

CHAPTER 17
TOWN OF BURNS ZONING CODE

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17.01 STATUTORY AUTHORIZATION

- (1) A chapter to promote the public health, safety and general welfare, in accordance with the provisions of Wisconsin Statutes, Section [60.10\(2\)\(c\)](#), [60.62](#), [61.35](#), [62.23\(7\)](#), and [87.30](#), and for such purpose as to divide the Town of Burns, La Crosse County, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out those purposes; to provide a method for its administration and enforcement and to provide penalties for its violation. The Town Board of Burns has been authorized, under s. [60.10 \(2\)\(c\)](#), by the Town Meeting to adopt, and has adopted, village powers in accordance with the above Wisconsin Statutes and their predecessor statutes. The Town Meeting has authorized the board to exercise zoning authority per [60.10\(2\)\(h\)](#). The board may adopt and administer zoning ordinances under s. [61.35](#) & [60.23](#) subject to WI Stats [60.62](#) subs. [\(2\)](#), [\(3\)](#) and [\(4\)](#) and except as provided in s. [60.23 \(33\)](#).

17.02 INTERPRETATION AND PURPOSES

- (1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the public health, safety and general welfare of the Town.
- (2) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenant of agreement between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are required by other rules, regulations, or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.
- (3) Pursuant to WI Statutes, for the purpose of promoting health, safety, morals or the general welfare of the community, the Board may regulate and restrict, by ordinance; subject to par. [\(62.23\(7\)\(hm\)\)](#) "Migrant Labor Camps.", WI Stats.; the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures. This ordinance shall be liberally construed in favor of the Town as minimum requirements adopted for the purposes stated. Where the intent and meaning of the terms embraced in this zoning ordinance are *not* in clear, unambiguous, and peremptory terms, all ambiguity in the meaning shall be resolved in favor of the free use of private property.
- (4) For any and all of said purposes the Board may divide the Town into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts. No ordinance enacted or regulation adopted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry management practices, as defined under s. [823.075 \(1\) \(d\)](#). The Board may establish mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The Board may with the consent of the owners establish special districts, to be called planned development districts, with regulations in each, which in addition to those provided in sub. [\(5\)](#), will over a period of time tend to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses. In planned development districts and mixed-use districts the regulations need not be uniform.
- (5) Purposes in view: Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of

groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to preserve burial sites, as defined in WI Stats. [157.70 \(1\) \(b\)](#). Such regulations shall be made with reasonable consideration, among other things, of the character of the district, or property placed in such districts, and its peculiar suitability or singular adaptability for particular uses, and with a view to conserving the value and longevity of existing buildings and uses, protecting established uses from encroaching inconsistent uses, and encouraging the most appropriate use of land throughout such Town with respect to these objectives.

17.03 DISTRICTS.

- (1) For the purpose of this chapter, the land use in the Town is hereby divided into 12 zoning district classifications, as follows:
 - (A) Residential District "A". (Residential, 1 Family Uses)
 - (B) Residential District "B". (Residential, 1-2 Family Uses)
 - (C) Residential District "C". (Residential, 1-3+ Family Uses)
 - (D) Agricultural District "A". (Mixed, Agricultural & Outlying Residential Uses)
 - (E) Agricultural District "B". (Limited and Mixed, Agricultural, Forestry, & Recreational Use)
 - (F) Farmland Preservation District. (Agricultural & Limited Residential Uses)
 - (G) Agricultural Transition District. (Agricultural & Limited Residential Uses)
 - (H) Commercial District "A". (Certain Retail Uses)
 - (I) Commercial District "B". (Mixed, Retail, Commercial, & Residential Uses)
 - (J) Commercial District "C". (Mixed, Retail, Commercial, Residential Use, & Light to Medium Industrial, Processing, & Wholesale Uses)
 - (K) Industrial District. (Mixed Industrial, Manufacturing, Commercial, & Processing Uses, & Certain Limited Residential Uses)
 - (L) Mobile Home Court District. (Mobile Home Court Uses)
- (2) The boundaries of the aforesaid districts are hereby established as shown on the map entitled, "Zoning District Map, Town of Burns, Wisconsin, dated January 30, 2013," which map is made a part of this chapter by reference. All notations, overlays, and references shown on or part of the District Map are as much a part of this chapter as though specifically described herein.
 - (A) The district boundaries are either highway, roads, streets, alleys, or section, quarter section or quarter-quarter section lines, unless otherwise shown, and where the designation on the District Map indicates that the various districts are approximately bounded by highway, road, street or alley lines, or section, quarter section or quarter-quarter section lines, such lines shall be construed to be the district boundary lines.
 - (B) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lots, and where the designations of the District Map are approximately bounded by lot lines, such lot line shall be construed to be determined by use of the scale shown on such map.

17.04 DEFINITIONS.

- (1) For the purpose of this chapter, words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" or "must" is mandatory and not optional. The word "may" is advisory and not mandatory. Technical words and phrases and others that have a peculiar meaning in the law shall be construed according to such meaning. Any words not defined in this chapter shall be construed as defined in the WI Statutes or Administrative Codes authorizing the Zoning Ordinance, or the Town Building Code. The ordinary and common meaning of a word may be established by definition from a recognized dictionary, current at the time of the adoption of this chapter or any amendment thereto. Reference to a "section," "subsection,"

"paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision. Any reference herein to any statute or code that regulates any restrictions or procedures contained herein shall, in effect, include an equal reference to any subsequent amendment, renumbering, repeal, or enactment statutes or codes and is hereby adopted by reference.

- (2) **ACCESSORY BUILDING.** A building, not substantially attached to a main building, subordinate to the main building, in scope, use, or function, whether located on the same lot or another lot in the same district, and used for a purpose customarily or clearly incidental to the permitted uses of the premises or of the main building. Except as otherwise expressly provided herein, the side yard setback and rear yard setback requirements of the main building shall be applied to the accessory building.
- (3) **ACCESS EASEMENT or EASEMENT.** An interest in property evidencing a private right of access to real property, commonly improved for vehicles, but also for persons or animals, defined by a legal description, and providing for sufficient all weather vehicular access unless otherwise specified. Every vehicular access easement which is intended to serve one or more lots must be approved by the Town Board using the relevant standards established under s. [82.50](#), Wis. Stats (2011-12), or any amendments thereto, or as otherwise established by a stricter town ordinance. Unless, in the town board's discretion, the board determines that the application of the s. 82.50 standards is impractical due to the peculiar circumstances of the easement or to siting and density restrictions that will foreseeably limit the use of the easement. But in no case shall the width allowed be less than that of a "street." See [TABLE 82.50](#), TOWN ROAD STANDARDS: The Following table is reproduced here from Wis. Stats 82.50, TOWN ROAD STANDARDS, for widths; [17.04\(30\)](#), "Lots"; and [17.10\(20\)](#), for easement setback.
- (4) **ALLEY.** A Street or thoroughfare less than 21' wide and affording only secondary access to abutting property.
- (5) **ANIMAL LOT.** A feedlot, barnyard or other outdoor facility where livestock are concentrated for feeding or other purposes. Pastures and winter grazing areas are NOT "animal lots." Multiple "animal lots" are considered a single "animal lot" if runoff from the "animal lots" drains to the same treatment area or if runoff from the "animal lot" treatment areas converges or reaches the same surface water within 200 feet of any of those treatment areas.
- (6) **ANIMAL UNIT.** A unit of measure used to determine the total number of single animal types or combination of animal types, as defined in [NR 243.03\(5\)](#), "Animal Feeding Operations", and as provided for under [NR 243.05](#), "Calculating Animal Units", of the Wis. Admin. Code, or any amendments thereto. An animal unit is not a count of animals per se. An animal unit is defined as 1,000 pounds of animal weight. A conversion factor established by the WI. DNR is used for each different animal type; beef, dairy, and swine, and animal size; mature or immature, to determine how many animals equal one animal unit. For example, 500 animal units equal 500 steers or cows over 600 pounds; 1,000 calves under 600 pounds; approximately 357 milking cows; 1,250 pigs over 55 pounds; or 27,777 turkeys. See [Appendix A](#).
- (A) Under chapter ATPC 51; "Livestock Facilities", *animal units* means the largest number of animal units that are kept at the facility for 90 days in any 12-month period.
- (7) **BARBER SHOP OR BEAUTY PARLOR, HOME OCCUPATION.** Subject to the conditional use permit application and approval process by the Town Board, when established in a residence in other than commercial districts, a barber shop or beauty parlor shall be conducted so that no more than 30% of the floor area of one story of a dwelling unit shall be occupied by such use, and only 2 barber chairs in a barber shop and only 2 operators in a beauty parlor shall be allowed. No more than one unlighted name plate, not exceeding 1 sq. ft. in area, containing the name and business of the occupant of the premises, may be exhibited. The occupation may be contained in a separate attached or detached building that complies with the area requirements of this chapter
- (8) **BASEMENT.** A story of a building more than 50% underground.
- (9) **BOARDING HOUSE.** A building other than a hotel where meals and/ or lodging are furnished for compensation for 3 or more persons not members of a family.
- (10) **APARTMENT HOUSE.** See DWELLING, MULTIPLE.

- (11) **BUILDING.** Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property.
- (12) **BUILDING, HEIGHT OF.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to:
- (A) The highest point of the fascia or coping of a minimally pitched or *flat roof*,
 - (B) The deck line of a mansard roof,
 - (C) The average height of a gable or gambrel, hip or pitch roof. (See [APPENDIX B](#). Height of Buildings.)
- (13) **BUILDABLE LOT AREA.** That part of the lot bounded by the required building setback from the front, side, and rear lot line.
- (14) **COMMUNITY BASED RESIDENTIAL FACILITY.** A licensed facility as defined in [46.03\(22\)\(c\)](#), Wis. Stats. The establishment of a community living arrangement shall be in conformance with applicable sections of the Wisconsin Statutes, including §§ [46.03\(22\)](#), and [62.23\(7\)\(i\)](#), the Wisconsin Administrative Code promulgated under those sections, and any amendments thereto.
- (15) **CONDITIONAL USE.** A use that is not inconsistent with permitted uses in a given zoning district but one that may have an undesirable impact on the surrounding uses if it was allowed to locate where it might be incompatible. Such uses are subject to reasonable conditions, as provided for herein, to attempt to conform the use in a manner that makes it acceptable to a particular location and the circumstances present there. A conditional use permit allows a property owner to put a property to a use that the ordinance prescribes and *expressly permits* when certain conditions have been applied or certain standards have been met. To be considered a conditional use, the use must be listed as such in the zoning ordinance, along with the standards and conditions which it must meet.
- (16) **DWELLING, ONE FAMILY.** A building designed for or occupied exclusively by one family.
- (17) **DWELLING, TWO FAMILY.** A building designed for and occupied exclusively by 2 families.
- (18) **DWELLING, MULTIPLE.** A building or portion thereof, designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.
- (19) **DWELLING UNIT.** A structure, or that part of a structure, which is used, or intended to be used, as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others. When a building is divided into separated private dwellings by unpierced walls extending from the foundation to the roof deck, each part shall be deemed a separate dwelling unit. Each separate dwelling unit shall have separate entrances and no use areas in common.
- (20) **FAMILY.** The body of persons who live together in one dwelling unit as a single housekeeping entity.
- (21) **FRONTAGE.** All the property abutting on one side of a road or street between 2 intersecting roads, streets or railroads; or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
- (22) **FEEDLOT.** A lot or combination of contiguous lots, intended for the confined holding of animals and where manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under these parts.
- (23) **GARAGE, PRIVATE.** An accessory building, space or attached garage for the storage of not more than 3 motor driven vehicles. Except for motor homes, no vehicles in excess of 16,000 lbs. gross vehicle weight are permitted to be stored in a private garage in the residential districts.
- (24) **GARAGE, PUBLIC.** Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (25) **GARAGE, STORAGE.** Any building or premises for the storage only of motor driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No

commercial motor vehicle exceeding 2 ton capacity shall be stored in any storage garage in the residential districts

