

CODE OF ORDINANCES
Town of Willard, Rusk County, Wisconsin

CHAPTER 20
ZONING ORDINANCE

20.01 AUTHORITY, STATEMENT OF PURPOSE

- (1) **AUTHORITY.** The Town Board has the specific authority under the State of Wisconsin Statutes and the Town's Village Powers to adopt and enforce this ordinance. Therefore, the Town of Willard, Rusk County, Wisconsin does ordain as follows.
- (2) **PURPOSE.** The purpose of this ordinance is to promote the health, safety, prosperity, and general welfare of the Town.
- (3) **INTENT.** It is the general intent of this ordinance to regulate development through zoning powers granted to the Town through Wisconsin Statutes so as to lessen congestion and promote the safety and efficiency of the roads and highways; secure safety from fire, flooding, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding, avoid undue population concentration; facilitate the adequate and economical provision of public facilities and utilities; stabilize and protect property values; guarantee the appropriate use of land and conservation of natural resources, and economic base of the Town. It is intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.
- (4) **ABROGATION AND GREATER RESTRICTIONS**
It is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. Wherever this ordinance imposes greater restrictions the provisions of this ordinance shall govern.
- (5) **INTERPRETATION**
In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted under Wisconsin Statutes. All reference to state statutes or administrative codes are intended to include any subsequent revisions or amendments.
- (6) **SEVERABILITY**
If any section, clause, provision or portion of these ordinances is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (7) **REPEAL**
All other ordinances or parts of ordinances of the Town inconsistent or conflicting with these ordinances, or to the extent of the inconsistency only, are hereby repealed.
- (8) **TITLE**
This ordinance shall be known as TOWN OF WILLARD, RUSK COUNTY, WISCONSIN ZONING ORDINANCE.
- (9) **EFFECTIVE DATE**
This ordinance shall be effective after publication and/or posting, and/or holding a public hearing, and adoption by the Town Board as provided by law.

20.02 DEFINITIONS For the purpose of this ordinance the following definitions shall be used. Words used in the present tense include the future tense, the singular number includes the plural number, and the plural number includes the singular number. The word 'shall' is mandatory and not optional.

Accessory Use or Structure: a use or detached structure subordinate to the principal use of a structure, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

Animal Unit: one animal unit is equal to one thousand (1,000) pounds.

Area Variance: an authorization for a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure.

Basement: that portion of any structure located partly below the average adjoining lot grade.

Bed and Breakfast (Bed and Breakfast Inn): a commercial establishment in a preexisting building offering overnight lodging and meals to registered overnight guests. Meals or beverages shall not be provided to non-overnight guests. The building and use are subject to all state building and health codes governing such purposes.

Boarding House: a building other than a hotel or restaurant, where meals and lodging are regularly furnished by prearrangement for compensation for four (4) or more persons, not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

Building: any structure having a roof, supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Area: the total living area bounded by the exterior walls of a building at the floor levels but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Building Height: the vertical distance, measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs or to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs or to the deck line or mansard roofs. See Table 2.

Camping Trailer: a portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

Centerline: a line equidistant from the edges of the median separating the main traveled ways of an existing or planned divided road or highway or the centerline of the main traveled way of a non-divided road or highway.

Conditional Uses: uses of a special nature as to make impractical their determination as a principal use in a district.

Dwelling: a building used, or intended to be used, exclusively as a home residence or sleeping space for human habitation but does not include boarding or lodging houses, motels, hotels, tents, cabins, camping trailers or motorhomes.

Dwelling Unit: one (1) or more rooms designed as a unit for occupancy by not more than one (1) family for living and sleeping.

Essential Services: services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include any underground, surface or overhead utility such as gas, electric, steam, water, sanitary sewerage, storm-water drainage, communication systems along with accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

Family: any number of persons together in one dwelling as a single housekeeping entity.

Foundation: the foundation of a residence or building upon which the superstructure rests. It is the support for the building. The foundation includes footings, foundation walls, pedestals, piers, mats, pilings and all other parts that provide support for the building and transmit the load to the underlying earth. Buildings are to be erected on permanent foundations with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the building trade as being permanent in nature.

Front Yard: a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

Frontage: the smallest dimensions of a lot abutting a road or highway measured along the street line.

Group Home (Developmental Care): a residential facility, licensed by the State, to provide a family residential living environment for persons who have developmental disabilities and/or are being treated for chemical addiction or other problems. A counselor or houseparent(s) shall be resident in the structure during those times residents are living in the structure. A Group Home provides overnight lodging for the residents. Variations of the traditional group home are daycare facilities described below. A Foster Home is the placement of children in a traditional family setting, which may include biological children of the adult family, and is not considered a Group Home.

Family Daycare Home: a family day care home is a dwelling also licensed as a daycare center by the State Department of Health and Social Services, where, for compensation or consideration, a resident of the dwelling provides group care for at least four (4) but not more than eight (8) children between the ages of infancy and seven (7) years of age at a location other than the child's home or the home of relatives or guardians. Overnight lodging is not to be provided at a daycare center.

Elderly Daycare Home: locations which provide daycare, and food service, for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight lodging is not to be provided at a daycare center.

