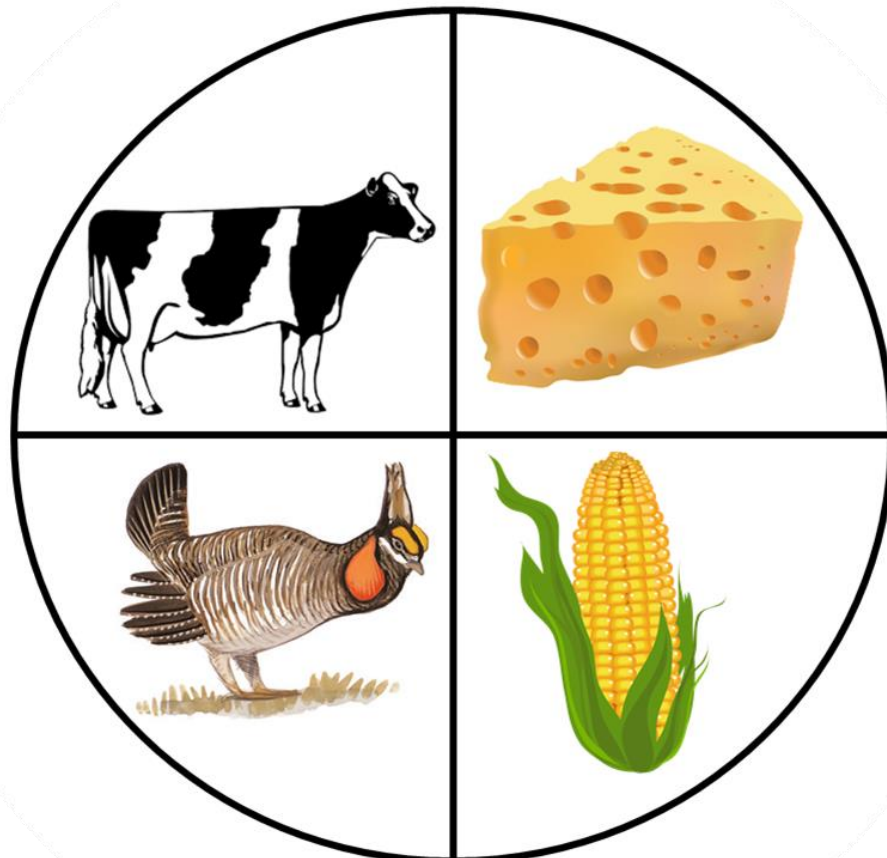


Zoning Ordinances for Township of Colby, Wisconsin



TOWNSHIP OF COLBY

This Ordinance took effect at 12:01 am, April 15, 1986.

1st Amendment - June 10, 1999.

2nd Amendment - January 10, 2002, taking effect January 24, 2002.

3rd Amendment – October 10, 2002, taking effect November 1, 2002.

4th Amendment – June 8, 2006, taking effect August 1, 2006.

5th Amendment – May 15, 2018 taking effect June 1, 2018.

6th Amendment – March 14, 2023 taking effect April 1, 2023.



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1) INTRODUCTION

1.1) Authority

- A) The Town Board of the town of Colby, T28N, R1E, Clark County, Wisconsin, under the authority of Section 60.61, of the Wisconsin Statutes, hereby ordains and enacts the following ordinance.

1.2) Title

- A) This ordinance shall be known as and shall be cited as: Town of Colby Zoning Ordinance.

1.3) Purpose and Intent

- A) This Ordinance is adopted to guide the development of the land and resources of the Township of Colby; to define the powers and the duties of the administrative bodies as provided hereinafter, and to prescribe penalties for the violation of the provisions of this Ordinance or any amendment thereto.

1.4) Application of Overlapping Regulations

- A) This Ordinance shall not repeal, impair or modify private covenant or other ordinances, except that it shall apply whenever it imposes stricter regulations.

1.5) Severability

- A) If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.6) Definitions

- A) Accessory Structure or Use – means a detached subordinate structure or a use that is clearly incidental to, and customarily found in connection with the principle use to which it is related and which is located on the same lot as that of the principle structure or use.
- B) Automobile Wrecking Yard, Junk Yard, or Salvage Yard – Any area of land where three or more vehicles, unlicensed and/or not in running condition, an accumulation of auto parts, or both, are stored in the open and are not being restored to operation. Any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition. Any area where tire carcasses are stored or recycled. Any area where 3 or more pieces of unlicensed or inoperative construction equipment, motorcycles, snowmobiles, boats, or appliances or their parts are stored and are not being restored to operation, or any land or structure for the wrecking or storing of such vehicles, equipment, or



appliances, or parts thereof, not in working condition. The examples listed by this definition are examples and are not intended to be an inclusive list.

- C) District – A designated area of the Township of Colby for which the regulations governing the use of the land and buildings are uniform.
- D) Conditional Use – Uses which may be permitted in a district through the granting of a conditional use permit by the Town of Colby Zoning Committee upon finding by the Committee that specified conditions are or will be met.
- E) Dwelling “Conventional” – A building designed exclusively for residential occupancy that is equal to or greater than 800 sq ft less than 35 ft in height and meeting Wisconsin state building code.
- F) Dwelling “Temporary” – A dwelling unit which can be smaller than 800 sq ft but not inhabited for more than one year, (unless an extension is authorized in writing by the town board) and has an approved waste disposal.
- G) Lot – A parcel of land occupied or designed to be occupied by one principle structure or use and its accessory structures or uses, including the open spaces required by this ordinance, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this ordinance as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- H) Lot Width - For purposes of this ordinance, the width of a lot shall be the shortest distance between the sidelines at the building setback line. Such building line may be a setback line or a line designated on a plat or in a conveyance of an unplatted parcel.
- I) Mobile Home - Any vehicle or similar portable structure mounted or designed for mounting on an axles and wheels which are or were an integral part of the structure and used or intended for use for dwelling purposes, including structural additions, except parked and unoccupied camping trailers. This definition is not intended to include structures placed on a permanent foundation.
- J) Principle Structure - A structure which contains or is directly related to the main use of the property on which it is located, conforms to the purpose section of the district in which it is and is a structure listed as a permitted or conditional use in the district. Only one principle structure is permitted on each lot or parcel.
- K) Quarry - Site from which rock, gravel, decomposed granite, sand, topsoil or other natural material from the earth is excavated and removed from the site.