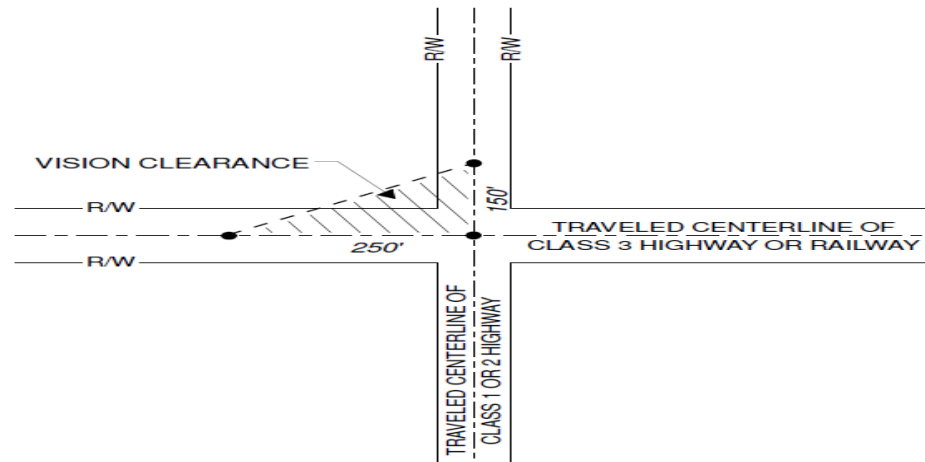
- (26) HOME OCCUPATION. A business or occupation conducted by members of a family, within their dwelling place of residence, or in a duly permitted accessory building as specified under the terms of the applicable conditional use permit, and where no more than 1 person not a member of the immediate family is employed not more than 20 hours per week. No article shall be sold or offered for sale on the premises except that which is produced by or is incidental to such occupation. No equipment may be used to produce any articles sold or offered for sale except for that which is permissible for purposes directly incidental to the residential use of the property, or is that which is expressly identified and requested by the applicant and is expressly allowed by the terms of the conditional use permit approved by Town Board. No sign, other than one unlighted name plate, not more than 1.5' sq., is allowed to be installed.
- (A) Except for duly permitted accessory buildings, no more than 30 percent of the floor area of the living space of the dwelling unit, or 500 sq ft maximum, may be used.
- (B) In any residential district, a home occupation shall not impair or limit the current or future *residential use* of the subject parcel or of nearby parcels.
- (C) Occupations that are known to generate excessive noise, odors or pedestrian traffic are not permitted Home Occupations in any residential district or in other district where neighboring residences will be adversely affected as established by the public hearing.
- (27) HOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- (28) LIVESTOCK means;
- (A) Bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (B) Except that, livestock means domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products for purposes in relation to Wis. Admin. Code ATCP 51, "Livestock Facility Siting". Such "livestock" includes cattle, swine poultry, sheep and goats, but does *not* include equine animals, bison, farm raised deer, fish, captive game birds, ratites, camelids or mink.
- (29) LODGING HOUSE. A building, other than a hotel, where lodging only is provided for compensation for not more than 3 persons not members of the family.
- (30) LOT. A parcel of land having a width and depth sufficient to provide the space necessary for a main building and any accessory buildings, together with the open spaces required by this ordinance. Every Lot must abut a public street or abut and be served by an access easement approved by the Town Board.. See also [17.04\(3\)](#), "Access Easement ..."
- (31) LOT, CORNER. A lot abutting on 2 or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.
- (32) LOT, DEPTH OF. The main horizontal distance between front and rear lot lines.
- (33) LOT, INTERIOR. A lot other than a corner lot.
- (34) LOT, THROUGH. An interior lot having frontage on 2 non-intersecting streets.
- (35) LOT LINES. The lines bounding a lot as defined herein.
- (36) MANUFACTURED HOME means a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under [42 USC 5401](#) to [5425](#)
- (37) MINOR SUBDIVISION means a division of land that does not constitute a "subdivision" as defined in this chapter and is:
- (A) Such a division of land by the owner or subdivider resulting in the creation of not more than 4 parcels or building sites, any 1 of which is 5 acres in size or less, or the division of a block, lot or outlet within a recorded subdivision plat into not more than 4 parcels or building sites without changing the exterior boundaries of said block, lot or outlet.

(B) The subdivider creating a "minor subdivision" shall subdivide by a certified survey and record the same in the office of the Register of Deeds. The certified survey map shall include all parcels of land 5 acres or less in size and may at the owner's direction include any other parcels containing more than 5 acres.

1. Minor subdivision is subject to La Crosse County Chapter 18. Certified survey maps shall be prepared in accordance with ss. La Crosse County Chapter 18.60 through 18.63.

- (38) MINERAL EXTRACTION. The commercial removal of rock, slate, gravel, sand, topsoil or other natural materials from a site by excavating, stripping, leveling or any other such process.
- (39) MOBILE HOME means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
- (40) NONCONFORMING USE. A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereof, which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.
- (41) NONCONFORMING STRUCTURE means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.
- (42) PARENT PARCEL. A lot of record as of the effective date of this chapter.
- (43) PERMITTED USE. A use of property, in a given zoning district, that is allowed by the zoning ordinance as a matter of right and choice for the landowner to engage in, subject to the regulations prescribed for the district and any general regulations herein.
- (44) PLAN COMMISSION. The Commission provided for by [62.23\(1\)](#) Wis. Stats that shall plan for the physical development of the town for areas in the town only and make recommendations to the Town Board as provided for under 62.23 Wis. Stats. Certain particular matters shall be referred to the Plan Commission for recommendation as provided under Wis. Stats and in particular [62.23\(5\)](#) and 62.23 in general.
- (45) PLANNED DEVELOPMENT has the same meaning as "planned unit development."
- (46) PLANNED UNIT DEVELOPMENT. A housing project, consisting of a group of 2 or more buildings having more than 2 dwelling units each, to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this chapter to the individual building units.
- (47) PROFESSIONAL'S HOME OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession, when established in a residential district. A professional's home office shall be maintained so as to be incidental to the residential occupation in application and from outward appearances; not more than 30 percent of the floor area of one story of a dwelling unit shall be occupied by such office, and only one unlighted name plate, not exceeding 1.5 sq. ft. in area, containing the name and profession of the occupant of the premises may be exhibited.
- (48) PUBLIC AIRPORT. Any airport which complies with the definition of public airport or public use airport contained in [114.002\(7\)](#) and [114.002\(18m\)](#) Wis. Stats. (2011-2012), or any airport which serves or offers to serve common carriers engaged in air transport.
- (49) ROADSIDE STAND. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered, wholly or partially enclosed and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 sq. ft. in ground area and there shall be not more than one roadside stand on any one premises.
- (50) SETBACK. The minimum horizontal distance between the nearest point of a building or structure, or any projection thereof, and the lot-line, right-of-way, vehicle access easement, or ordinary high water mark, except for covered or uncovered steps projecting less than 6 feet.

- (51) SOLID FENCE. A constructed fence which is less than 5% transparent when viewed at any angle.
- (52) SPECIAL EXCEPTION PERMIT. An express special exception to the restrictions in this chapter that is provided for as an alternate standard by the express terms of any such restriction in this chapter. As used in this chapter, a Special Exception Permit is not a Conditional use permit. All duly permitted special exceptions are particular to the peculiar characteristics or situation of the property, become permitted uses when duly approved, and run with the land.
- (53) STABLE. Shall have the same meaning as "garage"; a draft animal being considered the equivalent of one self-propelled vehicle.
- (54) STREET. All property dedicated or intended for public or private street purposes, or subject to public easements therefore, and with a traveled portion of 21' or more in width.
- (55) STORY. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story for the purposes of height regulation.
- (56) STORY-HALF. The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.
- (57) STREET-LINE. A dividing line between a lot, tract or parcel of land and a contiguous street.
- (58) STRUCTURE. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (59) STRUCTURAL ALTERATIONS. Any change in the *supporting* members of a building, or any substantial change in the roof *structure* or in the *exterior* walls.
- (60) SUBDIVISION means, as provided for in [236.02\(12\)](#) Wis. Stats., a division of a lot, parcel or tract of land by the owner thereof, or his or her agent, for the purpose of sale or of building development where:
- (A) The act of division creates 5 or more parcels or building sites, of 1-1/2 acres each or less in area,
 - (B) Or 5 or more parcels or building sites, of 1-1/2 acres each or less in area, are created by successive divisions within a period of 5 years.
- (61) TEMPORARY STRUCTURE. A moveable structure not designed for human occupancy as a dwelling, nor for the permanent protection of goods or chattels.
- (62) TOURIST CAMP. A tract of land, with or without buildings, or where temporary accommodations are provided for 2 or more camper trailers or RV's, whether open to the public free or for a fee.
- (63) TRAILER. Includes trailer coach, house trailer, automobile trailer, camper, camp car, or any self-propelled or nonself-propelled vehicle constructed, reconstructed or added to, by means of accessories, in such a manner as will permit the use and occupancy thereof for human habitation, storage or conveyance of machinery, tools or equipment, whether resting on wheels, jacks or other foundation, and used or so constructed that it is or may be mounted on wheels or any similar transportation devices, and used as a conveyance on highways and streets, including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals. Trailers shall not be considered buildings, dwellings or structures for the purposes of this chapter.
- (64) VISION CLEARANCE. The area providing unobstructed vision at traffic intersections for the safe and efficient flow of traffic where no structures, temporary structures, crops or landscape features shall encroach. Where two roads intersect at 90 degrees, as in the diagram below, it is found as a right triangle, the legs of which are imposed on the centerline of two intersecting roads. The lengths of the triangle's legs are specified so as to describe its size as applied to an intersection location and vary by highway class.
- (65) Typical Vision Clearance Diagram



- (66) **YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- (67) **YARD, FRONT.** A yard extending the full width of the lot, between the front lot line and the nearest part of the building. In the case of a corner lot which abuts any two (or more) roads, the frontage on the busier road shall be deemed the "front yard."
- (68) **YARD, REAR.** A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building.
- (69) **YARD, SIDE.** A yard extending from the front yard to the rear yard, being the minimum horizontal distance between the building and the side lot line.

17.05 Thru 17.09 Reserved.

17.10 GENERAL PROVISIONS. The following general provisions shall apply except as otherwise provided for in this ordinance:

- (1) The use and height of buildings hereafter erected, converted, enlarged or structurally altered, and the use of any land shall be in compliance with regulations established herein for the district in which such land or building is located. Except as otherwise expressly provided for in this chapter; any use that is not listed as a permitted, special, or conditional use in a district is prohibited in that district; any use listed as a permitted use in any one district shall be construed as a prohibited use in every other district.
- (2) No existing lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner, except in conformity with the area regulations hereby established for the district in which a building or premises is located. No part of a yard or other open space included or counted for the purpose of complying with the area provisions of this chapter shall be included as a part of a yard or other open space requirement for another building.
- (3) Every building hereafter erected, converted, enlarged or structurally altered, shall be located on a lot and in no case shall there be more than one main building on one residential lot.
- (4) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the adoption of this ordinance and the construction of which shall have been started within 6 mos. from the date of such permit; and, nothing herein contained shall prevent the completion of buildings whose foundations were laid prior to January 01, 2013, provided that the completed building shall remain within the area confines of the existing foundation.
- (5) All buildings hereafter erected, enlarged or structurally altered for commercial or industrial uses shall be provided with sufficient space for the loading or unloading of vehicles off the public street, road, highway or alley, so that such streets, roads, highways or alleys shall at all times be free and unobstructed to the passage of traffic.

- (6) All theatres, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least one car for every 5 seats provided.
- (7) At the boundaries between two different districts, any side yard setback, rear yard setback or court abutting the boundary line shall have a minimum width and depth, in the less dimensionally restricted district, equal to the average setbacks or courts of the two districts.
- (8) When a housing project, consisting of a group of 2 or more buildings having more than 2 dwelling units each, is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this chapter to the individual building units, the Town Board may approve, a duly submitted Planned Unit Development, or Cluster Development Plan, provided it can be shown by the applicant that the plan is fully developed and complies with the regulations of this chapter as applied to the whole plat.
- (9) The placement of a trailer, camper, RV, single section mobile home, single section manufactured home, or single section manufactured dwelling in any *residential* or *agricultural* district is prohibited, except as permitted in a licensed campground as provided in [17.34\(1\)\(N\)](#).
- (A) One trailer, camper, or RV may be parked or stored in a rear yard, provided that no occupancy for human habitation is maintained and no business is conducted therein while such trailer is so parked or stored.
- (B) Preexisting, single section mobile or manufactured homes, in any district, of record as of January 30, 2013, and installed pursuant to and in accordance with the standards and regulations in effect at the time of first placement, or pursuant to any zoning-occupancy permit, shall not be prohibited and may be duly added on to, altered, repaired, and/or replaced, as is any permitted use, provided that any replacement is an upgrade to newer model year.
- (C) Single section Manufactured homes that conform with the requirements of [17.35\(2\)\(J\)](#), "Farm Residences" on a farm", are permitted.
- (D) Manufactured homes, modular homes, and manufactured dwellings that are designed to be transported in two or more sections and assembled into one dwelling, that is at least 24 feet in width when assembled, are not excluded from the aforesaid districts.
- (10) The temporary placement of a camper, RV, mobile or manufactured home for occupancy in residential and agricultural districts may be authorized, subject to the approval of the Town Board, for persons who are constructing a permanent dwelling on the same premises, or where a hardship exists, provided that the temporary dwelling is connected to an approved water supply and solid waste disposal system. In no case shall a trailer be permitted to be temporarily occupied for more than 180 days unless an extension of time is applied for and granted by the Town Board in cases of hardship.
- (11) Travel trailers, RV's, campers, and motor homes are permitted in licensed campground pursuant to ss. [17.34\(1\)\(N\)](#).
- (12) In any residential district or recorded residential subdivision plat, the storage of all motor driven vehicles, except motor homes with a gross weight in excess of 16,000 lbs., is prohibited. Semitrailers are also prohibited.
- (13) All WI statutory and administrative code references herein are to the most current version at the time of the adoption and publication of this chapter, and to their successor statutes and codes, as they are duly made applicable by law or rule. All existing procedures and requirements required by statute or administrative code, and their successor statutes or codes, shall be the minimum standards followed in the application and enforcement of this chapter.
- (14) Every "subdivision" or "minor subdivision" of land in the town shall comply with the requirements of La Crosse County Chapter 18, with regard to platting or "certified survey maps", respectively. Any "subdivision" plat approved by the county planning agency or board must also approved by the town board as a plat and shall also conform to the requirements of this chapter.

