

## **SECTION 3.00 ZONING DISTRICTS**

### **3.01 ESTABLISHMENT**

- A. For the Purpose of this Ordinance, the Town of Wayne is hereby divided into the following 17 Zoning Districts and one overlay district:
1. A-1 Exclusive Agricultural District
  2. A-2 Agricultural/Rural Residential District
  3. R-1 Single-Family Residential District
  4. R-2 Single-Family and Two-Family Residential District
  5. R-3 Multi-Family Residential District
  6. R-4 Hamlet Residential District
  7. B-1 Hamlet Business District
  8. B-2 Community Business District
  9. B-3 Highway Business District
  10. M-1 Limited Manufacturing District
  11. M-2 General Manufacturing District
  12. Q-1 Quarrying District
  13. L-1 Landfill District
  14. I-1 Institutional District
  15. P-1 Park District
  16. C-1 Lowland Conservancy District
  17. C-2 Upland Conservancy District
  18. PUD Planned Unit Development Overlay District
- B. Boundaries of These Districts are hereby established as shown on the Map entitled "Zoning Map--Town of Wayne, Washington County, Wisconsin", which accompanies this Ordinance and is herein made a part of this Ordinance. Such 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 rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- C. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

### **3.02 ZONING MAP**

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk. Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

### **3.03 A-1 EXCLUSIVE AGRICULTURAL DISTRICT**

The A-1 Agricultural District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of livestock. The district is further intended to prevent the premature conversion of agricultural land to scattered residential, commercial, and industrial uses.

- A. Principal Uses
1. Apiculture (beekeeping).

2. Community living arrangements, community-based residential facilities (CBRF) which have a capacity for 8 or fewer persons, and foster family homes, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Dairy farming, grazing, livestock raising (under 500 animal units) and supporting agricultural practices customarily used in connection with these uses, except manure pits.
4. Essential services.
5. Family day care homes.
6. Floriculture and plant nurseries, including wholesale greenhouses.
7. Feedlots and poultry operations, except "large animal feeding operations" as defined by Chapter NR 243 of the Wisconsin Administrative Code.
8. General farm buildings including barns, silos, sheds, and storage bins.
9. Raising of grain, grass, mint, seed crops, tree fruits, nuts, berries, grapes, vegetables, and the harvesting of syrup.
10. Sod farming.
11. One single-family farm dwelling to be occupied by the farm operator.
12. Existing dwellings not accessory to any farm operation or dwellings remaining after the consolidation of farms provided that such dwellings are located on a lot not less than 60,000 square feet in area having a lot width of not less than 150 feet.

B. Accessory Uses

1. Forest and game management.
2. Home occupations and professional home offices as specified in Section 7.03.G.
3. One roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in floor area.
4. Other accessory structures and uses as specified and in accordance with Section 7.03.A through 7.03.F.

C. Conditional Uses (Also see Section 4.00)

1. Accessory uses listed in Section 7.03.B to be located within a street yard.
2. Additional single-family or two-family dwellings or mobile homes for a child or parent of the farm operator, or for a person earning a livelihood from the farm operation.
3. Agricultural warehousing.
4. Airports, airstrips, and landing fields.
5. Bed and breakfast establishments.
6. Boat and recreational vehicle storage.
7. Commercial animal raising and boarding, except commercial boarding of horses, dogs, or cats (stables or kennels).
8. Commercial butchering.
9. Energy conservation uses.
10. Farm labor housing, including mobile homes.
11. Home industries.
12. Manure pits.
13. Operation of off-road vehicles.
14. Ponds, scrapes, and water diversions.
15. Processing of dairy products, peas, and corn.
16. Radio and television transmission towers.
17. Utilities.
18. Veterinary services for farm animals.
19. Wireless communication facilities.

20. Poultry raising over 1,000 birds (with or without egg production), and livestock operations over 500 animal units. Conditional Use Permits for livestock operations shall be consistent with the requirements of the Livestock Facility Siting Law (siting law) set forth in Section 93.90 of the Wisconsin Statutes and Chapter ATCP 51 of the Wisconsin Administrative Code.
- D. Parcel Area and Width - Farm structures hereafter erected, moved, or structurally altered and related farm activities shall provide a contiguous area of not less than 35 acres and no farm shall be less than 660 feet in width.
- E. Building Height and Area
1. No farm buildings or parts of farm buildings shall exceed 70 feet in height, except silos, which shall not exceed 100 feet in height.
  2. No dwelling or part of a dwelling shall exceed 35 feet in height.
  3. The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.
- F. Yards
1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required.
  2. There shall be a side yard on each side of all structures not less than 25 feet in width.
  3. There shall be a rear yard of not less than 50 feet.

### **3.04 A-2 AGRICULTURAL/RURAL RESIDENTIAL DISTRICT**

The A-2 Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Exclusive Agricultural District, and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activity. The district also permits rural residential lots.

#### **A. Principal Uses**

1. Apiculture (beekeeping).
2. Community living arrangements, community-based residential facilities (CBRF) which have a capacity for 8 or fewer persons, and foster family homes, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Dairy farming and keeping and raising of domestic stock for agribusiness, breeding, recreation or show under 1,000 birds and livestock operations under 500 head. Keeping of animals shall be limited as follows on parcels which are 10 acres or less in area:
  - a. No more than one horse, cow, hog, sheep, or similar animal, over 6 months of age, shall be kept for each acre; or
  - b. No more than 5 chickens, ducks, or similar poultry, over 2 months of age, shall be kept for each acre; or
  - c. No more than 8 rabbits or hare, over 2 months of age, shall be kept for each acre.
  - d. The keeping and raising of fur-bearing animals, except rabbits, is prohibited.
  - e. Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.
4. Essential services.
5. Family day care homes.

6. Fish hatcheries and fish farming.
7. Floriculture and plant nurseries, including wholesale greenhouses.
8. General farm buildings including barns, silos, sheds, and storage bins.
9. Raising of grain, grass, mint, seed crops, tree fruits, nuts, berries, grapes, vegetables, and the harvesting of syrup.
10. Sod farming.
11. Single-family dwellings with a garage.
12. Truck farming.
13. Religious institutions provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.

B. Accessory Uses

1. Forest and game management.
2. Home occupations and professional home offices subject to the requirements of Section 7.03.G.
3. One roadside stand not exceeding 150 square feet in floor area for farm products produced on the premises.
4. Other accessory structures and uses as specified in Section 7.03.A through 7.03.F.