- L) Quarrying - The removal of rock, gravel, decomposed granite, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process whereby these materials are substantially removed from the site
- M) Setback / Building Line - The minimum allowable distance from a given point or line of reference, such as a thoroughfare right-of-way, water line or property line to the nearest vertical wall or other element of a building or structure
- N) Sign – Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface. Signs placed by governmental agencies or nonprofit civic associations for a public purpose in the public interest shall not be included herein.
- O) Sign/Billboard/Directional – Signs which direct potential patrons or visitors to a specific place of business interest or community and which may indicate either goods or services offered, or both.
- P) Special Exception – This term is to be considered synonymous with “conditional use” throughout the ordinance.
- Q) Structure – Anything constructed or erected, the use of which requires a location in or on the premises or any other attachment to something having a permanent location on the ground, which included, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include, but are not limited to, truck campers, travel trailers, buses and motor homes.
- R) Variance – A departure from the dimensional standards of this ordinance as applied to a specific building, structure or parcel of land, which the Zoning Committee may permit, contrary to the regulations of this ordinance for the district in which the building, structure or parcel of land is located, when the Zoning Committee finds that a literal applications of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is not compensating gain to the public health, safety or welfare.
- S) Yard – An open space on a lot which, except for vegetation or specified structures, is unoccupied and unobstructed from the ground up. On a parcel which has a conforming principle building, the street side and rear yards are presumed to extend from the minimum setback line to the nearest point of the principle structure.



2) GENERAL PROVISIONS AND EXCEPTIONS

2.1) Jurisdiction:

- A) The jurisdiction of this Ordinance shall include all lands within Colby Township, Clark County, Wisconsin.

2.2) Compliance

- A) No structure - shall hereafter be used; and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.
- B) No provisions - of this Ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.
- C) Nonconforming Use – The existing lawful use of a structure or premise which is not in conformance with the provisions of this Ordinance shall be called a nonconforming use and may be continued subject to the following conditions:
 - (i) No said use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
 - (ii) No structural alteration or repair to any nonconforming structure over the life of the structure shall exceed 50 percent of its assessed value at the time of its becoming a nonconforming use unless permanently changed to a conforming use.
 - (iii) When a building containing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than 50 percent of its current market value as determined by the Planning and Zoning Committee, it shall not be restored except in conformity with regulations of the district in which it is located.
 - (iv) If the nonconforming use of any building is discontinued for a period of twelve (12) months, any further use of the building or premise shall conform to the regulations for the district in which it is located.

2.3) Site Restrictions

- A) Unsuitable Land - No land shall be used or structure erected where the land is held by the Planning and Zoning committee to be unsuitable for such use or structure by reason of flooding, inadequate drainage, adverse rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare



of the community. The Planning and Zoning committee, in applying the provisions of this 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 he so desires. Thereafter, the Planning and Zoning Committee may affirm, modify, or withdraw its determination of unsuitability.

- B) All Lots or Sites shall abut upon a public street or approved Private Street and each lot shall have a minimum frontage and area as set forth in this Ordinance.
- C) All Principal Structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot, except for planning area developments in accordance with the provisions of this Ordinance.
- D) No Land Use Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.

2.4) Use Restrictions

- A) Approved Uses – Only those approved uses specified for a district, their essential services, and the uses specified in paragraphs (B) and through (E) shall be permitted in a district.
- B) Accessory Uses and Structures - are permitted in any district, but not until their principal structure is present or under construction. Accessory uses include professional home offices; household occupations; incidental repairs; parking facilities; gardening; servant's, owner's itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; private emergency shelters. Except as herein otherwise regulated accessory uses shall not include the keeping, propagation or culture of pigeons, poultry or livestock.
- C) Conditional Uses – may be permitted by the Planning and Zoning Committee after the Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
- D) Unclassified or Unspecified Uses – may be permitted by the Planning and Zoning Committee after the Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
- E) Temporary Uses – may be established in any district from which they are otherwise excluded by the regulations of this Ordinance, under the conditions hereinafter specified:
 - (i) Real estate office, for a period not to exceed one year.
 - (ii) Temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises, for a period not to exceed one year from the date of issuance of the land use permit or permits for such construction.



- (iii) A temporary dwelling shall be permitted while a permanent dwelling is under construction, providing the temporary dwelling unit and the proposed permanent dwelling are located on the same lot or parcel of land. A temporary residential structure is subject to the following requirements
 - (a) The temporary residential structure shall not be inhabited for more than one year, unless an extension is authorized in writing by the town board.
 - (b) A country sanitary permit has been obtained for the permanent dwelling unit.
 - (c) An approved private waste disposal system is utilized by the temporary dwelling unit
 - (iv) A basement of an uncompleted residence may be occupied for living purposes by the owner while construction is in progress, provided said basement has two exits.
- F) Prohibited Uses - No use shall be permitted or authorized to established which, when conducted in compliance with the provisions of these regulations, and any additional conditions and requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, electrical interference, refuse matter, or water carried wastes.
- (i) Ground water use by any facility that negatively impacts water quality or volume in existing wells for residential agricultural or commercial use

2.5) Quarries and Mines

- A) Application Information – In addition to the information required in the application for a Conditional Use and the considerations involved, an application for a quarry or mine operation must have the following:
- (i) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation.
 - (ii) A topographic map at a minimum contour interval of five (5) feet of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides and the information as to the soils that are located within this area.
 - (iii) An estimation of the quantity and type of material to be removed and its effect on the surrounding area
 - (iv) Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source, and its disposal shall be identified.
 - (v) The most suitable land use for the area and how it relates to the surrounding area.