- (15) The minimum lot area for the creation of any *new* parcel established after the effective date of this chapter shall be one acre except as expressly provided for herein.
- (16) Any prior La Crosse County conditional use that existed as of January 29, 2013, that has continued in use and exists on the effective date of adoption of this ordinance, which is classified by this ordinance as a conditional use in the district in which it is located, shall be deemed to have been granted approval as a conditional use under this ordinance, except that it is subject to maintaining the character and extent of such use and related structures existing on that date as can best be established by reference to the terms and conditions attached to the prior La Crosse County conditional use permit. Such conditional use permits, and their respective numbers and related lawful conditions, are hereby adopted by reference and shall have the same force and effect as if originally issued by the Town. Any change in such use shall require approval according to the terms of this ordinance.
- (17) A Building Permit or fee shall not be required in any district for building, installing, or altering *one* accessory building or structures per lot if the same is less than 144 square feet in area and is less than 12 feet in height. All such buildings shall meet the front yard, rear yard, and side yard setbacks that are established for the district.
- (A) A Zoning Occupancy Permit and fee, if any, as duly set by the Town Board from time to time, shall be duly applied for, completed, paid, and certified before any construction occurs.
- (18) A Building Permit or fee shall not be required for exclusively- non-residential farm or agricultural buildings. All such buildings shall meet the front yard, rear yard, and side yard setbacks that are established for the district.
- (A) A Zoning Occupancy Permit and fee, if any, as duly set by the Town Board from time to time, shall be duly applied for, completed, paid, and certified before any construction occurs. However, livestock facilities are subject to siting and other setback requirements herein as provided under [17.35\(6\)\(E\)1](#).
- (19) Buildings that are accessory to a permitted, special, or conditional use, or to the use of the premises, that are otherwise allowable in a district, may be duly constructed whether or not the allowed main building or principal structure exists, provided all other regulations of this chapter are duly complied with.
- (20) The minimum side yard, rear yard, and front yard setback from a private "vehicle access easement" is 8 feet to the easement line. The *suggested* setback for a private vehicular access easement is at least 25 feet for any setback.

17.11 NONCONFORMING USES AND NONCONFORMING STRUCTURES.

- (1) The lawful use of a building, premises, structure, or fixture existing at the time of the enactment of this chapter, or any amendment thereto, may be continued, although such use does not conform with the provisions of this chapter for the district in which it is located, but such non-conforming use shall not be extended.
- (2) If no structural alterations are made, the non-conforming use of a building, premises, structure, or fixture may be changed to another non-conforming use of the same, or more restricted, zoning district classification. Whenever a nonconforming use has been changed to a more restricted non-conforming use or zoning district use, such use shall not thereafter be changed to a less restricted non-conforming use or zoning district classification use.
- (3) If a non-conforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
- (4) When a building, premises structure, or fixture containing a lawful non-conforming use is structurally damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations to any building, premises, structure, or fixture containing a lawful non-conforming use shall not, during its life,

17.11 NONCONFORMING USES AND NONCONFORMING STRUCTURES

exceed 50% of the current local assessed value of the building, unless permanently changed to a conforming use.

- (5) This section shall not be deemed to limit the structural alteration of a building, structure, or fixture that is nonconforming as to "development regulations" *only*, as long as the footprint of the same is not altered. Except that, the footprint of such a building, structure, or fixture may be added on to or enlarged if any such addition or expansion is away from the required setback lines involved, except as otherwise provided for herein.
- (6) Amortization prohibited.
 - (A) In this paragraph or chapter, "amortization ordinance" means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be otherwise lawfully used as described under [17.11](#), "Nonconforming Uses", but only for a specified period of time, after which the lawful use of such building, premises, structure, or fixture must be discontinued without the payment of just compensation.
 - (B) Subject to [17.11\(4\)](#), above, no Town ordinance may require the removal of a nonconforming building, premises, structure, or fixture by an amortization ordinance.
- (7) Repair and maintenance of certain nonconforming *structures*.
 - (A) In this paragraph or chapter:
 1. "Development regulations means those specifications of this chapter, that apply to elements including setback, height, lot coverage, and front, rear, or side yard setback.
 2. "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the "development regulations" in the current zoning ordinance.
 - (B) In accordance with WI. Stats. [62.23\(7\)\(hb\)](#), this chapter does *not* prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a "nonconforming structure."
- (8) Restoration of certain nonconforming structures.
 - (A) A damaged or destroyed "nonconforming structure" that does not otherwise house a nonconforming use, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and any limits on the costs of the repair, reconstruction, or improvement may not be imposed if all of the following apply:
 1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 2. The damage or destruction was caused by accident, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 - (B) Except that, pursuant to [62.23\(7\)\(hc\)2](#). WI Stats., the *size* of such a structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

17.12 HEIGHT AND AREA RULES AND EXCEPTIONS. The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following additions & exceptions:

- (1) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60' nor 5 stories provided that:
 - (A) The front, side and rear yard setbacks are each increased at least one 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.
- (2) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, silos, windmills, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, microwave radio relay structures, telephone, telegraph and power transmission poles and lines, and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the Town.

17.12 HEIGHT AND AREA RULES AND EXCEPTIONS

- (3) Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120' from the line of the higher average established grade.
- (4) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing on equivalent open space on the same lot in lieu of the required rear yard setback provided that the setback requirements on both streets are complied with.
- (5) Where a lot has an area less than the minimum number of square feet per family or use required for the district in which it is located, and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family or use. See also [17.30\(3\)\(B\)3](#).
- (6) Except as provided for in residential subdivision plats, see par. (A) below, "Residential Accessory Buildings," that are not in any residential subdivision plat, which are not part of the main building, shall not, in sum, occupy more than 30% of the available rear yard; shall not exceed the height allowed for any main building in the district; and shall not be placed nearer than within ½' (foot), for each 1' (foot) of building height, or ½' (foot) for each foot of building width, whichever is greater, to any lot line, but shall be no less than 3 feet away in any case. Up to three such buildings are allowed within the lot area provided for, provided all other dimensional regulations are met.
 - (A) In the residential subdivision plats, residential accessory buildings which are not a part of the main building shall be subject to the requirements of the following table, which outline maximum number of buildings, height and area restrictions and also minimum side, rear, and front yard setbacks to any lot line.

(B) Table 17.12(6)(b): RESIDENTIAL ACCESSORY BUILDING SIZE STANDARDS, Plats.

LOT AREA	0 - 7,500 S.F.	7,501 S.F. - 1 AC.	1.01 - 3 AC.	3.01 - 5 AC.	5.01 - 10 AC.	10+ AC.
HEIGHT, feet	17	17	17	17	25	40
BUILDING AREA, S.F.	576	768	1,008	1500	3200	5000
SIDE YARD SETBACK	3'	3'	3'	5'	The greater of 5', or ½' for every 1' of building height	The greater of 10', or ½' for every 1' of building height
REAR YARD SETBACK	3'	3'	3'	5'	5'	10
FRONT YARD	See 17.06 Highway Setback Lines					
# OF BUILDINGS	1	2	2	3	3	3

Table 17.12(6)(b): RESIDENTIAL ACCESSORY BUILDING SIZE STANDARDS, Plats. (continued)

- (7) Accessory Building Height Increase Permitted; Subject to the approval of the Town Board, by a Special Exception Permit and application; the maximum average roof height of accessory structures may be increased to exceed the height limitation by not more than ten (10) feet for the district in which the accessory building is located, providing all required offset and setback requirements are increased by one (1) foot for each one (1) foot of height above the district

maximum for the accessory building. The Planning Commission may require screening/landscaping to break up the view from adjacent properties or from the street.

- (8) No accessory building shall be erected, structurally altered, or relocated so that any roofed or enclosed portion thereof is closer than 10 feet to the principal building on the lot, without a firewall.
- (9) Any structure having a roof supported by columns or walls that is serving an accessory use and that is structurally attached to the principal building shall be considered as part of such principal building for all regulatory purposes.
- (10) No accessory buildings and structures shall be attached to the dwelling except a private garage or deck/porch/sunroom or greenhouse.
- (11) Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard.
- (12) Open or enclosed fire escapes and fire towers may project into a required yard not more than 5' and into a required court not more than 3-1/2', provided it is located so as not to obstruct light and ventilation.
- (13) Lawfully existing buildings, structures, or fixtures that previously met "developmental regulations" in effect at the time of their construction or first placement, that do not include a "nonconforming use," shall be administered as a conforming use at the said prior level of "developmental regulations." But any expansion shall be away from, and not along, any property line or public road right-of-way to which the expansion applies; else the expansion shall be regulated in accordance with, the current "developmental regulations." See also, 17.11(5).

17.13 APPROVED NEW PLATS ARE RESIDENTIAL.

- (1) All new residential plats or subdivision plats, when finally approved, shall immediately be subject to the provisions regulating residential districts as contained in this chapter.

17.14 REGULATION OF OUTDOOR ADVERTISING.

- (1) Section [84.30](#), Wis. Stats., and Ch. Hy19, Wis. Adm. Code, is adopted herewith and made an integral part of this chapter for regulating signs along and adjacent to any system of interstate, defense, federal primary or federal secondary highways. Except as is otherwise provided for in this chapter or by town ordinance, no commercial advertising signs shall be allowed in any district except in the commercial and industrial districts and only when those districts are adjacent to state and federal primary and secondary routes consistent with the above Wis. Stats. and Code. This part shall not be deemed to prohibit business *premises* signs, in the commercial or industrial districts, used exclusively in advertising the uses of the premises. Any existing commercial sign that has been erected prior to the enactment of this chapter shall be considered a conforming use.

17.15 JUNK OR SALVAGE YARD.

- (1) For purposes of this chapter, any premises or building used for or in connection with; buying, selling, gathering, accumulating, storing, wrecking, or shipping of; waste; scrap; junk; or salvage; appliances, iron, lumber, paper, rags, tires, automobiles, trucks, tractors, snowmobiles, boats, vehicles, machinery, demolition material, or parts thereof, or other material commonly included within the terms of waste, scrap, junk or salvage, shall be construed a junk or salvage yard.
- (2) The accumulation of materials that are primary, incidental, or integral to a permitted or approved business use in a district, or that is an accessory use foreseeably and reasonably associated with the primary use does not constitute junk or salvage unless the business activity itself is primarily engaged in or conducted in such a manner that its exact or most substantial purpose is to speculate in, profit from, or make a livelihood in the recycling of used materials, or their component parts, back into raw materials or for resale to others for profit or any other purpose.
- (3) Every junk or salvage yard shall be surrounded by a suitable solid fence, not less than 6'in height and having no visual openings except for necessary entrances and exits. All junk and salvage material shall be kept within such fence, but not piled against it. Such fence shall be kept in a proper state of maintenance and repair at all times.

- (4) Any person having any motor vehicle, truck or tractor, or trailer that is inoperable or unlicensed, including antique vehicles, shall be determined to have a junk or salvage yard if not confined within a building, except as follows:
- (A) In commercial and industrial zoned districts, such vehicles may be stored in an open area but such storage of any vehicle shall not exceed 6 months.
 - (B) Vehicles that are eligible to be registered and licensed on a quarterly basis may be stored in an open area provided that such storage shall not exceed 9 months.
 - (C) In an agricultural zoning district, the accumulation of agricultural vehicles, trailers, tractors, machinery and/or parts thereof, typically used for agricultural purposes, will not be considered a junk or salvage yard, provided that such items are present only for the exclusive use of the farm's owner or operator, or his agent, and used in the conduct of maintaining farm equipment, and do not dominate the appearance of the farm or are screened from ordinary public view. Such accumulation shall not be seen from any road or highway, wherever possible, or shall be maintained as far from any road or highway as is possible, and shall not be visible from within any neighboring unrelated or unowned residence whenever possible.
 - (D) One unlicensed/inoperable motor vehicle may be allowed to be stored outside on a parcel. Vehicles being openly stored under this exemption must be properly screened from ordinary public view and the storage of such vehicles shall not constitute a health or safety hazard. Screening shall consist of privacy fencing, shrubs, trees, buildings or other suitable and appropriate means. An approved Conditional Use Permit may allow a person to store more than 1 unlicensed/inoperable vehicle on a parcel in any district.
- (5) The Town Board shall have the authority to regulate the necessary area or acreage needed for a junk or salvage yard.
- (6) Any person who is deemed to have a salvage yard, and who, directly or indirectly, engages in any activity, use or purpose related to producing compensation from the salvage yard, shall be deemed to be in the junk or salvage business. Any person who is engaged in the junk or salvage business shall be in a district where such business is permitted and shall have a suitable building for an office constructed in conformity with the local building requirements as well as any Wisconsin statutory or administrative code requirements that governs the licensing of such businesses.

17.16 REGULATING ABANDONED VEHICLES.

- (1) STATUTORY AUTHORIZATION. This chapter is adopted pursuant to the authorization contained in ss. 342.40, Wis. Stats.
- (2) No person shall leave any motor vehicle, trailer, semitrailer, travel trailer, or other vehicle unattended on any road, highway, or private or public property in the Town for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.
- (3) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed as provided for of under this section, except that, if a duly authorized Town representative determines that the cost of towing and service charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to expiration of the impoundment but only after a determination by the County Sherriff that the vehicle is not wanted for evidence or other reason.
- (4) Any Town officer or official who discovers any motor vehicle, trailer, semitrailer or travel trailer on any road or highway in the Town or private or public property that has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- (5) Any abandoned vehicle that is determined by a duly authorized town representative to have a value in excess of \$100 shall be retained in storage for a minimum period of 14 days after a certified mail notice has been sent to the owner and lienholders of record. The 14 day period is sufficient time for reclamation of the vehicle by the owner or lienholder after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders

of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold as provided for under [342.40\(3\)\(c\)](#) WI. Stats.