C. Conditional Uses (Also see Section 4.00)

1. Accessory uses listed in Section 7.03.B to be located within a street yard.
2. Additional single-family or two-family dwellings or mobile homes for a child or parent of the farm operator, or for a person earning a livelihood from the farm operation.
3. Agricultural warehousing.
4. Airports, airstrips and landing fields.
5. Animal hospitals and veterinary services.
6. Bed and breakfast establishments.
7. Boat and recreational vehicle storage.
8. Cemeteries.
9. Commercial animal raising and boarding, including stables and kennels.
10. Commercial butchering.
11. Energy conservation uses.
12. Farm labor housing, including mobile homes.
13. Greenhouses, nurseries, truck farms and orchards, which have retail trade connected with the business.
14. Home industries.
15. In-law units, subject to the requirements of Section 4.06.O.
16. Manure pits.
17. Operation of off-road vehicles.
18. Ponds, scrapes, and water diversions.
19. Poultry raising (with or without egg production), and livestock operations in excess of the limitations set forth in Subsection 3.04.A.3. Conditional Use Permits for livestock operations shall be consistent with the requirements of the Livestock Facility Siting Law (siting law) set forth in Section 93.90 of the Wisconsin Statutes and Chapter ATCP 51 of the Wisconsin Administrative Code.
20. Processing of dairy products, peas, and corn.
21. Radio and television transmission towers.
22. Raising of fur bearing animals.
23. Recreational uses.
24. Religious institutions.

25. Remodeling of farm dwellings which existed prior to April 16, 1957, into 2 family dwellings provided that each unit shall have at least 900 square feet of living area and such remodeling shall not include exterior additions.

26. Utilities.

27. Wireless communication facilities.

D. Density and Dimensional Standards - For residential development, the following density and dimensional standards shall apply:

	<b>Traditional</b>	<b>Cluster</b>	<b>Lot Averaging</b>
Minimum Tract Size (Lot or Parcel)	NA	50 acres	NA
Minimum Floor Area (sq.ft.)	1,200(1 story) 1,600(2 story-with 1,00 on first floor)	1,200(1 story) 1,600(2 story-with 1,000 on first floor)	1,200(1 story) 1,600(2 story-with 1,000 on first floor)
Maximum Density	NA	1 unit/10 acres	1 unit/10 acres
Minimum Lot Area	10 acres	1.5 acres	10 acres See also minimum absolute lot area.
Minimum Absolute Lot Area	NA	NA	1.5 acres
Minimum Lot Width	330 feet	125 feet	175 feet
Front Yard	75 feet from ROW	50 feet from ROW	65 Feet from ROW
Rear Yard	75 feet	50 feet	65 feet
Side Yard, each	50 feet	25 feet	25 feet
Minimum Common Open Space (percentage of gross acres)	NA	605	NA
Maximum Height Farm Structures Dwellings and Non-Farm Accessory Structures	70 feet <sup>2</sup>	35 feet	70 feet <sup>1</sup>
Maximum Building Coverage (percentage of individual lot)	5%	7%	5% <sup>2</sup> 7% <sup>3</sup>

NA=Does not apply.

<sup>1</sup>Silos shall not exceed 100 feet.

<sup>2</sup>For lots 5 acres or larger.

<sup>3</sup>For lots less than 5 acres.

1. For the purposes of calculating density for residential development, contiguous parcels under the same ownership may be used for such calculation; provided that a unified development plan for all parcels included in such calculation is submitted and approved.
2. For non-residential development, the following standards shall apply:
  - a. Minimum lot area: 1.5 acres.
  - b. Minimum lot width: 175 feet.
  - c. Minimum front yard: 65 feet from right-of-way.
  - d. Minimum rear yard: 65 feet.
  - e. Minimum side yard: 25 feet.

### **3.05 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The R-1 Single-Family Residential District is intended to provide for single-family development through the creation of large rural residential estate type lots through the use of residential cluster development, lot averaging, or traditional subdivisions or certified survey maps. Residential development in this district is intended to be served by private onsite waste treatment systems and private wells.

#### **A. Principal Uses**

1. Community living arrangements, community-based residential facilities (CBRF) which have a capacity for 8 or fewer persons, and foster family homes, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
2. Essential services.
3. Single-family dwellings with a garage.
4. Religious institutions provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.

#### **B. Accessory Uses**

1. Kennels for no more than 3 dogs.
2. Other accessory structures and uses as specified in Section 7.03.A through 7.03.G.

#### **C. Conditional Uses (Also see Section 4.00)**

1. Accessory uses listed in Section 7.03.B to be located within a street yard.
2. Accessory structure listed in 7.03A exceeding 1200 SF
3. Bed and breakfast establishments.
4. Circular driveways.
5. Community living arrangements with capacity for 9 or more persons, subject to Section 60.63 of the Wisconsin Statutes.
6. Energy conservation uses.
7. Farming and truck gardening; nurseries and greenhouses only for the propagation of plants; provided that the greenhouse heating plants, barnyards, feed lots and buildings in which farm animals are kept shall be at least 100 feet from any property boundary line or navigable water and shall not be located in a floodplain.
8. Home industries.
9. In-law units, subject to the requirements of Section 4.06.O.
10. Keeping of livestock and poultry. A minimum 5-acre lot shall be required to keep any livestock or poultry. Buildings designed or used to house livestock shall be at least 100 feet from a property line. The number of animals permitted shall comply with the limitations set forth in Section 3.04A.3.(a) through (e).

11. Nursing homes, clinics, and commercial day care centers.
12. Operation of off-road vehicles.
13. Ponds, scrapes, and water diversions.
14. Public, parochial, and private schools.
15. Recreational uses.
16. Religious institutions.
17. Utilities.
18. Wholesale fish hatcheries, but not to include any retail business on the premises.
19. Accessory structures larger in total than 1200 square feet in the R-1 Single-Family Residential District on parcels greater than three (3) acres in size where the residence is the principal use.
20. Keeping of dogs greater than 3 in number as household pets on a minimum 5 acre parcel.

D. Density and Dimensional Standards - For residential development, the following density and dimensional standards shall apply:

	<b>Traditional</b>	<b>Cluster</b>	<b>Lot Averaging</b>
Minimum Tract Size (Lot or Parcel)	NA	50 acres	NA
Minimum Floor Area (sq. ft.)	1,200(1 story) 1,600(2 story- with 1,000 on first floor)	1,200(1 story) 1,600(2 story- with 1,000 on first floor)	1,200(1 story) 1,600(2 story- with 1,000 on first floor)
Maximum Density	NA	1 unit/10 acres	1 unit/10 acres
Minimum Lot Area	10 acres	1.5 acres	10 acres See also minimum absolute lot area.
Minimum Absolute Lot Area	NA	NA	1.5 acres
Minimum Lot Width	330 feet	125 feet	175 feet
Front Yard	75 feet from ROW	50 feet from ROW	65 feet from ROW
Rear Yard	50 feet	50 feet	65 feet
Side Yard, each	25 feet	25 feet	25 feet
Minimum Common Open Space (percentage of gross acres)	NA	60%	NA
Maximum Height (principal and accessory structures)	35 feet	35 feet	35 feet
Maximum Building Coverage (percentage of individual lot)	5%	7%	5% <sup>1</sup>

			7% <sup>2</sup>
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NA=Does not apply.