- B) Restoration Plan and/or Financial Guarantee - The Town Zoning Committee shall not grant a Conditional Use for a quarry or mining operation until it has approved a restoration plan and the owner or operator agrees to restore the quarried area as near to its original state as practical. Such reclamation may include replacing topsoil to its original depth, sloping banks, and providing a suitable vegetative cover. The restoration plan shall be set up by the Zoning Committee and the owner of the proposed area or operation with regard to the impact of that particular operation in the area. The owner shall also provide sufficient financial guarantees to secure the performance of the restoration agreement. The agreement and the financial guarantee shall be in a form approved by the Township Attorney. Guarantee may be waived at the discretion of the Zoning Committee, but in no way can a restoration plan be waived.
- C) Conditions for Approval - The Town Zoning Committee may set forth special conditions prior to granting such use to insure the health, safety, and general welfare of the user, neighbor, community, or general public. Such condition shall be considered dependent upon the type and size of such operations.
- D) Duration of Conditional Grant - The initial grant to carry on a quarrying or mining operation shall not be effective for any more than five (5) years. Authorization may be extended for an additional period of time after due consideration of the effect of such operation. At the time of review, such uses shall be subject to any additional conditions the Town Zoning Committee deems necessary to insure proper operation and the maintenance of safe and healthful conditions for the immediate and surrounding areas.
- E) Existing Quarry Operations:
 - (i) Within sixty (60) days after the effective date of this ordinance, the owners of all existing quarry operations shall submit to the Town Zoning Committee the names of the Quarry owners and operators and information regarding its operation
 - (ii) Within one (1) year after adoption of this ordinance, the owner shall submit to the Town Zoning Committee, a plan for the restoration of the quarry in accordance with Section 2.5 [A] and [B] of this Ordinance. The restoration plan shall not impose requirements which are economically unreasonable or would entail unreasonable engineering with respect to conditions resulting from operations prior to enactment of this Ordinance.
 - (iii) Within two (2) years after the effective date of this ordinance, any such existing operation shall be subject to all the provisions of Section 2.5 of this Ordinance.
 - (iv) Upon issuance of a conditional use permit for the purpose of mining, the operator is deemed to have consented to allow inspections by the Town Zoning Committee and/or the Town Zoning Administrator. Such inspections shall be at reasonable times and with notice, if possible. Any public or private complaint against an operator may result in an inspection of the mining operation to determine the validity of the complaint



2.6) Area Regulations

- A) After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located.
- B) If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.
- C) Lots created after adoption of this Ordinance shall meet minimum area requirements of the Colby Township Zoning Ordinance.
- D) Land used to meet minimum area requirements in the creation of any lot may not be sold, given, transferred or conveyed in any way for the purpose of meeting minimum area requirements for the creation of additional lot(s).

2.7) Height Regulations

- A) Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- B) Excessive Height Permitted - Heights of the following structures may exceed Ordinance limits for the district in which it is to be located with the approval of the Planning and Zoning Committee: cooling towers, penthouses, stacks, lookout towers, water towers, spires, conveyor and/or other equipment requirements for natural mineral extraction, or any other necessary mechanical appurtenances.
 - (i) Residences may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.
 - (ii) Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding seventy-five (75) feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located
- C) Height Restriction Exemptions - Farm buildings and related farm structures not for human habitation, are hereby exempted from the height regulations of this Ordinance.



2.8) Front Side and Rear Yard Regulations

- A) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required for another building.
- B) No automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in minimum side and rear yard except in the industrial district where a loading platform may be established if it abuts on a railroad. Firewood is exempt
- C) Except as otherwise provided in this Ordinance, any said yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- D) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with; and provided further that no accessory building shall extend within the setback lines on either street.
- E) Every part of a required yard or court shall be open and unobstructed by a building or structure, from its lowest point upward, except as follows:
 - (i) Detached accessory buildings which may be located in the rear yard or in the side yard of a main building provided an additional side yard, equal to that otherwise required for the main building is provided.
 - (ii) Sills, cornices, buttresses, eaves, open work fire balconies and fire escapes, chimneys, flues, and similar building appurtenances may extend not more than four (4) feet into a required yard.

2.9) Solar Energy Systems

- A) Purpose. The purpose of this Section is to provide regulatory scheme for the construction and operation of Solar Energy Systems other than ground or wall mounted solar powered light fixture and solar powered electric fences in the Town of Colby, Clark County, Wisconsin. All regulations contained herein are adopted to preserve and protect the public health and safety.
- B) Definitions
 - (i) Solar Energy System. Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. "Solar Energy System" excludes



solar powered light fixtures that are ground or wall mounted and solar powered electric fences.

- (ii) Solar energy system, free-standing: An accessory use that is the installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building. (In contrast see Solar energy system).
 - (iii) Solar energy system, building-mounted: An accessory use that is the installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.
- C) Permit Required. No Solar Energy System may be installed or maintained in the Town of Colby without a Solar Energy System Permit granted pursuant to this ordinance, except that no permit is required for a free-standing solar energy system or a building-mounted solar energy system if it meets the following criteria:
- (i) Building-Mounted Solar Energy Systems are allowed without obtaining a permit as an accessory use on the following conditions:
 - (a) No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.
 - (b) The solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.
 - (c) The panels of the solar energy system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
 - (d) The solar energy system may be mounted on the facade of a commercial building provided the installation does not project more than four feet from the face of the wall.
 - (e) All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
 - (f) If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.



- (ii) Free-Standing Solar Energy Systems are allowed without obtaining a permit as an accessory use on the following conditions:
 - (a) The surface area of the solar energy system shall not exceed 150 square feet when located in AR Agricultural/Residential district. There is no maximum surface area in all other districts. The surface area of the solar energy system shall not be included when determining the total accessory structure area allowed on the lot.
 - (b) There shall be no more than one Free-Standing Solar Energy system when located in AR Agricultural/Residential district. There is no maximum number in all other districts.
 - (c) The solar energy system shall meet the maximum height restriction for an accessory structure for the zoning district in which it is located.
 - (d) The solar energy system shall meet all setback requirements for an accessory structure for the district in which it is located.
 - (e) All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
 - (f) If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.
- D) Application. Every application for a Solar Energy System Permit shall be made in writing and shall include the following information:
 - (a) Name and address of the applicant.
 - (b) Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.
 - (c) Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.
 - (d) Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots that will be affected by the Solar Energy System.
 - (e) Documentation showing that no reasonable alternative location exists for the Solar Energy System that would result in less impact on neighboring lots.



- (f) Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the Solar Energy System that would result in less impact on neighboring lots.
 - (g) Such additional information as may be reasonably requested.
 - (h) Any of the information required by this section may be waived by the Town at its discretion.
 - (i) An applicant for a solar energy system exceeding 5 MW shall deposit an application fee of \$10,000 with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of \$5,000 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below \$5,000, the applicant shall deposit additional money to bring the account balance to \$7,500 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system or after denial of the application, as applicable. The Town reserves the right to refuse review of an application in the event an applicant fails to comply with this subsection.
 - (j) An applicant for a solar energy system up to 5 MW shall deposit an application fee of \$5,000 with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of \$2,000 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below \$2,000, the applicant shall deposit additional money to bring the account balance to \$3,500 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system or after denial of the application, as applicable. The Town reserves the right to refuse review of an application in the event an applicant fails to comply with this subsection.
- E) Review of Solar Energy System Permit Application. The Town will consider each Solar Energy System on a case-by-case basis. The Town may deny a permit for a Solar Energy System or may impose restrictions on a Solar Energy System if the Town finds that the denial or restrictions satisfy one of the following conditions:
- (a) The denial or restriction serves to preserve or protect the public health or safety.