- (6) Any abandoned vehicle that is determined by a duly authorized Town representative to have a value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- (7) Within five days after the lawful sale or disposal of the vehicle, the Town shall advise the Division of Motor Vehicles for the State of Wisconsin, of the sale or disposition, on the form supplied by the division.

17.17 -17.19 Reserved

17.20 CONDITIONAL USE PROVISIONS. APPROVAL REQUIRED. Certain uses are specified as conditional uses in the Residential Districts, Agricultural District "A", the Farmland Preservation District, and the Agricultural Transition District. Such uses may be allowed in their respective district by approval of the Town Board subject to the following procedures and provisions.

- (1) **APPLICATION.** Applications for conditional use permits shall be made on a uniform forms furnished by the Zoning Administrator, or by the person otherwise designated by the Town Board, and shall include the following information and any other information that appears to be reasonably necessary for a proper review by the Town Board:
 - (A) A map (preferably a topographic map) in triplicate, drawn to a scale of not less than 200' to 1" showing the land in question; its tax parcel number, address, legal description and location; location and use of buildings; sanitary systems and private water supplies on such land; the high-water elevation of any navigable waters within 300' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 300' of such land in question.
 - (B) Additional information, mapping or scaling as may be required by the Town Board, Town Zoning Administrator, County Board, or the County Health Department or Commission.
 - (C) The application fee for a conditional use permit shall be determined by the Town Board. Any additional costs, reasonably and necessarily incurred by the Town Board or Plan Commission, due to the complexity of the proposal or proposed use, and necessary to obtain legal, planning, engineering and other technical and professional advice in order to review the conditional use applications or to prepare duly authorized conditions to be imposed on such uses, shall be charged to the applicant. A fee covering such costs, as are reasonably estimated or foreseen, as determined by the Town Board from time to time, shall accompany the application.
- (2) **PUBLIC HEARING.** The Town Plan Commission and the Town Board shall review the proposal and the Plan Commission shall recommend approval, modification and approval, or denial but the Town Board shall take the plan commission recommendation as advisory and approve, modify or approve, or deny according to its own decisions as provided for herein or by statute.
- (3) **FINAL REVIEW AND APPROVAL.** The Town Plan Commission and the Town Board shall review the proposal as submitted. Any conditions deemed necessary by the Plan Commission to allow the Conditional Use, shall be recommended to the Town Board. Any recommended conditions or other conditions deemed necessary by the Town Board shall be made an integral part of the permit. These conditions shall be complied with by the applicant. Except for any conditional use permit that runs with the land; any non-conformance with the conditions set forth in the permit shall constitute a violation of the terms of the Conditional Use Permit and such non-conformance shall be grounds for revoking the Conditional Use Permit. A violation of the Conditional Use Permit shall also constitute a violation of this ordinance and will be subject to prosecution and penalties under the terms of this ordinance.

- (4) APPLICATION FOR CHANGE OF CONDITIONAL USE PERMIT. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, he must apply for such extension or alteration through the procedures of application for a conditional use permits as detailed herein.
- (5) EXPIRATION OF CONDITIONAL USE STATUS.
- (A) Except for a conditional use that runs with the land and is not limited in duration, conditional use status will terminate when the Town Plan Commission determines any of the following after public hearing:
1. The conditional use has not continued in conformity with the conditions of the permit.
 2. Upon the request of the landowner.
 3. The conditional use has been discontinued for a period of 12 consecutive or 18 cumulative months in a 3 yr. period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive.
- (B) Upon such determination, the owner of the premises shall be required to bring the *use* of all such land and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this chapter, except for "development regulations", within 90 days from such determination.
- (6) STANDARDS APPLICABLE TO CONDITIONAL USE PERMITS IN GENERAL.
- (A) No permit for a conditional use shall be granted unless the Town Board shall find, after hearing any recommendations by the plan commission, and after public hearing, that the following standards are met, or will be met, by conditions of the permit.
1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 2. That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall not be substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use.
 3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 4. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards on the public roads.
- (B) Upon consideration of the recommendation of the plan commission and information supplied at any related public hearing, the following conditions may be attached to the granting of a any conditional use permit. in general,
1. Reasonable conditions deemed essential to diminish, alleviate, or negate foreseeable identified detrimental impacts of the proposed use on other lands and land uses in the vicinity and the extent to which the conditional use would be incompatible therewith.
- (7) STANDARDS APPLICABLE TO CONDITIONAL USE PERMITS IN THE FARMLAND PRESERVATION DISTRICT
- (A) The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional use permit.
- (B) In passing upon applications for conditional uses, the Town Plan Commission, The Town Board, shall consider the following relevant factors:
1. The statement of purposes of this chapter and the Farmland Preservation District. (See ss. [17.02](#), and [17.35\(1\)](#)).
 2. The potential for conflict and agricultural use.
 3. The need of the proposed use for a location in an agricultural area.
 4. The availability of alternative locations.
 5. The potential adverse effects on permitted uses on adjacent lands.

6. The productivity of the land involved.
7. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
8. The need for public services created by the proposed use.
9. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
10. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

(8) CONDITIONS WHICH MAY BE ATTACHED TO A CONDITIONAL USE PERMIT IN THE RESIDENTIAL DISTRICTS AND IN THE AGRICULTURAL A DISTRICT.

- (A) Increased setbacks and yards.
- (B) Specifications for water supply, liquid waste and solid waste disposal facilities.
- (C) Landscaping, planting or fencing screens and provisions for their reasonable maintenance.
- (D) Sureties.
- (E) Reasonable operational controls and specified time of operation, consistent with the operation, area, location, neighborhood, surroundings, or foreseeable "permitted uses" in the district.
- (F) Air pollution controls.
- (G) Erosion prevention measures.
- (H) Location of the use.
- (I) Similar requirements to harmonize the conditional use found necessary to allay peculiar objections of the conditional use at the particular location or that otherwise aid in the fulfillment of the purpose and intent of this part and this chapter to protect the public health, safety, and welfare.
- (J) Compliance with any state or federal licensing standards.
- (K) Lighting and glare controls.
- (L) Signage controls consistent with those allowed in [17.30\(1\)\(J\)](#).

(9) CONDITIONS WHICH MAY BE ATTACHED TO A CONDITIONAL USE PERMIT IN THE FARMLAND PRESERVATION DISTRICT AND AGRICULTURAL TRANSITION DISTRICT. Upon consideration of information supplied at the public hearing, and a review of the standards contained in [17.20\(9\)](#), the following conditions may be attached to the granting of a conditional use permit:

- (A) Increased setbacks and yards.
- (B) Specifications for water supply, liquid waste and solid waste disposal facilities.
- (C) Landscaping and planting screens.
- (D) Sureties.
- (E) Operational controls and time of operation.
- (F) Air pollution controls.
- (G) Erosion prevention measures.
- (H) Location of the use
- (I) Require easements, driveways, and access points be so placed so as not to interfere with or minimize the efficient agricultural use of the property or adjacent areas.
- (J) Similar requirements found necessary to fulfill the purpose and intent of this chapter.
- (K) Require that an Agricultural Nuisance Notice must be recorded on the deed to any new parcel split from a "farm" or any other land or tract for nonfarm purposes. Such notice shall substantially state:
 1. "Buyer, or his successors, is occupying a non-farm residence located in a Farmland Preservation District. Agricultural use, and the accepted practices thereof, are the primary economic activity of the district and are protected by the Wis. Right To Farm Statute. Buyer will experience all the inconvenience or discomfort incidentally arising from residing in a

non-farm residence located in such a district. Any claim of nuisance must overcome the presumption that the buyer knew, or should have known, that nuisance in a Farmland Preservation District must necessarily differ from what constitutes nuisance in a Residential district. Buyer is hereby given notice that he is entitled to a lesser standard of quiet enjoyment than that which he could have expected and achieved by locating his home in a primarily residential district."

(10) SPECIFIC PROVISIONS WHICH APPLY TO A CONDITIONAL USE PERMIT FOR FEEDLOTS IN THE FARMLAND PRESERVATION DISTRICT AND AGRICULTURAL TRANSITION DISTRICT.

- (A) Pursuant to s. [93.90](#), Wis. Stats., Livestock facility siting and expansion., the Town of Burns hereby adopts and incorporates into this Code, by reference, the provisions of s. 93.90, Wis. Stats., and Wisconsin Administrative Code, [ATCP 51](#), and any future amendments thereto.
- (B) Expansion. A conditional use permit is required for the expansion of a preexisting or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed *all* of the following:
 1. 500 animal units; and,
 2. A number that is 20% higher than the number kept on May 1, 2006.
 - a. This 20% requirement shall not apply to expansions that occur prior to May 1, 2006.

(11) CONDITIONS WHICH MAY BE ATTACHED TO A CONDITIONAL USE PERMIT IN AN INDUSTRIAL DISTRICT. Upon consideration of information supplied at the public hearing, the following conditions may be attached to the granting of a conditional use permit:

- (A) Increased setbacks and yards.
- (B) Specifications for water supply, liquid waste and solid waste disposal facilities.
- (C) Landscaping, planting or fencing screens and provisions for their reasonable maintenance.
- (D) Sureties.
- (E) Reasonable operational controls and specified time of operation, consistent with the operation, area, location, neighborhood, surroundings, or foreseeable "permitted uses" in the district.
- (F) Air pollution controls.
- (G) Erosion prevention measures.
- (H) Location of the use.
- (I) Similar requirements found necessary to allay peculiar objections of the conditional use at the particular location or that otherwise aid in the fulfillment of the purpose and intent of this part and this chapter.
- (J) For garbage, trash or recycling transfer stations used for the purpose of unloading and reloading garbage, trash, or recycling materials, the following conditions shall also apply:
 1. The location is at least 500 feet from a flood plain, wetland, endangered and protected flora and fauna habitats, sites of historical, archeological or cultural significance, prime agricultural land, park land or preserves.
 2. The location and operation complies with Federal regulations for operation in proximity to airports.
- (K) Compliance with any state or federal licensing standards.

17.21 SPECIAL EXCEPTION PERMIT. The Town Board may issue Special Exceptions Permits, as they are provided for in this chapter. Such permit shall allow the exception to be granted provided that only those conditions listed as precedent to granting the permit shall be imposed and used as the measure for determining whether to grant the permit.

- (1) The exception provided for is not in lieu of any other requirement or restriction of this chapter other than for that which it expressly affects.
- (2) A Special Exception Permit shall run with the land and the exception thereby allowed is a permitted use in the district once it is duly applied for by the applicant and approved by the Town Board.

- (3) All Special Exceptions shall be expressly complete in themselves and be given no effect if there is any bonafide ambiguity in their meaning.
- (4) No ad-hoc conditions may be attached to a Special Exception Permit and only those conditions or requirements expressly specified and provided for, within the terms authorizing the special exception itself, shall be the determining standard to grant or deny such special exception.
- (5) Nothing shall prevent the application of a special exception in concert with or as an addition to the non-special provisions otherwise provided for herein.
- (6) A Special Exception shall not be construed to limit any other power or limitation specified herein except that it shall be narrowly construed to apply only to the exact circumstance and situations it describes and specifies.
- (7) A Special Exception shall *not* be construed to be a Conditional Use as defined and provided for in this chapter or elsewhere.
- (8) APPLICATION. Applications for Special Exception Permits shall be made on a uniform forms furnished by the Zoning Administrator, or by the person otherwise designated by the Town Board, and shall include the following information and any other information that experience has shown appears to be necessary for a proper review by the Town Board:
 - (A) A map (preferably a topographic map) in triplicate, drawn to a scale of not less than 200' to 1" showing the land in question; its tax parcel number, address, legal description and location; location and use of buildings; sanitary systems and private water supplies on such land; the high-water elevation of any navigable waters within 300' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 300' of such land in question.
 - (B) Additional information as may be required by the Town Board, County Board, or any appropriate County Department or Commission.
 - (C) The application fee for a special exception permit shall be determined by the Town Board. A fee covering such costs, as are reasonably estimated or foreseen, as determined by the Town Board from time to time, shall accompany the application.
- (9) PUBLIC HEARING. Upon receipt of the application and the foregoing data and fees, a public hearing will be held at regular, special, or successive meetings of the Town Plan Commission & Town Board, or as is otherwise specified by the Town Board, publication and notices thereof to be the same as that under. 62.23(7), Wis. Stats.
- (10) FINAL REVIEW AND APPROVAL. The Town Plan Commission and the Town Board shall review the proposal and the Plan Commission shall recommend approval, modification or denial but the Town Board shall take the plan commission recommendation as advisory and approve, modify or approve, or deny according to its own decisions as provided for herein or by statute.

17.22 – 17.29 Reserved
SUBCHAPTER I DISTRICTS

17.30 RESIDENTIAL DISTRICT "A". In the Residential District "A", no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses in accordance with the following standards:

- (1) **PERMITTED USES.**
 - (A) Single family dwellings.
 - (B) Churches, public and parochial schools and colleges, including dormitories, public libraries, public museums and art galleries.
 - (C) Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums, public recreational and community center buildings and grounds.
 - (D) One private garage or the appropriate number of accessory buildings as specified in subsection [17.12\(6\)](#) when located not less than 50' from the front lot line.

