarm residence or conversion of a farm residence to a nonfarm residence through a change in occupancy, subject to the following requirements.
 - a. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1:20 after the residence is constructed or converted to a nonfarm residence.
 - (1) The minimum lot size for a nonfarm residence shall be 1.75 acres (76,230 sq. ft.).
 - (2) Minimum size of base farm tract for nonfarm residences:
 - (a) One nonfarm residence – 36.75 acres.
 - (b) Two nonfarm residences – 73.5 acres.
 - (c) Three nonfarm residences – 110.25 acres.
 - (d) Four nonfarm residences – 147 acres.
 - b. There will not be more than four dwelling units in nonfarm residences, nor more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
 - c. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
 - (1) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or a nonfarm residence.
 - (2) Significantly impair or limit the current or future agricultural use of other protected farmland.
2. Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:
 - a. The parcels on which the nonfarm residences would be located are contiguous.
 - b. Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of Sec. 1.22.D of this Ordinance.
3. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - a. The use and its location in the A-1 Exclusive Agricultural Land District are consistent with the purposes of the district.
 - b. The use and its location in the A-1 Exclusive Agricultural Land District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
4. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
 - a. The use and its location in the A-1 Exclusive Agricultural Land District are consistent with the purposes of the district.
 - b. The use and its location in the A-1 Exclusive Agricultural Land District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

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5. Nonmetallic mineral extraction, if all of the following apply:
 - a. The operation complies with Subchapter I of Chapter 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under Sec. 295.13 Wis. Stats. or Sec. 295.14 Wis. Stats., including all applicable provisions of this Ordinance, and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
 - b. The operation and its location in the A-1 Exclusive Agricultural Land District are consistent with the purposes of the district.
 - c. The operation and its location in the A-1 Exclusive Agricultural Land District are reasonable and appropriate, considering alternative locations outside the district, or are specifically approved under state or federal law.
 - d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - f. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
 - g. All other requirements as identified in Section 1.36D of this Ordinance.
6. Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources under Subchapter II of Chapter 295, Wis. Stats.
7. Airports, airstrips, and landing fields provided the site area is not less than 20 acres. Must be agriculture-related, governmental, or agricultural accessory use.
8. Agri-tourism, consistent with Chapter 91.01(1), Wis. Stats.
- E. Rezoning Land out of the A-1 Exclusive Agricultural Land District.
 1. Except as provided in Sec. 1.22.E.2, the Town of Russell shall not rezone land out of the A-1 Exclusive Agricultural Land District unless it finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - a. The rezoned land is better suited for a use not allowed in the A-1 Exclusive Agricultural Land District.
 - b. The rezoning is consistent with the Town of Russell Comprehensive Plan.
 - c. The rezoning is substantially consistent with the Sheboygan County Farmland Preservation plan, which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 2. Sec. 1.22.E.1 of this Ordinance does not apply to any of the following:
 - a. A rezoning that is affirmatively certified by DATCP under ch. 91, Wis. Stats.
 - b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 3. By March 1 of each year the Town of Russell shall provide to DATCP and to the Sheboygan County Planning and Conservation Department a report of the number of acres that the Town has rezoned out of the A-1 Exclusive Agricultural Land District under Sec. 1.22.E.1 of this Ordinance during the previous year and a map that clearly shows the location of those acres.
- F. Area, Height and Yard Requirements.
 1. Minimum lot size.
 - a. Farm – 10 acres.
 - b. Nonfarm residence – 1.75 acres.
 2. Minimum frontage – 300 feet.
 3. Maximum height for structures.
 - a. Farm residence and nonfarm residence – 35 feet.

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- b. Agricultural accessory structures – Maximum of two times their distance from nearest lot lines.
- 4. Setbacks.
 - a. Farm residence and nonfarm residence.
 - (1) Front (street) yard – 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - (2) Side yard – 30 feet.
 - (3) Rear yard – 100 feet.
 - b. Agricultural accessory structures.
 - (1) Front (street) yard – 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - (2) Side - Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals.
 - (3) Rear - Minimum 25 feet if not used for the housing of animals; minimum 100 feet if used for the housing of animals.
- G. Animal Units on A-1 Exclusive Agricultural Land District Parcels Smaller than 5 Acres.
 - 1. In this district there shall be permitted one (1) animal unit per acre one parcels smaller than 5 acres in size. “One Animal Unit” is defined as: one cow, steer or horse; four swine; ten sheep or goats; 100 rabbits, chickens or similar small animals. The area of a parcel used to calculate the permissible number of animal units is:
 - a. The total acreage of the parcel less 20,000 sq. ft. (20,000 sq. ft. is excluded as the “house area”).
 - b. The actual area of the parcel to be used for the animals. This provision shall be considered when part of the parcel is marsh, creek, steep sloped or in any way a sensitive area.

1.23 A-1PR AGRICULTURAL PARCEL REMNANTS DISTRICT

- A. Purpose. The purposes of the A-1PR District are to:
 - 1. Accommodate small remnant parcels that do not meet the goals of farmland preservation yet remain worthy of A-1 type preservation, resulting from farm consolidations or other sales or exchanges.
 - 2. Preclude any residential development whatsoever on A-1PR Agricultural Parcel Remnants District parcels.
 - 3. Otherwise achieve the purposes set forth in the A-1 Exclusive Agricultural Land District.
- B. Land Included. Those lands that by virtue of legal and logical distribution, layout, or parcelization, are not suitable to the A-1 Exclusive Agricultural Land District. Such parcels would technically be legal, non-conforming parcels or would result from the unpermitted creation of non-conforming parcels. A-1PR Agricultural Parcel Remnants District does not qualify for certification under the farmland preservation program.
- C. Principal Uses. All principal uses permitted in the A-1 Exclusive Agricultural Land District, except that no residential development whatsoever shall be permitted on A-1PR zoned farmlands.
- D. Conditional Uses. There are no conditional uses in the A-1PR Agricultural Parcel Remnants District.
- E. Area, Height, and Yard Requirements.
 - 2. Minimum lot size – none.
 - 3. Minimum frontage – none.
 - 4. Maximum height for structures.
 - a. Farm residence – 35 feet.
 - b. Agricultural accessory structures – Maximum of two times their distance from nearest lot lines.
 - 5. Setbacks.
 - a. Agricultural accessory structures.
 - (1) Front (street) yard – 75 feet from center line of Town & County Highways & 100 feet from State Highways.

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- (2) Side - Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals.
- (3) Rear - Minimum 25 feet if not used for the housing of animals; minimum 100 feet if used for the housing of animals.

1.24 A-2 AGRICULTURAL LAND DISTRICT

- A. Purpose. The primary purposes of the A-2 Agricultural Land District are to maintain, preserve, and enhance agricultural land historically utilized for crop production but which are not included within the A-1 Exclusive Agricultural Land District.
- B. Lands Included. Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural related farming activities. A-2 Agricultural Land District does not qualify for certification under the farmland preservation program.
- C. Principal Uses. All principal used permitted in the A-1 Exclusive Agricultural Land District.
 - 1. Animal Units. In this district there shall be permitted one (1) animal unit per acre. "One Animal Unit" is defined as: one cow, steer or horse; four swine; ten sheep or goats; 100 rabbits, chickens or similar small animals. The area of a parcel used to calculate the permissible number of animal units is:
 - (1) The total acreage of the parcel less 20,000 sq. ft. (20,000 sq. ft. is excluded as the "house area").
 - (2) The actual area of the parcel to be used for the animals. This provision shall be considered when part of the parcel is marsh, creek, steep sloped or in any way a sensitive area.
- D. Conditional Uses. The following uses require a Conditional Use Permit in the A-2 Agricultural Land District:
 - 1. Livestock sales barns.
 - 2. Animal hospitals, shelters, and kennels provided that the lot area is not less than 5 acres and further provided that, if animals are to be housed outside there is a minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.
 - 3. Veterinarian services.
 - 4. Commercial raising, propagation, or boarding of animals such as dogs, mink, rabbit, and fox.
 - 5. Land restoration when conducted in accordance with the appropriate Soil Conservation Service Standards.
 - 6. Riding stables, as a farm family business.
 - 7. Roadside stand, not to exceed 200 sq. ft. in size.
 - 8. Home occupation.
 - 9. Airports, airstrips, and landing fields provided the site area is not less than 20 acres. Must be agriculture-related, governmental, or farm family businesses.
 - 10. Governmental uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums and town halls.
 - 11. Public, parochial, and private elementary and secondary schools and churches provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
 - 12. Utilities provided all principal structures and uses are not less than 50 feet from any Residential District lot line.
 - 13. Agri-tourism.
 - 14. Bed and Breakfast.
- E. Area, Height, and Yard Requirements.
 - 1. Minimum lot size – 5 acres.
 - 2. Minimum frontage – 200 feet.
 - 3. Maximum height for structures.
 - a. Farm residence – 35 feet.
 - b. Agricultural accessory structures – Maximum of two times their distance from nearest lot lines.
 - 4. Setbacks.
 - a. Farm residence.

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- (1) Front (street) yard - 75 feet from center line of Town & County Highways & 100 feet from State Highways.
- (2) Side yard - Minimum 30.
- (3) Rear yard – Minimum 100 feet.
- b. Agricultural accessory structures.
 - (1) Front (street) yard – 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - (2) Side - Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals.
 - (3) Rear - Minimum 25 feet if not used for the housing of animals; minimum 100 feet if used for the housing of animals.