<sup>1</sup>For lots 5 acres or larger.

<sup>2</sup>For lots less than 5 acres.

1. For the purpose of calculating density for residential development, contiguous parcels under the same ownership may be used for such calculation, provided that a unified development plan for all parcels included in such calculation is submitted and approved.
2. For non-residential development, the following standards shall apply:
  - a. Minimum lot area: 1.5 acres.
  - b. Minimum lot width: 175 feet.
  - c. Minimum front yard: 65 feet from right-of-way.
  - d. Minimum rear yard: 65 feet.
  - e. Minimum side yard: 25 feet.

### **3.06 R-2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT**

The R-2 Residential District is intended to provide for single-family development on existing lots served by private onsite waste treatment systems and private wells. Two-family dwellings on new or existing lots and single-family dwellings on new lots may be allowed.

#### **A. Principal Uses**

1. Community living arrangements, community-based residential facilities (CBRF) which have a capacity for 8 or fewer persons, and foster family homes, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
2. Single-family dwellings on existing lots.
3. Essential services.
4. Family day care homes.
5. Religious institutions provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.

#### **B. Accessory Uses**

- a. Kennels for no more than 3 dogs.
- b. Other accessory structures and uses as specified in Section 7.03.A through 7.03.G.

#### **C. Conditional Uses (Also see Section 4.00)**

1. Accessory uses listed in Section 7.03.B to be located within a street yard.
2. Circular driveways.
3. Community living arrangements with capacity for 9 or more persons, subject to Section 60.63 of the Wisconsin Statutes.
4. Energy conservation uses.
5. Home industries.
6. Nursing homes, clinics, and commercial day care centers.
7. Operation of off-road vehicles.
8. Ponds, scrapes, and water diversions.
9. Public, parochial, and private schools.
10. Recreational uses.

11. Religious institutions.
  12. Two-family dwellings.
  13. Utilities.
- D. Lot Area and Width - Lots shall have a minimum area of 2.0 acres and provide not less than 40,000 square feet per dwelling unit. Lots shall be not less than 175 feet in width. Corner lots shall provide a minimum lot width of not less than 200 feet. Lots located on a cul-de-sac or curve may be reduced to not less than 66 feet in width at the street right-of-way line provided there is at least 175 feet of width at the required building setback line.
- E. Building Height and Area
1. No building or parts of a building shall exceed 35 feet in height.
  2. The total minimum floor area of a dwelling shall be 1,200 square feet per unit with a minimum first floor area of 1,200 square feet.
- F. Yards
1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required for all unplatted lots.
  2. A minimum street yard (setback) of 75 feet from the road centerline shall be required for all lots within a platted subdivision.
  3. There shall be a side yard on each side of all principal structures. The minimum single side yard shall be 10 feet and there shall be an aggregate side yard of not less than 25 feet.
  4. There shall be a rear yard of not less than 50 feet.

### **3.07 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

The R-3 Residential District is intended to provide for multi-family development, where such dwellings are served by a public sanitary sewerage system.

- A. Principal Uses
1. Community living arrangements, community-based residential facilities (CBRF) which have a capacity for 15 or fewer persons, and foster family homes, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
  2. Essential services.
  3. Family day care homes.
  4. Single-family, two-family, and multi-family dwellings.
  5. Religious institutions provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.
- B. Accessory Uses
1. Kennels for no more than 3 dogs.
  2. Other accessory structures and uses as specified in Section 7.03.A through 7.03.G.
- C. Conditional Uses (Also see Section 4.00)
1. Accessory uses listed in Section 7.03.B to be located within a street yard.
  2. Circular driveways.
  3. Community-based residential facilities for 16 or more people, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
  4. Energy conservation uses.

5. Home industries.
  6. Housing for the elderly.
  7. Mobile homes outside mobile home parks.
  8. Mobile home parks.
  9. Nursing homes, clinics, and commercial day care centers.
  10. Operation of off-road vehicles.
  11. Ponds, scrapes, and water diversions.
  12. Public, parochial, and private schools.
  13. Recreational uses.
  14. Religious institutions.
  15. Utilities.
- D. Lot Area and Width - Lots shall have a total minimum area of 60,000 square feet and provide not less than 20,000 square feet per dwelling unit. Lots shall be not less than 150 feet in width. Corner lots shall provide a minimum lot width of not less than 175 feet. Lots located on a cul-de-sac or curve may be reduced to not less than 66 feet in width at the street right-of-way line provided there is at least 150 feet of width at the required building setback line.
- E. Building Height and Area
1. No building or parts of a building shall exceed 35 feet in height.
  2. The total minimum floor area of a principal structure shall be 2,000 square feet with a minimum floor area of 900 square feet per dwelling unit.
- F. Yards
1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required.
  2. There shall be a side yard on each side of all principal structures. The minimum single side yard shall be 10 feet and there shall be an aggregate side yard of not less than 25 feet.
  3. There shall be a rear yard of not less than 50 feet.

### **3.08 R-4 HAMLET RESIDENTIAL DISTRICT**

The R-4 Hamlet Residential district is intended to provide low density residential development in environmentally sensitive areas which contain high natural aesthetic value and which are not highly productive farmlands, in order to allow limited use of these lands without causing significant deterioration of the natural setting.

#### A. Principal Uses

1. Community living arrangements, community-based residential facilities (CBRF) which have a capacity for 8 or fewer persons, and foster family homes, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
2. Essential services.
3. Single family dwellings with a garage.
4. Religious institutions provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.

#### B. Accessory Uses

1. Kennels for no more than 3 dogs.
2. Other accessory structures and uses as specified in Section 7.03.A through 7.03.G.

#### C. Conditional Uses

1. Accessory uses listed in Section 7.03.B to be located within a street yard.
2. Accessory structure listed in 7.03A exceeding 1200 SF
3. Circular driveways.

4. Community living arrangements with capacity for 9 or more persons, subject to Section 60.63 of the Wisconsin Statutes.
5. Energy conservation uses.
6. Home industries.
7. In-law units, subject to the requirements of Section 4.06.O.
8. Keeping of domestic livestock and poultry. A minimum 5-acre lot shall be required to keep any livestock or poultry. Buildings designed or used to house livestock shall be located a minimum of 100 feet from the property line. The number of animals permitted shall comply with the limitations set forth in Section 3.04A.3.(a) through (e).
9. Nursing homes, clinics, and commercial day care centers.
10. Operation of off-road vehicles.
11. Ponds, scrapes, and water diversions.
12. Public, parochial, and private schools.
13. Recreational uses.
14. Religious institutions.
15. Utilities.