- (E) Storage garages, but only when such storage garage is an accessory building to a multiple family dwelling, provided that the capacity of such storage garage shall not be more than one car per dwelling unit in the building to which it is accessory. Not more than 2 commercial vehicles of not more than 1-1/2 ton capacity each shall be stored in any storage garage.
 - (F) Not over 3 boarders or lodgers not members of the family.
 - (G) Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.
 - (H) Uses customarily incident to any of the above uses when located on the same lot, and not involving the conduct of a business except certain home occupations as provided in this chapter.
 - (I) Professional's home offices as specified in ss. [17.04\(47\)](#).
 - (J) Professional or announcement signs not over 1 sq. ft. in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over 8 sq. ft. in area; signs not over 4 sq. ft. in area pertaining to the lease, hire or sale of a building or premises, provided that no advertising sign of any other character shall be permitted in the residential district; and provided further that all permitted signs shall be located within the lot lines and at least 15' from the inside sidewalk line.
 - (K) Barber shops and beauty parlors, as specified in ss. [17.04\(7\)](#).
- (2) USES AUTHORIZED BY CONDITIONAL USE PERMIT IN RESIDENTIAL DISTRICTS.
- (A) Golf courses, except miniature courses and practice driving tees, operated for commercial purposes, including such buildings, structures and uses that are necessary for their operation, except those the chief activity of which is a service carried on as a business.
 - (B) Funeral home.
 - (C) Group home.
 - (D) Home occupations other than those provided under ss. [17.04\(26\)](#).
 - (E) Hospitals, clinics, medical and dental offices.
 - (F) Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child cared for there shall be provided and maintained, in addition to the required yard area, a minimum of 200 sq. ft. of outdoor play area. Such play space shall have a total minimum area of not less than 8,000 sq. ft. and shall be screened from any adjoining residential lot.
 - (G) Private clubs, fraternities and lodges, except those whose chief activity is one customarily carried on as a business. Any expansion of this use involving the enlargement of buildings, structures and land areas devoted to such use, shall be subject to the granting of a conditional use permit.
 - (H) Telephone buildings, exchanges, lines and static transformer stations provided there be no service garage or storage yard; radio and television stations and microwave relay structures.
 - (I) Truck gardening; nurseries and greenhouses only for the propagation of plants, provided that greenhouse heating plants shall be not less than 60' from every lot line.
 - (J) Farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 100' from the nearest residence or non-farm lot. Farm buildings housing animals, barn yards or feed lots shall be at least 100' from any navigable water and shall be located so that manure will not drain into any water course, pond or stream.
- (3) **HEIGHT AND AREA.** In the Residential District "A", the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- (A) Height. Buildings hereafter erected or structurally altered shall exceed neither 35' nor 2-1/2 stories in height. See also ss. [17.12 \(1\)](#), [\(2\)](#), and [\(3\)](#).
 - (B) Side yard setback. There shall be a side yard setback on each side of every building.
 - 1. For buildings not over 1-1/2 stories high;
 - a. The sum of the widths of the required side yard setbacks shall not be less than 20',

- b.** And no single side yard setback shall be less than 8' in width.
- 2.** For buildings from 1-1/2 stories to 2-1/2 stories high,
 - a.** The sum of the widths of the required side yard setback shall not be less than 25',
 - b.** And no single side yard setback shall be less than 10' in width.
- 3.** Provided, however, that; on a single lot having a width of less than 60' and of record at the time of the passage of this chapter,
 - a.** The sum of the widths of the side yard setback shall be not less than the equivalent of;
 - 1.) 4 inches/1 ft. of lot width for buildings not over 1-1/2 stories high and
 - 2.) 5"/ft. of lot width for buildings from 1-1/2 to 2-1/2 stories high;
 - 3.) Provided further that the buildable width of any such lot in no case shall be reduced to less than 24',
 - 4.) Nor shall the width of any single side yard setback be less than 40% of the total required side yard setback width. See ss. [17.10\(2\)](#), [17.10\(8\)](#) and [\(7\)](#); [17.12\(7\)](#) and [17.12\(12\)](#).
 - 4.** See [17.12\(6\)](#) for accessory building side yard requirements.
- (C)** Front yard setback. See ss. [17.60](#) to [17.60\(3\)](#), Highway Setback Lines.
 - 1.** For residential detached accessory buildings: 50 feet.
- (D)** Rear yard setback. There shall be a rear yard setback having a minimum depth of 25'. See [17.10\(2\)](#), [\(7\)](#), [\(8\)](#); and [17.12\(4\)](#).
- (E)** Lot Area.
 - 1.** For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
 - 2.** For all lots created and recorded prior to the effective date of this chapter, or for lots in a plat or cluster;
 - a.** One family lots shall provide a lot area of not less than 10,000 sq. ft. and no such lot shall be less than 60' in width.
 - 3.** See also [17.10\(2\)](#), [\(8\)](#); and [17.12\(5\)](#).

17.31 RESIDENTIAL DISTRICT "B". In the Residential "B" District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses in accordance with the following standards:

(1) PERMITTED USES.

- (A)** As permitted and regulated in the Residential "A" District, except as otherwise specified in this section, see [17.30\(1\)](#).

(B) RESIDENTIAL USES.

- 1.** New 2 family dwellings.
- 2.** Conversion into a 2 family dwelling of an existing one family dwelling.

(2) CONDITIONAL USES AUTHORIZED BY PERMIT IN RESIDENTIAL DISTRICT "B".

- (A)** As permitted and regulated in the Residential District "A", see [17.30\(2\)](#).

(3) HEIGHT AND AREA. In the Residential "B" District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

- (A)** Height. As specified in ss. [17.30\(3\)\(A\)](#), Residential District "A".
- (B)** Side yard setback. As specified in ss. [17.30\(3\)\(B\)](#), Residential District "A".
- (C)** Front yard setback. As specified in ss. [17.30\(3\)\(C\)](#), Residential District "A".
- (D)** Rear yard setback. As specified in ss. [17.30\(3\)\(D\)](#), Residential District "A".
- (E)** Lot Area.

1. For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
2. For all lots created and recorded prior to the effective date of this chapter or for lots in a plat or cluster;
 - a. One family lots shall provide a lot area of not less than 7,200 sq. ft. per family and no such lot shall be less than 60' in width.
 - b. Two family lots shall provide a lot area of not less than 3,600 sq. ft. per family, and no such lot shall be less than 60'wide.
3. See also [17.10\(3\)](#) and [\(8\)](#); [17.12\(5\)](#).

17.32 RESIDENTIAL DISTRICT "C". In the Residential District "C" no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses in accordance with the following standards:

(1) PERMITTED USES.

(A) As permitted and regulated in the Residential District "B", except as otherwise specified.

(B) RESIDENTIAL USES.

1. New multiple family dwellings.
2. Conversion into 3 or more family dwellings of an existing one or 2 family dwelling.

(2) CONDITIONAL USES AUTHORIZED BY PERMIT IN RESIDENTIAL DISTRICT "C". As permitted and regulated in the Residential District "A", see [17.30\(2\)](#).

(3) HEIGHT AND AREA. In the Residential District "C" the height of buildings, the minimum dimension of yards and the minimum lot area per family shall be as follows:

(A) Height. As specified in ss. [17.30\(3\)\(A\)](#), Residential District "A".

(B) Side yard setback. As specified in ss. [17.30\(3\)\(B\)](#), Residential District "A".

(C) Front yard setback. As specified in ss. [17.30\(3\)\(C\)](#), Residential District "A".

(D) Rear yard setback. As specified in ss. [17.30\(3\)\(D\)](#), Residential District "A".

(E) Lot Area.

1. For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
2. For all lots created and recorded prior to the effective date of this chapter or for lots in a plat or cluster;
 - a. One family lots shall provide a lot area of not less than 7,200 sq. ft. per family and no such lot shall be less than 60' in width.
 - b. Two family lots shall provide a lot area of not less than 3,600 sq. ft. per family, and no such lot shall be less than 60'wide.
 - c. Multi-family lots shall provide a lot area of not less than 2500 sq. ft. per family, and no such lot shall be less than 60'wide.
3. See also [17.10\(2\)](#), [\(8\)](#); and [17.12\(5\)](#),

17.33 AGRICULTURAL DISTRICT "A". In the Agricultural District "A", no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses in accordance with the following standards

(1) PERMITTED USES.

(A) Any use permitted in the residential districts.

(B) General farming, except farms operated for the disposal of garbage, rubbish, offal or sewage.

(C) Roadside stands for the sale of farm products produced on the premises.

(D) Signs not over 8 sq. ft. in area advertising the sale of farm products produced on the premises.

- (E) Printed bulletin displays. Signs not to exceed 325 sq. ft.; placement of bulletin boards along highways, location from center of highway, and distance away from intersections regulated by State Highway Commission. See [17.14](#), Regulation of outdoor advertising.
 - (F) Riding, training or boarding stables and paddocks.
- (2) CONDITIONAL USES AUTHORIZED BY PERMIT IN THE AGRICULTURAL DISTRICT "A".
- (A) Golf courses.
 - (B) Funeral home.
 - (C) Home occupations other than those provided under ss. [17.04\(26\)](#).
 - (D) Hospitals, nursing homes, clinics, medical and dental offices.
 - (E) Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child cared for there shall be provided and maintained, in addition to the required yard area, a minimum of 200 sq. ft. of outdoor play area. Such play area shall have a total minimum area of not less than 12,000 sq. ft. and shall be screened from any adjoining residential lot.
 - (F) Private clubs, fraternities and lodges, except those whose chief activity is one customarily carried on as a business. Any expansion of this use involving enlargement of buildings, structures and land area devoted to such use shall be subject to the granting of a conditional use permit.
 - (G) Telephone buildings, static transformer stations, service garages and storage yards, radio and television stations and microwave radio relay structures.
 - (H) Sewage treatment plants.
 - (I) Pea viners, creameries, cheese factories and milk processing plants.
 - (J) Drive-in theatres.
 - (K) Power plants.
 - (L) Fruit or vegetable processing plants.
 - (M) Aircraft landing fields.
 - (N) Contractor's storage yards, provided that any such yard shall be so placed, or so screened by a shrub, tree planting, or solid fence at least 6' high, so as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent or employee.
 - (O) Fur farms, when located not less than 600' from any residential building other than that of the owner of the premises, his agent or employee, and not less than 200' from any property line and the right-of way line of any federal, State, or County trunk highway or town road.
 - (P) Kennels, provided that every structure or animal enclosure thereof is located not less than 100' from any property line and 600' from any residential building, other than that of the owner of such kennels, his agent, or employee.
 - (Q) Medical, correctional or charitable institutions, when any building devoted wholly or partly to such uses or accessory thereto shall be distant not less than 100' from any residential building not on the same premises.
 - (R) Animal hospitals, when any building devoted wholly or partly to such uses or accessory thereto shall be distant not less than 150' from any residential building not on the same premises.
 - (S) Saw mills, when located on the same premises for more than 30 days.
 - (T) Poultry operations involving more than 10,000 birds.
 - (U) New, expanded, or enlarged Livestock Facilities as provided for under [17.35\(6\)\(E\)1](#).
 - (V) Certain uses from the Commercial Districts A & B, provided that they are limited as commercial uses and conducted as "Home Occupations" only, that are more similar to the above uses, in intensity of use, than not similar; when no more than 1 person who does not reside on the premises is employed. Provided that it is found that such uses are not

incompatible with other uses in the area and can otherwise be conditioned to properly fit into the neighborhood area through any appropriate reasonable means authorized herein

- (W) Certain conditional uses that have been allowed in the Town by *prior, specific* La Crosse County *conditional use permit*. Such prior authorized conditional uses may be continued or extended in the district provided that, no more than 1 person who does not reside on the premises is employed; provided that the use can continue to be conditioned to properly fit into the neighborhood area through any appropriate reasonable means authorized in this chapter or as was reasonably authorized by the prior county permit.

- (3) HEIGHT AND AREA. In this section, buildings hereafter erected or structurally altered for *human habitation* shall meet the requirements for height of buildings, the minimum dimensions of yards and the minimum lot area per family as follows:

(A) Height. As specified in ss. [17.30\(3\)\(A\)](#), Residential District "A".

(B) Side yard setbacks. As specified in ss. [17.30\(3\)\(B\)](#), Residential District "A".

(C) Front yard setback. As specified in ss. [17.30\(3\)\(C\)](#), Residential District "A".

(D) Rear yard setback. As specified in ss. [17.30\(3\)\(D\)](#), Residential District "A".

(E) Lot Area.

1. For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
2. For all lots created and recorded prior to the effective date of this chapter;
 - a. One family lots shall provide a lot area of not less than 20,000 sq. ft. per family and no such lot shall be less than 60' in width.
 - b. Multi-family lots shall provide a lot area of not less than 5,000 sq. ft. per family, and no such lot shall be less than 60' wide.
3. See also ss. [17.10\(2\)](#), [\(8\)](#); and [17.12\(5\)](#).

17.34 AGRICULTURAL DISTRICT "B". In the Agricultural District "B", no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses in accordance with the following standards:

(1) PERMITTED USES.