- (b) The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (c) The denial or restriction allows for an alternative system of comparable cost efficiency.
 - (d) Solar Energy System Restrictions. The Town may impose restrictions on a Solar Energy System relating to any of the following:
 - (1) Location of the Solar Energy System.
 - (2) Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
 - (3) Wiring and electrical controls of the Solar Energy System.
 - (4) Reimbursement for emergency services required as a result of the Solar Energy System.
 - (e) Solar Energy System ground clearance.
 - (f) Solar Energy System height.
 - (g) Decommissioning and reclamation.
 - (h) Any other matters that the Town finds appropriate.
- F) Revocation. Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.



3) ZONING DISTRICTS

3.1) Established Districts

A) In order to regulate and restrict the location of trades and industry and the location of buildings designed for specified uses and to regulate and limit the bulk of buildings thereafter erected or altered, to regulate and limit the density of population and for the purpose of promoting the health, safety and general welfare, the Town of Colby, outside the limits of incorporated villages and cities is hereby divided into five (5) districts, namely:

(i) AG-3 Agricultural District

(ii) AR Agricultural Transitional District

(iii) C-1 Light commercial District

(iv) M-1 Light Industrial District

3.2) Zoning Map and District Boundaries

A) The boundaries of the districts are shown on an attached township map. The official "Town of Colby, WI Zoning Map", will be kept on file in the Colby Town Hall. This map and land descriptions are made a part of this Ordinance. All notations, references and other information shown upon the said "Zoning Map" and land descriptions shall be as much a part of this Ordinance as if the matter and things set forth by said map and land descriptions were fully described herein. The definitions of boundaries are as follows:

(i) District boundaries shall normally be lot lines, section lines, $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$ section lines, center lines of streets, highways, railroads, boundaries of lakes, rivers, and streams.

(ii) Wherever dimensions are shown on the "Town of Colby, WI Zoning Map", they shall govern.

(iii) In subdivided lands where district boundaries are shown as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the lines of lots abutting such streets.

(iv) When district boundary lines are shown on the "Town of Colby, WI Zoning Map" as being adjacent to streets, highways, or railroads, it is intended that such district boundary lines shall be assumed to abut the right-of-way of such street, highway or railroad.

(a) Questions regarding exact location of district boundaries shall be decided by the Town Zoning Committee. Decisions may be reviewed on appeal to the Board of Adjustment as provided in this Ordinance.



- (b) "Town of Colby, WI Zoning Map", together with a copy of this Ordinance, shall be kept at the Town Clerk's office and shall be available for public inspection during office hours.

4) AG-3 EXCLUSIVE AGRICULTURAL DISTRICT

4.1) Purpose

- A) The AG-3, Agricultural District, is intended to: preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs, maintain a viable agricultural base to support agricultural processing and service industries, prevent conflicts between incompatible uses, reduce costs of providing services to scattered non-farm uses, space and shape urban growth, implement the provisions of the county agricultural plan when adopted and periodically revised, and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under s. 71.613, State Statutes.

4.2) Lands Included within this District

- A) This district is generally intended to apply to lands which are limited to exclusive agricultural use including: lands historically exhibiting good crop yields, land capable of such yields, lands which have been demonstrated to be productive for dairying, livestock raising and grazing, other lands which are integral parts of such farm operations, land used for the production of specialty crops such as cranberries, ginseng, mint, sod, fruits and vegetables, and lands which are capable of productive use through economically feasible improvements such as irrigation.

4.3) Permitted Uses

- A) One single family conventional dwelling.
 - (i) One additional conventional dwelling used for habitation which is not the primary place of residence shall be permitted as an accessory building on an operating farm, providing:
 - (a) A determination is made in writing by the Town Planning and Zoning Committee, or the Town Board in the absence of a Town Planning and Zoning Committee, that one or more of the occupants of the additional conventional dwelling derives more than 50 percent of his or her gross income from the farm operation and/or substantially participates in the operation of the farm, and provided that each mobile home is provided with proper skirting or a foundation. If a mobile home is used it must meet 1.6.E requirements.
 - (b) More than one conventional dwelling on the property may be permitted if needed for help in conjunction with the farm operation upon Town Board approval and a conditional use permit from the Planning and Zoning Committee.



- (ii) A temporary dwelling shall be permitted while a permanent dwelling is under construction, providing the temporary dwelling unit and the proposed permanent dwelling are located on the same lot or parcel of land. A temporary residential structure is subject to the following requirements:
 - (a) The temporary residential structure shall not be inhabited for more than one year, unless an extension is authorized in writing by the town board.
 - (b) A county sanitary permit has been obtained for the permanent dwelling.
 - (c) An approved private waste disposal system is utilized by the temporary dwelling unit.
- B) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use (WI State Statute 91.01(1)(a))
 - (i) Neither the exterior nor interior of any building may receive alterations over the life of the building in excess of 50% of the building's assessed valuation at the time of the first alternation, to accommodate a business not directly related to farming or the sale of products not produced on the farm.
- C) General farming buildings
 - (i) Including dairying, livestock and poultry raising, nurseries, greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. Buildings housing animals, barnyards, or feedlots for less than 750 animal units shall be at least one (100) feet from any navigable water and shall be so located that manure will not drain into any navigable water
- D) One roadside stand per farm, of not more than 300 square feet, used solely for the sale of products more than 50% of which were produced on the premises.
- E) Forest and game management (WI State Statute 91.01(1)(d)), Hunting, fishing and trapping (WI State Statute 91.44 (1)(e)).
- F) Maple syrup processing plant (WI State Statute 91.01(3)).
- G) Signs – Signs not to exceed thirty-two (32) square feet used exclusively to advertise sale of agricultural products produced on the premises, signs giving the name of the farm owner, and rural directory signs. Any artificial lighting shall be directed downward.
- H) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place



under a state or federal law that preempts the requirement of a conditional use permit for that use (WI State Statute 91.44 (1)(f)).

- I) Ponds requiring US Army Corps of Engineers, or Wisconsin DNR permit shall notify the Planning and Zoning Committee prior to submittal and provide a copy of the proposed project and must meet an applicable provision of WI State Statute 91.01(1).
- J) Logging shelters used for the purpose of temporarily storing logging equipment at the logging site or for the production of maple syrup.
- K) For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of the Ordinance may be separated from a larger farm parcel.

