

**SECTION 4**  
**ZONING DISTRICTS AND USE REQUIREMENTS AND LIMITATIONS**

**4.1 ESTABLISHMENT OF ZONING DISTRICTS.**

In order to carry out the stated purpose and intent of this Ordinance, the Town of Clyman is hereby divided into the following six (6) zoning districts:

**Agricultural Districts**

- (1) AG Agricultural District

**Residential Districts**

- (2) UR Urban Residential District

**Business Districts**

- (3) HB Highway Business District
- (4) AB Agricultural Business District

**Open Use Districts**

- (5) PR Park & Recreational District
- (6) QE Quarry & Extractive District

**4.2 RELATIONSHIP TO AND IMPLEMENTATION OF THE LAND USE PLAN.**

A stated purpose of this Ordinance is to regulate the use and development of all land and structures in the Town and, in so doing, guide the future growth of and development in the Town in accordance with the Town's overall Master Plan and/or each individual component, such as the Land Use Plan (adopted as one component of the overall Master Plan).

As a means of implementing the development policies of the Town's Land Use Plan and to further define the specific land uses and types of development that are allowed within each of the generalized land use categories presented on the Town's Land Use Plan Map, the assignment of zoning districts to land in the Town coincides with the Land Use Plan Map categories as presented in the following table. While the assignment of a particular zoning district to an already developed property may be inconsistent with the generalized Land Use Map category within which that property is located, it is intended that this table be used by the Town Plan Commission and Board when considering whether a new and different development or land use is consistent with the development policies of the Town's Land Use Plan.

**Town of Clyman Land Use Plan Map Categories**

Zoning Districts	Agricultural Preservation & Open Space	Urban Service Area	Rural/ Agricultural Industry	Highway Business & Commercial
AG: Agricultural	✓	✓	✓	✓
UR: Urban Residential		✓		
HB: Highway Business				✓
AB: Agricultural Business	✓	✓	✓	✓
PR: Park & Recreation	✓	✓		
QE: Quarrying & Extractive	✓			

**4.3 ZONING DISTRICT MAPS.**

The location and boundaries of the districts established by this Ordinance are set forth in the Official Zoning Map, dated March 20, 2000, and as may be amended from time to time, which is incorporated herein and hereby made a part of this Ordinance. The Official Zoning Map, together with everything shown thereon, and all amendments thereto shall be as much a part of this Ordinance as though fully set forth and included herein.

**4.4 DISTRICT BOUNDARIES.**

When uncertainty exists with respect to the actual boundaries of the zoning districts presented on the Official Zoning Map, the following rules shall apply:

- (1) Where the designation of the Official Zoning Map indicates that various zoning districts are approximately bounded by a street, railroad, or stream, the centerline of the right-of-way or main channel shall be construed to be the zoning district boundary line.

All streets, railroads, and watercourses, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, railroads, and watercourses. Where the centerline of a street, railroad, or watercourse serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

**4.5 ZONING OF DETACHED LAND.**

Any additions to the Town resulting from disconnection from incorporated areas in Dodge County, shall be automatically classified in the AG: Agricultural Zoning District until otherwise classified by amendment.

**4.6 AG: AGRICULTURAL DISTRICT.****(1) Intent.**

The Agricultural District is intended to:

- (a) provide for the preservation and protection of existing and future farming and other agricultural activities and land uses where farming is a viable component of the local and regional economy;
- (b) separate agricultural activities and land uses from incompatible residential, commercial, and industrial development and land uses and certain public facilities;
- (c) provide for the continued use of existing residential parcels and to allow the creation and development of only a limited number of non-farm, low-density residential lots in a manner that:
  - 1. minimizes the costs of providing public facilities and services; and
  - 2. minimizes potential conflicts with agricultural land uses by limiting the density, maximum lot area and relative location of non-farm uses by "clustering" non-farm lots within farm parcels where soil productivity and topography are less suited for agriculture uses and well suited for on-site sewage systems.
- (d) encourage and provide for the transfer of non-farm development rights between adjoining and non-adjoining parcels under the same or common ownership.

In addition to large farm units and operations, lands in the Agricultural District may also include smaller farm units suitable for specialized agricultural activities, including: truck farming and cash cropping, hobby farming, orchards, the keeping and raising of horses for boarding, breeding and riding, the keeping and raising of domestic and exotic livestock, and other suitable agricultural uses.

**(2) Principal Uses and Structures.**

- (a) agricultural uses and activities, including, but not limited to:
  - 1. grain, seed and vegetable crop production.
  - 2. keeping and raising livestock (excluding Concentrated Animal Feedlot Operations).
  - 3. dairying (excluding Concentrated Animal Feedlot Operations).
  - 4. sod farms and orchards.
  - 5. tree, landscaping, plant nurseries and greenhouses (production operations only, no retail sales).
  - 6. wildlife refuges, game farms and fish hatcheries.
  - 7. forestry uses and game management.
- (b) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins and structures used for storage of farm implements, machinery and related equipment.
- (c) single-family and multi-family farm dwellings and ancillary structures, essential services and facilities and utilities on parcels or tracts operating as a single farm unit where at least one dwelling is occupied by the farm operator and the others by at least one person who earns a substantial portion of his/her gross income and livelihood from the farm operation, or, is a member of the family of the farm operator where the type and number of dwellings is limited to one (1) dwelling unit per each fifty (50) acres of contiguous land area.