- (A) Forest preserves, forestry and the production of forest products.
- (B) The harvesting of any wild crops such as marsh hay, ferns, moss, berries or seeds.
- (C) Green houses and nurseries.
- (D) Grazing.
- (E) Fur farms and animal farms, when located not less than 600' from any residential building other than that of the owner of the premises, his agent or employee, and not less than 200' from any property line and the right-of way line of any federal, State, or County trunk highway or town road.
- (F) Kennels, fur and animal farms; provided that every structure or animal enclosure thereof is located not less than 100' from any property line and 600' from any residential building, other than that of the owner of such kennels, his agent, or employee.
- (G) Mines, quarries and gravel pits.
- (H) Processing and manufacturing of natural resources indigenous to the County.
- (I) Hydroelectric power and flood control dams and structures.
- (J) Telephone, telegraph and power transmission lines and buildings, microwave radio relay structures.
- (K) Aircraft landing fields, basins and hangers.
- (L) Fire control structures.
- (M) Public and private parks, playgrounds, camps, golf courses, riding and shooting clubs, amusement parks.

- (N) Organized recreational vehicle parks or camps, motels and tourist camps when such parks or camps provide not less than 4,000 sq. ft. of lot area for each cabin, trailer, tent or camper, and when such camp is clearly bounded by a fence or hedge and is located not less than 1,000' from the boundary of any residential district; provided further, that no person or party other than the owner shall occupy such tourist camp for more than 9 months in any one year.
 - (O) Hunting, fishing and trappers cabins and boat liveries.
 - (P) Public, private and parochial schools, churches, municipal buildings and institutional uses.
 - (Q) Sanitary Landfills, upon petition, when such site has been approved by the Town Plan Commission after public hearing, provided that the boundaries of such areas shall be defined and that they shall be located not less than 1/2 mile from the boundary of the residential district and County trunk highway. The location of such public dumping grounds may be changed from time to time by the same methods by which they were originally established.
 - (R) The residence of a watchman, caretaker or supervisor employed on the premises and his family.
- (2) HEIGHT AND AREA. Buildings hereafter erected or structurally altered for human habitation shall be subject to all height and area regulations established for similar buildings in ss. 17.33, Agricultural District "A" of this chapter.

17.35 FARMLAND PRESERVATION DISTRICT In the Farmland Preservation District, no building or premises shall be used, and no building shall hereafter be erected or structurally altered, except for one or more of the following uses in accordance with the following standards, unless otherwise provided for in this chapter:

(1) PURPOSE AND APPLICATION.

- (A) The purpose of the Farmland Preservation District is to preserve agricultural land for food and fiber production; protect productive farms by preventing conflicts with encroaching incompatible uses; maintain a viable agricultural base to support agricultural processing and service industries; implement and comply with the provisions of the Farmland Preservation Law. Farmland owners covered by a county, town, or municipal farmland preservation zoning ordinance (FPZO) may qualify for tax credits if DATCP certifies that the ordinance meets minimum FPZO standards under ch. 91, Wis. Stats.
- (B) This district is generally intended to apply to lands which include all classes of soils in the Town that are in productive agricultural use, including, but not limited to, land demonstrated to be productive for forestry, dairy, livestock raising and grazing; lands historically farmed which are integral parts of farm operations; lands for the production of specialty crops; and lands that are potentially productive given improvements such as irrigation or drainage. The district is intended to be reasonably consistent with the 2012 La Crosse County Farmland Preservation Plan Map.

(2) DEFINITIONS. In this section and as appropriate in this chapter:

- (A) AGRICULTURAL USE has the meaning given at [17.35\(4\)\(A\)](#).

Note: The meanings of agriculture "accessory use" and "agriculture-related use" are found at [17.35\(4\)\(B\)](#) and [17.35\(6\)\(B\)](#), respectively.

- (B) BASE TRACT means *a fixed geographical reference area* that, once determined, remains constant over time, It is made up of all contiguous parcels located in the Farmland Preservation District (FPD) that are under common ownership, whether one parcel or 2 or more parcels. Base Tracts shall be further distinguished as "Farm Base Tracts" or "Non-Farm Base Tracts" The Town shall determine what constitutes a Farm Base Tract and what constitutes a Non-Farm Base Tract based on parcel ownership of record existing on January 30, 2013.
 1. Base Tracts are defined *only* for the purpose of calculating nonfarm residence densities in concert with conditional use permit applications, under [17.35\(6\)\(B\)](#), "Nonfarm Residences", They have no other implications, and may not be used for any other purpose except to track density.

17.35(2) FARMLAND PRESERVATION DISTRICT, DEFINITIONS.

(C) FARM BASE TRACT (FBT) means;

1. All land, whether one parcel or 2 or more contiguous parcels, which is in the Farmland Preservation District (FPD) and is part of a single *farm* on January 30, 2013, regardless of any subsequent changes in the size of the *farm*. Since it is a fixed geographical reference area that, as determined, remains constant over time, a "Farm Base Tract" may not necessarily correspond with the boundaries of a known "farm," except on the date that the Farm Base Tract is established.
2. "Farm Base Tract" is a change in name only and has the same meaning and use as "Base Farm Tract" as used in Wis. Statutes and shall be equivalent in every way.
3. Any other land, tract, or parcel, that DATCP designates by rule as a "Base Farm Tract", or as part of the same; whether "contiguous" or not.

(D) NON-FARM BASE TRACT (NFBT) means all land, under common ownership, whether one parcel or 2 or more contiguous parcels, that is in the FPD and that is *not* part of a single farm on January 30, 2013, regardless of any subsequent change of ownership in the *Non-Farm Base Tract*. A NFBT's boundaries shall remain a fixed geographical reference area, as of that date, constant over time, despite any division, creation of new parcels, or change of ownership.

(E) COMMON OWNERSHIP means ownership by the same *person* or *persons*, or by a *legal business entity* that is wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. A parcel owned by one member of a married couple is deemed to be owned by the married couple, solely for purposes of this definition.

(F) CONTIGUOUS means adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are **not** "contiguous" if they meet only at a single point.

(G) DATCP means the Wisconsin Department of Agriculture Trade and Consumer Protection.

(H) FARM means all land under *common ownership* that is primarily devoted to *agricultural use*.

1. For purposes of this definition, land is deemed to be primarily devoted to *agricultural use* if any of the following apply:
 - a. The land produces *at least* \$6,000 in annual *gross farm revenues* to its owner **or** renter, *regardless* of whether a majority of the land area is in *agricultural use*.
 - b. A *majority* of the land area is in *agricultural use*.

(I) FARM ACREAGE means the combined total acreage of all of the following in the "Base Tract:"

1. "Farms".
2. "Open space parcels" in the "Base Tract" of more than 1 acre that are not within a shore land or wet land zoning district.
3. "Farm acreage" is defined only for the purpose of calculating residential densities in connection with conditional use permit applications for residences, as provided for herein at [17.35\(6\)\(C\)1.a.](#)

(J) FARM RESIDENCE means *any* of the following structures located on a *farm*:

1. A single-family or duplex **residence**, including normal residential appurtenances, that is the **only** residential structure on the *farm*. Certain duplex residences may consist of two dwelling units. See also [17.04\(19\)](#); Dwelling Unit
2. A single-family or duplex residence that is occupied by **any** of the following:
 - a. An owner **or** operator of the *farm*.
 - b. A parent **or** child of an owner or operator of the *farm*.
 - c. An individual who earns *more than 50 percent* of his or her gross income from the *farm*.
3. A migrant labor camp that is certified under s. 103.92, Wis. Stats.

(K) GROSS FARM REVENUE means gross receipts from *agricultural uses*, less the cost or other basis of *livestock* or other agricultural items purchased for resale which are sold or otherwise

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disposed of during the taxable year. "Gross farm revenue" *includes* receipts accruing to a renter, but does **not include** rent paid to the land owner.

- (L) LIVESTOCK means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
- (M) NONFARM RESIDENCE means any residence other than a *farm residence*.
- (N) NONFARM RESIDENTIAL ACREAGE means the combined total acreage of all parcels on which *nonfarm residences* are located, all parcels on which the Town Board has approved *nonfarm residences*, and the parcel to which the conditional use permit application pertains. If a residence is located on or proposed to be located on an undivided Farm Base Tract or Non-Farm Base Tract, but does not qualify as a *farm residence*, the size of the residential parcel is deemed to be the larger of 1 acre or its actual or required area footprint.
- (O) OPEN SPACE PARCEL means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- (P) PERSON means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (Q) PRIME FARMLAND means all of the following:
 - 1. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - 2. Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.
- (R) PRIOR NONCONFORMING USE means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.
- (S) PROTECTED FARMLAND means land that is any of the following:
 - 1. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
 - 2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
 - 3. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.

Otherwise legally protected from nonagricultural development.

(3) ALLOWED USES. IN THE FARMLAND PRESERVATION DISTRICT, only the following land uses are allowed:

- (A) Uses allowed under Section (4) without a conditional use permit.
- (B) Prior nonconforming uses under Section (5), subject to [62.23\(7\)\(h\)](#) Wis. Stats., and as provided for in this ordinance.
- (C) Uses allowed under Section (6) & par. [17.35\(5\)\(A\)](#) with a conditional use permit.

(4) PERMITTED USES. IN THE FARMLAND PRESERVATION DISTRICT, the following land uses are allowed without a conditional use permit:

- (A) AGRICULTURAL USES. For purposes of this section, " agricultural use" means any of the following activities conducted for the purpose of producing an income or livelihood:
 - 1. Crop or forage production, including but not limited to, raising of grain, grass, vegetables, mint, seed crops, fruit, nuts and berries.
 - 2. Keeping livestock, except that a CUP is required under section (6)(E) for a new or expanded livestock facility that will be used to keep more than 500 animal units
 - 3. Beekeeping.
 - 4. Nursery, sod, or Christmas tree production.
 - 5. Floriculture.
 - 6. Aquaculture.
 - 7. Forest management when managed under a recognized written management plan that promotes sustainable forest management principles that can serve recreation, wildlife

habitat improvement, endangered species protection, water quality, forest products and many other objectives, such as the WI Managed Forest Law.

8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
9. Any other use that DATCP identifies by rule as an agricultural use in the Farmland Preservation District.

(B) ACCESSORY USES. In this district “accessory use” means any of the following land uses on a *farm*:

1. A *farm residence*, including normal residential appurtenances.
2. A building, structure, or improvement that is an integral part of, or is incidental to, an *agricultural use*. This may include, by example, but is not limited to:
 - a. A facility used to store or process raw agricultural commodities, all of which are produced on the *farm*.
 - b. A facility used to keep *livestock* on the *farm*, except livestock facilities housing more than 500 animal units as provided for under [17.35\(6\)\(E\)](#).
 - c. A facility used to store or process inputs primarily for *agricultural uses* on the *farm*.
 - d. A facility used to keep or service vehicles or equipment primarily employed in *agricultural uses* on the *farm*.
 - e. A wind turbine or solar energy facility that collects wind or solar energy on the *farm*, and uses or transforms it to provide energy primarily for use on the *farm*.
 - f. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the *farm*.
 - g. A waste storage or processing facility used to store or process animal waste produced solely from *livestock* kept on the *farm*, except waste storage or processing facilities as provided for under [17.35\(6\)\(E\)2.](#)
 - h. Plant greenhouses and nurseries, which are known to be integral the agricultural uses of crop production or floriculture, whether they are located on the same premises that the underlying agricultural use is located on or not.
 - i. Sawmills, when located on the same premises for less than 30 days.
 - j. Riding, training, or boarding stables for the purpose of generating a livelihood in the keeping of livestock, including horses among other animals, and including livestock used in the conduct of the business.
3. An activity or business operation that is an integral part of or incidental to an *agricultural use*.
4. A business, activity, or enterprise, whether or not associated with an *agricultural use*, which meets all of the following requirements:
 - a. It is conducted on a *farm* by an owner or operator of that *farm*.
 - b. It requires no buildings, structures, or improvements other than those described in [17.35\(4\)\(B\)2](#) or [17.35\(4\)\(B\)1](#).
 - c. It employs no more than 4 full-time employees annually
 - d. It does not impair or limit the current or future *agricultural use* of the *farm* or other *protected farmland*.
5. Any other use that DATCP, by rule, identifies as an accessory use.

(C) Undeveloped natural resource and open space areas.

(D) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are 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.

- (E) Nonfarm residences constructed in a rural residential *cluster*, according to a conditional use permit issued under section (6)(D), that duly identifies, limits, and defines the nonfarm residences for that cluster.
- (F) Pre-existing residences, regardless of occupancy type, located in the previous La Crosse County Exclusive Agricultural District, as of January 30th, 2013, and in the Town's Farmland Preservation District, as of the effective date of the Chapter, provided that ATCP 49 is in effect by January 30, 2014 and duly identifies pre-existing residences as permitted uses. Such residences, as permitted uses, shall not be subject to 62.23(7)(h) Wis. Stats. nor any other nonconforming use limitations.

(5) PRIOR NONCONFORMING USES. Prior nonconforming use are authorized uses, subject to 62.23(7)(h), Wis. Stats., and as provided for in this ordinance.

- (A) Except that, until ATCP 49 is in effect, pre-existing residences located in this District and subject to zoning under this section that do not conform to the permitted use requirements of this section, as of the effective date of this chapter or its amendments, may be granted a conditional use permit for an existing nonfarm residence in this District. The permit may be granted upon the Town's own initiative and expense or upon application by a property owner, provided that;
 1. The nonfarm residence was located on a lot of record as recorded in the La Crosse County Register of Deeds Office prior to adoption of this ordinance.
 2. The property is taxed as a residence.

(6) CONDITIONAL USES AUTHORIZED BY PERMIT IN THE FARMLAND PRESERVATION DISTRICT.

(A) General.