Home Occupation: any occupation for gain or support conducted entirely within a home, by the resident occupants, which is customarily incidental to the principal use of the premises.

Junkyard: refer to definitions in current Wisconsin Statutes.

Lot: a parcel of land having a frontage on a road or highway, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this ordinance.

Lot Lines and Area: the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Width: means the shortest horizontal straight line measurement between the side lines of a parcel of land.

Manufactured Home, Mobile Home, Mobile Home Park: refer to definitions in the current Town of Willard Ordinances.

Motel: a series of attached, semi-attached or detached sleeping units with, or without cooking facilities, for the accommodation of transient guests.

Nonconforming Use of Structures: any structure, land or water lawfully used, occupied or erected at the time of the effective date of this ordinance or amendments thereto which do not conform to the regulations of this ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Open Space: any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Croplands, woodlands, fields, pastures, parkland, idle fields are some examples of unimproved land.

Parking Lot: a structure or premises containing five (5) or more parking spaces open to the public.

Parking Space or Stall: graded and surfaced areas of not less than two hundred (200) square feet in area either enclosed or open for the parking of motor vehicle, having adequate ingress and egress to a public road or highway.

Parties in interest: include all abutting property owners, all property owners within three hundred (300) feet, and all property owners of opposite frontages.

Professional Home Offices: residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other similar professions conducted within buildings by resident occupants which are customarily incidental to the principal use of the premises.

Rear Yard: means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

Road: means a thoroughfare, route, or way on land between two places that has been paved or otherwise improved to allow travel by some form of conveyance, including a motor vehicle.

Signs: any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

Structure: any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

Till: the process of preparing land for the raising of crops by plowing, harrowing and/or fertilizing.

Town Board: the Board of the Town of Willard and any committee, commission or person designated by the Town Board to administer and enforce this Ordinance.

Utilities: public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Use Variance: a Use Variance is an authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by Town Ordinance.

Variance: an authorization for modification or use of land that is otherwise not allowed or is prohibited by Town Ordinance. A variance may be an Area Variance or Use Variance.

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

20.03 GENERAL PROVISIONS

- (1) **JURISDICTION.** The jurisdiction of this ordinance shall include all lands and waters which are located within the limits of the Town of Willard, unless State of Wisconsin Laws, Rules, or Acts supersede.
- (2) **COMPLIANCE.** Structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected or moved, reconstructed, extended, enlarged, converted, or structurally altered without a building/site permit, if applicable, and without full compliance with the provisions of this ordinance and all other applicable local, county and state regulations.
- (3) **THE DUTY OF THE TOWN BOARD.** With the aid of the Town Zoning Committee, the Town Board shall be to administer this ordinance, investigate all complaints, give notice of violations, and to enforce the provisions of this ordinance. The Town Zoning Committee, Town Chair, and/or duly appointed deputies may enter with a twenty-four (24) hour notice onto any public or private land or waters to make a building or zoning inspection.
- (4) **ZONING, BUILDING SITE, VARIANCE AND CONDITIONAL USE PERMIT APPLICATION AND POLICY.**
 - (a) **Applications for zoning, building sites, area variances, conditional use permits, and use variances** shall be made to the Town on forms furnished by the Town. Set fees and policies for permits shall be established by the Town Board, and are listed in Appendix A. Review of a permit will not commence unless the required fee is paid. Failure to submit a required permit, or pay the required fee prior to the commencement of the proposed activity, shall constitute as a violation of this ordinance. The following describes the circumstances of when a building site, zoning, and conditional use permit application is required. An activity that does not require a permit application shall still comply with building codes and the Town Zoning Ordinance. A permit is required for any construction activity. Variances and Conditional Use permits may be issued with the guidance of the Town Zoning Committee and approval of the Town Board.
 - (b) **A Permit is required for ANY construction activity.**
 - (c) **A Permit is required** for initial construction or redesign of any driveway, entrance, or access road.
 - (d) **A Permit is required** for any movement of any structure.
 - (e) **A Permit is required** for any reduction or demolition of any structure.
 - (f) **A Permit is not required** for routine non-structural maintenance improvements, such as painting, staining, plastering, siding, asphalt roofing, and floor coverings. A building site permit is also not required when first installing or replacing household fixtures, such as furnaces, bathtubs, showers, sinks, stools, and air conditioning units.
 - (g) **Permit Application Fee.** A Permit application fee has been established by the Town Board. This fee structure may/will be reviewed each year by the Town Board. Fees are listed in Appendix A. ***This fee is required to be paid prior to the review of any permit.***
 - (h) **Permit Expiration.** A permit will expire in one year unless brought back to the Town Board for discussion and extension.
 - (i) **Any building permit that is in conflict** with the provisions of this ordinance shall be null and void.