1.25 RESERVED FOR FUTURE USE.

1.26 A-4 AGRICULTURAL RELATED MANUFACTURING, WAREHOUSING, WHOLESALE, RETAIL, AND MARKETING DISTRICT

- A. Purpose. The primary purpose of the A-4 Agricultural Related Manufacturing, Warehousing, Wholesale, Retail, and Marketing District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon, or are closely allied with, the agricultural industry.
- B. Lands Included. The A-4 Agricultural Related Manufacturing, Warehousing, Wholesale, Retail, and Marketing District does not qualify for certification under the farmland preservation program.
- C. Principal Uses. The following uses are permitted in the A-4 Agricultural Related Manufacturing, Warehousing, Wholesale, Retail, and Marketing District:
 1. Canneries, cheese factories, condenseries, pea viners, and such other establishments for the processing, packing or manufacture of the agricultural products of the Town of Russell or Sheboygan County as may have a nuisance factor not separable therefrom, such as the emission or affluence of noxious or odorous wastes or by products.
 2. A facility that is primarily engaged in providing agronomic or veterinary services to farms.
 3. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
- D. Conditional Uses. The following uses require a Conditional Use Permit in the A-4 Agricultural Related Manufacturing, Warehousing, Wholesale, Retail, and Marketing District:
 1. Blending and preparing of flour; canning of fruits, vegetables, preserves, jams, and jellies; canning of specialty foods; drying and dehydration fruit and vegetables; fruit and vegetables pickling, vegetable sauces and seasoning, and salad dressing preparation; production of wine, brandy, and brandy spirits.
 2. Contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling, and threshing services; fertilizer production, sales, storage, mixing and blending; grain elevators and bulk storage of feed; grist mill service; milling of soybean oil; milling of vegetable oil; production of flour and other grain mill products; preparation of cereal; production of frozen fruit, fruit juices, vegetables, and other specialties; wet milling of corn.
 3. Fluid milk processing; horticultural services; livestock sales facility; malt production; meat packing; preparation of feed for animals and fowl; production of animal and marine fat and oil; production of condensed and evaporated milk; production of creamery butter; production of natural and processed cheese; production of shortening, table oils, and margarine, and other edible fats and oils.
 4. Poultry and small game dressing and packaging, conducted within an enclosed building; poultry hatchery services; production of sausages and other meat products, providing that all operations

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shall be conducted within an enclosed building; sales of farm implements and related equipment; transportation related activities primarily serving the basic agricultural industry.

5. An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce fuel or other products.
 6. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
 7. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
 8. Livestock sales barns.
 9. Animal hospitals, shelters, and kennels provided that the lot area is not less than 5 acres and further provided that, if animals are to be housed outside there is a minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.
 10. Veterinarian services.
 11. Airports, airstrips, and landing fields provided the site area is not less than 20 acres. Must be agriculture-related, governmental, or farm family businesses.
 12. Utilities provided all principal structures and uses are not less than 50 feet from any Residential District lot line.
- E. Site Plan. Submittal of an operations plan, consistent with Section 1.38 of this Ordinance.
- F. Area, Height and Yard Requirements.
1. Minimum lot size - Minimum, sufficient area for the principal structure and accessory buildings, sewers, all required yards, and off-street parking as required by Sec. 1.37 of this Ordinance.
 2. Minimum frontage – 200 feet.
 3. Maximum height for structures – 60 feet.
 4. Setbacks.
 - a. Front (street) yard - 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - b. Side yard – Minimum 75 feet.
 - c. Rear yard – Minimum 75 feet.

1.27 B-1 LOCAL BUSINESS & INDUSTRIAL DISTRICT

- A. Purpose. The B-1 Local Business & Industrial District is intended to provide space for those retail, business, service business, light manufacturing, and other similar uses serving the area.
- B. Principal Uses. The following uses are permitted in the B-1 Local Business & Industrial District:
1. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
 2. Veterinarian services.
 3. Commercial greenhouses; contractors and construction offices, shops and yards; farm machinery plants; food lockers; machinery sales.
 4. Arts, crafts, antique, and hobby shops; bakeries; barbershops; beauty shops; sporting goods stores; tobacco stores; painting studios.
 5. Book and stationery stores; business offices; clinics; clothing and apparel stores; clothing repair shops; shoe stores; cleaning, pressing and dyeing.
 6. Confectioneries; drugstores; florists; gift stores; ice cream stores, soda fountains, soft drink stands; restaurants.
 7. Hardware stores; music stores; optical stores; clubs and lodges; dancing schools.
- C. Conditional Uses. The following uses require a Conditional Use Permit in the B-1 Local Business & Industrial District:

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1. Grocery stores (retail, delicatessen, meat and fish markets, and fruit and vegetable markets) commercial bakeries.
 2. Packaged beverage stores; personal service establishments; photographic supply stores; self-service and pick up laundry and dry cleaning establishments; distributors; manufacturing and bottling of non-alcoholic beverages.
 3. Residential dwelling units not to exceed on per parcel when attached to the principal structure.
 4. Automotive body repairs; automotive upholstery shops; building material sales and storage.
 5. Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; food.
 6. Manufacturing and/or assembling from substances such as wood, cork, glass, leather, fur, plastic, felt, ceramics, precious metals, metals and textiles.
 7. Manufacturing of electronic products and components.
 8. Printing, publishing, and binding plants; radio and television broadcasting stations and electric equipment; research laboratories; warehouses and storage yards; scrap or junk yards (which shall be concealed or fenced from view); wholesale outlets.
 9. Self-Service Storage Facility.
 10. Any other use which the Planning Commission finds will be similar in nature, operation, and function to the permitted or conditional uses within the B-1 Local Business & Industrial District.
 11. Fraternities, lodges, and meeting structures of a non-commercial nature provided all principal structures and uses are not less than 25 feet from any lot line.
 12. Airports, airstrips, and landing fields provided the site area is not less than 20 acres. Must be agriculture-related, governmental, or farm family businesses.
 13. Colleges, universities, hospitals, sanitariums, religious, charitable, penal, and correctional institutions; cemeteries and crematories provided all principal structures and uses are not less than 50 feet from any lot line.
 14. Governmental uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums and town halls.
 15. Public passenger transportation terminals such as heliports, bus and rail depots, except airports, airstrips, and landing fields provided all principal structures and uses are not less than 100 feet from any Residential District boundary.
 16. Utilities provided all principal structures and uses are not less than 50 feet from any Residential District lot line.
- D. Site Plan. Submittal of an operations plan, consistent with Section 1.38 of this Ordinance.
- E. Area, Height and Yard Requirements.
1. Minimum lot size - Minimum, sufficient area for the principal structure and accessory buildings, sewers, all required yards, and off-street parking as required by Sec. 1.37 of this Ordinance.
 2. Minimum frontage – 200 feet.
 3. Maximum height for structures – 35 feet.
 4. Setbacks.
 - a. Front (street) yard - 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - b. Side yard – Minimum 50 feet.
 - d. Rear yard – Minimum 50 feet.

1.28 C-1 LOWLAND CONSERVANCY DISTRICT

- A. Purposes. The primary purpose of the C-1 Lowland Conservancy District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the Town of Russell. The proper regulation of these areas will serve to maintain and improve ground water and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on

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soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of the Town of Russell. This District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land – water interface.

- B. Lands Included. The C-1 Lowland Conservancy District shall include minimally all areas delineated as swamp, marshes, bogs, and other wetlands on the “Shoreland Zoning Map, Sheboygan County, Wisconsin”, as described in the SHORELAND – FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, as well as those shoreland and wetland areas identified as being of local concern.
- C. Principal Uses. The following uses are permitted in the C-1 Lowland Conservancy District provided that such uses are conducted in accordance with sound conservation practices as established by the Soil Conservation Service and do not involve dumping filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography.
 - 1. Dugout ponds and level ditches.
 - 2. Flood overflow and movement of water.
 - 3. Forestry and game management.
 - 4. Hiking trails.
 - 5. Hunting, fishing, wildlife preserves, and other historic/scientific areas.
 - 6. Navigation.
 - 7. Non-residential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animal or crops.
 - 8. Park and recreation areas not including the location or erection of buildings or structures.
 - 9. Wild crop harvesting including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds.
- D. Conditional Uses. The following uses may be conditionally permitted except that issuance of a “Conditional Use Shoreland Zoning Permit” (pursuant to the SHORELAND – FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN) and/or Department of Natural Resources Permits may be required.
 - 1. Cranberry bogs.
 - 2. Piers and docks.
 - 3. Removal of peat or topsoil.
 - 4. Special crop farming.
 - 5. Utilities such as telephone, telegraph, gas lines, and transmission lines.
- E. Area, Height and Yard Requirements. No buildings or structures are permitted in the C-1 Lowland Conservancy District.

1.29 C-2 UPLAND CONSERVANCY DISTRICT

- A. Purposes. The primary purpose of the C-2 Upland Conservancy District is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, submarginal farm lands and abandoned mineral extraction lands within the Town of Russell. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Township, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the Township.
- B. Principal Uses. The following uses are permitted in the C-2 Upland Conservancy District:
 - 1. Farming and related agricultural uses when conducted in accordance with the Soil Conservation Service standards.
 - 2. Forest and game management.
 - 3. Forest preservation.