D. Density and Dimensional Standards - For residential development, the following density and dimensional standards shall apply:

	<b>Traditional</b>	<b>Cluster</b>	<b>Lot Averaging</b>
Minimum Tract Size (Lot or Parcel)	NA	10 acres	NA
Minimum Floor Area (sq. ft.)	1,200(1 story) 1,600(2 story- with 1,000 on first floor)	1,200(1 story) 1,600(2 story- with 1,000 on first floor)	1,200(1 story) 1,600(2 story- with 1,000 on first floor)
Maximum Density	NA	1 unit/2 acres	1 unit/2 acres
Minimum Lot Area	2 acres	40,000 square feet	2 acres See also minimum absolute lot area.
Minimum Absolute Lot Area	NA	40,000 square feet	40,000 square feet
Minimum Lot Width	175 feet	150 feet	150 feet <sup>1</sup>
Front Yard	75 feet from ROW	65 feet from ROW of US, State, or County Highways; 30 feet for all other streets	65 feet <sup>1</sup> from ROW of US, State, or County Highways; 30 feet for all other streets
Rear Yard	50 feet	25 feet	25 feet <sup>1</sup>
Side Yard, each	25 feet	15 feet	15 feet <sup>1</sup>
Minimum Common Open Space (percentage of gross acres)	NA	30%	NA

Maximum Height (principal and accessory structures)	35 feet	35 feet	35 feet
Maximum Building Coverage (percentage of individual lot)	6%	9%	8% <sup>2</sup> 9% <sup>3</sup>

NA=Does not apply.

<sup>1</sup>For lots 40,000 square feet or less. For lots 2 acres or larger, the dimensions for traditional lots shall be used; <sup>2</sup>For lots 2 acres or larger; <sup>3</sup>For lots less than 2 acres.

1. For the purpose of calculating density for residential development, contiguous parcels under the same ownership may be used for such calculation, provided that a unified development plan for all parcels included in such calculation is submitted and approved.
2. For non-residential development, the following standards shall apply:
  - a. Minimum lot area: 1.5 acres.
  - b. Minimum lot width: 175 feet.
  - c. Minimum front yard: 65 feet from right-of-way.
  - d. Minimum side yard: 25 feet.
  - e. Minimum rear yard: 65 feet.

### **3.09 B-1 HAMLET BUSINESS DISTRICT**

The B-1 Hamlet Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses in established hamlets where businesses have been traditionally located in a compact pattern with little or no street setback and little or no side yard setback. The purpose of the district is to protect the hamlet districts while not encouraging the creation of new hamlet business districts.

#### **A. Principal Uses**

1. Antique and collectors stores.
2. Art galleries.
3. Bakeries.
4. Clinics.
5. Confectioneries, soda fountains, and ice cream stores.
6. Delicatessens.
7. Electronic equipment sales, service, and repair.
8. Essential services.
9. Financial institutions.
10. General offices.
11. Parking lots and structures.
12. Personal services.
13. Physical fitness centers.
14. Public utility offices.
15. Retail establishments without outside storage or display of merchandise, not to exceed 50,000 square feet of gross leasable floor area.
16. Restaurants, except drive-in restaurants.
17. Laundry and dry-cleaning establishments.
18. Taverns and cocktail lounges.
19. Single-family dwellings, provided each dwelling is located on a lot having a minimum area of 1.5 acres and a minimum width of 150 feet. Yard requirements shall be as specified in Section 3.07.F.

20. Any other use which the Town Plan Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

B. Accessory Uses.

1. Accessory structures and uses as specified in Section 7.03.A through 7.03.F.
2. Garages used for storage of vehicles used in conjunction with the operation of a business.
3. Off-street parking and loading areas.
4. Rental apartments on a non-ground floor provided there is a minimum floor area of 500 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment.

C. Conditional Uses (Also see Section 4.00)

1. Drive-in restaurants.
2. Energy conservation uses.
3. Funeral homes and crematoriums.
4. Housing for the elderly.
5. Nursing homes and commercial day care centers.
6. Public passenger transportation terminals.
7. Radio and television transmission towers.
8. Recreational uses.
9. Utilities.

D. Lot Area and Width - Sufficient area and width for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There are no minimum dimensional requirements.

E. Building Height - No building or parts of a building shall exceed 35 feet in height.

F. Yards

1. No minimum setback shall be required except as provided in Section 5.01 and Section 7.06.
2. No minimum side yard is required, except as provided in Section 2.08 of this Ordinance.
3. There shall be a rear yard of not less than 50 feet.

G. Plans and Specifications to be Submitted to Town Plan Commission - To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-1 District shall not be issued without review and approval of the Town of Wayne Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

### **3.10 B-2 COMMUNITY BUSINESS DISTRICT**

The B-2 Community Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wide range of retail products and services. The character, appearance, and operation of such businesses should be compatible with surrounding uses.

A. Principal Uses

1. Adult-Oriented Uses, in compliance with the requirements found at Section 3.10.H below.
2. Antique and collectors stores.
3. Art galleries.
4. Bakeries.
5. Clinics.
6. Confectioneries, soda fountains, and ice cream stores.
7. Delicatessens.

8. Electronic equipment sales, service, and repair.
9. Essential services.
10. Financial institutions.
11. Florists.
12. Grocery stores and specialty food stores.
13. Interior decorators.
14. Offices.
15. Parking lots and structures.
16. Personal services.
17. Physical fitness centers.
18. Publishing houses.
19. Radio and television broadcast studios, not including transmitting towers.
20. Restaurants, except drive-in restaurants.
21. Retail establishments without outside storage or display of merchandise, not to exceed 50,000 square feet of gross leasable floor area.
22. Self service laundry and dry-cleaning establishments.
23. Taverns and cocktail lounges.
24. Theaters.
25. Any other use which the Town Plan Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

B. Accessory Uses.

1. Accessory structures and uses as specified in Section 7.03.A through 7.03.F.
2. Garages used for storage of vehicles used in conjunction with the operation of a business.
3. Off-street parking and loading areas.
4. Rental apartments on a non-ground floor provided there is a minimum floor area of 500 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment.

C. Conditional Uses (Also see Section 4.00)

1. Drive-in restaurants.
2. Energy conservation uses.
3. Funeral homes and crematoriums.
4. Housing for the elderly.
5. Nursing homes and commercial day care centers.
6. Radio and television transmission towers.
7. Recreational uses.
8. Utilities.
9. Wireless communication facilities.