1. The Town Board may issue a conditional use permit for a proposed use identified in this section if the proposed use meets the applicable conditions under this section. The Town Board shall follow the procedures prescribed in 17.20 as applicable to this district.
2. Before issuing a conditional use permit under par. (a), the Town Board *shall* determine *in writing* that the proposed use meets applicable conditions under this section. The Town Board may issue the permit subject to only such additional conditions that the Town Board deems necessary to carry out the purposes of this ordinance or found due to some quantified, peculiar, or unique character of the subject premises or its location. Such additional conditions shall not be personal to any owner or his assigns
3. Conditional Use permits for nonfarm residences established in the district shall run with the land, shall not be personal to the owner, and shall not restrict the transferability of any such permit. Any condition contrary to this part that otherwise limits transferability, is invalid, severable, and unenforceable as to such a condition only, such a condition shall not affect the validity of the remaining conditional use.
4. Any residence located on land that is in "Forest Management" under a recognized written management plan and any residence located within a Base Tract where a majority of the land is in "Forest Management" under a recognized written management plan, shall be deemed a "nonfarm residence" and shall only be located in the Base Tract by conditional use permit as provided for in 17.35(6)(B), below.

(B) AGRICULTURE-RELATED USES.

1. The Town Board may issue a conditional use permit for a facility, whether or not located on a *farm*, that meets the conditions under paragraph 2 and that has at least *one* of the following as a *primary* and *not merely incidental* purpose:
 - a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to *farms*, including *farms* in the farmland preservation zoning district.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from *farms*, including *farms* in the farmland preservation zoning district.

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- c. Slaughtering *livestock*, including *livestock* from *farms* in the farmland preservation zoning district.
 - d. Marketing *livestock* to or from *farms*, including *farms* in the farmland preservation zoning district.
 - e. Processing agricultural by-products or wastes received directly from *farms*, including *farms* in the farmland preservation district.
 - f. Any other use that DATCP identifies by rule as an agriculture-related use in the Farmland Preservation District.
 2. The Town Board may issue a conditional use permit for an *agriculture-related use*, under *para, 1, 17.35(6)(B)* if all of the following apply:
 - a. The use supports *agricultural uses* in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
 - b. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - c. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - d. The use is reasonably designed to minimize conversion of land, at and around the use site, from *agricultural use* or open space use.
 - e. The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
 - f. Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

(C) Nonfarm Residences. The Town Board may issue a conditional use permit for a proposed *nonfarm residence*, including the conversion of a *farm residence* to a *nonfarm residence* that is necessitated by a change in occupancy, if all of the following standards will be met when the approved *nonfarm residence* comes into existence:

1. If the *nonfarm residence* will be located in a "Farm Base Tract" (FBT):
 - a. The ratio of combined total "*nonfarm residential acreage*" to the combined total "*farm acreage*," still remaining in the "Farm Base Tract" after all "*nonfarm residential acreage*" is subtracted from the "*farm acreage*", will not exceed 1:20 after the residence is constructed or converted to a nonfarm residence .
 - b. There will be no more than 4 dwelling units in "*nonfarm residences*", nor more than 5 dwelling units in residences of any kind, in the "Farm Base Tract".

NOTE: Every FBT is a fixed geographic reference area that does not change, regardless of changes in ownership, divisions of land, rezones, or residences built through a conditional use permit. To determine the maximum total acres of a particular FBT that may be used for nonfarm residences with a conditional use permit, divide the acreage of the FBT (as established on January 30, 2013) by 21. For example, if the FBT on January 30, 2013 is 210 acres, only 10 acres may ever be allowed to be used for nonfarm residences with a conditional use permit. A landowner could build one house on those 10 acres or 4 houses on four 2.5-acre lots."

- c. After the maximum density is reached, the remainder of the FBT property shall not be sold to any buyer that will decrease the said *undeveloped natural resource* , *open space*, and *agricultural use area* acreage except as is otherwise excepted, or provided for by this chapter.
2. If the residential parcel will be located on a "Non-Farm Base Tract" and not be located on a "Farm Base Tract":
 - a. The ratio of combined total "*nonfarm residential acreage*" to combined total acreage of all *undeveloped natural resource area*, *open space areas/parcels*, and *agricultural*

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use areas remaining in the *Non-Farm Base Tract*, after all *nonfarm residential acreage* is subtracted from the *latter*, will not exceed 1:20.

NOTE: In essence this means 1/21st of the fixed reference area that comprises a NFBT may be used for *nonfarm residential acreage* subject to siting limitations as found in b below.

- 1.) The Town shall consider the Base Non-Farm Tract as it existed on January 30, 2013, as provided for under 17.35(2)(D).
 - 2.) The Town may cause a record, map, or table of such common ownership of parcels to be made, as determined in accordance with 17.35(2)(D), with all due deliberateness.
 - 3.) Provided the density and siting requirements of a., above, and b., below, are met, at least 21 acres, used as *undeveloped natural resource*, *open space*, and/or *agricultural use areas*, are required before a *nonfarm residence* is allowed in a NFBT. Under the Towns minimum 1 acre lot size, this dwelling parcel may be split off from the 21 acres and exist on as little as 1 acre. After the maximum siting or density is reached, the remainder of the NFBT property shall not be sold to any buyer that will decrease the said *undeveloped natural resource*, *open space*, and *agricultural use area* acreage except as is otherwise excepted, or provided for by this chapter.
 - 4.) An exception to 17.35(6)(C)2.a.3., above, is one dwelling unit may be built on one acre of an undeveloped Non-Farm Base Tract, of less than 21 acres, if duly established that the NFBT of less than 21 acres existed as of January 30, 2013 as determined in accordance with 17.35(6)(C)2.a.1..
- b.** There will be no more than 4 dwelling units in *nonfarm residences*, or 4 dwelling units in residences of any kind, in the common ownership *base tract or parcel*.
- 3.** Neither the *nonfarm residence*, nor the parcel on which the *nonfarm residence* is located, will do any of the following:
- a.** Convert *prime farmland*, or cropland other than a woodlot, from *agricultural use* if there is a reasonable alternative available to the permit applicant.
 - b.** Significantly impair or limit the current or future *agricultural use* of any other *protected farmland*. []
- 4.** The location of all existing or proposed lot lines, buildings, structures, or improvements, shall be submitted on a scaled Site Plan along with all other such specific requirements or additional information as may be reasonably required by the Town Board or the Zoning Administrator for the due administration of this section.

(D) Nonfarm Residential Clusters. The Town Board may issue a single conditional use permit authorizing 2 or more proposed *nonfarm residences* if all of the following apply:

- 1.** The conditional use permit includes *all* of the following information:
 - a.** The total number of *nonfarm residences* authorized by the permit.
 - b.** A legal or survey description of each parcel on which a *nonfarm residence* is authorized.
 - c.** The number of *nonfarm residences* authorized on each parcel under sub17.35(6)(D)1.b., if more than one.
 - d.** The number of dwelling units authorized in each authorized nonfarm residence, if more than one [].
- 2.** Each of the parcels described under sub. b., above {e.g. 17.35(6)(D)1.b.}, shares a boundary with at least one other parcel described under 17.35(6)(D)1.b.
- 3.** Each of the proposed *nonfarm residences* will meet all of the standards under 17.35(6)(B) when all of the proposed *nonfarm residences* have come into existence.

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4. The conditional use permit prohibits all of the following:
 - a. Any further division of any parcel described in [17.35\(6\)\(D\)1.b.](#).
 - b. Any *nonfarm residence* or dwelling unit on a parcel identified in [17.35\(6\)\(D\)1.b.](#), other than a *nonfarm residence* or dwelling unit identified in the permit.
 5. When developed in accordance with the standards of La Crosse County Chapter 18 in regards to "Cluster Subdivision".
- (E) Agricultural And Accessory Uses On Farms. The Town Board may issue a conditional use permit for any of the following *agricultural uses* or *accessory uses* for which a permit is required under [17.35\(6\)](#) :
1. A new or expanded Livestock Facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in ch. ATCP 51, Wis. Adm. Code.
 - a. The standards of ATCP 51 and any successor administrative code or statute of ATCP51, are hereby incorporated into this chapter, by reference, without reproducing them in this ordinance, and shall be consulted and govern the same as does any part of this chapter.
 2. Animal Waste Facilities Not Subject of Town Control. NOTE: Under authority of WI. Stats [92.16](#), La Crosse County is responsible to regulate Animal Waste Facilities, or modifications to such facilities. La Crosse County Chapter 23 regulates waste storage and run off management requirements pursuant to Wisconsin Administrative Code, ATCP 51, or 50.46. All such facilities shall meet the setbacks required under [17.35\(7\)\(B\)](#). []
- (F) Compatible infrastructure.
1. The Town Board may issue a conditional use permit for any of the following uses provided that the use meets applicable conditions under par. [2](#) below:
 - a. Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.
 - b. Communication uses, including transmission lines, cell towers, antennae and broadcast towers.
 - c. Oil, gas and other pipelines.
 - d. Electrical transmission lines.
 - e. Wind turbines.
 - f. Solar power generation facilities.
 - g. Drainage facilities.
 2. The Town Board may issue a conditional use permit for a proposed use under par. [1](#) above if all of the following apply:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from *agricultural use* or open space use.
 - d. The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
 - e. Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

- (G) Government And Nonprofit Community Uses. The Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town Board determines that all of the following apply:
1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from *agricultural use* or open space use.
 4. The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
 5. Construction damage to land remaining in *agricultural use* is minimized and repaired, to the extent feasible.
- (H) Nonmetallic Mineral Extraction. The Town Board may issue a conditional use permit for a nonmetallic mineral extraction operation if all of the following apply:
1. The operation complies with all of the following:
 - a. Subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter.
 - b. Applicable provisions of La Crosse County Ordinance Chapter 27, Nonmetallic Mining Reclamation, adopted under ss. 295.13 and 295.14, Wis. Stats.,
 - c. Any town Nonmetallic Mineral Extraction ordinances duly adopted after the effective date of this town ordinance.
 - d. Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.
 2. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 3. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
 4. The operation is reasonably designed to minimize the conversion of land around the extraction site from *agricultural use* or open space use.
 5. The operation does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
 6. The conditional use permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.
- (I) Any other use identified by DATCP , by administrative rule, as a permitted use in a Farmland Preservation Zoning District.

(7) HEIGHT AND AREA. In this district;

- (A) Buildings hereafter erected or structurally altered for *human habitation* shall meet the requirements for height of buildings, the minimum dimensions of yards and the minimum lot area per family as follows:
1. Height. As specified in ss. [17.30\(3\)\(A\)](#), Residential District "A".
 2. Side yard setbacks. As specified in ss. [17.30\(3\)\(B\)](#), Residential District "A".
 3. Front yard setback. As specified in ss. [17.30\(3\)\(C\)](#), Residential District "A".
 4. Rear yard setback. As specified in ss. [17.30\(3\)\(D\)](#), Residential District "A".

5. Lot Area Per Family.

- a.** The minimum lot area to establish a separate parcel for an additional "Farm Residence", as defined in [17.35\(2\)\(J\)](#) , or a "Nonfarm Residence", as defined in [17.35\(2\)\(M\)](#), shall be one acre.
- b.** The minimum lot area required for a "farm residence" that existed and was separated from a larger parcel, prior to the adoption of this chapter, shall be 20,000 sq. ft and shall be so administered at such area density.
- c.** Where an additional residence for persons specified in subpar. [17.35\(7\)\(A\)5.a.](#), above, is located on a farm without creating a separate parcel, the residences shall be at least 25' from other residences.
- d.** If a non-farm residential parcel is part of a Farm Base Tract, 1/21st of a the fixed reference area that comprises a NFBT may be used for *nonfarm residential acreage* subject to siting limitations as found in [17.35\(6\)\(C\)1.b.](#)
- e.** If the residential parcel is not part of a Farm Base Tract, 1/21st of a the fixed reference area that comprises a NFBT may be used for *nonfarm residential acreage* subject to siting limitations as found in [17.35\(6\)\(C\)2.b.](#)

(B) Buildings hereafter erected or structurally altered for agricultural use shall meet the requirements for height of buildings, the minimum dimensions of yards, and the minimum lot area per lot as follows:

- 1.** Height. None specified.
- 2.** Side yard setbacks and rear yard setbacks,
 - a.** General. At least ½ foot of offset for each 1 foot of building width.
 - 1.) By Special Exception Permit of the Town Board, a side yard or rear yard setback of 20 feet is allowed, where the applicant can show that suitable drainage patterns can be constructed and maintained to properly channel structure runoff away from neighboring properties, and to suitable areas for collection and /or absorption
- 3.** Front yard setback. As specified in ss. [17.30\(3\)\(C\)](#), Residential District "A".
- 4.** Lot Area Per Agricultural Use.
 - a.** There is no minimum lot *size or area* to establish a "farm" operation. Land that is "primarily devoted to *agricultural use*", as defined in [17.35\(2\)\(H\)1](#), qualifies as a "farm" operation.
- 5.** Livestock Facilities setbacks.
 - a.** 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.
 - b.** The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way or to the property line.
- 6.** Waste Storage Structure Setbacks. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - a.** Located on the same tax parcel as a waste storage structure in existence before April 1, 2009.
 - b.** No larger than the existing waste storage structure.
 - c.** No further than 50 ft. from the existing waste storage structure.
 - d.** No closer to the road or property line than the existing waste storage structure.