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4. Hunting and fishing clubs.
 5. Parks and recreation areas.
 6. Stables.
 7. Single-family detached dwellings.
- C. Conditional Uses. The following uses require a conditional use permit in the C-2 Upland Conservancy District:
1. Land restoration when conducted in accordance with the appropriate Soil Conservation Service Standards.
 2. Recreational uses of a passive nature that minimize impact upon the environment as determined by the Planning Commission.
- D. Area, Height and Yard Requirements.
1. Minimum lot size – 10 acres.
 2. Minimum frontage – 300 feet.
 3. Maximum height for structures.
 - a. Dwelling – 35 feet.
 - b. Other structures - Maximum 2 times the distance from the nearest lot line.
 4. Setbacks.
 - a. Dwelling.
 - (1) Front (street) yard - 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - (2) Side yard – Minimum 30 feet.
 - (3) Rear yard – Minimum 100 feet.
 - b. Other structures.
 - (1) Front (street) yard - 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - (2) Side yard – Minimum 20 feet if the structure is not to be used for the housing of animals; 100 feet if the structure is to be used for the housing of animals.
 - (3) Rear yard – Minimum 25 feet.

1.30 P-1 RECREATIONAL PARK DISTRICT

- A. Purpose. The purpose of the P-1 Recreational Park District is to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Town can be met without undue disturbance of natural resources and adjacent uses.
- B. Principal Uses. The following uses are permitted within the P-1 Recreational Park District:
1. Boat rentals and boat access sites.
 2. Forest Preserves.
 3. Golf courses and country clubs.
 4. Gymnasiums and athletic clubs.
 5. Ice skating rinks.
 6. Parks, general recreation.
 7. Parks, leisure and ornamental.
 8. Picnic grounds.
 9. Play lots and tot lots.
 10. Playfields and athletic fields.
 11. Playgrounds.
 12. Botanical gardens and arboretums.
 13. Historic monuments or sites.
 14. Hiking, biking, and nature trails.
 15. Sledding, tobogganing, and tubing hills.

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16. Garages for storage of vehicles used in conjunction with the operation of a permitted use.
17. Service buildings and facilities normally accessory to the permitted use

C. Conditional Uses. The following uses require a Conditional Use Permit in the P-1 Recreational Park District:

1. Archery ranges.
2. Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.
3. Solar energy collectors and individual wind turbines erected as an accessory structure.
4. Satellite dish antennas located in the side yard or rear yard.
5. Airports, airstrips, and landing fields provided the site area is not less than 20 acres. Must be agriculture-related, governmental, or farm family businesses.
6. Colleges, universities, hospitals, sanitariums, religious, charitable, penal, and correctional institutions; cemeteries and crematories provided all principal structures and uses are not less than 50 feet from any lot line.
7. Governmental uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums and town halls.
8. Public, parochial, and private elementary and secondary schools and churches provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
9. Utilities provided all principal structures and uses are not less than 50 feet from any Residential District lot line.

D. Area, Height and Yard Requirements.

1. Minimum lot size – 10 acres. Sufficient area for the principal structures and its accessory buildings, off-street parking and loading as required by Sec. 1.37 of this Ordinance, sewer and water systems, and all required yards.
2. Minimum frontage – 100 feet.
3. Maximum height for structures – 35 feet.
4. Setbacks.
 - a. Front (street) yard - 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - b. Side yard – Minimum 50 feet.
 - c. Rear yard – Minimum 50 feet.

1.31 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

A. Purpose. The purpose of the R-1 Single-Family Residence (Unsewered) District is to provide for low-density residential development served by private onsite wastewater treatment systems and private wells.

B. Principal Uses. The following uses are permitted in the R-1 Single-Family Residence (Unsewered) District:

1. Single-family detached dwellings.
2. Essential services.

C. Conditional Uses. The following uses require a Conditional Use Permit in the R-1 Single-Family Residence (Unsewered) District:

1. Home occupations and professional offices, not to exceed more than 25 percent of the floor area.
2. Planned residential development, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the R-1 Single-Family Residence (Unsewered) District. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity of land use shall be no greater than that otherwise permitted for the district.

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3. One secondary suite.
4. Governmental uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums and town halls.
5. Public, parochial, and private elementary and secondary schools and churches provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
6. Utilities provided all principal structures and uses are not less than 50 feet from any Residential District lot line.

D. Area, Height and Yard Requirements.

1. Minimum lot size – 1 acre per single-family dwelling.
 - a. Building on lots of record at the time of passage of this Ordinance having a lot area of less than one (1) acre, but more than 16,000 square feet may be permitted by the Board of Appeals. All lots less than 16,000 square feet must be serviced by a sewage facility. Sanitary permits are required before any building will be permitted unless a sewage facility is available.
2. Minimum frontage – 150 feet.
3. Maximum height for structures – 35 feet.
4. Setbacks.
 - a. Front (street) yard - 75 feet from center line of Town & County Highways & 100 feet from State Highways.
 - b. Side yard – Minimum 25 feet.
 - c. Rear yard – Minimum 25 feet.

1.32 RESERVED FOR FUTURE USE

1.33 RESERVED FOR FUTURE USE

1.34 PRD PLANNED RESIDENTIAL DEVELOPMENT

- A. Purpose. The purpose of the PRD Planned Residential Development is to provide for high quality and desirable residential development, including multi-family development, within the R-1 Single-Family Residence District by allowing for greater flexibility and design freedom than that which would otherwise be permitted under basic district regulations. These regulations are established to permit and encourage diversification, variation, and imagination in the layout of development; to encourage the preservation of open space; and to encourage the more rational provision of public services.
- B. Principal Uses. The PRD Planned Residential Development is an overly district, not a zoning district. As such, all proposed uses within the PRD require a Conditional Use Permit.
- C. Conditional Uses. The following uses require a Conditional Use Permit in the PRD Planned Residential Development:
 1. Multi-family dwellings.
 2. Home occupations and professional offices, not to exceed more than 25 percent of the floor area.
 3. Planned residential development, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the R-4 Planned Residential District. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity of land use shall be no greater than that otherwise permitted for the district.
 4. Principal uses permitted in the B-1 Local Business & Industrial District, provided that such business uses shall not occupy more than 15 percent of the total development area.
 5. Condominium development.
 6. Townhouse development.
 7. Density greater than 6 dwelling units per net developable acre.

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8. Governmental uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums and town halls.
 9. Public, parochial, and private elementary and secondary schools and churches provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
 10. Utilities provided all principal structures and uses are not less than 50 feet from any Residential District lot line.
- D. Site Plan. Submittal of an operations plan, consistent with Section 1.38 of this Ordinance.
- E. Area, Height, and Yard Requirements.
1. Minimum lot size – To be determined by Planning Commission at time of rezoning.
 2. Minimum frontage – To be determined by Planning Commission at time of rezoning.
 3. Net Density – Maximum 6 dwelling units per net developable acre if sewered; more than 6 dwelling units per net developable acre if sewered with a Conditional Use Permit; and 1 dwelling unit per acre if unsewered.
 4. Maximum height for structures – 35 feet.
 5. Setbacks.
 - a. Front (street) yard – Minimum 30 feet from the right-of-way.
 - b. Side yard – Minimum 20 feet.
 - c. Rear yard – Minimum 25 feet.

1.35 RESERVED FOR FUTURE USE

1.36 CONDITIONAL USES

- A. Application. Application for conditional use permits shall be made to the Planning Commission on forms furnished by the Town Clerk and shall include the following where pertinent and necessary for proper review by the Planning Commission.
1. Twelve (12) copies of a complete application packet, including all of the information required below.
 2. Name and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all property owners within 300 feet of the parcel in question.
 3. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structures; proposed operation or use of the structures or site; number of employees; and the zoning district within which the subject site lies.
 4. A map drawn to scale showing the location, property boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the map shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines; mean and historic high water lines on or within 40 feet of the subject premises, and existing and proposed landscaping.
 5. Additional information as may be required or waived by the Planning Commission such as ground surface elevations, basements and first floor elevations, utility elevations, utility elevations, historic and probable future floodwater elevations, flood proofing measures, soil type, slope, and boundaries, and plans or proposed structures giving dimensions and elevations pertinent to its effects on flood flows.
 6. A fee, as may be established and periodically modified by the Town Board in the Town Fee Schedule, shall accompany each application. Such fee shall be paid by cash, check, or money order to the Town Clerk. Costs incurred by the Town in obtaining legal, planning, engineering

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and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

B. Review and Approval of Conditional Uses.

1. The Zoning Administrator or his designee shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and prepare a Staff Report detailing his findings and recommendations to the Plan Commission. Upon review and discussion of the report, the Plan Commission shall make a recommendation to the Town Board.
2. Staff Report. The Zoning Administrators Staff Report shall include the following:
 - a. Title of the project, name of the Owner/Applicant, and name of the developer/Surveyor (if applicable).
 - b. Description of the proposed Conditional Use.
 - c. A determination of consistency with the Town of Russell Comprehensive Plan.
 - d. A determination of compliance with the Town of Russell Zoning Ordinance.
 - e. A recommendation to the Plan Commission to approve, approve with conditions, or deny the proposed Conditional Use.
3. Recommendation of the Plan Commission. The Plan Commission's recommendation to the Town Board shall consist of either:
 - a. Approval of the Conditional Use.
 - b. Approval of the Conditional Use subject to any conditions, modifications or restrictions as recommended by the Plan Commission.
 - c. Disapproval of the Conditional Use.
4. The Town Board may authorize the issuance of a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town of Russell.
5. Conditions, such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, street dedication, certified survey maps, flood proofing, ground protection, planting screens, operational control hours of operation, improved traffic circulation, highway access restrictions, increased yards, or additional parking, among others, may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
6. Compliance with other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.

C. Earth and Water Movements.

1. Earth movements involving a site disturbance in excess of 1 acre not related to farming activity, stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, dredging, lagooning, and the installation of soil and water conservation structures are conditional uses and may be permitted in any zoning district subject to compliance with all other applicable laws and regulations.
2. The Town Board may request a review of each such earth or water movement by the Department of Natural Resources, the Soil Conservation Service or other appropriate agency, and await their recommendations before taking final action, but not to exceed 60 days.