D. Lot Area and Width

1. Shopping centers shall contain a minimum area of 5 acres and shall be not less than 300 feet in width.
2. Individual business sites in the B-2 District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no minimum required site width.

E. Building Height - No building or parts of a building shall exceed 35 feet in height.

F. Yards

1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required.
2. There shall be a side yard on each side of all structures not less than 25 feet in width.
3. There shall be a rear yard of not less than 50 feet.

- G. Plans and Specifications to be Submitted to Town Plan Commission - To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-2 District shall not be issued without review and approval of the Town of Wayne Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.
- H. Adult-Oriented Uses - The Town Board finds that Adult-Oriented Uses require special zoning restrictions in order to protect and preserve the health, safety, and welfare of the Town. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent of this subsection to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town's interest in the present and future character of its community development. Accordingly, adult-oriented uses are permitted in the B-2 Community Business District, subject to the following:
1. No adult-oriented establishment or use shall be located within 1,000 feet of any public, parochial, or private school, religious institution, funeral parlor or crematorium, day care center, residence, public park, other adult-oriented establishment or use, or an establishment holding an alcoholic beverage license. The above-noted distance shall be measured in a straight line without regard to intervening structures or objects, from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment or use to the nearest point of the parcel of property or land use district boundary from which the proposed land use is to be separated.
  2. Advertisements, displays, pictures, or other promotional materials which are sexual in nature shall not be shown or exhibited on the premises in a manner which makes them visible from pedestrian ways or other public areas. All points of access into such establishments shall be located, constructed, covered, or screened in a manner that will prevent a view into the interior from any public area.
  3. All adult-oriented establishments and uses shall comply with all regulations and requirements of this Zoning Ordinance and must comply with all provisions of the zoning district in which the establishment is located. Said establishment and use shall also comply with all other applicable provisions of the Town of Wayne Municipal Code.

### **3.11 B-3 HIGHWAY BUSINESS DISTRICT**

The B-3 Highway Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

#### **A. Principal Uses**

1. Automotive sales and service.
2. Bowling alleys.
3. Building supply stores excluding lumber yards.
4. Clinics.
5. Essential services.
6. Financial institutions; including drive-in facilities.
7. Garden centers.
8. Gasoline service stations provided that all service islands and pumps shall meet the setback requirements.

9. Grocery and specialty food stores.
  10. Light manufacturing.
  11. Motels and hotels.
  12. Offices.
  13. Photography and art studios.
  14. Physical fitness centers.
  15. Restaurants, including drive-in restaurants.
  16. Retail establishments.
  17. Self-service storage facilities (mini-warehouses) provided that no perishable products may be stored; no flammable or explosive materials may be stored; and no sale of merchandise is conducted from a mini-warehouse.
  18. Theaters.
  19. Any other use which the Town Plan Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.
- B. Accessory Uses
1. Accessory structures and uses as specified in Section 7.03.A through 7.03.F.
  2. Garages used for storage of vehicles used in conjunction with the operation of a business.
  3. Off-street parking and loading areas.
  4. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- C. Conditional Uses (Also see Section 4.00)
1. Billboards.
  2. Drive-in uses.
  3. Energy conservation uses.
  4. Funeral homes and crematoriums.
  5. Nursing homes and day care centers.
  6. Radio and television transmission towers.
  7. Recreational uses.
  8. Utilities.
  9. Wireless communication facilities.
- D. Lot Area and Width - Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a minimum lot width of not less than 150 feet.
- E. Building Height - No principal building or parts of a principal building shall exceed 35 feet in height.
- F. Yards
1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required.
  2. There shall be a side yard on each side of all structures not less than 25 feet in width.
  3. There shall be a rear yard of not less than 50 feet.
- G. Plans and Specifications to be Submitted to Plan Commission - To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-3 District shall not be issued without review and approval of the Town of Wayne Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

### **3.12 M-1 LIMITED MANUFACTURING DISTRICT**

The M-1 Limited Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size, which on the basis of actual physical and

operational characteristics would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

A. Principal Uses

1. Custom manufacturing.
2. Commercial greenhouses.
3. Electrotyping and stereotyping.
4. Essential services.
5. Food locker plants.
6. Laboratories.
7. Leather fabrication, not including tanning.
8. Light manufacturing.
9. Machine shops.
10. Pharmaceutical processing.
11. Rice milling.
12. Warehousing.
13. Wholesaling.
14. Any other use which the Town Plan Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

B. Accessory Uses

1. Off-street parking and loading areas.
2. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
3. Other accessory structures and uses as specified in Section 7.03.A through 7.03.F.

C. Conditional Uses (Also see Section 4.00)

1. Airports, airstrips, and landing fields.
2. Billboards.
3. Energy conservation uses.
4. Lumber yards.
5. Public passenger transportation terminals.
6. Radio and television transmission towers.
7. Recreational uses.
8. Truck and other transportation terminals.
9. Utilities.
10. Wireless communication facilities.

D. Lot Area and Width - Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a minimum lot width of not less than 150 feet.

E. Building Height - No principal building or parts of a principal building shall exceed 45 feet in height.

F. Yards

1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required.
2. There shall be a side yard on each side of all structures not less than 25 feet in width.
3. There shall be a rear yard of not less than 50 feet.

G. Plans and Specifications to be Submitted to Plan Commission - To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-1 District shall not be issued without review and approval of the Town of Wayne Plan Commission. Said review and approval shall

be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

### **3.13 M-2 GENERAL MANUFACTURING DISTRICT**

The M-2 General Manufacturing District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than the M-1 Limited Manufacturing District in those areas where the relationship to surrounding land use would create fewer problems of compatibility. The M-2 District should not normally about directly upon residential districts.

#### **A. Principal Uses**

1. Those uses permitted as principal uses in the M-1 Limited Manufacturing District.
2. Auto body repair, engine repair.
3. Automobile wrecking yard.
4. Coating, engraving, and allied services.
5. Essential services.
6. Heavy manufacturing.
7. Non-flammable gases and liquids storage, not to exceed 50,000 gallons.
8. Non-hazardous chemical manufacturing, processing, or use.
9. (2018)-Any other use which the Town Plan Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district.

#### **B. Accessory Uses**

1. Garages used for storage of vehicles used in conjunction with the operation of a business.
2. Off-street parking and loading areas.
3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
4. Other accessory structures and uses as specified in Section 7.03.A through 7.03.F.

#### **C. Conditional Uses (Also see Section 4.00)**

1. Airports, airstrips, and landing fields.
2. Animal reduction facilities.
3. Billboards.
4. Energy conservation uses.
5. Landfills, disposal areas, and incinerators.
6. Lumber yards.
7. Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, lampblack, poison, pulp, pyroxlin, and radium.
8. Processing of dairy products, peas, and corn.
9. Processing of ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, lampblack, offal, poison, pulp, pyroxlin and radioactive materials.
10. Public passenger transportation terminals.
11. Radio and television transmission towers.
12. Recreational uses.
13. Sewage treatment plants.
14. Storage of bulk fertilizer, explosives, gas, grease and radioactive materials.
15. Transportation terminals.
16. Utilities.
17. Wireless communication facilities.

