

Town of Hamburg Vernon County, Wisconsin Zoning Ordinance

INTRODUCTION:

AUTHORITY – These regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town of Hamburg, Vernon County, Wisconsin does ordain as follows:

PURPOSE – The purpose of this ordinance is to promote the health, safety and prosperity, aesthetics and general welfare of the Town.

INTENT – It is the general intent of this ordinance to regulate development through zoning powers granted by the Town through Section 60.62, 61.35 and 62.23 of Wisconsin Statutes so as to: lessen congestion in 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; further the appropriate use of land and conservation of natural resources; preserve and promote the rural scenic nature and agricultural character and economic base of the Town. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

ABROGATION AND GREATER RESTRICTIONS: It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules regulations or permits previously adopted or issued pursuant to laws. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

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 the Wisconsin Statutes. All reference to state statutes or administrative codes is intended to include any subsequent revisions or amendments.

SEVERABILITY: In 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.

REPEAL: All other ordinances or parts of ordinances of the town inconsistent or conflicting with these ordinances, to the extent of the inconsistency only, are hereby repealed.

TITLE: This ordinance shall be known as, referred to or cited as the TOWN OF HAMBURG, VERNON COUNTY, WISCONSIN, and ZONING ORDINANCE.

EFFECTIVE DATE: This ordinance shall be effective after publication or posting, holding a public hearing, and adoption by the Town Board as provided by law.

GENERAL PROVISIONS

JURISDICTION: The jurisdiction of this ordinance shall include all lands and waters which are located within the limits of the Town of Hamburg.

COMPLIANCE: No 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 and zoning permit application if applicable, and without full compliance with the provisions of this ordinance and all other applicable local, county and state regulations.

THE DUTY OF THE TOWN BOARD, with the aid of the **Zoning Committee** shall be to: administer this ordinance, investigate all complaints and give notice of violations and to enforce the provisions of this ordinance. The **Zoning Committee** and duly appointed deputies may enter with a 24 hour notice onto any public or private land or waters to make a building or zoning inspection.

ZONING, BUILDING AND CONDITIONAL USE PERMIT APPLICATION and POLICY:

Applications for zoning, buildings and conditional use permits 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. 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 commencement of the proposed activity shall constitute as a violation of this ordinance.

The following describes the circumstances of when a building, zoning and conditional use permit application is required. Activity that does not require a permit application shall still comply with building codes and the Town Zoning Ordinance.

1. The permit is required for ANY construction activity. Conditional Use permits may be issues at the guidance of the Zoning Committee.
2. A Permit is required for any movement, of any structure
3. A Permit is required for and reduction or demolition of any structure.
4. A permit is not required for routine non-structural maintenance improvements such as painting, staining, plastering, siding, roofing, and floor coverings. A site (building) permit is also not required when first installing or replacing household fixtures, such as furnaces, bathtubs, showers, sinks, stools, and air conditional units.
5. A permit application fee has been established by the Town Board. **THIS FEE IS REQUIRED TO BE PAID PRIOR TO THE REVIEW OF ANY PERMIT.** This fee structure will be reviewed each year by the Town Board.
6. A permit will expire one year unless brought back to the Town Board for discussion and extension.

If the proposed use of this site requires a zoning district change, or a Conditional Use determination by the Town Zoning Committee. The Town Zoning Committee shall arrange for the necessary public hearings and presentation of the recommendation to the Town Board as soon as practical but not to exceed 60 days. The Town Board shall act upon the matter in a timely fashion. A request for a variance shall also be acted upon in writing by the Board of Appeals within 30 days. The site permit shall expire within 1 year after issuance of the permit unless substantial work has commenced. Any permit issues in conflict with the provisions of this ordinance shall be null and void.

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 or bearing aesthetics 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 its bases its conclusion that the land is not suitable

for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

1. ALL LOTS abutting upon a town or county road or state highway shall have minimum road or highway frontage width of 100 feet.
2. NO SITE permit shall be issued for a lot which abuts a road or highway that has not been dedicated to its required width.
3. LOT SIZE area shall be based on the standards of this ordinance

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 USE: 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 (change to regulate) by the Town Board.

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, the Town Chairman, the Town Clerk and Zoning Committee or any person who would be specifically damaged by such violation may institute appropriate action or proceeding 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 action to impose the penalties set forth in this ordinance. The Town may also institute action to obtain or injunction or other remedy where appropriate.