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D. Nonmetallic Mineral Extraction.

1. Application and Operation Requirements for Nonmetallic Mineral Extraction Operations. All Nonmetallic Mineral Extraction Operations shall be subject to the following regulations and such other information requests and regulations as the Town Board may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:
 - a. Plat of Survey. Submittal of a plat of survey showing the following information:
 - (1) Name of the project, boundaries, and location maps showing the site's location in the community, date, north arrow and scale of the plan.
 - (2) Name and address of the owner of record.
 - (3) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 - (4) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within 300 feet of the site.
 - (5) The location and use of all existing and proposed buildings and structures within the development.
 - (6) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.
 - (7) Location and type of security fencing.
 - (8) The location, height, intensity and coverage area of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 - (9) The location, height, size, materials, and design of all proposed signage.
 - (10) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
 - (11) Existing and proposed topography at five-foot contour intervals.
 - (12) Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan.
 - (13) The depth of existing and proposed excavations.
 - b. Operations Plan. Submittal of an operations plan, consistent with Section 1.38 of this Ordinance, and including a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
 - c. Restoration Plan. Submittal of a restoration plan, including at least proposed contours (minimum contour interval of 5 feet); type of fill, depth of restored topsoil, planting or reforestation, timing and completion data, and cost estimates and consistent with any additional Sheboygan County or Southeast Wisconsin Regional Planning Commission reclamation requirements.
 - d. Sureties. The applicant shall furnish sureties to enable the Town Board to carry out the restoration plan in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared on behalf of the Town Board, and the form and type of such sureties shall be approved by the Town Board. The applicant may be required to assume responsibility for the cost of the Town obtaining a cost estimate upon advance notice to the applicant of the maximum cost thereof with the applicant having the option to withdraw the application prior to incurring such expenses.
 - e. Yard Requirements. All excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line.

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Exceptions to these conditions may be granted upon recommendation of Planning Commission and approval of Town Board.

- E. Public Hearing. Upon receipt of the application, foregoing data and fees, the Town Clerk shall establish a date for a public hearing of the Town Board and shall publish notice of the hearing once each week for two consecutive weeks in the official newspaper for a Class 2 notice per ch. 985, Wis. Stats. Notice of the public hearing shall be given to the owners of all lands within 300 feet of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted to the Planning Commission and Town Board. Testimony of all interested parties and the Zoning Administrator will be heard at the public hearing. The Town Board will approve, conditionally approve, or deny the application based upon the testimony provided, any recommendations or reports provided by staff, and a determination as to whether the proposed action is consistent with the Town of Russell Comprehensive Plan and any other relevant Town plans, ordinances, or rules.
- F. Final Review and Approval. The Town Board shall review the proposal as submitted. Any conditions deemed necessary by the Town Board or other governmental agencies may be made an integral part of the permit. These conditions shall be complied with by the applicant and any deviation or alteration of those conditions set forth in the permit shall constitute a violation of the terms of the Conditional Use permit. Such violation shall constitute a violation of this Ordinance and will be subject to prosecution and penalties under the terms of this Ordinance.
- G. Determination. The Town Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Conditional Use permit shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Town Board. The conditions of approval or reasons for disapproval shall be stated in writing by the determining body and a copy made a permanent part of the minutes of such body.
- H. Term of Approval. All conditional uses are subject to review at any time by the Planning Commission and Town Board to determine whether the use is in accord with the terms of the use permit. Upon advance notice and hearing, the Planning Commission or Town Board may determine whether the usage is in accord with the permit and at such time determine whether to amend the conditional use permit or enforce the terms thereof by appropriate legal action to terminate the Conditional Use Permit.
 - 1. Any conditional use permit issued for a use permitted in this Ordinance shall be in effect for a specified time period, but not to exceed 2 years each. Modifications or additional conditions may be imposed upon application for renewal.
 - 2. All Conditional Use Permit holders shall be subject to review and up-date of the use every 5 years upon notice provided to them by the Planning Commission. Such review is informational and intended to provide a mechanism for regular up-dating of conditional use permits to reflect anticipated changes in uses and in the zoning ordinances as well as to review compliance.
 - 3. A conditional use permit may contain time limitations, limitations to the current owner or family, or other such limitations as the Town Board deems appropriate.
- I. Application for Changes and Additions. Any subsequent change or addition to the Conditional Use permit, plans or uses shall first be submitted for approval to the Planning Commission through the procedure of application for conditional use permits detailed herein and if, in the opinion of the Planning Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Town Board shall be required and notice thereof be given pursuant to the provisions of Sec. 1.36(D) of this Ordinance.
- J. Revocation of Conditional Use Permit. A Conditional Use Permit will be revoked when, after public hearing, the Town Board determines any of the following:

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1. A permit applicant, his heirs or assigns, fails to comply with or to continue in conformity with the conditions of the permit issued by the Town Board.
 2. The conditional use has been discontinued or not utilized for a period of 12 consecutive or 18 cumulative months in a three-year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski area, quarries, etc.) Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this Ordinance within 90 days from such determination.
- K. Notice to DATCP. A notification of each Conditional Use permit granted in the A-1 Exclusive Agricultural Land District shall be transmitted to DATCP by no later than March 1st of each year.

1.37 TRAFFIC, PARKING AND ACCESS

- A. Traffic Visibility. No obstruction, such as structures, parking, or vegetation shall be permitted in any district between the heights of 2 ½ feet and 10 feet above the plane through the mean centerline roadway grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located 50 feet from their point of intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 100 feet along each right-of-way line from their point of intersection.
- B. Parking Requirements. Every building hereafter erected or structurally altered shall provide motor vehicle parking space with hard usable surface off the public street in the minimum ratio of 240 square feet of area for each 4 person employed on the premises, together with provisions for ingress to the public street or alley.
- C. Driveways. All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:
 1. Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways.
 2. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.
 3. Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service, washing, and repair stations, garages, or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, or other place of public assembly.
 4. All driveways more than 100 feet in length are required to have roadbeds of a minimum of 20 feet plus additional width to bring roadbed to meet requirements.

1.38 SITE PLAN REVIEW

- A. Purpose. The Town Board recognizes that zoning, by itself, does not guarantee that new development will integrate into the community. Often, a legally-allowable use may, nonetheless, be incompatible with its proposed environment due to various design factors. Site plan review provides the Town with an opportunity to regulate development to ensure that structures and sites fit harmoniously into the surrounding environment.
- B. Applicability. A Site Plan review permit is applicable to permitted and conditional uses in the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District, B-1 Local Business & Industrial District, and PRD Planned Residential Development District, and to Nonmetallic Mineral Extraction operations requiring a Conditional Use Permit in the A-1 Exclusive Agricultural Lands

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District. Except for buildings and accessory structures consistent with agricultural uses, a Site Plan permit shall be required for any of the following activities:

1. New construction of a building or other structure, except as provided below.
 2. Expansion of an existing use that involves a floor space increase of 20% or more within any 10-year period.
 3. Change of business or other activity that requires an increase of 10% or more in the number of off-street parking spaces.
 4. Alteration or expansion of an existing parking lot that affects greater than 10% of the total number of parking spaces.
 5. Remodel or exterior alteration of any building or other structure, the cost of which exceeds 5% of the structure's total fair market value as determined by the Permit Issuer.
- C. Initiation of Process; Payment of Fee. The site plan review process shall be initiated prior to the commencement of any site disturbing activities such as grading, filling, vegetation removal, etc. associated with the proposed activity. Payment of the appropriate fee, as set forth by the Town Board in the Town of Russell Fee Schedule, shall be made at the time of the pre-application conference.
- D. Pre-application Conference. To assist the Town and the applicant in the site plan review process, an applicant for site plan review may arrange for a pre-application conference with the Plan Commission by submitting forms and sketch plans as prescribed by the Permit Issuer prior to submission of a formal application. A pre-application conference need not include extensive field inspection or correspondence. The purposes of the pre-application conference are to bring about an informal discussion regarding a proposed project, and to assist the applicant by identifying the following:
1. Requirements for submittal, including any other types of permits necessary to complete the proposal.
 2. Applicable community plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
 3. Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
 4. The discussion at the pre-application conference shall not bind or prohibit the community's future enforcement or application of its codes and ordinances.
- E. Formal Application. Application for site plan review shall include the documents described under "Submission Requirements" below as may be required by the Plan Commission in its discretion. A copy of the site plan shall be given by the applicant to the Town Clerk to be kept on file for public inquiry. After the application is determined to be complete for purposes of further processing, the Commission shall transmit copies of the site plan documents to the Zoning Administrator or other consultants and officials as deemed necessary, in order to solicit comments. The reviewing officials shall then submit written comments to the Plan Commission within 21 days concerning the potential impacts of the proposed development on the objectives listed under "Standards of Review" below, and any recommended conditions or remedial measures to accommodate or mitigate these expected impacts. Failure of any of the aforementioned parties to respond within the allotted time shall be interpreted as approval of the site plan as proposed.
- F. Submission Requirements. Three copies of a site plan shall be prepared on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for written narrative. Twelve additional copies of the complete site plan application packet on 8-1/2" x 11" sheets shall also be submitted. Copies of the site plan application shall be delivered to each member of the Town Board, each member of the Plan Commission, the Zoning Administrator, and the Building Inspector. The Zoning Administrator or Plan Commission may require any of the following items as part of the formal site plan submission:
1. Name of the project, boundaries, and location maps showing the site's location in the community, date, north arrow and scale of the plan.