- D. Lot Area and Width- Lots shall have a minimum area of 80,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a minimum lot width of not less than 150 feet.
- E. Building Height - No principal building or parts of a principal building shall exceed 45 feet in height.
- F. Yards
  - 1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required.
  - 2. There shall be a side yard on each side of all structures not less than 25 feet in width.
  - 3. There shall be a rear yard of not less than 50 feet.
- G. Plans and Specifications to be Submitted to Plan Commission - To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-2 District shall not be issued without review and approval of the Town of Wayne Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

### **3.14 Q-1 QUARRYING DISTRICT**

The Q-1 Quarrying District is intended to provide for the conduct of quarries limited to extraction of onsite materials, to provide for related operations, and for the proper restoration of the quarried areas. These regulations provide for the restoration of quarries and extractive areas in a manner that will not deteriorate the natural environment, and are intended to be utilized in existing and planned quarry and extractive use areas.

- A. Principal Uses
  - 1. Essential services.
- B. Accessory Uses
  - 1. Accessory uses in the Q-1 District shall require a conditional use permit and shall be limited to those accessory uses listed in Subsection 3.14.C below.
- C. Conditional Uses (Also see Section 4.00)
  - 1. Aggregate, ready-mix, and asphalt plants, when accessory to active quarrying operations.
  - 2. Energy conservation uses.
  - 3. Manufacture of concrete building blocks or other similar concrete products, when accessory to quarrying operations.
  - 4. Peat and soil removal.
  - 5. Processing, crushing, refining, or washing of gravel, mineral ore, sand, or stone, when accessory to quarrying operations.
  - 6. Quarrying of gravel, mineral ore, sand, or stone.
  - 7. Radio and television transmission towers.
  - 8. Recreational uses.
  - 9. Stockpiling of gravel, mineral ore, sand, or stone, when accessory to quarrying operations.
  - 10. Utilities.
  - 11. Wireless communication facilities.
  - 12. The following uses where accessory to a conditional use:
    - a. Garages for the storage of vehicles.
    - b. Ground-mounted and building-mounted satellite dish and terrestrial antennas.
    - c. Maintenance buildings and weighing scales.

- d. Off Street parking and loading areas, provided they are properly screened.
  - e. Offices, storage, and power supply uses and structures.
- D. Lot Area and Width
- 1. Lots shall be a minimum of 3 acres in area.
  - 2. Lots shall not be less than 250 feet in width.
- E. Yards
- 1. No quarrying activities, crushing or washing operation or material stockpile shall be located closer than 200 feet to any property line.
  - 2. No building or parking area shall be located closer than 100 feet to a road centerline or 50 feet to any other property.
  - 3. No quarrying activity, crushing or washing operation, material stockpile, building, or parking area shall be located closer than 75 feet from the ordinary highwater mark of any navigable body of water.
- F. Building Height
- 1. No building or structure, or parts of a building or structure shall exceed 70 feet in height.
- G. Operation Plan Required - Each applicant for a conditional use in the Q-1 District shall submit an operation plan for approval by the Town Plan Commission. The operation plan shall specify:
- 1. A timetable for operation of the quarry, including the date on which the quarrying, extractive, or other operation will begin and the planned date of the completion of the operation.
  - 2. A phasing plan showing the location and timing of all proposed phases.
  - 3. Hours of operation and days of operation for the quarrying, extractive, or other operation.
  - 4. The means by which noise, dust, and other potential nuisances will be controlled.
  - 5. The means by which the applicant will control stormwater runoff and erosion to protect watersheds and groundwater aquifers.
  - 6. The location, height, and type of all proposed fences.
  - 7. All machinery and equipment to be used and/or stored during the quarrying, extractive, or other operation, and the location thereof.
  - 8. A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks or locomotives.
  - 9. The location and type of landscaping to be used to screen the quarrying operation from adjacent land uses and public rights-of-way.
  - 10. Other information as required by the Town Plan Commission.
- H. Restoration Requirements
- 1. In order to ensure that the area of a quarrying or related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall submit to the Town of Wayne for approval a plan for such restoration in accordance with the requirements of Town of Wayne Ordinance No. 2001-2, Nonmetallic Mining Ordinance.

### **3.15 L-1 LANDFILL DISTRICT**

The L-1 Landfill District is intended to regulate land use at landfill sites in the Town. The L-1 Landfill District is further intended to protect the natural resource base of the Town as well as the general public health and safety of Town residents.

#### A. Principal Uses

1. Essential services.

B. Accessory Uses

1. Accessory uses in the L-1 District shall require a conditional use permit and shall be limited to those accessory uses listed in Subsection 3.15.C below.

C. Conditional Uses (Also see Section 4.00)

1. Energy conservation uses.
2. Radio and television transmission towers.
3. Sanitary landfills when operated in accordance with the provisions of Chapters NR 500 through NR 551 of the Wisconsin Administrative Code and amendments thereto.
4. Structures and lands may be used for any purpose designated on the approved site restoration and reuse plan as provided for herein.
5. Utilities.
6. The following uses where accessory to a conditional use:
  - a. Garages for the storage of vehicles.
  - b. Ground-mounted and building-mounted satellite dish and terrestrial antennas.
  - c. Maintenance buildings and weighing scales.
  - d. Off Street parking and loading areas, provided they are properly screened.
  - e. Offices, storage, and power supply uses and structures.

D. Lot Area and Width

1. Lots shall be a minimum of 20 acres in area.
2. Lots shall not be less than 660 feet in width.

E. Yards

1. No landfill operation shall be located closer than 150 feet to any property line.
2. No building or parking area shall be located closer than 100 feet from a road centerline or 42 feet from a road right-of-way, whichever is greater.
3. No building or parking area shall be located closer than 50 feet from a side or rear property line.
4. No landfill operation, building, or parking area shall be located closer than 300 feet from the ordinary highwater mark of any navigable river or stream; or 1,000 feet from the ordinary highwater mark of a lake, pond, or flowage; or within the 100-year recurrence interval floodplain of any water body.
5. Landfill operations shall comply with the setback requirements set forth in Section NR 504.04(3) of the Wisconsin Administrative Code.