PENALTIES: Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 per violation plus 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 there of, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

ZONING DISTRICTS:

Established Districts: Five Zoning districts are provided as follows:

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|-----------------------|-------|
| 1 – Agricultural | (A) |
| 2 – Rural Residential | (R-R) |
| 3 – Residential | (R) |
| 4 – Rural commercial | (RC) |
| 5 – Industrial | (I) |

Boundaries of these Districts: are hereby established as shown on a map titled “Town of Hamburg, Vernon 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.

Vacation or 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.

ZONING MAP: A certified copy of the zoning map shall be adopted and approved with the text as part of this ordinance and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk.

Changes thereafter to the districts shall be entered and attested on the certified copy of the zoning map.

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.

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 indicated.

HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICE IN DWELLING: Home occupations and professional home offices are permitted within a single dwelling unit by 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.

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

AGRICULTURAL “A” Zoning District Standards

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 scenic woodlands and serene rural character and quality of life in the town.

<u>Principal Permitted Uses:</u>	single family dwellings Dairy farming grazing live stock raising idle fields wetlands /waterways home occupations	single family recreational dwellings plant and crop production orchards wildlife management forest/woodlands mgmt meadows public park lands professional home office
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Barns, sheds, garages & other accessory structures to serve farming operations and single family dwellings.

Essential services such as public and private utilities commonly used to serve farming operations and single family homes and other conditionally approved uses

One roadside stand per farm used for the sale of products produced on the premises or adjoining premises.

<u>Conditional Uses:</u>	communication towers & structures Nonprofit/sport, recreation, and conservation facilities and buildings, government buildings, churches Public utility buildings School buildings Bed & Breakfast inns	family day care home cemeteries Owner occupied duplex
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Agricultural product processing facilities poultry, hog & fur farms and other animal husbandry activities and feed lots of more than 100 animal units, so long as said operations are at least 600 feet from navigable waterway or State designated wetland and 1,000 feet from the residence of someone other than the owner, his agent or employee.

Additional single family dwellings or mobile homes exceeding one per farm operation for occupancy by a person or family earning a substantial part of their livelihood from the farm operation. Additional single family dwellings or mobile homes occupied by parents or children of the farm operator, residential or other form of building, driveway, or public road construction on slopes greater than 20%. Single family dwelling where the dwelling is to be owned and/or occupied by person not earning a substantial part of their livelihood from the farm operation and/or are person who are not parents or children of the farm operation when the proposed single family dwelling is being constructed in areas with a soil capability class of I or II as described and mapped in the 1969 SOIL SURVEY, VERNON COUNTY, WISCONSIN.

Minimum Lot Size: The minimum lot size to establish a single family dwelling, single family recreational dwelling, or farm operation is 5 acres, except as follows: (1) the minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation or parents or children of the farm operator shall be 30,000 square feet, (2) where an additional residence for persons specified in (1) above is located on a farm without creating a separate parcel the residence shall be at least 25 feet from other residences, (3) the minimum lot size for farm residences or structures existing before adoption of this ordinance and which to be separated from a larger parcel through farm consolidation shall be 30,000 square feet.

Minimum yard Setback:

Front: For buildings to be located on arterials and or State highways the minimum setback shall be 85 feet from centerline or 35 feet from the right-of-way whichever is greater.

For Buildings to be located on all county roads the minimum setback shall be (83) feet from the centerline of the road or (50) feet from the right-of-way line.

For buildings to be located on Town and all other roads the minimum setback shall be (83) feet from the centerline of the road or (50) feet from the right-of-way.

REAR: Twenty (20) feet from the rear property line for the principal structures and twenty (20) feet for accessory structures.

SIDE: Twenty (20) feet for principal structures and twenty (20) feet for accessory structures.

Dwelling Unit Building Foundation: All dwelling units except those that are 16 feet or less in width shall be erected on and securely anchored to a permanent foundation with footings below the frost line or on a floating reinforced slab. The foundation shall be composed of poured concrete, cemented concrete block, or a like material that is accepted in the building trade as being permanent in nature.

State Uniform Dwelling Code and Sanitary Codes: All dwelling units and septic and water systems shall conform to applicable State Administrative Codes.

Rural Residential “RR” Zoning District Standards

Purpose: To provide a serene and spacious residential living environment that does not conflict with the rural and agricultural character of the Town and to maintain the scenic woodlands and rural quality of life.

Principal Permitted Uses: *Single Family Dwellings * Plant & Crop Production Grazing * Orchards * Wildlife management * forest and woodlands management * meadows * idle fields * wetlands * waterways * public park lands * barns, sheds, garages, and related structures to serve single family homes * essential services such as public and private utilities commonly used to serve single family homes and other conditionally approved uses * home occupations * professional home office * one roadside stand per single family used for the sale of products produced on the premises or adjoining premises.