4.4) Conditional Uses

A) The following are conditional uses permitted when the location of the use has been approved and a conditional use permit has been granted by the Planning and Zoning Committee after a public hearing. Such approval shall be consistent with the general purposes and intent of this Ordinance and shall be based upon such evidence as may be presented at such public hearing. The Planning and Zoning Committee, in passing upon applications for these conditional use permits, shall consider the following factors: The statement of purposes of the Zoning Ordinance and the AG-3 District, the need of the proposed use for a location in an agricultural area, the availability of alternative locations, compatibility with existing or permitted uses on adjacent lands, the productivity of the lands involved, the location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted, the need for public services created by the proposed use, the availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden, the effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

(i) These uses are as follows:

- (a) Single family dwellings, in addition to permitted residences in 4.3 A and B, providing one or more of the occupants is a parent or child of the operator of the farm, or the secondary farm residence on the farm, the residence must be occupied by either 1) the owner or operator of the farm 2) a parent or child of the owner or operator of the farm 3) an individual who earns more than 50% of his or her gross income from the farm (WI State Statute 91.01(19)).
- (b) Canneries
- (c) Cheese factories
- (d) Governmental concrete or blacktop batching plant (temporary only).
- (e) Condenseries.
- (f) Cemetery must meet WI State Statute 91.46(5)
- (g) Creameries.



- (h) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- (i) Facilities used to provide veterinarian services for livestock.
- (j) Facilities used in processing of agricultural products.
- (k) Public utility substations, power plants, relay stations and microwave receivers and transmitters, semi-public and private utility towers, receivers, transmitters and other similar necessary appurtenant facilities which need to meet WI State Statute need to meet 91.46(4).
- (l) Airstrips when they are Ag related or governmental and must meet s. 91.46(4).
- (m) Sawmills, when located five hundred (500) feet minimum distance from any residence other than that of the owner.

4.5) Conditions Attached to Conditional Use Permits

- A) Upon a consideration of information supplied at the public hearing and a review of the standards contained in Section 4.4, the following conditions may be attached to the granting of a Conditional Use Permit: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this Ordinance. Violation of these conditions shall constitute a violation of this Ordinance as provided in Section 8.3. The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any Conditional Use Permit.

4.6) Height, Yards and Area Requirements

- A) Lot Area:
 - (i) The minimum lot size to establish a residence or farm operation is 35 contiguous acres, except provided in *ii – iv*. (x. 91.75 as amended).
 - (ii) The minimum lot size shall be one (1) acre to establish a separate parcel for an additional residence for parents or children of the farm operator, or for persons earning more than 50 percent of his or her gross income from the farm (WI State Statute 91.01(19)).
 - (iii) Where an additional residence for persons specified in 2. Above is located on a farm without creating a separate parcel, the residence shall be at least one hundred (100) feet from other residences.
 - (iv) The minimum lot size for farm residences or structures which are separated from a larger parcel through farm consolidation shall be one (1) acre outside of the road right-of-way and shall not be less than one hundred fifty (150) feet wide at the building and road right-of-way. No lot shall be created such that the existing structure or the septic system



servicing the structure becomes nonconforming due to the property boundary setbacks or other minimum setbacks.

- (a) Each residential or principal structure created under 4.6 [i – iv] shall have a minimum of 35 acres dedicated to that structure that may not be used to meet the minimum size requirements of any additional lot(s).
- (b) Lots or parcels having less than thirty-five (35) acres but not less than one (1) acre, that legally existed prior to the Town Board's approval of this Ordinance, that are not a part of and contiguous to a larger farm unit, or which have been granted a variance pursuant to Section 4.6(A) (1) by the Planning and Zoning Committee, may be utilized as residential sites and structures may be rebuilt in the event of damage or destruction without the need for a variance provided that a building permit is obtained, and all minimum setback requirements and the terms of the Clark County Private Sewage System Ordinance are met.

B) Height:

- (i) The maximum height of a farm dwelling shall not exceed thirty five (35) feet.
- (ii) The maximum height of other structures shall meet the provisions of Section 2.7 [B] of this Ordinance.

C) Side Yard – There shall be a side yard provided between each building and the property line of no less than twenty (20) feet.

D) Rear Yard – The minimum depth of any rear yard shall be fifty (50) feet, except on waterfront lots.

E) Floor Area – Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum floor area of 800 square feet, provided that this regulation shall not apply to temporary dwellings.

4.7) Standards for Rezoning

A) The State Department of Agriculture, Trade and Consumer Protection shall be mailed a copy of the notice of a public hearing on a petition for a rezone and following the hearing a copy of the findings upon which the decision to deny or grant the petition was based.

(i) A political subdivision with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified under s. 91.36, if the political subdivision finds all of the following, after public hearing: s. 91.48(2) (a-d).

- (a) The land is better suited for a use not allowed in the farmland preservation zoning district.
- (b) The rezoning is consistent with any applicable comprehensive plan.



- (c) (c) The rezoning is substantially consistent with the county certified farmland preservation plan.
- (d) (d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (ii) A political subdivision shall by March 1 of each year provide to the department a report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres

5) AG-4 AGRICULTURAL TRANSITION DISTRICT

5.1) Purpose

A) The purpose of the AG-4 is to: Provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion; defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost ensure that urban development is compatible with local land use plans and policies; provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:

- (i) A minimum of every two (2) years;
- (ii) Upon completion or revision of a county agricultural preservation plan or municipal land use plan which affects lands in district;
- (iii) Upon extension of public services such as sewer and water, necessary to serve urban development.

5.2) Lands Included within this District

A) This district is generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space use but where conversion to non-agricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar lands are to be included. This section will be reviewed every five (5) years.

5.3) Permitted Uses

A) Same as Section 4.3 Exclusive Agricultural District (AG-3).

5.4) Conditional Uses

A) Same as Section 4.4 and 4.5 Exclusive Agricultural District (AG-3).



5.5) Minimum Lot Size, Height and Yards

- A) Same as Section 4.6 Exclusive Agricultural District (AG-3).

5.6) Standards for Rezoning

- A) Same as Section 4.7 Exclusive Agricultural District (AG-3).

6) AR – AGRICULTURAL / RESIDENTIAL

6.1) Purpose

- A) The purpose of the AR district is to provide for and promote small to medium lot residential living with some limited agricultural activities.