- (j) **Conditional Use Determination.** If the proposed use of this site specified on a Building Permit requires a Conditional Use Determination, a written request for a Conditional Use shall be submitted on form(s) provided by the Town Board.
 1. The Town Board will determine if a property inspection is needed and whether the application may be reviewed by the Town Zoning Committee or Zoning Chair.
 2. A public hearing may be required. If a public hearing is required, the Town will arrange for public hearing and applicable presentation of the Zoning Committee's recommendation to the Town Board as soon as practical, but not to exceed sixty (60) days.
 3. A Conditional Use Permit may have an expiration date and may contain additional conditions for issuance.
- (k) **Use Variance.** If the proposed use of this site detailed on the Building Permit Application requires a Use Variance:
 1. The Town Board will determine if a property inspection is needed and whether the application may be reviewed by the Town Zoning Committee or Zoning Chair.
 2. A public hearing may be required. If a public hearing is required, the Town will arrange for public hearing and applicable presentation of the Zoning Committee's recommendation to the Town Board as soon as practical, but not to exceed sixty (60) days.
 3. A Use Variance may have an expiration date and may contain additional conditions for issuance.
- (l) **Area Variance.** If the proposed building site specified on a Building Permit Site Plan requires an Area Variance the Town may refer the General Building Permit Application for review by the Town Zoning Committee.
 1. The Town Board will determine if a property inspection is necessary and whether the application may be reviewed by the Town Zoning Committee or Zoning Chair.
 2. A public hearing may be required. If a public hearing is required, the Town will arrange for public hearing and applicable presentation of The Zoning Committee's recommendation to the Town Board as soon as practical, but not to exceed sixty (60) days.
- (m) **Zoning District Change.** If the proposed use of this site requires a Zoning District change, a written request for a Zoning District change shall be submitted on form(s) provided by the Town Board.
 1. The Town shall refer the application for review by the Town Zoning Committee.
 2. A public hearing is required. The Town will arrange for public hearing and applicable presentation of The Town Zoning Committee recommendation to the Town Board as soon as practical, but not to exceed sixty (60) days.
- (n) **Site and Lot Restrictions.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate, and general welfare of the Town. The Town Board, in applying the provisions of the section shall, in writing, recite the particular facts upon which it bases its conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if she/he so desires. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.
 1. **All lots, abutting upon** a town road or county road or state highway, shall have a minimum road or highway frontage width of forty (40) feet.
 2. **No site permit shall be issued** for a lot which does not abut a public road or highway that has not been dedicated to its required width, or has no access through an easement to a public road. The easement shall be a minimum of forty (40) feet.
 3. **Lot size shall be based on** the standards of this ordinance.

20.04 USE RESTRICTIONS. The following use restrictions and regulations shall apply:

- (1) **PRINCIPAL USES.** Only those principal uses specified for a district, their essential services and the following uses, shall be permitted in that district.
- (2) **ACCESSORY USES AND STRUCTURES** are permitted in any district so long as their principal structure is present, or under construction, within one year from the time the accessory structure was completed.
- (3) **CONDITIONAL USES, AND THEIR ACCESSORY USES,** are considered as special uses requiring review and approval by the Town Board.
- (4) **UNCLASSIFIED OR UNSPECIFIED USES** may be permitted by the Town Board provided that such uses are similar in character to the principal uses permitted in the district.
- (5) **TEMPORARY USES** such as shelters for materials and equipment, being used in the construction of a permanent structure will be permitted, (subject to regulation) by the Town Board.
- (6) **REDUCTION OR JOINT USE.** No lot, yard or parking area, building area or other space, shall be reduced in area or dimension so as not to meet the provisions of this ordinance. In case of any violation, a member of the Town Board, the Town Clerk, or the Town Zoning Committee may institute appropriate action or proceedings to enjoin a violation of this ordinance. Violators of this Ordinance shall be issued a warning setting forth the alleged violation, the corrective action to be taken, and the date by which the corrective action must be completed. If corrective action is not taken within the time period specified the Town may institute an action to impose the penalties set forth in this ordinance. The Town may also institute an action to obtain an injunction or other remedies where appropriate.

20.05 SURVEYS. Any new parcel shall require a certified survey.

20.06 PENALTIES. Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) per violation, plus the cost of correcting each violation, plus the cost of prosecution for each violation, and in default of payment of such forfeiture and cost, shall be imprisoned in the county jail until payment is received. This shall not exceed thirty (30) days. Each day a violation exists, or continues, shall constitute a separate offense.

20.07 ZONING DISTRICTS

(1) ESTABLISHED DISTRICTS. Five Zoning districts are provided as follows.

- (a) **A1** Agricultural
- (b) **C1** Commercial
- (c) **I1** Industrial
- (d) **RR1** Recreational Residential
- (e) **RR2** Residential Subdivision

(2) BOUNDARIES OF THESE DISTRICTS are hereby established as shown on a map titled 'Town of Willard, Rusk County, Wisconsin Zoning District Map'. Such boundaries shall be construed to follow corporate limits, US Publish Land Survey Lines, lot or property lines, centerlines of roads, highways, easements, and railroad rights of way or such lines extended unless otherwise noted on the zoning map.

(3) VACATION OF A PUBLIC ROAD shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

20.08 ZONING MAP

(1) 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.

(a) **CHANGES TO THE DISTRICTS** shall be entered and attested on the certified copy of the zoning map.