Conditional Uses: Single family recreational dwellings * owner occupied duplex * communication towers and structures * public utility buildings and structures * cemeteries * family day care home * churches * public buildings * a building, driveway, and/or road constructed on slopes of 20% or greater * raising of livestock for commercial use.

Minimum Lot Size: The minimum lot size to establish a single family dwelling or single family recreational dwelling is 2 acres.

Minimum Yard Setback:

Front: For buildings to be located on arterials or/or State highways the minimum setback shall be 85 feet from the centerline or 35 feet from the right of way whichever is greater.

For buildings to be located on all county roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right of way line.

For buildings to be located on Town and all other roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right of way.

Rear: Twenty (20) feet from the rear property line for the principal structures and twenty (20) feet for accessory structures.

Side: Twenty (20) feet for principal structures and twenty (20) feet for accessory structures.

Dwelling Unit Bldg Foundation: A single family dwelling units except those that are 16 feet or less in width shall be erected on and securely anchored to a permanent foundation with footings below the frost line or on a floating reinforced slab. 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.

State Uniform Dwelling Code

& Sanitary Codes: All dwelling units and septic and water systems shall conform to applicable State Administrative Codes.

Residential “R” Zoning District Standards

Purpose: To provide areas 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 congestions, and incompatible land uses and which can be economically served by public services due to the higher development concentrations.

Principal Permitted Uses: *single family homes * home occupations and professional home offices * neighborhood part or playground * one private garage per residence * one accessory buildings per residence not to exceed 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.

Conditional Uses: *occupations conducted in accessory buildings * owner occupied duplex * single family homes constructed on a reinforced slab foundation * churches * schools * libraries * hospitals * community centers * bed & breakfast inns * family day care home * elderly day care home * group home * court regulated foster care homes for minor children or special adults * additional accessory buildings or structures or accessory buildings and structures exceeding 144 square fee * cell towers * a building, driveway, and/or road constructed on slopes of 20% or greater.

Minimum Lot Size: 30,000 square feet per dwelling unit if not served by a public sewer service. 10,200 square feet per dwelling unit if public sewer service is available.

Minimum Lot Width: 100 feet if not served by a public sewer service. 85 feet if served by a public sewer service.

Minimum Lot Depth: 150 feet if not served by public sewer service. 120 feet if served by public sewer service.

Minimum Yard Setback:

Front – For buildings to be located on arterials and/or State Highways the minimum setback shall be 85 feet from the centerline or 35 feet from the right of way whichever is greater. For buildings to be located on all county roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right of way line. For buildings to be located on Town and all others roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right of way.

Rear – Twenty (20) feet from the rear property line the principal structures and twenty (20) feet for accessory structures.

Side – Twenty (20) feet for principal structures and twenty (20) feet for accessory structures.

Residential Dwelling Unit Bldg. Foundation:

All residential units except those that are 16 feet or less in width 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

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 (45) percent of a lot may be covered by impervious surface area such as buildings and pavement.

Parking: Adequate parking areas shall be provided.

State Uniform Dwelling Code and Sanitary Codes:

All dwelling units and septic and water systems shall conform to applicable State Administrative Codes.

Rural Commercial “RC” Zoning District Standards

Purpose: 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 life style and surroundings protected from traffic, congestions and incompatible land uses.

Principal Permitted Uses: *business sales and business services that are not listed as conditional uses * public park and recreation lands * essential services such as public and private utilities necessary to serve business and other conditionally approved uses.

Conditional Uses: *vehicular sales and service * eating and/or drinking establishments * rooming houses * resort cabins * bed and breakfast inns * hotels * motels * liquor stores * grocery stores * places of entertainment and/or recreation * gasoline stations * school * churches * family or elderly day care facilities, group homes * lodges, clubs, fraternal organizations * foundations * governments buildings * business uses with lots or utilizing land areas of more than one and half (1.5) acres * buildings, driveways, or roads constructed on slopes of 20% or greater * single family dwelling of business owner or business employee * owner occupied duplex of business owner or business employee * single family dwelling constructed on a reinforced slab foundation.

Prohibited Uses: Manufacturing Operations.

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.

Minimum Yard Setback:

Front – For buildings to be located on arterials and /or State highways the minimum setback shall be 85 feet from the centerline or 35 feet from the right of way whichever is greater. For buildings to be located on all county roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right of way line. For buildings to be located on Town and all other roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right of way.