- (d) non-habitable, roadside stands or similar structures not to exceed 300 square feet and used for the seasonal or temporary sale of farm products where at least 50 percent are grown, produced or processed on the premises.
  - (e) residential dwellings and ancillary structures, essential services and facilities and utilities on separate non-farm lots or parcels that existed on the effective date of this Ordinance or remaining as a result of the consolidation of two or more farms.
  - (f) farm and non-farm dwellings and ancillary structures, and facilities and utilities in existence on the effective date of this Ordinance.
  - (g) Home occupations.
- (3) Conditional Uses and Structures. (see Section 6 ).
- (a) Single-family residential dwellings located on separate, non-farm residential lots or parcels divided from a farm parent tract subject to the provisions in Section 4.12.
  - (b) Housing for seasonal or migratory farm laborers subject to the following regulations:
    1. lots, parcels, or tracts devoted to the farm operation upon which such housing is located shall be not less than one-hundred (100) acres;
    2. is only occupied by farm laborers;
    3. notwithstanding other provisions in this Ordinance regulating their use and placement, only mobile homes or other similarly removable dwelling structures shall be used; and
    4. dwellings are removed when farm laborers are no longer used as part of the farm operation.
  - (c) Government-operated or other public uses, services and buildings including but not limited to:
    1. public, private, and parochial schools
    2. churches and cemeteries
    3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
    4. airports, airstrips, aircraft landing fields, heliports
  - (d) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance and that do not conflict nor impair agricultural use. Such uses may include, but not be limited to:
    1. sewage treatment facilities
    2. commercial communication towers and relay facilities
    3. electricity, natural gas and other essential service and facility transmission equipment
  - (e) Storage of commercial and recreational vehicles and other non-farm equipment in enclosed farm buildings existing on the effective date of this Ordinance where such use does not interfere or conflict with agricultural uses or operations and, if conducted as or part of a separate business, shall be subject to all regulations and requirements for farm-related or residential businesses.
  - (f) Bed & Breakfast establishments.
  - (g) Private hunting and fishing areas ; including, but not limited to game farms.
  - (h) Raising , breeding, boarding and/or sheltering of domestic and exotic or other non-traditional livestock, including but not limited to, llama, emu, buffalo, etc., but excluding Concentrated Animal Feedlot Operations (CAFO's).
  - (i) The keeping and raising of livestock for non-commercial, family consumption or enjoyment purposes on lots or parcels greater than one (1) and less than

twenty (20) acres in area and in appropriate barn and stable facilities subject to the following provisions:

1. unless specifically permitted in a conditional use permit, the number of animals kept shall not exceed the equivalent of one (1) livestock unit per whole acre where a livestock unit shall be the equivalent of one adult of the following:
  - a. one (1) cow, steer or buffalo, horse, llama or camel
  - c. two (2) pigs, hogs, or sheep
  - d. three (3) goats, ostrich, or emu
  - e. ten (10) poultry
  - g. one (1) other similar exotic or specialty animals or fowl not specifically listed above
  
- (j) Animal hospitals, veterinary facilities, and kennels.
- (k) Private airstrips, heliports, and landing fields provided the lot or parcel upon which such use is located is not less than one-hundred (100) acres in area.
- (l) Short-term mineral extraction and mining activities for periods not to exceed three (3) years of operation meeting the plan and restoration requirements of Section 4.11(14).
- (m) Home-based Residential (non-farm) Businesses and Occupations subject to the following minimum regulations:
  1. such use shall be conducted entirely within the confines of a principal residence or residential accessory building, or, in the rear or side yard of a lot or parcel and properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
  2. no more than one (1) acre of land shall be devoted to such use including areas used for buildings, parking, and storage;
  3. storage of all items shall be in the rear or side yard of a lot or parcel and shall either be within the confines of a building or a properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
  4. other than persons residing on the site, lot or parcel, no more than three (3) non-related persons may be employed in the residential business.
- (n) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (o) salvage and junk yard operations on lots or parcels greater than twenty-five (25) acres in area.
- (p) Concentrated Animal Feedlot Operations (CAFO's) on parcels greater than fifty (50) acres in area.
- (q) Farms for the disposal, injection and/or land spreading of non-agricultural waste. *{amended 5/10/2004}*
  
- (4) Accessory Uses and Structures. (see Section 5 ).
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7 ).