(b) **RULES FOR INTERPRETATION OF ZONE BOUNDARIES.** Where uncertainty exists as to the boundaries of the districts shown on the zoning map, the following rules shall apply:

- 1. Boundaries indicated as approximately following the centerlines of roads, highways or alleys shall be construed to follow such centerlines.
- 2. Boundaries indicated as approximately followed platted lot lines shall be construed as following such lot lines.
- 3. Boundaries indicated as approximately following Town and municipal boundaries shall be construed as following Town and municipal boundaries.
- 4. Boundaries indicated as parallel to, or extensions of, features indicated in the proceeding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

20.09 ZONE REGULATIONS. No person shall use land or a building or structure or erect, construct, reconstruct, move or structurally alter a building, structure or part thereof, except in conformance with the following regulations. Permitted uses in each zone shall be mutually exclusive i.e. only those uses identified and listed for each zone are permitted except as otherwise stated.

20.10 HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICE IN DWELLING. Home occupations, and professional home offices, are permitted within a single dwelling unit, but only to the person or persons maintaining the dwelling therein provided that no more than two nonresident persons shall be employed in the home occupation.

(1) EVIDENCE OF USE. One (1) sign having an area of not more than thirty-two (32) square feet shall be permitted.

(2) MINIMUM PARKING REQUIRED is listed in Table 1 of this ordinance.

20.11 A1 AGRICULTURAL ZONING DISTRICT STANDARDS

- (1) PURPOSE.** To preserve and protect farmlands for food and fiber production that are the greatest contributor to the Town's economy in the form of jobs, income and tax base, and to maintain the woodlands and serene character and quality of life in the Town.
- (2) PRINCIPAL PERMITTED USES.**
- (a) Single-family dwellings occupied by Owner or Employees
 - (b) Dairy Farming
 - (c) Plant and crop production
 - (d) Grazing orchards
 - (e) Livestock raising
 - (f) Wildlife management
 - (g) Idle fields
 - (h) Forest/woodlands management meadows
 - (i) Wetlands, Waterways
 - (j) Public park lands
 - (k) Home occupations
 - (l) Professional home office
 - (m) Barns, sheds, garages and other accessory structures to serve in farming operations and single-family dwellings.
 - (n) Essential services such as public and private utilities commonly used to serve farming operations and single-family homes and other conditionally approved uses.
 - (o) One roadside stand per farm used for the sale of products produced on the premises or adjoining premises.
- (3) CONDITIONAL USES.**
- (a) Communication towers and structures
 - (b) Nonprofit/sport, recreation, and conservation facilities
 - (c) Government Buildings
 - (d) Churches
- (4) LOT.**
- (a) **MINIMUM LOT SIZE.** Two and a half (2.5) acres per each single-family dwelling unit
 - (b) **MINIMUM LOT WIDTH.** One hundred (100) feet at Building Location
 - (c) **MINIMUM YARD SETBACKS.** Are listed in Table 2 of this ordinance.
 - (d) **MAXIMUM IMPERVIOUS SURFACE AREA.** To maintain attractive neighborhoods that blend in the rural agricultural landscape and to control excessive water run-off and soil erosion within this higher development density zone no more than forty-five percent (45%) of a lot may be covered by impervious surface area such as buildings and pavement.
- (5) RESIDENTIAL DWELLING UNIT BUILDING FOUNDATION.** All residential units are erected on, and securely anchored to, a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.
- (6) SAFE UNIFORM DWELLING CODE AND SANITARY CODES.** All dwelling units and septic and water systems shall conform to Wisconsin Uniform Dwelling Code.

20.12 C1 COMMERCIAL ZONING DISTRICT STANDARDS. The purpose of this zoning district is to provide areas for business sales, and business services, that are intended to primarily serve area residents and which are compatible with the rural and agricultural character of the Town. This district is also designed to provide for green spaces by placing limits on impervious surfaces in order to maintain the scenic countryside and provide for a healthy rural lifestyle and surroundings protected from traffic, congestion and incompatible land uses.

(1) PRINCIPAL PERMITTED USES. No uses are permitted as a matter of right within this district.

(2) CONDITIONAL USES.

- (a) Vehicular sales and service
- (b) Eating and/or drinking establishments
- (c) Rooming houses
- (d) Resort cabins
- (e) Bed and breakfast inns
- (f) Hotels
- (g) Motels
- (h) Liquor and/or grocery stores
- (i) Campgrounds
- (j) Gasoline stations
- (k) Places of entertainment and/or recreation
- (l) Hospitals, clinics, other medical facilities
- (m) Schools, churches
- (n) Family or elderly daycare facilities
- (o) Group homes
- (p) Lodges, clubs, fraternal organizations
- (q) Foundations
- (r) Government buildings
- (s) Buildings, driveways or roads constructed on slopes of twenty percent (20%) or greater
- (t) Single family dwelling of landowner, business owner, or business employee
- (u) Owner occupied duplex of landowner, business owner, or business employee

(3) PROHIBITED USES. Manufacturing Operations.

(4) DISSOLUTION OF BUSINESS. If the owner ceases all business operations on the property, this does not force the property to be removed from C1 Commercial Zoning District.

(5) LOT.