F. Building Height

1. No building or parts of a building shall exceed 35 feet in height.

G. Operation Plan Required - Each applicant for a conditional use in the L-1 District shall submit an operation plan for approval by the Town Plan Commission. The operation plan shall specify:

1. A timetable for operation of the landfill including the date on which the landfill operation will begin and the planned date of the completion of the operation.
2. A phasing plan showing the location and timing on all proposed phases.
3. Hours of operation and days of operation for the landfill operation.
4. The types of material or refuse to be disposed of at the site.
5. The means by which noise, dust, debris, and other potential nuisances will be controlled.
6. The means by which the applicant will collect and dispose of leachate to protect watersheds and groundwater aquifers.
7. The means by which the applicant will control stormwater runoff and erosion to protect watersheds and groundwater aquifers.

8. The location, height, and type of all proposed fences.
9. All machinery and equipment to be used and/or stored during the landfill operation.
10. A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks or locomotives.
11. The location and type of landscaping to be used to screen the landfill operation from adjacent land uses and public rights-of-way.
12. Other information required by the Town Plan Commission.

H. Restoration and Reuse Plan Required

1. Each applicant for a conditional use in the L-1 District shall submit a restoration and reuse plan for approval by the Town Plan Commission. The restoration and reuse plan shall specify:
  - a. Existing topography with contours at 2-foot intervals.
  - b. Proposed contours after filling or restoration.
  - c. Depth of the restored topsoil.
  - d. Plantings and other restoration improvements.
  - e. Restoration commencement and completion dates.
2. An update of the restoration plan shall be filed annually to show restoration progress. The applicant and/or owner of the sanitary landfill site shall furnish the necessary sureties, which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town Board.

### **3.16 I-1 INSTITUTIONAL DISTRICT**

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

A. Principal Uses

1. Cemeteries.
2. Essential services.
3. Funeral homes and crematoriums.
4. Hospitals, sanatoriums, nursing homes, and clinics.
5. Libraries, community centers, museums, and public art galleries.
6. Public or private schools, colleges, and universities.
7. Public administrative offices, public parks, and public service buildings, including fire and police stations.
8. Public utility offices.
9. Religious institutions.
10. Public, parochial or private elementary and secondary schools provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.

B. Accessory Uses

1. Accessory structures and uses as specified in Section 7.03.A through 7.03.F.
2. Garages for storage of vehicles used in conjunction with the operation of a permitted use.
3. Residential quarters for caretakers or clergy.
4. Service buildings and facilities normally accessory to a principal use.

C. Conditional Uses (Also see Section 4.00)

1. Energy conservation uses.
  2. Housing for the elderly under the administrative control of a unit of government.
  3. Utilities.
- D. Lot Area and Width
1. Lots shall have a minimum area of 40,000 square feet and shall be not less than 125 feet in width. Corner lots shall provide a lot width of not less than 150 feet.
- E. Building Height and Area
1. No building or parts of a building shall exceed 35 feet in height.
  2. The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.
  3. No accessory building shall exceed 15 feet in height or 864 square feet in area.
- F. Yards
1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater.
  2. There shall be a side yard on each side of all structures of not less than 20 feet.
  3. There shall be a rear yard of not less than 50 feet.
- G. Plans and Specifications to be Submitted to The Plan Commission
1. To encourage an institutional environment that is compatible with the rural character of the Town, zoning permits for uses in the I-1 District shall not be issued without review and approval of the Town of Wayne Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

### **3.17 P-1 PARK DISTRICT**

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Town of Wayne can be met without undue disturbance of natural resources and adjacent uses.

#### **A. Principal Uses**

1. Botanical gardens and arboretums.
2. Campgrounds.
3. Essential services.
4. Exhibition halls.
5. Fairgrounds.
6. Golf courses without country club facilities.
7. Historic monuments or sites.
8. Hiking, biking, and nature trails.
9. Outdoor skating rinks.
10. Parks and playgrounds.
11. Picnicking areas.
12. Playfields or athletic fields.
13. Public art galleries.
14. Sledding, skiing, or tobogganing areas.
15. Swimming beaches and pools.
16. Tennis courts.

17. Public, parochial or private elementary and secondary schools provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.
  18. Religious institutions provided the lot area is not less than two (2) acres and all principle structures and uses are not less than 50 feet from any lot line.
- B. Accessory Uses
1. Accessory structures and uses as specified in Section 7.03.A through 7.03.F.
  2. Garages for storage of vehicles used in conjunction with the operation of a principal use.
  3. Service buildings and facilities normally accessory to a principal use.
- C. Conditional Uses (Also see Section 4.00)
1. Energy conservation uses.
  2. Golf courses with country club facilities.
  3. Public, parochial, and private schools.
  4. Religious institutions.
  5. Utilities.
- D. Lot Area and Width
1. Lots in the P-1 District shall provide sufficient area and width for the principal use and its accessory buildings, off-street parking and loading areas, and required yards.
- E. Building Height and Area
1. No building or parts of a building shall exceed 35 feet in height.
- F. Yards
1. A minimum street yard (setback) of 100 feet from the road centerline or 42 feet from the road right-of-way, whichever is greater, shall be required.
  2. No building or structure shall be erected, altered or moved closer than 50 feet to any other lot line.
- G. Plans and Specifications to be Submitted to The Plan Commission
1. To encourage an environment that is compatible with the rural character of the Town, zoning permits for uses in the P-1 District shall not be issued without review and approval of the Town of Wayne Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

### **3.18 C-1 LOWLAND CONSERVANCY DISTRICT**

The C-1 Lowland Conservancy District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Town of Wayne. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for such use; and protect the water-based recreation resources of the Town.

A. Principal Uses

1. Construction and maintenance of fences.
2. Construction and maintenance of piers, docks, and walkways, including those built on pilings.
3. Ditching, tiling, dredging, excavating, or filling is done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

4. Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
5. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws or ordinances.
6. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, syrup, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, drain-ing, dredging, ditching, tiling, or excavating.
7. Maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
8. Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.

B. Accessory Uses

1. As specified in Section 7.03.A through 7.03.G.

C. Conditional Uses (Also see Section 4.00)

1. Energy conservation uses.
2. Recreational uses.
3. Utilities.

D. Plans and Specifications to be Submitted to The Plan Commission

1. Every applicant for a principal use in the C-1 District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed use or structure to the Town Plan Commission, who will approve said plans only after determining that the proposed use will not be contrary to the purpose of the C-1 District. In addition, any use proposed in the shoreland portion of the C-1 District shall not be permitted without first obtaining any permit required by the Washington County Land Use and Parks Department.

### **3.19 C-2 UPLAND CONSERVANCY DISTRICT**

The C-2 Upland Conservancy District is intended to preserve, protect, enhance, and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town.