**4.7 UR: URBAN RESIDENTIAL DISTRICT.****(1) Intent.**

The Urban Residential District is intended to regulate and provide for the orderly development of single-family residential "open space" subdivisions served by public or other centralized sanitary sewer systems (only). Further, the UR District is intended to: (1) satisfy the increasing demand for rural non-farm, single-family development in the Town; (2) minimize the impact of such development on adjacent farm land; and (3) further the goal of preserving the rural character, lifestyle and open spaces of the Town by regulating the density, extent, and location of such development. Generally, the provisions of this district require that:

- the minimum area required per subdivision is twenty -five (25) acres;
- the maximum density of development allowed does not exceed one (1) single-family dwelling unit per one (1) gross acre when a minimum of twenty-five (25) percent of the entire subdivision area is preserved as open space (OPTION 1) or 1.25 single-family dwelling units per one (1) gross acre when a minimum of fifty (50) percent of the subdivision area is preserved as open space (OPTION 2);
- the minimum area required per residential lot is 2/3 acre (30,000 square feet) when the subdivision is developed under Option 1 with a minimum of 25 percent open space and 1/3 acre (15,000 square feet) when the subdivision is developed under Option 2 with a minimum of 50 percent open space;
- the subdivision layout is designed to preserve, protect and minimize disturbance of any natural resource features and environmentally sensitive areas within the subdivision tract by "clustering" the developed homesites away from such features and on lands more suitable for urban development and less likely to adversely affect (or be affected by) agricultural operations on adjacent or nearby land.

**(2) Principal Uses and Structures.**

- (a) Single-family dwellings and accessory structures, facilities, utilities and essential services.
- (b) Foster homes and community living arrangements.
- (c) Family day-care homes as set forth in Section 66.304, Wis. Stats.
- (d) Existing farmstead dwellings.
- (e) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and passive recreation areas that do not require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlots.
- (f) Natural and man-made storm water management areas, facilities, and structures.
- (g) general farming, including grain, seed and vegetable crop production, and orchards.
- (h) Home occupations and professional home offices.

**(3) Conditional Uses and Structures. (see Section 6 ).**

- (a) Golf courses, playfields, parks, and other active recreational uses requiring or involving the development of buildings, structures or facilities.
- (b) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and

- passive recreation areas that require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlots.
- (c) Government-operated or other public uses, services and buildings on parcels not less than two (2) acres in area, including but not limited to:
    - 1. public, private, and parochial schools
    - 2. churches and cemeteries
    - 3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
  - (d) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (4) Accessory Uses and Structures. (see Section 5 ).
  - (5) Non-Conforming Uses, Structures, and Lots. (see Section 7 ).
  - (6) Subdivision and Parcel Density, Area, Width and Public Street Frontage.
    - (a) Maximum Subdivision Dwelling Unit/homesite Density:
      - one (1) per 1.0 acres (Option 1)
      - one (1) per 1.25 acres (Option 2)
    - (b) Minimum Subdivision Area: 25 acres (subdivision tract)
    - (c) Minimum Lot Area:
      - 30,000 square feet (Option 1)
      - 15,000 square feet (Option 2)
    - (d) Minimum Lot Width: 125 feet measured at the actual street yard building setback
  - (7) Building Height.
    - (a) maximum:
      - (35) feet (principal building or structure)
      - (20) feet (accessory building or structure)
  - (8) Building and Site Area Restrictions.
    - (a) Maximum Floor Area Ratio: (25) percent.
  - (9) Building Setbacks.
    - (a) Minimum side yard: 10 feet one side (25 feet both sides)
    - (b) Minimum rear yard: 30 feet.
    - (c) Minimum street yard: see Section 3.4(3).
  - (10) Vehicle Access, Parking, and Loading. (see Section 8 ).
  - (11) Landscaping, Bufferyard, and Lighting. (see Section 9 ).
  - (12) Signs. (see Section 10 ).
  - (13) Site & Operation Plan Requirements. (see Section 11 ).
  - (14) Open Space Area Requirements.
    - (a) A minimum percentage of the total gross area of a subdivision tract shall be preserved as open space in accordance with the following:
      - OPTION 1: Twenty-five (25) percent; or
      - OPTION 2: Fifty (50) percent.



Said open space shall be established in one or more open space areas that are either designated, dedicated, reserved, or restricted for public or private use or enjoyment by property owners and/or occupants of adjoining land in the subdivision. Said open space shall not include areas required for public highways, road or streets.

- (b) Open spaces areas shall be comprised of:
  - 1. undevelopable and indivisible outlots owned in equal undivided interest by the owners of the other lots or parcels within the subdivision plat or certified survey map (CSM) as tenants in common (see Open Space Area Ownership and Maintenance Requirements below) and designated as such on the subdivision plat or certified survey map (CSM) for the parcel being developed and in the deed of conveyance for each lot or parcel.

(16) Open Space Area Ownership and Maintenance Requirements.

- (a) Open space areas may be dedicated to and accepted by the Town, county or State if said open space areas are contained in an adopted Park/Open Space/Conservancy Plan.
- (b) Unless otherwise dedicated for public use as provided herein, all open space areas counted toward the satisfaction of the minimum open space requirements shall be subject to conservation and/or other open space preservation easements regulating the protection of said open space areas from further development and/or division. Such easements shall be reflected on the subdivision plat or certified survey map (CSM) and contained in a restrictive covenant or other legal instrument reviewed and approved by legal counsel for the Town. Said instruments shall ensure that all such easements are held privately and in perpetuity by the individual property owner or a non-profit membership corporation or other legal entity, e.g. homeowner's association, and that the developer, individual property owner, or other legal entity is responsible for the ownership, perpetuation, care, and maintenance of all such open space areas.
- (c) Said instrument shall legally describe and identify as to location, size, use and maintenance of the open space area(s) subject to the conservation or other open space preservation easement, compulsory membership and compulsory assessment provisions for all property owners within the subdivision (when applicable) for the perpetual care and maintenance of said open space area(s).