- (a) **MINIMUM LOT SIZE.** The minimum lot size for this zoning district is one (1) acre, more restrictive lot sizes may be established as part of the conditional use permit process.
- (b) **MINIMUM LOT WIDTH.** Two hundred (200) feet at building location.
- (c) **MINIMUM YARD SETBACKS.** Are listed in Table 2 of this ordinance.
- (d) **MAXIMUM IMPERVIOUS SURFACE AREA.** To maintain the rural agricultural character, the scenic countryside, and to prevent excessive water run-off and soil erosion: No more than eighty-five percent (85%) of a lot may be covered by impervious surface area such as buildings, driveways, and pavement.

(6) BUILDING FOUNDATION. All principal business buildings, and residential dwelling units, shall be erected on, and securely anchored to, a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.

(7) SAFE UNIFORM DWELLING CODE AND SANITARY CODES. All commercial buildings, dwelling units, and septic and water systems shall conform to applicable State Administrative codes.

20.13 I1 INDUSTRIAL ZONING DISTRICT STANDARDS

- (1) PURPOSE.** The district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities, or land areas such as quarrying and mining or which could, or would, create or tend to create, conditions of public or private nuisance, hazard, or other undesirable conditions, of which for these or other reasons may require special safeguards, equipment processes, buffers, barriers, landscaping, or other forms of protection including spatial distance, in order to reduce, eliminate or shield the public from such conditions.
- (2) PRINCIPAL PERMITTED USES. No uses are permitted as a matter of right within this district.**
- (3) CONDITIONAL USES.** The following are permitted as conditional uses within this district. Such uses shall be subject to the consideration of the Town Board with regard to such matters as the creation of nuisance conditions for the public or for the user of nearby areas, the creation of traffic hazards, the creation of health and environmental hazards, or other factors.

 - (a) Manufacturing establishments, usually described as factories, mills, plants, in which raw materials are transformed into finished products and establishments engaged in assembling component parts of manufactured products.
 - (b) Other industrial or commercial activities which possess special problem characteristics described above relating to the creation of hazards or nuisance conditions.
 - (c) The outdoor storage of industrial products, machinery equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
 - (d) Uses customarily incident to, or similar to, the above uses.
 - (e) A dwelling unit provided for a business owner, caretaker or superintendent
 - (f) Quarrying, mining, and other forms of natural resource exploitation.
 - (g) Essential services such as public and private utilities necessary to serve conditional uses.
 - (h) Buildings, driveways, or roads constructed on slopes of twenty percent (20%) or greater.
- (4) LOT.**

 - (a) **MINIMUM LOT SIZE.** The following are minimum standards, more restrictive lot sizes may be established as part of the conditional use permit process. Twenty (20) acres for quarrying, mining and other natural resource exploitation activities. Two and a half (2.5) acres for all other conditionally approved uses.
 - (b) **MINIMUM LOT WIDTH.** Two hundred (200) feet at building location.
 - (c) **MINIMUM YARD SETBACKS** are listed in Table 2 of this ordinance.
 - (d) **MAXIMUM IMPERVIOUS SURFACE AREA.** To maintain the rural agricultural character, and the scenic countryside, no more than eighty-five percent (85%) of a lot shall be covered with impervious surfaces such as buildings, driveways, parking lots and pavement.
- (5) BUILDING FOUNDATION.** All principal business building and residential dwelling units shall be erected on, and securely anchored to, a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.
- (6) SANITARY STANDARDS.** All conditionally permitted uses requiring a septic system shall conform to the standards of the Wisconsin Administrative Codes.
- (7) SITE PLANNING.** When an application for a building and zoning permit is submitted, the landowner shall also submit a site plan of the proposed development showing the location and size of the building, open space, landscaping design, storm water design, walkways, signage, access points, internal traffic circulation, water and sewer service, lighting, and parking areas.
- (8) SAFE UNIFORM DWELLING CODE AND SANITARY CODES.** All commercial buildings, dwelling units, and septic and water systems shall conform to applicable State Administrative codes.