Rear – Twenty (20) feet from the rear property line for the principal structures and twenty (20) feet for accessory structures. More restrictive rear yards may be established as part of conditional use permit process.

Side – Twenty (20) feet for principal structures and twenty (20) feet for accessory structures. More restrictive side yards may be established as part of conditional use permit process.

Building Foundation: All principal business building and residential dwelling units except those residential dwelling units that are 16 feet or less in width 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 a like material that is accepted in the building trade as permanent in nature.

Maximum Impervious Surface Area: To maintain the rural agricultural character, the scenic countryside, and to prevent excessive water runoff and soil erosion no more than 45% of the lot shall be covered with buildings or impervious surface including driveways and parking lots.

Parking:

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
Hospital, clubs, lodges, dormitories	1 stall for each 2 beds plus 1 stall for each 2 employees
Group homes, institutions, rest homes & nursing homes	1 stall for each 3 beds plus 1 stall for each 2 employees
Medical or dental clinics	3 stalls for each doctor and one stall for each employee
Theaters, auditoriums, churches, community centers	1 stall for each three seats
Colleges; high, middle, elementary, 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, government and professional services	1 stall for each 200 square feet of gross floor area
Funeral Home	1 stall for each 100 square feet of gross floor area
Bowling alleys	2 stalls for each alley

Parking Stalls: All parking stalls shall be 10 feet wide by 20 feet in length (200 square feet)

State Uniform Dwelling Sanitary and Commercial Building Codes:

All commercial buildings, dwelling units, and septic and water systems shall conform to applicable State Administrative Codes.

Industrial “I” Zoning District Standards

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 condition.

Principal Permitted Uses: No uses are permitted as a matter of right within this district.

Conditional Uses: No uses are permitted as a matter of right within this district. The following are permitted as conditional uses within this district. Such use 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.

- 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.
- Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
- 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.
- Uses customarily incident to, or similar to, the above uses.
- A dwelling unit provided for a business owner, caretaker or superintendent, in the case of an industrial use which requires constant supervision.
- Owner occupied duplex for a business owner, caretaker, or superintendent.
- Single Family dwelling unit constructed on a floating reinforced slab foundation
- Quarrying, mining, and other forms of natural resource exploitation.
- Essential services such as public and private utilities necessary to serve conditional uses.
- Buildings, driveways, or roads constructed on slopes of 20% or greater

Minimum Lot Size: The following are minimum standards, more restrictive lot sizes may be established as part of the conditional use permit process. 20 acres for quarrying, mining and other natural resource exploitation activities. Two acres for all other conditionally approved uses.

Minimum Yard Setback: The following are minimum standards; more restrictive setbacks may be established as part of the conditional use permit process.

Front – For buildings to be located on arterials and or state highways the minimum setback shall be 85 feet from the centerline or 35 feet from the right of way whichever is greater. For buildings to be located on all county roads the minimum setback shall be 68 feet from the centerline of the road or 35 feet from the right of way line. For buildings to be located on town and all other roads the minimum setback shall be 68 feet from the centerline of the road or 35 feet from the right of way.

Rear – Twenty (20) feet from the rear property line

Side – Twenty (20) feet from the side property line.

Dwelling Unit Bldg. Foundation: All residential dwelling units except those that are 16 feet or less in width that are conditionally permitted 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 building trade as being permanent in nature.

Minimum Impervious Surface Area: To maintain the rural agricultural character and scenic countryside no more than 75% of the lot shall be covered with buildings or impervious surface including driveways and parking lots.

Parking Stall: 2 spaces plus 1.10 spaces per employee. Minimum parking stall size shall be 10 feet wide by 20 feet in length (200 square feet)

Sanitary Standards: All conditionally permitted uses requiring a septic system shall conform to the standards of the Wisconsin Administrative Codes.

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.

State Uniform Dwelling Code, Sanitary Codes (Commercial and Industrial Codes): All commercial and industrial buildings, dwelling units, and septic and water systems shall conform to applicable State Administrative Codes.

CONDITIONAL USES

Application: Application 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.

Review: 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.

1. Whether the proposed project will adversely affect property values in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Provision of an approved sanitary waste disposal system.
4. Provision for a potable water supply.
5. Provisions for solid waste disposal.
6. Whether the proposed use creates substantial noise odor or dust.
7. Provision of safe vehicular and pedestrian access.
8. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
9. Adequacy of emergency services and their ability to service the site.
10. Provision for proper surface water drainage.
11. Whether proposed building contributes to visual harmony with the existing rural character or existing buildings in the neighborhood or area, particularly as related to scale, design, location and color.
12. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
13. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.