6.2) Lands Included within this District

- A) This district is for the accommodation of rural parcels less than thirty five (35) acres in size, that are not part of larger farm operations.

6.3) Permitted Uses

- A) One single family dwelling provided all other conditions of this Ordinance and the Private Sewage System Ordinance can be met.
- B) Limited farming of feed and vegetable crops.
- C) One temporary roadside stand per lot, not more than three-hundred (300) square feet, used solely for the sale of products at least fifty (50) percent of which were produced on the premises.
- D) Garage and/or usual accessory buildings.
- E) Public utility equipment such as telephone and electric power, distribution poles, towers and lines, including transformers.

6.4) Conditional Uses

- A) Livestock, or poultry in the AR and the AR/M Districts, not to exceed one (1) animal unit per 3 acres.



- B) Agriculturally-related commercial enterprises, including but not limited to, cheese factories, veterinary hospitals and clinics, seed fertilizer and chemical sales, feed mills, but not farm machinery sales and service.
- C) Public utility substations, power plants, relay stations and microwave receivers and transmitters, semi-public and private utility towers, receivers, cell towers, transmitters and other similarly necessary appurtenant facilities.
- D) Signs, per section 4.3 [I].
- E) Home occupations and home professions.

6.5) Height, Yard, Area and Other Requirements

- A) Height, front, side and rear yard requirements for the AR District shall be the same as described in 4.6 Exclusive Ag.
- B) The minimum lot size in the AR District shall be one (1) acre. The maximum lot size in the AR District shall be ten (10) acres.
- C) All lot areas shall exclude road right-of-ways and other easements which are more than twenty (20) feet from the total lot area.

7) C-1 COMMERCIAL DISTRICT

7.1) Purpose

- A) This district is designed to provide for a wide range of retail stores and personal service establishments which cater to frequently recurring needs. The regulations are designed to promote stability of retail development by encouraging continuous retail frontage.

7.2) Permitted Uses

- A) Animal hospitals and clinics, but not the boarding of animals.
- B) Antique or art shop.
- C) Bakery employing not over eight (8) persons on the premises.
- D) Bank, savings and loan, or other financial institutions.
- E) Barber shop, beauty parlor.
- F) Boat sales and service.



- G) Book and stationery store.
- H) Business, professional offices and clinics.
- I) Clothing store, department store, shoe store, shoe repair shop.
- J) Clubs and lodges.
- K) Commercial entertainment facilities, but not drive-in theater.
- L) Drugstore.
- M) Dwelling, single family, but only as an accessory to a principle use.
- N) Florist shop, greenhouse.
- O) Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.
- P) Furniture store, appliances, office equipment, upholstering.
- Q) Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.
- R) Hotel, motel.
- S) Insurance firms, real estate firm stockbrokers.
- T) Jewelry store.
- U) Laundry, cleaning and dyeing establishment
- V) Music, radio and television store, record shop.
- W) Paint store, interior decorator.
- X) Parking lot.
- Y) Photographer, photography supply shop.
- Z) Printing and duplicating.
- AA) Public utility office or substation, telephone exchanges, fire stations, police station, administration buildings and similar uses.



- BB) Radio and television broadcasting studio *and related* tower, mast or aerial, microwave radio relay structures.
- CC) Retail stores and shops offering convenience goods and services.
- DD) Restaurant, café, tavern but not drive-in restaurant.
- EE) Signs and/or billboards may not exceed 250 square feet of surface area per side and may not exceed 20 feet in height. Any artificial lighting shall be directed downward.
- FF) Sporting goods stores.
- GG) Theater, except drive-in theater.
- HH) Vocational schools and learning centers conducted for profit
- II) Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises

7.3) Conditional Uses

- A) The following are conditional uses permitted when the location of the use shall have been approved and a Conditional Use Permit granted by the Planning and Zoning Committee after a public hearing. Such approval shall be consistent with the general purpose and intent of this Ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability of specific proposed locations for a specific use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise, vibration, operation of heavy vehicular traffic and increased traffic on the public streets.
 - (i) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.
 - (ii) Automobile sales or service stations.
 - (iii) Bowling alleys, dance halls, skating rinks.
 - (iv) Drive-in restaurant.
 - (v) Drive-in theater.
 - (vi) Farm equipment sales and service.



- (vii) Farm machinery sales and service.
- (viii) Feed and seed stores.
- (ix) Fishing bait (live) stores.
- (x) Funeral homes.
- (xi) Health studios.
- (xii) Lumber yards.
- (xiii) New and used car sales and their repair.
- (xiv) Marinas.
- (xv) Mobile homes sales and service.
- (xvi) Motorcycle sales, repair and service.
- (xvii) Newspaper office and press rooms.
- (xviii) Transportation terminals.
- (xix) Wholesale establishments.

7.4) Height, Yards, Area and Other Requirements

- A) Height - Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. One additional foot of extra height may be permitted provided one (1) additional foot of each side and rear yards for each additional foot of extra height is also established up to a maximum height of sixty (60) feet unless the Planning and Zoning Committee approves a greater height. Height of the following structures, except for airport regulations, may exceed Ordinance limits for the district in which they are located: cooling towers, stacks, barns, lookout towers, silos, windmills, water towers, church spires, cell phone towers.
- B) Lot Area - The minimum lot area shall be ten thousand (10,000) square feet and the minimum lot width shall be seventy-five (75) feet at the building line.
- C) Floor Area - Buildings used in whole or part for dwelling purposes, as opposed to accommodations for transients, shall have a floor area as required by the regulations of AG-3 Exclusive Agricultural District (Section 4.6 [A]).



D) Side Yards

(i) If a side yard is provided, the same shall be not less than six (6) feet wide, and

(ii) There shall be a side yard not less than (10) feet wide along the side of any lot in a Commercial District, which abuts the side lot line of a lot in an adjoining district and is not separated there from by a street or alley.

E) Rear Yard – There shall be a rear yard of not less than twenty (20) feet in depth.

8) M-1 LIGHT INDUSTRIAL DISTRICT

8.1) Purpose

A) The light industrial District is intended for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the county as a whole by reason of noise, dirt, smoke, odor, traffic, physical appearance, or other similar factors.

8.2) Permitted Uses

A) Automotive heavy repair and upholstery.

B) Cleaning, pressing and dyeing establishments.

C) Commercial greenhouses.

D) Dwellings, single family for the caretaker or owner and his family only.

E) Food locker plants.

F) General or clerical offices.

G) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication, and similar small industries which do not require loud presses.

H) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles and wood.