A. Principal Uses

1. Agricultural uses when conducted in accordance with County Conservation Standards.
2. Forest management.
3. Essential services.
4. Fish hatcheries.
5. Game farms and game management.
6. General farm buildings including barns, silos, sheds, and storage bins.
7. Hunting and fishing clubs.
8. Preservation of scenic, historic, and scientific areas.
9. Single-family dwellings.
10. The keeping and raising of domestic stock for agribusiness, breeding, recreation, show, or other purposes providing that the total number of animals shall not exceed the following:

- a. No more than one horse, cow, hog, sheep, or similar animal, over 6 months of age, shall be kept for each acre; or
- b. No more than 5 chickens, ducks, or similar poultry, over 2 months of age, shall be kept for each acre; or
- c. No more than 8 rabbits or hare, over 2 months of age, shall be kept for each acre.
- d. The keeping and raising of fur-bearing animals, except rabbits, is prohibited.
- e. Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.

**B. Accessory Uses**

1. Gardening, tool, and storage sheds incidental to the residential use, with a floor area no greater than 864 square feet, and in accordance with the requirements of Section 7.03.B.
2. Home occupations and professional home offices subject to the requirements of Section 7.03.G.
3. Other accessory structures and uses as specified in Section 7.03.A through 7.03.F.

**C. Conditional Uses (Also see Section 4.00)**

1. Bed and breakfast establishments.
2. Energy conservation uses.
3. Recreational uses.
4. Utilities.

**D. Lot Area and Width**

1. Parcels shall have a minimum area of 5 acres and shall be not less than 330 feet in width. Lots located on a cul-de-sac or curve may be reduced to not less than 66 feet in width at the street right-of-way line provided there is at least 330 feet of width at the required building setback line.

**E. Building Height and Area**

1. No building or parts of a building shall exceed 35 feet in height.
2. The total minimum floor area of a dwelling shall be 1,200 square feet for a one-story dwelling and 1,600 square feet for a multi-story dwelling. Multi-story dwellings shall have a minimum first floor area of 1,000 square feet.

**F. Yards**

1. A minimum street yard (setback) of 100 feet from the road centerline or 75 feet from the road right-of-way, whichever is greater, shall be required.
2. No building or structure shall be erected, altered or moved closer than 50 feet to any other lot line.

**G. Plans and Specifications to be Submitted to The Plan Commission**

1. Every applicant for a principal use in the C-2 District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed use or structure to the Town Plan Commission, who will approve said plans only after determining that the proposed use will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety, or substantially diminish or impair property values within the Town.

**3.20 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

The PUD Planned Unit Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified

location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

A. Application of District - The PUD Overlay District may be applied to the following basic use districts:

1. R-1 Single-Family Residential District.
2. R-2 Single-Family and Two-Family Residential District.
3. R-3 Multi-Family Residential District.
4. R-4 Hamlet Residential District.
5. B-1 Hamlet Business District.
6. B-2 Community Business District.
7. B-3 Highway Business District.
8. M-1 Limited Manufacturing District.
9. M-2 General Manufacturing District.
10. I-1 Institutional District.
11. P-1 Park District.

B. Principal Uses

1. Principal uses in a Planned Unit Development Overlay District shall conform to the principal uses allowed in the underlying basic use district. Individual structures shall comply with the specific floor area and height requirements of the underlying basic use district, except as provided in Section 3.20.E.5.c below. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.

C. Minimum Area Requirements

1. Areas designated as Planned Unit Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

<u>Principal Uses</u>	<u>Minimum Area of PUD</u>
Residential PUD	10 acres
Commercial PUD	5 acres
Industrial PUD	20 acres
Mixed Compatible Use PUD	10 acres

D. Procedural Requirements

1. Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Town of Wayne Plan Commission or its staff to discuss the scope and proposed nature of the proposed development.
2. Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Town Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as

required by the Town Board pursuant to Section 2.12 of this ordinance, and the following information:

- a. A statement which sets forth the relationship of the proposed PUD to the Town's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
  1. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
  2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
  3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
  4. Any proposed departures from the standards of development as set forth in this Ordinance or other Town regulations.
  5. The expected date of commencement of physical development as set forth in the proposal.
- b. A general development plan including:
  1. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
  2. The location of public and private roads, driveways, and parking facilities.
  3. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
  4. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
  5. The type, size, and location of all structures.
  6. General landscape treatment.
  7. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
  8. The existing and proposed location of public sanitary sewer and water supply facilities.
  9. The existing and proposed location of all private utilities or other easements.
  10. Characteristics of soils related to contemplated specific uses.
  11. Existing topography on the site with contours at no greater than 2-foot intervals.
  12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
3. Referral to Plan Commission. The petition for a Planned Unit Development Overlay District shall be referred to the Town of Wayne Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.

4. Public Hearing. The Town Plan Commission and the Town Board shall hold a joint public hearing on the proposed PUD. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. As soon as is practical following the hearing, the Town Plan Commission shall report its findings and recommendations to the Town Board.

E. Basis for Approval of the Petition

1. The Town Plan Commission in making its recommendation and the Town Board in making its determination shall consider:
2. That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PUD within 9 months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
3. That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and would not be contrary to the general welfare and economic prosperity of the community.
4. The Town Plan Commission in making its recommendations and the Town Board in making its determination shall further find that:
  - a. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
  - b. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
  - c. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
  - d. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Town.
  - e. The proposed site shall be provided with adequate public or private sanitary sewerage and water distribution facilities. Centralized water and sewer facilities shall be preferred.
  - f. The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one owner, the petition for such Planned Unit Development Overlay District shall be considered as one tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Washington County Register of Deeds.
5. That in the case of a proposed residential Planned Unit Development Overlay District:
  - a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

- b. The total net residential density within the Planned Unit Development Overlay District will be compatible with the Town Comprehensive Plan or component thereof.
  - c. Where public sanitary sewerage facilities are provided, the Town Plan Commission may permit reduction of individual lot area to 50 percent of that required by the underlying zoning district.
  - d. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
  - e. Adequate, continuing fire and police protection is available.
  - f. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
6. That in the case of a proposed commercial Planned Unit Development Overlay District:
- a. The proposed development will be adequately served by off-street parking and truck service facilities.
  - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
  - c. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
7. That in the case of a proposed industrial Planned Unit Development Overlay District:
- a. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
  - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
  - c. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
  - d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
8. That in the case of a mixed use Planned Unit Development Overlay District:
- a. The proposed mixture of uses produces a unified composite, which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.

- b. The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
- c. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

F. Determination

- 1. 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 Planned Unit Development Overlay District shall be based upon and include as conditions thereto the building, site, and operational plans for the development as approved by the Town Board.

G. Changes and Additions

- 1. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town of Wayne Plan Commission and, if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Town Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 14.00 of this Ordinance, and said proposed alterations and Plan Commission recommendations shall be submitted to the Town Board for consideration.

H. Subsequent Land Division

- 1. The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Town and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.