20.14 RR1 RESIDENTIAL RECREATIONAL ZONING DISTRICT STANDARDS

- (1) PURPOSE.** To provide area for concentrations of residential development in or near existing developed areas to prevent inefficient urban sprawl into agricultural lands and the rural countryside. This zoning district is also intended to provide areas where pleasant residential neighborhoods can develop that provide for the healthy surroundings of community life protected from traffic, congestion, and incompatible land uses, and which can be economically served by public services due to higher development concentrations.
- (2) PRINCIPAL PERMITTED USES.** Single-family homes with one private garage per residence home, occupations and professional home offices, neighborhood park or playground, one accessory building not to exceed one hundred forty-four (144) square feet in floor area, essential services such as public and private utilities commonly used to serve single-family homes and other conditionally approved uses.
- (3) CONDITIONAL USES.**
 - (a) Occupations conducted in accessory buildings
 - (b) Owner occupied duplex
 - (c) Churches
 - (d) Schools
 - (e) Libraries
 - (f) Hospitals
 - (g) Community Centers
 - (h) Bed and Breakfast Inns
 - (i) Family daycare home
 - (j) Elderly daycare home
 - (k) Group home
 - (l) Cell towers
 - (m) Court regulated foster care homes for minor children or special adults
 - (n) Additional accessory buildings or structures
 - (o) Accessory buildings or structures exceeding one hundred forty-four (144) square feet
 - (p) A building, driveway, and/or road constructed on slopes of fifteen percent (15%) or greater
 - (q) Campground
- (4) LOT.**
 - (a) **MINIMUM LOT SIZE.** Two and a half (2.5) acres per dwelling unit
 - (b) **MINIMUM LOT WIDTH.** One hundred (100) feet at Building Location
 - (c) **MINIMUM YARD SETBACKS.** Are listed in Table 2 at the end of this ordinance.
 - (d) **MAXIMUM IMPERVIOUS SURFACE AREA.** To maintain attractive neighborhoods that blend in the rural agricultural landscape and to control excessive water run-off and soil erosion within this higher development density zone. No more than forty-five percent (45%) of a lot may be covered by impervious surface area such as buildings and pavement.
- (5) RESIDENTIAL DWELLING UNIT BUILDING FOUNDATION.** All residential units must be erected on, and securely anchored to, a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.
- (6) SAFE UNIFORM DWELLING CODE AND SANITARY CODES.** All dwelling units and septic and water systems shall conform to Wisconsin Uniform Dwelling Code.

20.15 RR2 RESIDENTIAL SUBDIVISION ZONING DISTRICT STANDARDS

- (1) PURPOSE.** To provide area for concentrations of residential development in or near existing developed areas to prevent inefficient urban sprawl into agricultural lands and the rural countryside. This zoning district is also intended to provide areas, where pleasant residential neighborhoods can develop, that provide for the healthy surroundings of community life protected from traffic congestion, incompatible land uses, and which can be economically served by public services due to higher development concentrations.
- (2) PRINCIPAL PERMITTED USES.** Single-family homes with one private garage per residence home, occupations and professional home offices, neighborhood park or playground, one accessory building not to exceed one hundred forty-four (144) square feet in floor area, essential services such as public and private utilities commonly used to serve single-family homes and other conditionally approved uses.
- (3) CONDITIONAL USES.**
 - (a) Occupations conducted in accessory buildings
 - (b) Owner occupied duplex
 - (c) Churches
 - (d) Schools
 - (e) Libraries
 - (f) Hospitals
 - (g) Community Centers
 - (h) Bed and Breakfast Inns
 - (i) Family daycare home
 - (j) Elderly daycare home
 - (k) Group home
 - (l) Cell towers
 - (m) Court regulated foster care homes for minor children or special adults
 - (n) Additional accessory buildings or structures
 - (o) Accessory buildings or structures exceeding one hundred forty-four (144) square feet
 - (p) A building, driveway, and/or road constructed on slopes of fifteen percent (15%) or greater
- (4) LOT**
 - (a) **MINIMUM LOT SIZE.** Thirty thousand (30,000) square feet per dwelling unit
 - (b) **MINIMUM LOT WIDTH.** One hundred (100) feet at Building Location
 - (c) **MINIMUM YARD SETBACKS.** Are listed in Table 2 of this ordinance.
 - (d) **MAXIMUM IMPERVIOUS SURFACE AREA.** To maintain attractive neighborhoods that blend in with the rural agricultural landscape, to control excessive water run-off and soil erosion, within this higher development density zone no more than forty-five percent (45%) of a lot may be covered by impervious surface area such as buildings and pavement.
- (5) RESIDENTIAL DWELLING UNIT BUILDING FOUNDATION.** All residential units must be erected on, and securely anchored to, a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.
- (6) SAFE UNIFORM DWELLING CODE AND SANITARY CODES.** All dwelling units and septic and water systems shall conform to Wisconsin Uniform Dwelling Code.

20.16 CONDITIONAL USES, CONDITIONAL USE PERMITS

- (1) **APPLICATION.** Applications for conditional use permits shall be submitted to the Town Clerk or Zoning Committee, on forms provided, and shall be accompanied by a plan showing the location, size, and shape of the lot(s) involved and any proposed structures and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the Town Board.
- (2) **REVIEW.** The proposed use of this site may require a **Conditional Use Determination, Area Variance, or Use Variance.** In all cases of proposed establishment of a conditional use specified in this ordinance, the Town shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area. To aid in the review of the proposed project against the above criteria, the Town Board shall evaluate the following applicable criteria, but shall not be limited thereto.
 - (a) Will the proposed project adversely affect property values in the area?
 - (b) Is the proposed use similar to other uses in the area?
 - (c) Is there provision of an approved sanitary waste disposal system?
 - (d) Is there provision for a potable water supply?
 - (e) Is there provision for solid waste disposal?
 - (f) Will the proposed use create substantial noise, odor, or dust?
 - (g) Is there provision of safe vehicular and pedestrian access?
 - (h) Will the proposed project adversely impact neighborhood traffic flow and congestion?
 - (i) Will there be adequate emergency services and will they be able to service the site?
 - (j) Is there provision for proper surface water drainage?
 - (k) Will the proposed project create excessive exterior lighting glare or spillover onto neighboring properties?
 - (l) Will the proposed project lead to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography?
- (3) **The applicant's failure to satisfy the criteria listed above,** or other applicable requirements in the ordinance, may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of those criteria remains with the applicant.
- (4) **CONDITIONS AND GUARANTEES.** Prior to granting a permit for a conditional use, the Town Board may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified above. Establishment, maintenance and operation include, but shall not be limited to, such factors as landscaping, architectural design, type of construction, construction commencement and completion date, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Town Board shall find that conditions applying to these factors are necessary, or desirable, to fulfill the purpose and intent of this ordinance. In all cases, in which a permit for conditional use is granted, the Town Board shall require such evidence and guarantee as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (5) **CONDITIONAL USES SHALL COMPLY** with all other provisions of the ordinance. The Town Board may also impose more restrictive requirements if it deems it necessary to promote the public health, safety and general welfare of the community.
- (6) **The Town Board may authorize the Town Clerk** to issue a conditional use permit, for conditional uses specified in this ordinance after review, and/or a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance. No application for a Conditional Use, which had been denied wholly or in part by the Town Board, shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence, or proof of change to comply with the applicable conditions, is included in the resubmitted application.