I) Manufacture, fabrication, packing, packaging and assemble of confections; cosmetics; electrical appliances; electronic devices; instruments; jewelry; pharmaceuticals; tobacco; toiletries; and foods except cabbage, fish and fish products, meat and meat products, and pea venires.



- J) Manufacturing and bottling of non-alcoholic beverages.
- K) Painting.
- L) Printing.
- M) Professional offices.
- N) Publishing.
- O) Research and testing laboratories.
- P) Schools and training centers.
- Q) Warehousing.
- R) Wholesalers and distributors.
- S) A sign or billboard pertaining to the primary business or building on the lot the sign is located on. No sign or billboard may exceed 250 square feet of surface area per side and may not exceed 20 feet in height. Any artificial lighting shall be directed downward.

8.3) Conditional Uses

- A) The following are conditional uses permitted when the location of the use shall have been approved and a conditional use permit granted after a public hearing by the Zoning Committee.
 - (i) Airports, air strip and landing fields, providing the site area is not less than twenty (20) acres.
 - (ii) Animal hospitals and clinics, but no the boarding of animals.
 - (iii) Automobile sales or service stations.
 - (iv) Commercial service facilities, such as restaurants and fueling stations provided all such services are physically and sales wise oriented toward industrial district users and employees and other users are only incidental customers.
 - (v) Governmental and cultural uses, such as fire and police stations, community centers libraries, public emergency shelter, parks, playgrounds, and museums.
 - (vi) Manufacturing, processing, and storage of dry ice, and building materials.



(vii) Public passenger transportation terminals, such as heliports, bus and rail depots, provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

(viii) Commercial sand and gravel pits.

8.4) Height, Yards, Area and Other Requirements

- A) Height - The maximum height shall be forty-five (45) feet, except that this may be increased to sixty (60) feet, provided all yards are increased three (3) feet in width for each five (5) feet of additional height.
- B) Lot Area - The minimum lot area shall be twenty thousand (20,000) square feet
- C) Width - The minimum width shall be one hundred fifty (150) feet.
- D) Side Yards - The minimum side yard shall be twenty (20) feet.
- E) Rear Yard - The minimum rear yard shall be not less than twenty-five (25) feet in depth. Any yard which abuts a boundary of a residence district shall not have an automobile parking lot, stockpile, waste or salvage pile, equipment storage or other accumulation of materiel or equipment in the open, placed in such yard, except that loading platforms may be established in a yard if it abuts on a railroad.

9) ADMINISTRATION

9.1) Planning and Zoning Committee

- A) Designation – By authority so stipulated in Chapter 60.61(2) of the Wisconsin Statutes, the Town Board shall appoint a committee of five (5) who will be known forthwith as the Town of Colby Planning and Zoning Committee. Members of the Committee shall hold office until replaced by the Town Board. All members of the Committee shall be legal residents and eligible voters in the Township of Colby, Clark County, Wisconsin, with not more than one (1) member being a town supervisor. One member of the Committee selected by the committee members shall be the Town Zoning Administrator.
- B) Duties - In administering and enforcing this Ordinance, the Town Zoning Administrator or other member of the Planning and Zoning Committee shall perform the following duties under the direction of the Planning and Zoning Committee:
 - (i) Advise applicants as to the provisions of this Ordinance, and assist them in preparing permit applications provided by him/her.



- (ii) Issue permits after inspection and approval by himself/herself or other member of the Planning and Zoning Committee, of properties for compliance with this Ordinance, and approval of the majority of the Planning and Zoning Committee.
 - (iii) Keep records of all permits issued, inspections made, work approved and other official actions.
 - (iv) Issue conditional use permits when authorized by the Planning and Zoning Committee.
 - (v) To take such action as may be necessary for the enforcement of the regulations provided herein; to attend all such meetings as the Planning and Zoning Committee shall direct.
 - (vi) Make an annual report of his/her activities to the Town Board of Supervisors.
- C) Powers – The Zoning Administrator and members of the Planning and Zoning Committee shall have authority including but not limited to the following:
- (i) Access to any structure or premise for the purpose of performing his/her duties by the permission of the owner or upon issuance of a special inspection warrant
 - (ii) Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

9.2) Land Use Permits

- A) Required – No building, sign or structure, including trailers shall hereafter be constructed, enlarged, altered or moved within any area subject to this Ordinance, with a cost of \$1,000 or more, until a land use permit has been issued.
- B) Application. Application for permits shall be made in writing to the Zoning Administrator upon a form furnished by the Administrator.
- C) Termination. Where a permitted use does not continue in conformity with the original approval, the land use permit shall be terminated by action of the Planning and Zoning Committee at a public hearing.
- D) Permit Fee. Application for permits, or certificates prepared under the regulations of this Ordinance shall be accompanied by a fee set by the Town Board. A copy of current fee schedules shall be kept on file in the office of the Town Clerk. All permit fees shall be doubled for any building structure or sign requiring a permit under this Ordinance when construction commences prior to a land use permit being issued.



- E) Lapse of Permit. A land use permit issued according to the regulations of this Ordinance shall lapse and be void unless construction of the framework of the building has been completed within one (1) year from the date of issuance of the permit and the building itself has been completed within two (2) years of issuance of such permit.

9.3) Violation and Penalty

- A) Violations - It shall be unlawful to construct or use any structure, land, or premises in violation of any of the provisions of this Ordinance. Every structure, fill or development placed or maintained in violation of this Ordinance is a public nuisance; and the creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the Town of Colby Board of Supervisors or any property owner who would be specifically damaged by such violation. Instances found to be in violation of this Ordinance by the Planning and Zoning Committee shall be reported to the Town Board of Supervisors within fourteen (14) days of said finding.
- B) 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 (\$10) dollars nor more than two hundred (\$200) dollars and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

9.4) Board of Appeals

- A) By authority so stipulated in Chapter 60.62 of the Wisconsin State Statutes, the Town Board shall provide for the appointment of a Board of Appeals whose purpose will be to hear appeals to findings of the Planning and Zoning Committee by persons directly affected by said findings. The Board of Appeals shall have the powers and duties in these matters as provided for by Section 59.99 of the Wisconsin State Statutes.
- B) Fee structure for appeal will be set by Colby Town Board

10) AMENDMENTS

10.1) Purpose

- A) This Ordinance may be amended by changing the boundaries of any district or by changing any district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision thereof in accord with the procedure prescribed in this Article.