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2. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 3. Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within 300 feet of the site.
 5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
 6. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls and fences.
 7. Location, type, and screening details for all waste disposal containers shall also be shown.
 8. The location, height, intensity and coverage area of all external lighting fixtures.
 9. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 10. The location, height, size, materials, and design of all proposed signage.
 11. The location of all present and proposed utility systems including sewage system; water supply system; telephone, cable and electrical systems; storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
 12. Soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments.
 13. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
 14. Existing and proposed topography at two-foot contour intervals. If any portion of the parcel is within the 100-year floodplain, the area shall be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
 15. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
 16. Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan.
 17. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.
 18. For new construction or alterations to any existing building, a table containing the following information:
 - a. Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - b. Maximum number of employees.
 - c. Maximum seating capacity, where applicable.
 - d. Number of parking spaces existing and required for the intended use.
 - e. Elevation plans at a scale of 1/8" = 1' for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of signs to be used.
- G. Procedure. For proposals not requiring a Conditional Use permit, the Zoning Administrator shall prepare a Staff Report including his findings and recommendations to the Plan Commission. Upon review and discussion of the report the Plan Commission shall issue a recommendation to the Town Board regarding its decision on the application within 30 days after the determination that the

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application is complete. For proposals also requiring a Conditional Use permit, the Plan Commission shall issue its decision on the site plan application no later than seven days after the public hearing on the proposed Conditional Use permit if such Conditional Use permit is granted.

- H. Staff Report. The Zoning Administrators Staff Report shall include the following:
1. Title of the project, name of the Owner/Applicant, and name of the developer/Surveyor (if applicable).
 2. Description of the proposed Conditional Use.
 3. A determination of consistency with the Town of Russell Comprehensive Plan.
 4. A determination of compliance with the Town of Russell Zoning Ordinance.
 5. A recommendation to the Plan Commission to approve, approve with conditions, or deny the proposed Conditional Use.
- I. Recommendation of the Plan Commission. The Plan Commission's recommendation to the Town Board shall consist of either:
1. Approval of the site plan.
 2. Approval of the site plan subject to any conditions, modifications or restrictions as recommended by the Plan Commission.
 3. Disapproval of the site plan.
- J. Criteria for Review. During the site plan review process, the Zoning Administrator shall review the site plan and supporting documents to assess the reasonable fulfillment of the following listed objectives:
1. Legal. Conformance with the provisions of the ordinances and rules of the State of Wisconsin, Sheboygan County, and the Town of Russell.
 2. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 3. Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
 4. Services. Reasonable demands placed on community services and infrastructure.
 5. Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 6. Nuisances. Protection of adjacent and neighboring properties and community amenities from any undue disturbance caused by excessive or unreasonable noise, fumes, smoke, dust, odors, glare, stormwater runoff, etc.
 7. Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
 8. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as consistent and complimentary architectural design, vegetative buffers and/or the retention of open space.
 9. Character. The building setbacks, area and location of parking, architectural compatibility, signage and landscaping of the development, and how these features harmonize with the surrounding built environment and natural landscape.
- K. Decision. The Town Board shall issue a final decision on all site plan permits. The Town Board's decision shall consist of either:
1. Approval of the site plan.
 2. Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Town Board.
 3. Disapproval of the site plan.

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1.39 SIGNS

- A. Permit Required. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a conditional use permit except those signs specifically allowed. All signs shall be in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of local and state building codes.
- B. Signs Permitted in All Districts Without a Permit. The following signs are permitted in all zoning districts without a permit:
1. Signs over show windows or doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.
 2. Agricultural signs pertaining to the sale of agricultural products on a farm shall not exceed 20 square feet in area for any one farm. Normal and customary agricultural test farm or test plot signs are allowed.
 3. Real estate signs no to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No more than on sign is permitted on the property facing each direction of travel for each highway bordering the property. Such signs shall be removed within 7 days after sale of the property.
 4. Name, occupation, and warning signs not to exceed 8 square feet located on the premises, and not closer than 50 feet between signs.
 5. Bulletin boards of public, charitable, or religious institutions located on the premises not to exceed 128 square feet, and flags & insignia of governmental, religious and other non-profit organizations.
 6. Memorial signs or tablets containing the names of buildings, and date of erection not exceeding 20 square feet.
 7. Official signs, such as: traffic control, utility or railroad signs, parking restrictions, information, notices, and residential identification including fire or street numbers.
 8. Temporary signs or banners publicizing a special event put up for two weeks or less before the event and less than 100 square feet in area. Such signs shall be removed within 3 days after the event.
 9. Recreational directory signs not to exceed 2 in number indicating the direction and distance to a specific cottage, resident, or recreation facility not to exceed 2 square feet in display area.
 10. Temporary political signs of less than 20 square feet erected not more than 45 days before the election for which it is intended and removed within 7 days after the election except that a sign erected before a primary election may remain in place until 7 days following the next general election if the sign solicits support for a candidate, political party or referendum that is before the electorate in both the primary and general election.
 11. "No trespassing": signs not exceeding 20 square feet in size.
 12. Garage or auction sale signs not exceeding 20 square feet and erected within 3 days of the event and removed within 1 day thereafter.
 13. The exceptions in this paragraph do not apply to signs with blinking or flashing lights. All signs with flashing lights need a permit as otherwise set out in this Ordinance.
- C. Signs Permitted in B-1 and A-4 Districts. The following signs are permitted only in the B-1 and A-4 Districts so long as they advertise the business name and only services offered or products sold on the premises where the sign is located. Such signs are also allowed for legal non-conforming uses in other Districts. Allowable signs are subject to the following regulations:
1. Wall signs placed against the exterior walls of buildings shall not extend more than 6 inches outside of a building's wall surface, shall not exceed 200 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean centerline street grade.

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2. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area on all sides for any one premises; shall not extend more than 6 feet in any required yard; shall not be less than 10 feet from all lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or any alley.
 3. Ground signs limited to one sign for each individual business premises shall not exceed 20 feet in height; shall meet all yard requirements for the district in which it is located; shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises. Any permits to erect additional signs may be granted as a conditional use.
 4. Roof signs shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for any one premises.
 5. Combinations of any of the above signs shall meet all the requirements for the individual sign.
 6. Blinking or flashing lights and signs are not allowed without a conditional use permit.
 7. Off-premises directional signs within 5 miles of the premises may be allowed as a conditional use. There shall be no application fee for signs less than 15 square feet and a \$50 fee for larger signs.
- D. Traffic. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- E. Existing Signs. Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, such sign shall be deemed a non-conforming use or structure and the provisions of this Ordinance relating to non-conforming uses shall apply.
- F. Prohibited Signs. The following signs are prohibited:
1. Signs advertising a business, product or service which is not conducted or sold on the premises upon which the sign is located are not allowed in the Town. This prohibition includes changeable commercial signs commonly known as “billboards.”
 2. After notice to the owners, any signs or billboards which are found unsafe or in such a state of disrepair by the Town Board as to be imminently dangerous to persons or property shall be immediately removed.
 3. Other than the normal and customary signs placed on advertise the business for which the vehicle is utilized, no vehicles, trailers, vans or portable signs are allowed to be parked with the primary intent to advertise goods or services. This does not apply to portable signs which are otherwise allowed in this section.

1.40 MOBILE TOWER SITING

- A. Purpose. The purpose of this Section is to regulate by zoning permit:
1. The siting and construction of any new mobile service support structure and facilities.
 2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
 3. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- B. Authority. The Town Board has the specific authority under Chapters 60.61 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.
- C. Definitions. All definitions contained in Chapter 66.0404(1), Wis. Stats., are hereby incorporated by reference.

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D. Siting and Construction of Any New Mobile Service Support Structure and Facilities.

1. Application Process.
 - a. A permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Town obtainable with this permit.
 - b. A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 - c. A permit application will be provided by the Town upon request to any applicant.
 - d. If an applicant submits to the Town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - e. Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:
 1. Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinance.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 1.40D.1.b(6) of this Ordinance.
 - g. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, the zoning ordinance does not apply to

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such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

- h. The fee for the permit is \$3,000.00 payable upon submittal of a complete application.
- E. Class 1 Collocation.
- 1. Application Process.
 - a. A Conditional Use Permit is required for a Class 1 collocation.
 - b. An application for a Conditional Use Permit must be completed by any applicant and submitted to the Town. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 - c. A permit application will be provided by the Town upon request to any applicant.
 - d. If an applicant submits to the Town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - e. Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinance.
 - (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of its final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - f. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 1.40D.1.b(6) of this Ordinance.
 - g. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller

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area than the set back or fall zone area required in the zoning ordinance, the zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

h. The fee for the permit is \$3,000.00 payable upon submittal of a complete application.

F. Class 2 Collocation.

1. Application Process.

- a. A zoning permit is required for a Class 2 collocation. A class 2 collocation is a permitted use in the Town but still requires the issuance of the zoning permit.
- b. An application must be completed by any applicant and submitted to the Town. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
- c. A permit application will be provided by the Town upon request to any applicant.
- d. A Class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject as per the Town Code.
- e. If an applicant submits to the Town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If any of the required information is not in the application, the Town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- f. Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 45 day period:
 - (1) Make a final decision whether to approve or disapprove the application.
 - (2) Notify the applicant, in writing, of its final decision.
 - (3) If the application is approved, issue the applicant the relevant permit.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - (5) The fee for the permit is \$500.00 payable upon submittal of a complete application.