20.17 NONCONFORMING USES AND STRUCTURES

- (1) **EXISTING NONCONFORMING USES.** The lawful use of a building or premises or activity, existing at the time of the adoption or amendment of this zoning ordinance, may be continued although such use does not conform with the provisions of the zoning ordinance. Such nonconforming use may not be extended or increased.
- (2) **DISCONTINUED USE.** If a nonconforming use of a building or premises or activity is discontinued for a period of twelve (12) months any future use of the building and premise or activity shall conform to the regulations for the district in which it is located.
- (3) **EXISTING NONCONFORMING STRUCTURES.**
 - (a) **LAWFUL.** The structure must have been lawful when it was constructed.
 - (b) **MAINTENANCE, REPAIR, REPLACEMENT, RESTORATION,** rebuilding, or remodeling of all or any part of a nonconforming structure can be undertaken if the activity does not expand the footprint of the structure.
 - (c) **EXPANSION BEYOND THE SETBACK.** None.
 - (d) **AN EXISTING NONCONFORMING PRINCIPAL STRUCTURE** may be laterally expanded if the lateral expansions are limited to two hundred (200) square feet over the life of the structure, and mitigation is approved.
 - (e) **VERTICAL EXPANSION.** An existing nonconforming principal structure may be vertically expanded up to thirty-five (35) feet.

(4) CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

20.18 NONCONFORMING LOTS. A one family dwelling, and its accessory structures, may be erected on any legal lot or parcel which has been recorded in the county Register of Deeds office prior to the effective date, or future amendment, of this ordinance.

20.19 PERFORMANCE STANDARDS

- (1) COMPLIANCE.** The ordinance permits specific uses, in specific districts, and the performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or districts. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.
- (a) **Sound.** The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.
 - (b) **Vibration.** An operation which creates vibrations that can be measured or readily detected without instruments. E.g. heavy drop forges, heavy hydraulic surges shall be set back, in the C1 Commercial district, and in the I1 Industrial district, a distance not less than five hundred (500) feet from lot lines.
 - (c) **Radioactivity or Electrical Disturbances.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
 - (d) **Odors.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthy outside their premises.
 - (e) **Toxic or Noxious Matter.** No discharge of any toxic or noxious matter, in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business, shall be permitted.
 - (f) **Glare or Heat.** No activity shall emit glare or heat that is visible or measurable outside its premises except, in the Industrial (I1) district, which may emit direct or sky reflected glare which shall not be visible outside that district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be sheltered so as not to be visible outside their premises.
 - (g) **Right to Farm.** Wisconsin's Right to Farm Act provides protections to agricultural activity from nuisance lawsuits under certain circumstances. Therefore complaints regarding the above listed performance standards may be exempt from action.

20.20 TOWN ZONING COMMITTEE

- (1) TOWN ZONING COMMITTEE.** The Town Board shall appoint a Town Zoning Committee consisting of three (3) members (Appendix R). No more than one (1) voting member of the Town Board. The Town Zoning Committee shall operate in accordance with Wisconsin Statute. The Town Zoning Committee may also hear and recommend conditional use and/or variance permits as specified by the terms of this ordinance.
- (2) THE TOWN BOARD MAY CHOOSE THE TOWN ZONING COMMITTEE** to handle the initial review of a Building Permit, Variance, Conditional Use Permit and Driveway Permit.
- (3) STANDARDS FOR VARIANCES.** No variance, in the strict application of the provisions of this ordinance, shall be recommended by the Town Zoning Committee Chairman or the Town Zoning Committee unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of these ordinances shall be sparingly exercised. It is the intent of this ordinance that the variance is used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the zoning ordinance. Any variation granted shall be the minimum adjustment necessary for the reasonable use of the land.
- (a) **The granting of the variance shall** be in harmony with the general purpose and intent of the regulations imposed by this ordinance on the neighborhood in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - (b) **The granting of the variance will not permit** the establishment of any use which is not permitted in the zoning district that it is within.
 - (c) **There must be proof of unique circumstances.** There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood and which circumstances or conditions are such that strict applications of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.
 - (d) **There must be proof of unnecessary hardship.** It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created, nor can it be established on this basis by one who purchases with or without knowledge of the restrictions, it must result from the application of this ordinance, it must be suffered directly by the property in question.