(17) Cluster Development Design Criteria.

The design and layout of residential lots or parcels and open space outlots should, to the greatest extent possible, satisfy the following:

- (a) individual lots shall be designed and arranged in order to minimize the destruction or alteration of natural resource features located within the parcel(s) proposed for development. In order of priority, open space outlots containing the following natural resource, open space and agricultural features in whole or in combination in order to maximize preservation of the Town's rural character:
  - 1. lakes, ponds, rivers, streams, wetlands, shorelands and floodplains
  - 2. woodlots and forests
  - 3. steep slopes (greater than 12%)

4. other areas located within Environmental Corridors as designated on the Town's Land Use Plan Map
  5. other areas comprised of wet, poorly drained and organic soils
  6. prairies
  7. primary, secondary and other farmlands as may be designated in the Dodge County Farmland Preservation Plan
  8. other drainage and storm water facilities.
- (b) Open space areas should be designed and arranged as contiguous areas having a minimum area not less than 10 percent of the total gross area of the parcel(s) being developed.
- (c) Open space areas to be owned in common by all lot owners within the development should be design and arranged to:
1. provide a perimeter buffer not less than 50 feet in width between residential lots within the subdivision and adjoining property, and, a buffer of not less than 200 feet in width between the closest platted lot and any county, state, or town road.
  2. provide for the continuation of and cross-access between existing and future open space areas on adjoining properties.
  3. provide at least one (1) pedestrian-type accessway or easement from each public subdivision street to each open space area within the development that is not less than 30 feet in width.
- (d) Residential lots should be arranged within the parcel(s) being developed in order to:
1. minimize potential conflicts with adjoining agricultural uses and operations.
  2. minimize the number of abutting residential lots so no more than two (2) lots abut any other lot.
  3. maximize the number of lots that abut and have access to the open space areas provided within the development.
  4. locate on those areas within the subdivision that are best suited for on-site sewage systems.
- (e) Individual lots, parcels and outlots should be designed and arranged to minimize the amount of land required for additional public roads while providing for the future extension of public streets to adjoining vacant land.

**4.8 HB: HIGHWAY BUSINESS DISTRICT.**

- (1) Intent.  
The Highway Business District is intended to provide for the regulation and orderly development of highway-oriented commercial trade and service establishments along the State and County highways through the Town that are intended to serve the traveling public, or, are generally dependent upon such highways for successful operation.
- (2) Principal Uses and Structures.
- (a) Auto, truck, and farm implement and accessory equipment sales and service; including the retail sale of gasoline or diesel fuel.
  - (b) Hotels and motels.
  - (c) Establishments for the temporary storage and/or transfer of freight and vehicles used in the transport of goods and materials.
  - (d) Building supply and construction service establishments; including storage yards and offices.
  - (e) General offices for personal and professional services, including, but not limited to land surveying services, legal, accounting, engineering, and medical services, banks and other financial institutions and services, real estate services.
  - (f) General retail trade and service establishments which supply convenience and specialized goods and services, including, but not limited to: groceries, bakeries, antique and consignment stores & shops, bars, taverns and restaurants (with or without drive-through facilities), gift shops, hardware, paint and similar retail sales in individual or a clustering or one or more buildings not exceeding a cumulative total of 20,000 gross square feet in area.
- (3) Conditional Uses and Structures. (see Section 6 ).
- (a) Government-operated or other public uses, services and buildings, including but not limited to:
    - 1. public, private, and parochial schools
    - 2. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
  - (b) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
  - (c) General retail trade and service establishments which supply convenience and specialized goods and services, including, but not limited to: groceries, bakeries, antique and consignment stores & shops, bars, taverns and restaurants (with or without drive-through facilities), gift shops, hardware, paint and similar retail sales in individual or a clustering or one or more buildings exceeding a cumulative total of 20,000 gross square feet in area.
- (4) Accessory Uses and Structures. (see Section 5 ).
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7 ).
- (6) Parcel Area, Width and Public Street Frontage.
- (a) Minimum Area: 3 acres.
  - (b) Minimum Width: 200 feet.
  - (c) Minimum Public Street Frontage: 100 feet.
- (7) Building Height.
- (a) Maximum: 35 feet.
- (8) Building and Site Area Restrictions.

- (a) Maximum Floor Area Ratio: (40) percent.
  - (b) Maximum Impervious Surface: (60) percent.
- (9) Building Setbacks.
- (a) Minimum side yard: 50 feet.
  - (b) Minimum rear yard: 75 feet.
  - (c) Minimum street yard: 100 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8 ).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9 ).
- (12) Signs. (see Section 10 ).
- (13) Site & Operation Plan Requirements. (see Section 11 ).