10.2) Initiation

- A) A change in the boundaries of any district may be initiated by petition of any person, firm, or corporation owning or leasing property in Colby Township. If a proposed change of a district is in more than one ownership, all the owners or their authorized agents shall join in filing the application.



- B) A change in boundaries of any district, or a change in district regulation, may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed

10.3) Application Filing Procedure

- A) A property owner desiring to propose a change in the boundaries of the district in which his/her property is located or his/her authorized agent may file with the Zoning Administrator an application for a change in district boundaries on a form prescribed by the Zoning Administrator which shall include the following information and material:
 - (i) Name and address of applicant.
 - (ii) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.
 - (iii) Address or description of the property.
 - (iv) An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and rights-of-way (any highway, road, street, and railroad and public utilities).
 - (v) Name and address of all adjacent property owners.
 - (vi) The application shall be accompanied by a fee as scheduled by Colby Town Board.

10.4) Hearing of Application

- A) The Planning and Zoning Committee shall hold a public hearing on each application for a change in district boundaries or for a change of a district regulation, off-street parking or loading facilities requirements, general provisions, exceptions or other provisions of this Ordinance. A notice under Chapter 985 of the Wisconsin State Statutes of the public hearing shall be given. A record of the hearing shall be filed in the Clerk's office.

10.5) Time Limitations

- A) Public Hearing Notice. The Planning and Zoning Committee shall schedule a public hearing within 45 days of receipt, in proper form, of a petition to amend this Ordinance.
- B) Planning and Zoning Committee Recommendation. The Planning and Zoning Committee shall make a recommendation to approve, with changes, or deny a petition to amend this Ordinance and forward said recommendation to the Colby Township Board of Supervisors



within 45 days of the scheduled public hearing. Any action to deny shall be so stated in writing with reasons for that denial.

- C) Colby Township Board of Supervisors. Upon receipt of the recommendation from the Planning and Zoning Committee regarding an amendment to the Zoning Ordinance, a decision to approve, approve with changed, deny or refer the matter back to the Planning and Zoning Committee for specific reasons shall be made at their next regularly scheduled meeting.
- D) Notice of the action taken by the Colby Township Board of Supervisors shall be sent to the petitioner by U.S. Mail within 30 days of said decision.

11) CONDITIONAL USES

11.1) Purpose

- A) The formulation and enactment of a comprehensive zoning ordinance is based on the division of the Entire Township into districts in each of which are permitted specified uses that are mutually compatible.
- B) In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Ordinance as “Conditional Uses” and fall into three (3) categories:
 - (i) Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest.
 - (ii) Uses entirely private in character which, because of their peculiar location need, the nature of the service they offer to the public, and their possible damaging influence on the neighborhood, may have to be established in a district, or districts, in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations.
 - (iii) Nonconforming uses which as “conditional uses” can be made more compatible with their surroundings.

11.2) Initiation

- A) Any conditional use permit may be initiated by petition of any firm, person, or corporation. If a conditional use permit occurs on property which is in more than one ownership, all the owners or their authorized agents shall join in filing the application



- B) Conditional uses may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed

11.3) Application for Conditional Uses

- A) An application for a conditional use permit shall be filed on a prescribed form with the Zoning Administrator. The applicant shall include a statement in writing and adequate evidence showing that the proposed conditional use will conform to the standards set forth in this Ordinance hereinafter, plus the following information and materials:
 - (i) Name and address of applicant.
 - (ii) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.
 - (iii) Address or description of the property.
 - (iv) An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and right-of-way (any highway, road, street, and railroad and public utilities).
 - (v) Name and address of adjacent property owners.
 - (vi) The application shall be accompanied by a fee as scheduled by the Colby Town Board.

11.4) Hearing of Application

- A) Upon receipt, in proper form, of the application and statement, the Planning and Zoning Committee shall hold at least one (1) public hearing on the proposed conditional use. A notice under Chapter 985 of the Wisconsin State Statutes shall be given. A record of the hearing shall be filed in the Clerk's office.

11.5) Time Limitations

- A) Public Hearing Notice - The Planning and Zoning Committee shall schedule a public hearing within forty-five (45) days of receipt, in proper form, of a petition for Conditional Use.
- B) Planning and Zoning Committee Recommendation. The Planning and Zoning Committee shall make a recommendation to approve, approve with changes, or deny a petition for a Conditional Use within forty-five (45) days of the scheduled public hearing. Any action to deny shall be so stated in writing with reasons for that denial.



- C) Notice of the action taken by the Planning and Zoning Committee shall be sent to the petitioner by U.S. Mail within thirty (30) days of said decision.

12) VARIANCE

12.1) Purpose

- A) The Planning and Zoning Committee shall determine and may vary the regulations of this Ordinance in harmony with its general purpose and intent, only in specific instances where the Committee makes a finding of fact, based upon the standards hereinafter prescribed, that there are practical difficulties in carrying out the strict letter of the regulations of this Ordinance, and that the granting of a variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable difficulty.
- B) Variations from the regulations of this Ordinance shall be granted by the Colby Township Planning and Zoning Committee only in accordance with the standards set forth above and may be granted only in the following instances, and in no other:
 - (i) To continue nonconforming uses.
 - (ii) To permit any yard of less dimension than required by the applicable regulations.
 - (iii) To permit the use of a lot prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than ninety (90) percent of the required lot area.

12.2) Initiation

- A) Any variance permit may be initiated by petition of any firm, person, or corporation. If a variance permit occurs on property which is in more than one ownership, all the owners or their authorized agents shall join in filing the application.
- B) Variances may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed.

12.3) Application

- A) An application for a variance permit shall be filed on a prescribed form with the zoning committee. The applicant shall include a statement in writing and adequate evidence showing that the proposed variance will conform to the standards set forth in this Ordinance hereinafter, plus the following information and material:
 - (i) Name and address of applicant.



- (ii) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.
- (iii) Address or description of the property.
- (iv) An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and right-of-way (any highway, road, street, and railroad and public utilities).
- (v) Name and address of adjacent property owners.
- (vi) The application shall be accompanied by a fee as scheduled by the Colby Town Board.

OFFICIALS OF TOWN OF COLBY,
CLARK COUNTY, WISCONSIN

Larry Oehmichen, Chairperson

Larry Mader, Supervisor No. 1



ZONING ORDINANCE TOWNSHIP OF COLBY

Jim Rankel, Supervisor No. 2

Theo Ludwig, Clerk

Mary Ann Will, Treasurer

Dates of Signatures _____



Appendix 1: Township of Colby Zoning Map