G. Penalty Provisions.

1. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

1.41 NON-CONFORMING USES, STRUCTURES AND LOTS

A. Existing Non-conforming Uses. The lawful non-conforming use of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, except that:

1. Only that portion of the land or water in actual use may be so continued an the non-conforming use may not be extended, enlarged, reconstructed, substituted, or moved except when required to do so by law or order, or so as to comply with other provisions or this Ordinance.

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2. Total lifetime structural repairs or alterations to a non-conforming structure shall not exceed 50 percent of the municipality's equalized value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
 3. Substitution of new equipment may be permitted by the Town Board upon recommendation of the Plan Commission if such equipment will reduce the incompatibility of the non-conforming use or structure with the neighboring uses.
 4. If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water, shall conform to the provisions of this Ordinance.
 5. When a non-conforming structure is damaged by fire, explosion, flood, or other calamity, to the extent of more than 50 percent of its current equalized value, it shall not be restored except so as to comply with the use provision of this Ordinance.
 6. Once a non-conforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a non-conforming use or structure. Once the Town Board has permitted the substitution of a more restrictive non-conforming use for an existing non-conforming use the substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Board.
- B. Existing Non-conforming Structures.
1. The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along arterial streets and highways, or the yard, height, parking, loading, access, and lot area provisions of this Ordinance.
 2. Additions and enlargements to existing non-conforming structures are permitted and shall conform with the established building setback lines along arterial streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to additions or enlargements are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by a public sanitary sewer.
 3. Existing non-conforming structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and in so far as is practicable shall conform with the established building setback lines along arterial street and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to reconstruction are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.
 4. Existing non-conforming structures may be moved and insofar as is practicable shall conform with the established building setback lines along arterial street or highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section, with respect to moving, are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.
- C. Changes and Substitutions. Once a non-conforming use has been changed to a conforming use or substandard structure has been altered so as to comply with the yard, height, parking, loading, and access provision of this Ordinance, it shall not revert back to a non-conforming use or substandard structure. Once the Board of Appeals has permitted the substitution of a more restrictive non-conforming use for the existing non-conforming use, the prior existing use shall lose its status as a legal non-conforming use and the substituted use shall become subject to all the conditions required by the Board.
- D. Existing Vacant Non-conforming Lots.
1. In any residential or agricultural district a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance.
 2. Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall no be sold or used without

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full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

- a. Minimum lot size – 5,000 square feet when served by a public sewerage; 16,000 square feet when served by a private onsite wastewater treatment system.
- b. Minimum frontage – 50 feet when served by a public sewerage; 80 feet when served by a private onsite wastewater treatment system.
- c. Maximum height for structures – 35 feet.
- d. Setbacks.
 - (1) Front (street) yard - Minimum 25 feet from lot line; the second street yard on corner lots shall be not less than 10 feet from lot line.
 - (2) Side yard – Minimum 10 feet.
 - (3) Rear yard – Minimum 25 feet.

1.42 MODIFICATIONS

A. Height.

1. The district height limitations stipulated elsewhere in this Ordinance may be exceeded but such modifications shall be in accord with the following:
 - a. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
 - b. Special structures such as elevators penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
 - c. Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.
 - d. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers, but not including mobile telecommunications towers, shall not exceed in height 3 times their distance from the nearest lot line.
 - e. Agricultural structures such as barns, silos, tanks, and windmills shall not exceed in height 2 times their distance from the nearest lot line or right-of-way.
 - f. Subject to obtaining a conditional use permit, public or semi-public facilities, multiple-family structures, and commercial and industrial structures may be erected to a height of 60 feet provided all required yards are increased not less than one foot for each foot the structures exceed.
 - g. Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.
2. Notwithstanding any of the exemptions listed above all structures, projections, towers, chimneys and any other construction exceeding 100 feet are conditional uses.

B. Yards. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

1. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 20 feet to any lot line.
2. Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard but such projection shall not exceed 3 feet.
3. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the street yard, and shall not be closer than 1 foot to any existing public right-of-way.
4. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height.

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5. Accessory uses and detached accessory structures are permitted in the rear and side yards of all lots. When located in a side yard, they shall be not closer to the lot line than the minimum required side yard for the principal structure and in any case they shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than 10 percent of the lot area, and shall not be closer than 3 feet to any lot line.
 6. Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- C. Additions. Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- D. Average Street Yards. The required street yards may be decreased in any Residential or Business District to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in such districts.

1.43 CHANGES AND AMENDMENTS

- A. Authority. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend or supplement the regulations established by this Ordinance in accordance with the provisions of the Wisconsin Statutes. Such change or amendment shall require the review and recommendation of the Plan Commission in writing to the Town Board. The Town of Russell will notify the DATCP of all comprehensive changes to this Ordinance.
- B. 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 the Planning Commission, by the Town Board, or by the Board of Appeals.
- C. Petition. A petition for changing district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be re-zoned or the regulation to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
1. Petitioner's name, address, phone number, and interest in property (owner, broker, etc.).
 2. Existing and proposed zoning district.
 3. Proposed use (a statement of the type, extent, area, etc., of any development project).
 4. Owner's names and addresses of all properties lying within 300 feet of the area proposed to be re-zoned.
 5. Compatibility with adjacent lands, (a statement of land uses and impact of zoning change).
 6. Legal description of the property to be re-zoned.
 7. Plat plan or survey of property to be re-zoned (show location, dimensions, zoning of adjacent properties, existing uses, and buildings of adjacent properties, all drawn to scale).
 8. A statement that the petitioner has reviewed the Town of Russell Comprehensive Plan and determined, to the best of the petitioner's ability, that the proposed change is consistent with the Comprehensive Plan as per Sec. 66.1001, Wis. Stats.
 9. Additional information as may be requested or waived by the Board of Appeals.
 10. Fee receipt of \$55.00 from the applicant.
- D. Hearing. The Town Board shall, after publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each petition, listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment. By resolution, the Town Board may determine that the Planning Commission shall hold such public hearing rather than the Town Board. If the Planning Commission holds such hearing it shall provide minutes thereof to the Town Board prior to the Town Board action.
- E. Board Action. Following such hearing and after careful consideration of the Planning Commission recommendations, the Town Board shall vote on the passage of the proposed changes or amendments.

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The Board of Appeals recommendations may only be overruled by the majority vote of the Town of Russell Board membership.

- F. Protest. In the event of a protest petition against such change or amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of two-thirds (2/3) of the members of the Town Board voting on the proposed change.
- G. Effective Date. The amending ordinance shall become effective immediately after adoption by the Town of Russell Board, and publication or posting as provided by law.

1.44 RIGHT TO FARM. The Town of Russell is located in an area that is dedicated primarily to agricultural uses. The agricultural uses include, but are not limited to, the operation of livestock and housing and feeding facilities, crop farming and the application of manure and other animal biosolids. These agricultural activities involve noise, odors, traffic, 24 hours per day operations, and other occurrences inherent in agricultural activities. The Town of Russell hereby accepts such uses and activities as permissible, so long as in compliance with applicable laws as set forth in the federal and state Right to Farm laws.

1.45 DEFINITIONS.

- A. Purposes. For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.
 - 1. Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
 - 2. Agricultural Accessory Use. The following uses on a farm:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence.
 - d. Any other use that DATCP, by rule, establishes as an agricultural accessory use.
 - 3. Agricultural Use. Any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Crop or forage production.
 - b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - j. Other activities that DATCP may identify by rule.
 - 4. Agriculture-related Use. A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

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- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the A-1 Exclusive Agricultural Land District.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the A-1 Exclusive Agricultural Land District.
 - c. Slaughtering livestock, including livestock from farms in the A-1 Exclusive Agricultural Land District.
 - d. Marketing livestock to or from farms, including farms in the A-1 Exclusive Agricultural Land District.
 - e. Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 Exclusive Agricultural Land District.
5. Agri-Tourism. An agriculture based tourism business that allows patrons to visit a working farm or any agricultural, horticultural, or agri-business operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.
 6. Airport, Public. Any airport which complies with the definition contained in Section 114.013 (3), Wisconsin Statutes, or any airport which serves, or offers to serve, any common carriers engaged in air transport.
 7. Alley. A special public right-of-way affording only secondary access to abutting properties.
 8. Animal Unit. One animal unit shall be defined as being the equivalent of the following: one cow, steer, or horse; four swine, ten sheep or goats; 100 rabbits, poultry or similar small animals.
 9. Area, Net Developable. Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.
 10. Arterial Street. A public street or highway used or 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.
 11. Automobile Salvage Yard. Any premises on which more than five (5) self-propelled vehicles not in running or operating condition are stored in the open.
 12. Base Farm Tract. All land, whether one parcel or two or more contiguous parcels, that is in the A-1 Exclusive Agricultural Land District and that is part of a single farm as of the date of DATCP certification of this Ordinance, regardless of any subsequent changes in the size of the farm.
 13. Basement. That portion of any structure located partly below the average adjoining lot grade.
 14. Bed and Breakfast. Any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, as defined in relevant Wis. Stats.
 15. Boardinghouse. A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for four (4) or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
 16. Building Lot Area. The portion of a lot remaining after required yards have been provided.
 17. 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, machinery, or materials.
 18. Building, Detached. A principal building surrounded by open space on the same lot.
 19. Building, Principal. A building in which the principal use of the lot on which it is located is conducted.
 20. Building Area. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
 21. Building Height. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs, or to the decline of mansard roofs.