**4.9 AB: AGRICULTURAL BUSINESS DISTRICT.**

- (1) Intent.  
The Agricultural Business District is intended to provide for the location and operation of manufacturing, processing, packaging, marketing, warehousing, storage, and service uses and activities that are necessary for, dependent upon or related to farming, raising livestock, and other agricultural activities.
- (2) Principal Uses and Structures.
- (a) All forms of agricultural uses and activities permitted in the AG: Agriculture District.
  - (b) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins, animal confinement facilities and structures.
- (3) Conditional Uses and Structures. (see Section 6 ).
- (a) Commercial stables for breeding, boarding, show, or riding and ancillary structures.
  - (b) Commercial feed, fertilizer, and other agricultural product warehousing, sales and storage.
  - (c) Farm implement, machinery and related equipment sales, repair and storage.
  - (d) Veterinary clinics and animal hospitals.
  - (e) Animal kennels.
  - (f) Milk and milk product processing, manufacturing, and storage.
  - (g) manufacturing, packaging, contractor services, and similar uses in an enclosed building.
  - (h) Grain, feed and fertilizer preparation, production, packaging and storage.
  - (i) Fruit, vegetable and farm produce sorting, processing, canning, drying, and packaging.
  - (j) Commercial greenhouse, nursery, and landscape operations.
  - (k) Government-operated or other public uses, services and buildings, including but not limited to:
    - 1. public, private, and parochial schools
    - 2. churches and cemeteries
    - 3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
    - 4. airports, airstrips, aircraft landing fields, heliports
  - (l) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:
    - 1. sewage treatment facilities
    - 2. commercial communication towers and relay facilities
    - 3. electricity, natural gas and other essential service and facility transmission equipment
  - (m) Storage of commercial and recreational vehicles and other non-farm equipment in enclosed farm buildings existing on the effective date of this Ordinance where such use does not interfere or conflict with agricultural uses or operations.
  - (n) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
  - (o) Commercial Truck Service and Repair, including fabricating/welding and storage of parts and supplies customarily associated with such service and repair. *{amended July, 2008}*

- (p) Biofuel Production, including storage for feedstocks, chemicals for biofuel production or chemicals recycled from the production process and end product; off-loading facilities for the same; and ancillary laboratory facilities for the testing of product quality or new product development. *{amended July, 2008}*
  - (q) Grease Recycling, including storing, rendering, processing and transporting for sale in a nuisance-free manner animal fat, vegetable oil and food wastes, as the term is described in Wis. Admin. Code Section NR 214.02, containing animal fat or vegetable oil. *{amended July, 2008}*
- (4) Accessory Uses and Structures. (see Section 5 ).
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7 ).
- (6) Parcel Area, Width & Public Street Frontage.
- (a) Minimum Area: 3 acres.
  - (b) Minimum Width: 200 feet.
  - (c) Minimum Public Street Frontage: 100 feet
- (7) Building Height.
- (a) Maximum: 35 feet (no-farm buildings)  
60 feet (farm buildings)
  - (b) Barns, elevators,  
grain dryers, silos and  
other farm structures: height shall not exceed distance from nearest  
property line.
  - (c) Non-habitable structures,  
including communication  
towers: height shall not exceed .75 times the distance  
from nearest property line up to a maximum  
of 200 feet in height.
- (8) Building and Site Area Restrictions.
- (a) Maximum Floor Area Ratio: (25) percent.
  - (b) Maximum Impervious Surface: (50) percent.
- (9) Building Setbacks.
- (a) Minimum side yard: 75 feet (livestock buildings).  
30 feet (non-livestock buildings).
  - (b) Minimum rear yard: 50 feet.
  - (c) Minimum street yard: 100 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8 ).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9 ).
- (12) Signs. (see Section 10 ).
- (13) Site & Operation Plan Requirements. (see Section 11 ).

**4.10 PR: PARK & RECREATIONAL DISTRICT.**

- (1) Intent.  
The Park & Recreational District is intended to provide for areas where the public and private outdoor recreational needs of the community can be met without undue disturbance of the Town's natural resources and adjacent land uses.
- (2) Principal Uses and Structures.
- (a) All forms of agricultural uses and activities permitted in the AG: Agriculture Zoning District.
  - (b) Bicycle and recreational trails.
  - (c) Botanical gardens and arboretums.
  - (d) Forest reserves (wilderness refuges).
  - (e) Golf courses (without country club or restaurant facilities).
  - (f) Hunting and fishing (without meeting buildings or facilities)
  - (g) Historic and monument sites.
  - (h) Ice skating (outdoor).
  - (i) Picnicing.
  - (j) Playfields, athletic fields, soccer fields, or outdoor courts (without permanent field lighting or buildings and structures).
  - (k) Playgrounds.
  - (l) Skiing, sledding and tobogganing areas (without lifts, tows, restaurant buildings or facilities).
  - (m) Swimming beaches and swimming pools.
  - (n) Tennis and racquetball courts.
- (3) Conditional Uses and Structures. (see Section 6 ).
- (a) country club, banquet hall, or other restaurant facilities associated with and accessory to an existing principal or permitted conditional use allowed in this district.
  - (b) Golf driving ranges, miniature golf and other golf-related facilities and operations not associated with an approved golf course.
  - (c) Private resorts, country clubs, gymnasiums, tennis court and athletic clubs, hunting, fishing and other sportsmen's clubs.
  - (d) archery and firearm ranges.
  - (e) Indoor and outdoor, single- or multiple-use recreation centers, including roller skating, ice skating, and skate boarding.
  - (f) Marinas, boat rentals and boat access sites.
  - (g) Playfields, athletic fields, soccer fields, or outdoor courts (with permanent field lighting or buildings and structures).
  - (h) Skiing, sledding and tobogganing areas (with lifts, tows, restaurant buildings or facilities).
  - (i) Government-operated or other public uses, services and buildings, including but not limited to:
    - 1. public, private, and parochial schools
    - 2. churches and cemeteries
    - 3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
    - 4. buildings for special events, gatherings and other public events such as museums, amphitheaters, arenas, exhibition halls, fairgrounds, fieldhouses.
  - (j) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in

other zoning districts provided in this Ordinance and that do not conflict nor impair agricultural use. Such uses may include, but not be limited to:

1. sewage treatment facilities
2. commercial communication towers and relay facilities
3. electricity, natural gas and other essential service and facility transmission equipment

- (k) Public and private campgrounds and travel trailer and recreational vehicle parks subject to the following minimum provisions and requirements (additional requirements may be required by the Plan Commission and Town Board as set forth in the conditional use permit):
1. campgrounds and parks, including those providing for travel trailers, recreational vehicles, cabins and tents shall have a minimum site area of thirty (30) contiguous acres.
  2. the maximum number of campsites shall not exceed fifteen (15) per net acre.
  3. each campsite shall provide a minimum area of twenty-five hundred (2,500) square feet; be separated by yard area not less than ten (10) feet in width; and be improved with an abutting parking space of not less than ten (10) feet by twenty-five (25) feet in addition to the access drive.
  4. One (1) additional parking space shall be provided for each five (5) campsites provided and conveniently located throughout the campground or park adjacent to access drives and/or recreational or service facilities.
  5. Passive and active recreation areas shall be provided within the campground in an amount equal to one-hundred (100) square feet per campsite.
  6. public utilities shall be placed underground and all access and circulation drives internal to the campground shall be a minimum twelve (12) feet in width for one-way drives; twenty-four (24) feet for two-way drives; and surfaced with a minimum of five (5) inches of road gravel covered by a minimum of three (3) inches asphalt surfacing.
  7. the Plan Commission may require additional fencing and/or landscaping as a means to discourage trespassing.
  8. recreational facilities, laundry buildings, and one (1) convenience-type retail store/lodge providing items for sale, rent or use for the benefit of the campground and not exceeding four thousand (4,000) square feet in total floor area, manager's office and storage buildings, sanitary facilities, and fences, may be permitted by the Plan Commission.
- (l) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional use s permitted in this district.

(4) Accessory Uses and Structures. (see Section 5 ).

(5) Non-Conforming Uses, Structures, and Lots. (see Section 7 ).

(6) Parcel Area, Width and Public Street Frontage.

- (a) Minimum Area: 2 acres.
- (b) Minimum Width: 300 feet.
- (c) Minimum Public Street Frontage: 100 feet.

(7) Building Height.

- (a) Maximum: 35 feet (no-farm buildings)



60 feet (farm buildings)

- (b) Barns, elevators, grain dryers, silos and other farm structures: height shall not exceed distance from nearest property line.
  - (c) Non-habitable structures, including communication towers: height shall not exceed .75 times the distance from nearest property line up to a maximum 200 feet in height.
- (8) Building and Site Area Restrictions.
- (a) Maximum Floor Area Ratio: (20) percent
  - (b) Maximum Impervious Surface: (35) percent.
- (9) Building Setbacks.
- (a) Minimum side yard: 50 feet
  - (b) Minimum rear yard: 50 feet.
  - (c) Minimum street yard: 100 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8 ).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9 ).
- (12) Signs. (see Section 10 ).
- (13) Site & Operation Plan Requirements. (see Section 11 ).

**4.11 QE: QUARRYING & EXTRACTIVE DISTRICT.**

- (1) Intent.  
The Quarrying & Extractive District is intended to accommodate the orderly operation and restoration of existing quarries and mineral extraction operations, as well as, for new quarries and mineral extraction operations in a manner that will allow the mining and processing of essential rock, sand, soil and other mineral resources while safeguarding the natural environment and adjacent land uses.
- (2) Principal Uses and Structures.  
(a) All forms of existing agricultural uses and activities permitted in the AG: Agriculture Districts.
- (3) Conditional Uses and Structures. (see Section 6 ).  
(a) Rock, sand, gravel, crushed and broken stone quarrying.  
(b) Crushing and processing of minerals indigenous to the site.  
(c) Peat and soil removal (borrow pits).  
(d) Stockpiles (when accessory to quarrying operations).  
(e) Washing, refining, or processing of rock, gravel, soil, sand and other minerals.  
(f) Aggregate, ready-mix, and asphalt plants.  
(g) Manufacture of concrete building blocks or other similar concrete products.  
(h) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot or should not be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:  
  
1. sewage treatment facilities  
2. commercial communication towers and relay facilities  
3. electricity, natural gas and other essential service and facility transmission equipment  
(i) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other conditional use s permitted in this district.
- (4) Accessory Uses and Structures. (also see Section 5 ).  
(a) the following facilities and structures when accessory to an approved conditional use(s):  
1. Garages for storage of vehicles used in conjunction with the operation of the principal use.  
2. Ground-mounted and building-mounted earth station dish and terrestrial antennas.  
3. Maintenance buildings.  
4. Off-street parking and loading areas provided that they are properly screened.  
5. Offices, storage, power supply, and other uses normally auxiliary to the principal use.  
6. Weighing scales.  
7. Any other facility or structure determined by the Plan Commission to be similar in character and/or function to the other accessory uses specified above.
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7 ).