- (e) **That the granting of the variance is necessary** for the reasonable use of the land or building and that the variance as granted by the Town Board is the minimum variance that will accomplish this purpose. The report of the Town Board and/or Town Zoning Committee shall fully set forth the circumstances by which this ordinance would deprive the applicant of any reasonable use of land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of the land.
- (f) **That the proposed variation will not** impair an adequate supply of light and air to adjacent property, substantially increase the congestion on the public roads, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- (g) **That the granting of the variance requested will not** confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district. The Town Board may prescribe any safeguard that it deems necessary, to secure substantially the objectives of the regulations or provisions to which the variance applies. A public hearing may, or in very minor cases may not, be required.
- (h) **The minutes of proceedings and hearings** before the Town Zoning Committee, and all variances and conditional uses recommended by it, shall be filed promptly at the office of the Town Clerk and shall be open for public inspection during office hours.

20.21 ZONING BOARD OF ADJUSTMENT

- (1) ZONING BOARD OF ADJUSTMENT MEMBERSHIP.** The Board of Adjustment consists of three (3) Members appointed by the Town Chairman. The appointments are subject to approval by the Town Board. Not more than one (1) Town Board supervisor may be a member of the board of adjustment. The initial terms of the members of the board of adjustment are 1, 2 and 3 years, respectively starting from the first day of the month following the appointment. Successors shall be appointed at the expiration of each term; their term of office shall be 3 years. Members of the board of adjustment shall reside within the Town. The Board of Adjustment shall choose a chairperson. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. The Town Board may compensate the members of the adjustment board. The Town Chairman may appoint two (2) alternate Board members. Annually, the Town Chairman designates one of the alternates as the first alternate, and the other as the second alternate. The alternates act and vote in a designated order when a regular member is absent or refuses to vote because of personal interest.
- (2) MEMBERS SHALL SERVE WITH OR WITHOUT COMPENSATION** and shall be removable by the Town Chairman for cause, upon written charges, but only after a public hearing. The Board of Adjustment may make, and file in the office of the Town Chairman, its own rules of procedure consistent with the State Statutes.
- (3) IT SHALL HAVE THE FOLLOWING POWER:** to hear and decide appeals where it is alleged that the Town Zoning Committee, or the Town Board, has made an erroneous finding or order.
- (4) THE CONCURRING VOTE OF TWO MEMBERS** of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination appealed from, or to decide in favor of, the applicant on any matter on which it is required to pass or to effect a change. The ground of every such determination shall be stated and recorded. A public hearing may be required.
- (5) NO ACTION OF THE BOARD OF ADJUSTMENT** shall have the effect of permitting, in any district, uses prohibited, in such district by this ordinance. The minutes of proceedings and hearings before the Board of Adjustment, and all changes granted by it, shall be filed promptly at the office of the Town Clerk and shall be open for public inspection during office hours.

Use	Minimum Parking Required
Single, Family Dwellings	2 stalls for each dwelling unit
Motels, Lodging and Boarding Houses	1 stall for each guest room plus 1 stall for each employee
Group Homes, Institutions, Rest Homes and Nursing Home	1 stall for each 3 beds plus 1 stall for each 2 employees
Medical or Dental Clinics	3 stalls for each doctor plus 1 stall for each employee
Theaters, Auditoriums, Churches, Community Centers	1 stall for each 3 seats
Colleges, High Schools, Elementary Schools, Kindergarten and Preschools	4 stalls, plus 1 stall for each employee, plus 2 stalls for each classroom
Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores	1 stall for each 150 square feet of gross floor area
Financial Institutions, Business and Government	1 stall for each 200 square feet of gross floor and professional services area
Funeral Home	1 stall for each 100 square feet of gross floor area
Bowling Alleys	2 stalls for each alley
Other Commercial (C1) Uses	To be determined during site planning
Industrial (I1) Zoning	To be determined during site planning

	A1	C1	I1	RR1	RR2
Building Height Limit	35 feet*	35 feet*	35 feet*	35 feet*	35 feet*
Side Setback					
Side Principal Building	20 feet	20 feet	30 feet	15 feet	15 feet
Side Accessory Building	20 feet	20 feet	30 feet	10 feet	10 feet
Rear Setback					
	50 feet	50 feet	50 feet	25 feet	25 feet
Front Setback					
State Highway	110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.				
County Road	75 feet from the centerline of the highway or 42 feet from the right-of-way line, whichever is greater.				
Town Road	65 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater.				
Other Setback					
Holding Tank	5 feet from any building and 2 feet from lot line				
Well	10 feet from eave overhang				
Soil Absorption System	10 feet from dwelling and 50 feet from well				
Privy	25 feet from side lot line and 25 feet from dwelling				

Ordinance Chapter 20
Adopted this 11th day of October, 2021

Robert Nelson Yea X Nay _____
Mark Taft Yea X Nay _____
Linda Bentley Yea _____ Nay _____ Abstain X

Attest: Mary Jane Nelson, Town Clerk