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22. Building Line. A line between which and any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this Ordinance.
23. Business. An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.
24. Car Washes. Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure. Said facility shall be installed in such a manner as not to cause spray or runoff water to encroach upon any adjoining properties.
25. Carport. A structure having a roof, with or without supporting walls, posts, or columns, used, designed, or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this Ordinance, a carport shall be considered to be the equivalent of a garage.
26. Centralized Sanitary Sewerage System. A system designed to collect, convey, and treat sanitary and other wastes from a number of individual waste sources and which operates a sewage treatment facility approved by the Department of Natural Resources. A septic tank, whether serving one or several waste sources, is not a sewage treatment facility. Any sewage system served by a septic tank shall not, therefore, be termed or classified as a centralized sanitary sewerage system. Such centralized sanitary sewerage system may be public or privately owned and operated, but in every case is subject to the rules and regulations of the Department of Natural Resources.
27. Clinic. An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purpose of this Ordinance, a doctor's or dentist's office in his own home, when it complies with the requirements of this Ordinance relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of 2 or more doctors or dentists, whether in a residence or not, shall be considered a clinic.
28. Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress shops, tailor shops, shoeshine shops, clothes pressing shops, but none employing over 5 persons.
29. Clothing Stores. Retail stores where clothing is sold, such as department, dry goods, and shoe stores, dress, hosiery, and millinery shops.
30. Club. An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.
31. Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district. Also called special exception uses.
32. Conservation Standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Sheboygan County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the land owner selects that alternative which best meets his needs in developing his soil and water conservation plan.
33. Contiguous. Sharing a common border.
34. DATCP. Wisconsin Department of Agriculture, Trade, and Consumer Protection.
35. Drain. A surface ditch or underground tile line constructed for the purpose of transporting water so that land may be farmed or used for other purposes.
36. Drain Tile Laying. The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around building foundations.
37. Dwelling. A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.
38. Dwelling, Detached. A dwelling entirely surrounded by open space on the same lot.
39. Dwelling, Multiple-Family. A dwelling containing 2 or more dwelling units.

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40. Dwelling, single-Family. A dwelling containing 1 dwelling unit either attached, semi-attached, or detached, not including mobile homes.
41. Dwelling Unit. A group of rooms constituting all or part of a dwelling which are arranged, designed, used, or intended for use exclusively as living quarters for 1 family.
42. Earth Moving. Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and devoiding the soils of vegetative cover so as to make the same soil susceptible to erosion.
43. Efficiency. A dwelling unit consisting of 1 principal room with no separate sleeping rooms.
44. Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.
45. Erosion. The process by which the ground surface is worn away by action of wind or water.
46. Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems; and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
47. Excavation. The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting therefore.
48. Expressway. A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.
49. Family. Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in 1 dwelling as a single housekeeping entity.
50. Farm. All land under common ownership that is primarily devoted to agricultural use.
51. Farm Acreage. The size of the farm in acres.
52. Farm Family Business. Consistent with ATCP 49.01(11), a farm family business shall:
 - a. Be conducted by the owner or operator, or resident family member of the owner or operator, of a farm.
 - b. Require no buildings, structures, or improvements other than those described in 1.22 C.2.a. or c.
 - c. Not impair or limit the current or future use agricultural use of the farm or other protected farmland.
53. Farm Residence. Any of the following structures located on a farm:
 - a. A one-family or two-family (duplex) dwelling that is the only residential structure on the farm.
 - b. A one-family or two-family (duplex) dwelling that is occupied by any of the following:
 - (2) An owner or operator of the farm.
 - (3) A parent or child of an owner or operator of the farm.
 - (4) An individual who earns more than 50% of his or her gross income from the farm.
 - c. A migrant labor camp that is certified under s. 103.92, Wis. Stats. or subsequent relevant Wis. Stats.
54. Farmland Preservation Agreement. Any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:
 - a. A farmland preservation agreement or transition area agreement entered into under s. 91.13, 2007 stats., or s. 91.14, 2007 stats.
 - b. An agreement entered into under s. 91.60(1), Stats.

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55. Floor Area – Business, Commercial and Industrial Buildings. For the purpose of determining off-street parking and off-street loading requirements:
- ii. The sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading.
 - iii. This area shall include accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purpose of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
56. Floor Area – Gross. The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment – open or closed – located on a roof or in a basement), penthouses, attic space having headroom of 7 feet, 10 inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.
57. Freeway. An expressway with full control of access and with fully grade separated intersections.
58. Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
59. Fur Farms. Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Section 29.01 (3) (c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or pelting purposes.
60. Garage, Private. An accessory building or accessory portion of the main building, used or designed, or intended to be used for the storage of private motor vehicles. See also CARPORT.
61. Garage, Public. Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.
62. Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
63. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure on its lot.
64. Grading. Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.
65. Ground Sign. Any sign placed upon or supported by the ground independently of buildings or structures on the property. Signs attached to trees, poles, or accessory buildings shall be considered ground signs.
66. Hardware Stores. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
67. Home Occupations. A home occupation that is customarily incidental to the principal use of a building as a dwelling may be permitted in a dwelling unit as a conditional use.
- a. Standards. In addition to all of the standards applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following standards:
 - (5) No more than 1 person other than a member of the immediate family occupying such dwelling unit shall be employed.
 - (6) No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
 - (7) No alteration of the principal building shall be made which changes the character thereof as a dwelling.
 - (8) No more than 25 percent of the area of 1 story of a single-family dwelling nor more than 20 percent of the area of any other dwelling unit shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.

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- (9) No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
 - (10) The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage accessory thereto.
 - (11) There shall be no outside storage of equipment or materials used in the home occupation.
 - (12) No signs shall be permitted other than those permitted by the applicable regulations in Section 1.39 of this Ordinance.
68. Particular Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations provided, however, that each listed occupation shall be subject to the requirements of Section 1.45(67).
- a. Dressmakers, seamstresses, tailors.
 - b. Music teachers, provided that the instruction shall be limited to 1 pupil at a time except for occasional groups.
 - c. Artists, sculptors, or authors.
 - d. Physicians, dentist, or other licensed medical practitioners.
 - e. Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions.
 - f. Ministers, rabbis, or priests.
 - g. The letting for hire of not more than 2 rooms for residential use only and for not more than 4 persons, none of whom is a transient.
69. Particular Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:
- a. Funeral homes.
 - b. Restaurants.
 - c. Clinics or hospitals.
70. Hotel. A building where rooms, with or without meals, are supplied to the transient public or to any one who may apply, for compensation.
71. Interchange. A grade separated intersection with 1 or more turning lanes for travel between intersection legs.
72. Joint Extraterritorial Zoning Committee. Any zoning committee established in accordance with Section 62.23 (7) (a) of the Wisconsin Statutes, Chapter 241, Laws of 1963.
73. Kennel. The use of land, with related buildings or structures, for the commercial breeding, rearing, or boarding of more than 4 dogs.
74. Laboratory. A place where scientific experiments and research are carried on, or where drugs, chemicals, etc., are made or tested for purity or strength.
75. Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
76. Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
77. Loading Areas:
78. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to public street or alley.
79. Lodging House. A building other than a hotel, where lodging is provided for compensation, for 5 or more persons not member of a family.
80. Lot. A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.

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81. Lot, Corner. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
82. Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines.
83. Lot, Substandard. A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.
84. Lot, Through. A lot which has a pair of opposite lot lines along 2 substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
85. Lot, Coverage. The area under a roof and enclosed by the exterior permanent walls.
86. Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries, but not including any area occupied by the waters of a navigable, duly recorded lake, river, or stream.
87. Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
88. Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair and overhaul shops.
89. Minor Structures. Any small, movable accessory erection or construction, such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under 4 feet in height.
90. Mobile Home. A transportable structure, intended for human habitation, which by its inherent design may be moved from site to site as necessary, which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state and county highway officials. Except for temporary mobile homes allowed as a conditional use in A-1 Districts as described in such section, all mobile homes shall be permanently affixed to a foundation which consists of a basement or other frost-free foundation around the perimeter of the home. Such permanently affixed mobile homes shall be treated as residences similarly to other residences for purposes of this Ordinance.
91. Mobile Home Lot. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
92. Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. The term mobile home park does not include sales lots on which unoccupied mobile homes or trailers, whether new or used, are parked for the purposes of inspection and sale.
93. Modular Home. A structure which is partially preassembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called prefabricated or precut homes. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable state and local building codes.
94. Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
95. Non-conforming Structures. Any structure lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments pertaining to structure.
96. Non-conforming Lots. Any lot lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments pertaining to lots.
97. Non-conforming Use. Any land or water lawfully used or occupied at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments thereto pertaining to uses.
98. Nonfarm Residence. Any residence located on a parcel in the A-1 Exclusive Agricultural Land District other than a farm residence.