- (6) Parcel Area, Width and Public Street Frontage.
- (a) Minimum Area: 50 acres.
  - (b) Minimum Width: 500 feet.
  - (c) Minimum Public Street Frontage: 500 feet.
- (7) Building Height.
- (a) Maximum: 35 feet.
  - (b) Non-habitable structures and equipment including communication towers: height shall not exceed .75 times the distance from nearest property line up to a maximum 200 feet in height.
- (8) Building and Site Area Restrictions.
- (a) Maximum Floor Area Ratio: (5) percent.
  - (b) Maximum Impervious Surface: (35) percent.
- (9) Building, Area of Excavation, Disposal, Stockpile or Storage Setbacks.
- (a) Minimum street yard: 250 feet (Town streets and roads)  
250 feet (State & County roads and highways)
  - (b) Minimum side and rear yard: 500 feet (residential property).  
250 feet (agricultural property).  
200 feet (commercial/industrial property).  
500 feet (conservancy property).
  - (c) Minimum Building Separation: 25 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8 ).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9 ).
- (12) Signs. (see Section 10 ).
- (13) Site & Operation Plan Requirements. (see Section 11 ).
- (14) Special Requirements.
- (a) Operation Plan  
Each applicant for a conditional use in the QE: Quarrying and Extractive District shall submit an operation plan for the proposed use. The operational 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 on 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 storm water runoff and erosion to protect watersheds and groundwater aquifers.
    6. the location, height, and type of all proposed fences.
    7. 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, extractive, or other operation from adjacent land uses and public rights-of-way.
10. other information required by the Plan Commission.

(b) Restoration Requirements

In order to insure that the area of quarrying, extractive, or related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall submit to the Plan Commission a plan for such restoration in the form of the following. Existing quarry operations shall submit a restoration plan within two years following the adoption of this Ordinance:

1. an agreement with the Town Board whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town Board.
2. a physical restoration plan showing existing topography (at a contour interval specified by the Plan Commission) and the proposed contours after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished. Every two years following the initial conditional use permit issuance, or adoption of this Ordinance, whichever is applicable, the applicant or his successor shall submit an update to the restoration plan showing restoration progress and existing topography of the quarry site.
3. a bond, letter of credit, certified check, or other financial guarantee satisfactory to the Town Board in an amount sufficient to secure the performance of the restoration agreement may be required.
4. such agreement and financial guarantee shall be in a form approved by the Town Board.
  - a. if applicant fails to fulfill the agreement such bond, check or other financial guarantee shall be deemed forfeit for the purpose of enabling the Town Board to perform the restoration.
  - b. restoration shall proceed as soon as practicable and at the order and direction of the Town Board. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than 2 years.
  - c. at any stage during the restoration the plan may be modified by mutual agreement between the Town Board and the owner or operator.
  - d. the restoration plan shall specify what fill material will be used, the method and extent of compaction, and the depth of topsoil upon completion of the quarry, extractive, or related operation. In all cases, fill shall consist of clean earth, and no more than 25 percent by volume per truckload of building stone or concrete, and no more than five (5) percent by volume per truckload of incidental asphalt. Where there is back filling, the method of back filling shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished condition of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed

- building or paving construction, shall be of sufficient depth of earth to support plant growth.
- e. within one (1) year after the cessation of the operation or any phase of the operation, all temporary structures (except fences), equipment, stockpiles, rubble heaps or other debris shall be removed or back filled into excavation so as to leave the premises in a neat and orderly condition.
  - f. in any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of one and one-half horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.
  - g. upon completion of quarry operations, the quarry operator shall be required to submit a restoration report prepared by a registered professional engineer certifying that the restoration plan has been fully complied with.
5. Restoration shall proceed as soon as practical and at the order and direction of the Town Board. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than 2 years. Aerial photographs of the quarry site shall be provided at least every other year and topographical data, to a detail required by the Plan Commission, shall be required at least every six years. The quarry operator shall be required to submit restoration progress reports and a final restoration report prepared by a registered professional engineer certifying that the restoration plan has been fully complied with.
- (c) Nonconforming Quarrying Uses  
Any nonconforming quarrying use in operation on the effective date of this Ordinance shall apply to the Plan Commission for a conditional use permit within one (1) year after said effective date. The Plan Commission may require a plan of operation, final restoration plan, intermediate restoration plans as deemed necessary, and may impose such restrictions upon the use of such site, the height and bulk of any structure as may be reasonable and not unduly burdensome or onerous under the particular circumstances, provided that such restrictions shall not be more restrictive than the current requirements (if any) established for the operation and are consistent with all applicable county and state regulations.