The applicant's failure to satisfy the criteria listed above or other applicable requirement 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.

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 shall be construed to include but shall not be limited to, such factors as landscaping, architectural design, type of construction, construction commencement and completion and completion dates, 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 propose 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.

CONDITIONAL USES SHALL COMPLY: with all other provisions of the ordinance such as lot width and area, yards, height, building size, parking and loading area. 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.

The Town Board may authorize the Town Clerk or Zoning committee (as referred to in the enforcement and penalties section of the ordinance) to issue a conditional use permit for conditional uses specified in this ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.

No Application for a Conditional Use: which has 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 compliance with the applicable conditions is included in the resubmitted application.

NONCONFORMING USES AND STRUCTURES

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.

Discontinued Use – If a nonconforming use of a building or premises or activity is discontinued for a period of 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.

Existing nonconforming structures. The total structural repairs or alterations in a nonconforming building shall not, during its life, exceed 50 percent of the assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

Changes & Substitutions – Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

Nonconforming Lots – A one family detached 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.

PERFORMANCE STANDARDS

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.

Sound – The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.

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 Rural Commercial (RC) District and the Industrial (I) District zone, a distance of not less than 500 feet from all lot lines.

Radioactivity and Electrical Disturbances: No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Odors – No activity shall emit any odorous matter of such nature or quantity as to be offensive obnoxious, or unhealthful outside their premises.

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.

Glare and Heat – No activity shall emit glare or heat that is visible or measurable outside its premises except in the “I” zone which may emit direct or sky reflected glare which shall not be visible outside their 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.

Wisconsin State Statute 823.08, “Right to Farm Law” – This statute purpose is to protect agricultural production and the use of modern agricultural technology to the extent possible with good public policy. Any of the above activities occurring from agricultural use are subject to this law.

Town Planning (Zoning) Committee

Town Planning (Zoning) Committee – The Town zoning shall operate in accordance with Wisconsin State Statutes. The Zoning Commission shall have function to research, report, and recommend to the Town Board on matters pertaining to conservation, land use planning, zoning, and physical development of the purpose of promoting health, safety, prosperity, aesthetics and the general welfare of the Town. The Town Plan Commission shall also hear and decide, conditional use permits as specified by the terms of this ordinance. .

Initial Terms of the 5 members shall be as follows: They will have alternating years. These will all be reviewed each year during the Annual Meeting. The Town Clerk will advise who is up for re-nomination.

A term of a citizen member on the Town Plan (Zoning) Commission is April to April each year and shall be the time period that terms begin and end of respectively. Appointments to the Town Zoning Committee shall be made each April.

The Town Zoning Committee will choose a chairman and Vice Chairman to handle the initial review of the Site Permits, Conditional Use Permits and driveway permits.

Zoning Board of Appeals

Wisconsin State Statutes require that the Zoning Board of Appeals consist of five regular members appointed by the Town Chairman. The appointments are subject to approval by the Town Board. The term of Board of Appeals members is two years, except that those first appointed serve staggered terms of one for one year, two for two years and two for three years. The Town Chairman may appoint two alternate Board members. Annually, the Town Chairman designates one of the alternates as the first alternate, 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.

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 Appeals may make and file in the office of the Town Chairman its own rules of procedure consistent with the State Statutes. It shall have the following powers:

- 1 - To hear and decide appeals where it is alleged that the Zoning Committee or the Town board has made an erroneous finding or order.
- 2 – To recommend action on specific variances from the terms of this ordinance.

Standards for Variances: No variance in the strict application of the provisions of this ordinance shall be granted by the Board of Appeals 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 from the terms of this ordinance shall be sparingly exercised. It is the intent of this ordinance that the variance be 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.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance conforms to the requirements and standards listed below.

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 circumstances or conditions 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 the 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; and evidence of variance granted under similar circumstances shall not be considered.

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 Board is the minimum variance that will accomplish this purpose.

The report of the Appeal Board shall fully set forth the circumstances by which this ordinance would deprive the applicant of any reasonable use of land. Mere less in value shall not justify a variation; there must be a deprivation of beneficial use of land.

F – That the proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public roads and highway, increased 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 lands, structures, or buildings in the same district.

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

They may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the Zoning Committee. The concurring vote of four members of the Board 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 variance. The ground of every such determination shall be stated and recorded. A Public Hearing is required.

NO ACTION OF THE BOARD OF APPEALS 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 and all variances and conditional uses granted by it shall be filed promptly at the office of the Town Clerk and shall be open for public inspection during office hours.