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99. Nonfarm Residential Acreage. The total number of acres of all parcels on which nonfarm residences are located.
100. Nursing Home. A building or institution for the care of children, the aged, the infirm, the sick, or a place of rest for those suffering bodily disorder, provided the same shall comply with the further definitions and with the regulations and rules of the Department of Health and Social Services. Nursing homes shall not include facilities for surgical care or for treatment of acute sickness or injuries. Nursing home does include licensed Community Based Residential Facilities with accommodations for 3 or more residents.
101. Park, Amusement. An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.
102. Park, Public. An area owned by the state, county or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.
103. Parking Lot. A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.
104. Parking Space. A graded and surfaced area of not less than 180 square feet (9 feet by 20 feet) in area either enclosed or open for the parking of a motor vehicle, having adequate ingress or egress to a public street or alley.
105. Parties in Interest. Includes all abutting property owners, all property owners within 100 feet, and all property owner of opposite frontages.
106. Party Wall. A wall containing no opening which extends from the elevation of building footings to the elevation of the other surface of the roof or above and which separates contiguous buildings but is in joint use for each building.
107. Patio. A terrace extending not more than 6 inches above the average level of the ground at its margins, provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.
108. Permitted Use. See ‘Principal Use.’
109. Person. Except when otherwise indicated by the context, the word “person” shall include the plural, or a company, firm, corporation, or partnership.
110. Pets, Household. Animals commonly found in residences as pets such as dogs, cats, song birds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement or create a nuisance due to noise, odor, etc. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, or other animals not commonly found in residences.
111. Principal Use. A use that is allowed without a conditional use permit, special exception, or other special zoning permission.
112. Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, lawyers, professional engineers, registered land surveyors, artist, teachers, authors, musicians, or other recognized professionals, used to conduct their professions where the office does not exceed 25 % of the area of only 1 floor of the residence and only 1 nonresident person is employed.
113. Recreational Camp. An area containing 1 or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.
114. Rendering Plant. A plant for reduction of dead animals or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.
115. Retirement Home. A building or institution for the accommodation of elderly persons, with or without nursing or medical care, provided that if such nursing or medical care is to be

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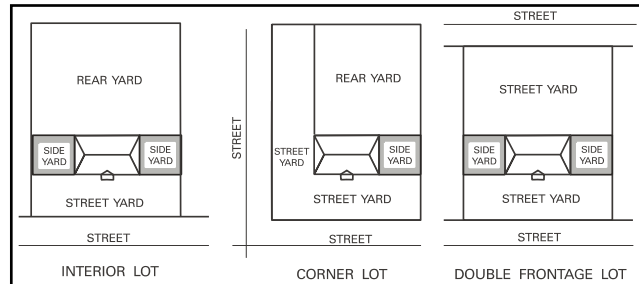
provided on a continuing basis for at least 3 persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.

116. Riding Stable. A building or premises used for the rent or lease of horses or animals for riding.
117. Right to Farm. A reminder to prospective residents that when they buy or build a home in the country that they will be living in an agricultural area.
118. Roadside Stand. A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and to be used solely for the sale of farm products produced on the premises (or adjoining premises).
119. Rooming House. See LODGING HOUSE
120. Secondary suite (or accessory suite). An additional separate dwelling unit on a property that would normally accommodate only one dwelling unit. A secondary suite is considered "secondary" or "accessory" to the primary residence on the parcel. It normally has its own entrance, kitchen, bathroom and living area. Such a suite often is one of the following types:
 - a. A suite above a rear detached garage.
 - b. A suite above the main floor of a single-detached dwelling.
 - c. A suite below the main floor of a single-detached dwelling (a "basement suite").
 - d. A suite attached to a single-detached dwelling at grade.
 - e. A suite detached from the principal dwelling (a "garden suite" or "guesthouse").
121. Sediment. Soils or other surficial materials transported by wind or surface water as a product of erosion.
122. Service Station. Any building, structure, premises, or other place used for the dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered but not including the conduct of a public garage used for the repair or storage of motor vehicles.
123. Setbacks. The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.
124. Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lakes, ponds, and flowages; 300 feet from the ordinary high water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.
125. Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which is used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
126. Slaughterhouse. Any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses, or poultry, and the storage, freezing, and curing of meat and preparation of meat products.
127. Smoke Unit. The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.
128. Story. That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.
129. Story-Half. A story which is situated on a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.
130. Street. A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

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131. Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
132. Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting utility lines and appurtenances.
133. Substandard Structures. Any structure conforming in respect to use but not in respect to the frontage width, height, lot area, yard, parking, loading, or distance requirements of this Ordinance.
134. Turning Lanes. An existing or proposed connecting roadway between 2 arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.
135. Use. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
136. Accessory Use. A subordinate use on the same lot which is incidental and customary in connection with the principal use.
137. Principal Use. The main use of land or building as distinguished from a subordinate or accessory use.
138. Utilities. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
139. Vision Clearance. An unoccupied triangular space at the intersection of highways or streets with other highways or streets or the intersection of highways or street with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street, or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this Ordinance.
140. Working Farm. A farm whose agricultural land and buildings are in active use for crop production and/or the raising of livestock.

141. Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.



142. Yard, Front. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called street yard. Corner lots shall have 2 such yards.
143. Yard, Rear. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
144. Yard, Side. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal street.
145. Zoning Administrator. The individual or his designee so appointed by the Town Board to perform those duties as enumerated in this Ordinance and as authorized by state law.

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1.46 TOWN BOARD

- A. Powers and Duties. The Town Board, in general, performs the following functions in relation to the matters addressed by this ordinance:
1. Adopt and periodically review a schedule of fees, payable by applicants, for the review and processing of permits, applications for variances, applications for amendments to this ordinance (text or map), appeals of decisions of the Building Inspector.
 2. Approves, approves with changes, or disapproves, after due consideration of any recommendations made by the Planning Commission, any application for an amendment to this ordinance, including applications for amendment to the officially adopted zoning map.
 3. Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this ordinance.

1.47 BOARD OF APPEALS

- A. Creation and Membership. The Zoning Board of Appeals under this ordinance is the Board of Appeals that has been duly created by the Town of Russell. The appointment of members and alternates, terms of appointment, filling of vacancies, use of alternates and other provisions related to the creation and membership of the Board of Appeals shall operate in accordance with Section 62.23(7)(e), Wisconsin Statutes as amended from time to time.
- B. Organization.
1. The Board of Appeals shall have power to adopt rules and regulations for its own governance consistent with the provisions of this or any other ordinance of the Town.
 2. Meetings of the Board of Appeals shall be held at the call of the Chair of the Board of Appeals, or at such other times as the Town Board may determine necessary.
 3. All meetings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes of its proceedings showing its action and the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
 4. The presence of four (4) members of the Board of Appeals shall constitute a quorum. The concurring vote of four (4) members shall be required to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance. The grounds of every such determination shall be based on evidence presented in the record.
 5. The Board of Appeals may call on the Building Inspector or other administrative officials for assistance in the performance of its duties, and it shall be the duty of such officials to provide such assistance as is reasonably requested.
- C. Powers and Duties. In addition to the powers and duties as otherwise set forth under this ordinance, the Board of Appeals shall have the following powers and duties:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector in the administration or enforcement of this ordinance.
 2. To hear and decide applications, in specific cases, for variances from this ordinance. A variance for the purpose of this ordinance shall not be granted unless the application for variance demonstrates all of the following:
 - a. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.

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- b. That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That the granting of the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
 - e. No nonconforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.
3. To hear and decide applications for Conditional Use Permits for the construction or use of buildings, structures or other improvements for public utility uses reasonably necessary for the public convenience and welfare, subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance.
 4. To hear and decide all other matters referred to it upon which it is required to act under this ordinance.

1.48 PLANNING COMMISSION

- A. Creation and Membership. The Planning Commission under this ordinance is the Planning Commission that has been duly created by the Town of Russell. The Planning Commission shall consist of five (5) members, appointed by the Town Board Chair and subject to approval by the Town Board, selected for their knowledge of and interest in matters pertaining to this ordinance. Members shall serve three (3) year terms, except that of those first appointed one shall serve for one year, two for two years and two for three years. Annually, the Town Board Chair shall appoint a Commission Chair. The members of the Planning Commission shall therefore elect other officers as may, in their judgment, be necessary.
- B. Organization.
 1. The Planning Commission shall have power to adopt rules and regulations for its own governance consistent with the provisions of this or any other ordinance of the Town.
 2. Meetings of the Planning Commission shall be held at the call of the Commission Chair, or at such other times as the Town Board may determine necessary.
 3. All meetings of the Planning Commission shall be public. The Planning Commission shall keep minutes of its proceedings showing its action and the vote of each member upon questions requiring a vote or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.
 4. All meetings of the Planning Commission shall be public. The Planning Commission shall keep minutes of its proceedings showing its action and the vote of each member upon question requiring a vote or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.
 5. The Planning Commission may call on the Permit Issuer or other administrative officials for assistance in the performance of its duties, and it shall be the duty of such officials to provide such assistance as is reasonably requested.
- C. Powers and Duties. The Planning Commission shall have the following powers and duties:
 1. To initiate, hear, review and offer its recommendations to the Town Board on applications for amendments to this ordinance, including applications for amendments to the officially adopted zoning map.
 2. To initiate, hear, review and offer its recommendations to the Town Board on applications for Conditional Use Permits, except for Conditional Use Permits for the construction or use of buildings, structures or other improvements for public utility uses reasonably necessary for the public convenience and welfare.

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3. At the request of the Town Board, to prepare and recommend to the Town Board a comprehensive plan for the Town, and from time to time to recommend the Town Board such amendments to the plan as it deems appropriate.
4. To aid and assist the Town Board in implementing the Towns adopted land use policies and in planning, developing and completing specific projects.

1.49 BUILDING INSPECTOR

- A. Powers and Duties. It shall be the duty of the Building Inspector to enforce the provisions of this ordinance. The Building Inspector shall be appointed by the Town Board Chair and confirmed by the Town Board. The Building Inspector shall at the request of the Town Board, Planning Commission or Board of Appeals, present to such persons or bodies facts, records or reports that may assist them in making decisions, or assist them in any way as requested.

1.49 ZONING ADMINISTRATOR

- A. Powers and Duties. It shall be the duty of the Zoning Administrator, to administer the provisions of this ordinance. The Zoning Administrator shall be appointed by the Town Board Chair and confirmed by the Town Board. The Zoning Administrator shall at the request of the Town Board, Planning Commission or Board of Appeals, present to such persons or bodies facts, records or reports that may assist them in making decisions, or assist them in any way as requested.