**4.12 USE STANDARDS.**

(1) *Non-Farm Residential Uses.*

Single-family residential dwellings, including previously existing farm dwellings and buildings resulting from farm consolidation, that are located on separate, non-farm residential lots or parcels divided from a farm parent tract subject to the following limitations and requirements *{amended 3/5/2001}*:

- (a) the number of non-farm lots that can be divided from a parent tract shall be limited in order to provide for the retention of the remaining lands for exclusively agricultural purposes. Therefore, parent tracts comprised of a minimum of (15) contiguous, gross acres are granted limited non-farm development rights as provided below:

The right to divide and develop one (1) non-farm lot is granted for the first fifteen (15) contiguous acres and one (1) additional non-farm development right for each additional fifty (50) acres. As an example, the total number of non-farm lots that can be divided from parent tracts of a given size are noted below:

Parent Tract Size (contiguous acres)	Total Development Rights: Non-farm Lots	Total Development Rights: Non-farm plus Farm (includes one development right per farm parent tract)
0-14.9	0	1
15.0-64.9	1	2
65.0-114.9	2	3
115.0-164.9	3	4
165.0-214.9	4	5
215.0-264.9	5	6
265.0-314.9	6	7

- (b) Except for lots created to include previously existing farm dwellings and other farm buildings, each non-farm lots created by division from a parent tract shall be limited in size as follows with a preference for the smallest practical size necessary to accommodate on-site sanitary disposal requirements except where soil and other characteristics of the land necessitate larger lots in order to accommodate safe and efficient septic system location, vehicle access, and logical land division:

- a. minimum: 1.0 acres
- b. maximum: 3.0 acres

The maximum lot are requirement may be increased up to five (5) acres where the creation of a lot equal or less than the three (3) acre maximum requirement would result in the creation of outlots that cannot be logically included as part of the original agricultural land and used for agricultural

purposes, or, where, in the opinion of the Plan Commission, an increase in the maximum area will result in a more logical layout or parcel configuration.

The right to divide and develop two (2) or more non-farm lots may be combined so that one, larger lot may be divided and developed. When individual non-farm lots are proposed for combination into one larger lot, the total number of non-farm lot rights shall be reduced by one (1) for every three (3) acres (or portion thereof) of additional land combined.

- (c) Lots that include previously existing farm dwellings and other farm buildings shall have a minimum area of one (1) acre and a maximum area to be determined by the Plan Commission based on the suitability of land and buildings to be used for hobby or other small-scale farm uses and the provision of a buffer yard surrounding the existing dwelling and other buildings remaining after the proposed farm consolidation and/or land division.

The minimum buffer yard width and landscaping requirements (if any) shall be determined by the Plan Commission and should be the minimum required to adequately buffer farm and non-farm land uses given existing site characteristics, e.g. topography, vegetation, etc. The maximum buffer yard width and landscaping requirements (if any) shall be determined by the Plan Commission and should be not more than one-hundred (100) feet in width unless this requirement would result in the creation of odd-shaped remnants or outlots that are impractical to use for agricultural purposes, or, when in the opinion of the Plan Commission, an increase in the buffer yard width is necessary to adequately buffer farm and non-farm land uses or results in a more logical layout and parcel configuration. The maximum area shall not exceed fifteen (15) acres. *{amended 3/5/2001; 5/10/2004}*.

- (d) all non-farm lots created by division of a farm parent tract shall be included in the certified survey map (CSM) or subdivision plat approving such division. The remaining land area of a parent tract may be required to be included in a CSM or plat along with specific restrictions limiting further division of a parent tract may be placed upon said CSM or subdivision plat to ensure compliance with the provisions of this section.
- (e) where and when practical, non-farm lots should be located on that area of a parent tract that is less suitable for agricultural uses than other areas within the parent tract by virtue of wooded areas, topography, shape of the parcel, and soil characteristics and where residential uses and residents will not limit nor adversely affect agricultural operations and where agricultural operations would not adversely affect residential uses and residents.
- (f) the configuration and layout of non-farm lots should follow existing tree lines, stone fences, and similar features, preserve such features as a natural buffer between said lots and agricultural uses of adjacent areas, and, where necessary, accommodate existing buildings and structures. The length of shared property lines between farm and non-farm lots shall be minimized.
- (g) The provisions of this section shall apply to all parent tracts as of the effective date of this Ordinance. For purposes of this section, a "parent tract" is defined as one or more contiguous parcels of land that (1) are held in single or common but separate ownership; and (2) are not separated or divided by roads, railroads, water courses, or other similar natural or man-made impediments.

- (h) CSM's and/or subdivision plats creating non-farm lots pursuant to this section shall contain an "agricultural nuisance disclosure" stating that: "the owners and/or residents of such non-farm lots may be subjected to the inconvenience, discomfort and possible damage to property and health resulting from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of farm machinery, the storage, disposal and application of manure and fertilizer, herbicides, and pesticides".
- (i) The transfer of non-farm development rights between adjoining and/or non-adjoining farm parent tracts that are located in the Town of Clyman and under the same, common or different ownership may be permitted provided that (1) a Deed of Development Rights Transfer (affecting both parcels involved in the transfer) and a Transfer of Development Rights (TDR) Agreement (mutually agreed to by the property owners and the Town Board) are recorded; and (2) the transfer of non-farm development rights and the subsequent development is consistent with and further the intent of this Ordinance.