- e. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

(8) REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

- (A) Except as provided [17.35\(8\)\(C\)](#), the Town Board may *not* rezone land out of a farmland preservation zoning district unless the Town Board does all of the following prior to the rezoning:
 - 1. Finds all of the following *in writing*, after public hearing, as part of the official record of the rezoning:
 - a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - b. The rezoning is consistent with any comprehensive plan, adopted by the Town Board, which is in effect at the time of the rezoning.
 - c. The rezoning is substantially consistent with the *county* farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of other *protected farmland*.
- (B) By March 1 of each year, the Department of Agriculture, Trade and Consumer Protection and La Crosse County shall each be provided with a report of the number of acres rezoned out of the farmland preservation district during the previous year and a map that clearly shows the location of those acres.
- (C) Paragraph (A) above does not apply to any of the following:
 - 1. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - 2. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

17.36 AGRICULTURAL TRANSITION DISTRICT.

- (1) PURPOSE. The purpose of the Agricultural Transition District is to provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban development; 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 should occur upon completion or revision of any municipal land use plans which affects lands in the district; or upon extension of public services such as sewer and water necessary to serve urban development.
- (2) APPLICATION. This district is intended to apply to lands located in rural transition areas and land located in urban transition areas. These lands are predominately in agriculture or open space use, but conversion to non-agricultural use is expected to occur in the near future. Rural transition areas are those areas where development would not create conflicts with adjacent farming operations and where the land is capable of supporting an onsite sewage disposal system as identified in the La Crosse County Farmland Preservation Plan. Urban transition areas are lands located next to existing urbanized areas or adjacent to existing or proposed public sewage facilities or are projected growth areas as identified in the Farmland Preservation Plan. Lands included as transition areas in the agricultural plan are to be included.
- (3) ALLOWED USES IN THE TRANSITIONAL AGRICULTURE DISTRICT. No building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses in accordance with the following standards:
 - (A) PERMITTED USES
 - 1. Aquaculture.

2. Crop or forage production.
3. Beekeeping.
4. Dairying.
5. Egg production.
6. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
7. Floriculture.
8. Forest and game management.
9. Grazing.
10. Keeping *livestock*.
11. Livestock raising.
12. Nursery, sod, or Christmas tree production.
13. Orchards.
14. Plant greenhouses and nurseries.
15. Raising of grain, grass, mint and seed crops.
16. Raising of fruit, nuts and berries.
17. Riding, training, or boarding stables and paddocks.
18. Sawmills, when located on the same premises for less than 30 days.
19. Sod farming.
20. Vegetable raising.
21. Any other agricultural use.
22. Accessory uses customarily incidental to a "*permitted use*" and any accessory uses as provided for under [17.35\(4\)\(B\)](#).

(B) CONDITIONAL USES AUTHORIZED BY PERMIT IN THE AGRICULTURAL TRANSITION DISTRICT.

1. Agriculturally Related Uses.
 - a. Fur farms, when located not less than 400' from any residential building other than that of the owner of the premises, his agent or employee and not less than 200' from the right-of-way line of any federal, State or County trunk highway or town road.
 - b. Feedlots when more than 500 animal units are involved.
 - c. Poultry operations involving more than 10,000 birds.
 - d. Sawmills, when located on the same premises for more than 30 days.
 - e. Equestrian trails.
 - f. Dams and flowages.
 - g. Agriculturally related business.
 - h. Veterinary services and animal hospitals.
 - i. Mineral extractions which are incidental to the farming operation.
2. Farm Related Housing Uses.
3. Temporary housing for seasonal farm labor.
4. Other Uses.
 - a. Governmental and institutional uses.
 - b. Churches and other religious uses and facilities.
 - c. Customary home occupations other than those provided under ss. [17.04\(26\)](#).
 - d. Public utilities.
 - e. Cemeteries.
 - f. Farm family businesses as defined in Wis. Stats., s. 91.75(8), or any amendments thereto.

5. Any Conditional Use and "Agriculture-Related Use" as provided for under the provisions of section [17.35\(6\)](#) the Farmland Preservation District conditional Uses.

6.

- (4) HEIGHT AND AREA. In this district, buildings hereafter erected or structurally altered for *human habitation* shall meet the requirements for height of buildings, the minimum dimensions of yards and the minimum lot area per family as follows:
- (A) Height. As specified in ss. [17.30\(3\)\(A\)](#), Residential District "A".
 - (B) Side yard setbacks. As specified in ss. [17.30\(3\)\(B\)](#), Residential District "A".
 - (C) Setback. As specified in ss. [17.30\(3\)\(C\)](#), Residential District "A".
 - (D) Rear yard setback. As specified in ss. [17.30\(3\)\(D\)](#), Residential District "A".
 - (E) Lot Area Per Family. As specified in ss. [17.35\(7\)\(A\)5](#), Farmland Preservation District.
- (5) Buildings hereafter erected or structurally altered for agricultural use shall meet the requirements for height of buildings, the minimum dimensions of yards and the minimum lot area per lot as follows:
- (A) As provided for under [17.35\(7\)\(B\)](#).
- (6) STANDARDS FOR REZONING. Decisions on petitions for rezoning areas out of the Transitional Agriculture District shall be based on findings that consider the following:
- (A) Adequate public facilities to serve the development are present or will be provided.
 - (B) Provision of these facilities will not be an unreasonable burden to local government.
 - (C) The land is suitable for development.
 - (D) Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
 - (E) The potential for conflict with remaining agricultural uses in the area.
 - (F) The need of the proposed development in an agricultural area.
 - (G) The availability of alternate locations.
 - (H) The productivity of the agricultural land involved.
 - (I) Finds all of the following *in writing*, after public hearing, as part of the official record of the rezoning:
 1. The rezoned land is better suited for a use not allowed in the Transitional Agriculture District.
 2. The rezoning is consistent with any comprehensive plan, adopted by the Town Board, which is in effect at the time of the rezoning.
 3. The rezoning is substantially consistent with the *county* farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 4. The rezoning will not substantially impair or limit current or future agricultural use of other *protected farmland*.

17.37 COMMERCIAL DISTRICT "A". In the Commercial District "A", no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the of the following uses in accordance with the following standards:

(1) PERMITTED USES.

- (A) Art shop, gift shop, jewelry store, optical store.
- (B) Bowling alley, pool and billiard room, skating rink.
- (C) Candy store, confectionery store, ice cream store, soda fountain, soft drink stand.
- (D) Drug store, pharmacy.
- (E) Filling station.

- (F) Food products (retail), grocery store (retail), delicatessen, meat and fish market, fruit and vegetable store, tea and coffee store.
 - (G) Florist shop.
 - (H) Motel.
 - (I) Restaurant, cafeteria, lunch room, refreshment stand, caterer, tavern, bar.
 - (J) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.
 - (K) Any other use determined by the Planning Commission to be of the same general character as the above specified uses.
- (2) HEIGHT AND AREA. In the Commercial District "A", for buildings or parts of buildings hereafter erected or structurally altered, the height of the buildings and the minimum dimensions of yards shall be as follows:
- (A) Height shall exceed neither 45' nor 3 stories, see also ss. [17.12\(1\)](#) and [17.12\(2\)](#).
 - (B) Side yard setback shall be a minimum of 20' for each side yard.
 - (C) Front yard setback. See ss. [17.60](#) to [17.60\(3\)](#), Highway Setback Lines. See 17.30(1)(D), for related front-yard accessory building set back line.
 - (D) Rear yard setback. There shall be a rear yard setback having a minimum depth of 25' for a building 2 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard setback shall be increased 5'. See ss. [17.10\(2\)](#) and [\(7\)](#); [17.12\(4\)](#), [\(6\)](#), [\(7\)](#) and [\(12\)](#).
 - (E) Lot Area.
 1. For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
 2. For all lots created and recorded prior to the effective date of this chapter, or for lots in a plat or cluster;
 - a. The minimum lot size that was effective at the time the lot, parcel, or tract was approved or recorded.
 3. See also [17.10\(2\)](#) and [17.12\(5\)](#).
 - (F) Lot Coverage. The total ground floor of every building or part of building hereafter erected or structurally altered shall not exceed 60% of the total lot area to which it is attached.
 - (G) Vision Clearance. There shall be a vision clearance of not less than 10' extending from the curb level to the ceiling line of the ground floor, but in no case shall such vision clearance be less than 12' high. A vision corner shall be maintained in each quadrant of all intersections of streets, highways and/or railroads. The vision corner is a triangle bounded by the street, highway or railroad centerlines and a vision clearance setback line. The setback line connects points on each centerline which are located 250' back from the intersection of the centerline. See [17.04\(64\)](#).
 - (H) Off Street Parking. Every building hereafter erected or structurally altered for commercial purposes, except motels, shall provide an accessible off street parking space at a ratio of 2 sq. ft. for each square foot of floor space. Motels hereafter erected or structurally altered shall provide an accessible off street parking space at a ratio of 300 sq. ft. for each guest unit.

17.38 COMMERCIAL DISTRICT "B". In the Commercial District "B", no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses in accordance with the following standards:

- (1) As permitted, *specified, and regulated* in the Residential Districts.
 - (A) PERMITTED USES. Animal hospital and pet shop.
 - (B) Art shop, gift shop, jewelry store, optical store.
 - (C) Automobile sales and service establishment, public garage, parking lot.
 - (D) Bank and financial institution, brokerage and pawn broker.

- (E) Bakery (retail).
 - (F) Barber shop and beauty parlor.
 - (G) Book and stationery store.
 - (H) Bowling alley, pool and billiard room, gymnasium, dancing school, dance hall, skating rink, theatre, except drive-in theatre and stock car race tracks.
 - (I) Candy store, confectionery store, ice cream store, soda fountain, soft drink stand.
 - (J) Clinic.
 - (K) Convention and exhibition hall.
 - (L) Cleaning and dyeing establishment.
 - (M) Dress shop, clothing store, dry goods store, notion shop, hosiery shop, tailor shop, shoe store.
 - (N) Department store.
 - (O) Drug store, pharmacy.
 - (P) Farm machinery sales and service.
 - (Q) Filling station.
 - (R) Food products, retail delicatessen, meat and fish market, fruit and vegetable store, tea and coffee store, food locker plants but not slaughtering.
 - (S) Florist shop.
 - (T) Feed and flour mill.
 - (U) Hardware and paint store.
 - (V) Household appliance store, furniture store, plumbing, heating and electrical supplies, crockery store.
 - (W) Hotel.
 - (X) Lumber, fuel and supply yards.
 - (Y) Microwave radio relay structures.
 - (Z) Music store, radio store, radio broadcast studio.
 - (AA) Newsstand.
 - (BB) Photograph studio, photographer's supplies.
 - (CC) Railroad and bus depot and truck terminal.
 - (DD) Restaurant, cafeteria, lunch room, refreshment stand, caterer, tavern.
 - (EE) Telephone and telegraph office.
 - (FF) Temporary structure.
 - (GG) Tobacco and pipe store.
 - (HH) Undertaking establishment.
 - (II) Warehouses not in excess of 100,000 sq. ft. and not more than 2 stories high.
 - (JJ) Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of a retail business on the premises.
 - (KK) Such accessory uses as are customary in connection with the foregoing uses and incidental thereto.
- (2) HEIGHT AND AREA. In the Commercial "B" District, for buildings or parts of buildings hereafter erected or structurally altered, the height of buildings, the minimum dimensions of yards and the minimum lot area per parcel or family shall be as follows:
- (A) Height shall exceed neither 45' nor 3 stories. See also ss. [17.12\(1\)](#) and [\(2\)](#).
 - 1. "Except that, for residential use buildings, height shall be as specified in ss. [17.30\(3\)](#), Residential District "A".
 - (B) Side yard setback shall be a minimum of 20' for each side yard.

1. Except that, for residential use buildings, the side yard setback regulations for the residential district shall apply, see [17.30\(3\)](#)
- (C) Front yard setback. See ss. [17.60](#) to [17.60\(3\)](#), Highway Setback Lines.
- (D) Rear yard setback. There shall be a rear yard setback having a minimum depth of 25' for a building 2 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard setback shall be increased 5'. See. ss. [17.10\(2\)](#) and [\(7\)](#); [17.12\(4\)](#), [17.12\(6\)](#), [\(7\)](#) and [\(12\)](#).
- (E) Lot Area.
 1. For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
 2. For all lots created and recorded prior to the effective date of this chapter, or for lots in a plat or cluster;
 - a. One family lots or multi-family shall provide a lot area of not less than 7,200 sq. ft. per family and no such lot shall be less than 60' in width,
 - b. Commercial lots; The minimum lot size that was effective at the time the lot, parcel, or tract became of record.
 3. See also [17.10\(2\)](#) and [17.12\(5\)](#).
- (F) Vision Clearance. There shall be a vision clearance of not less than 10' extending from the curb level to the ceiling line of the ground floor, but in no case shall such vision clearance be less than 12' high. See [17.04\(64\)](#).
- (G) Off Street Parking. Every building hereafter erected or altered for commercial purpose, except theatres, shall provide an accessible off street parking space at the ratio of 1 sq. ft. for each square foot of floor space. Theatres hereafter erected or structurally altered shall provide an accessible off street parking space at the ratio of 200 sq. ft. for each 5 seats.

17.39 COMMERCIAL DISTRICT "C". In the Commercial District "C", no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except for one or more of the following uses in accordance with the following standards:

(1) PERMITTED USES.

- (A) As permitted, specified, and regulated in Commercial District "B".
 - (B) Wholesale business, warehouses, truck terminals and freight houses.
 - (C) Bulk storage plants, but not including junk yards or the sale or storage of salvage materials.
 - (D) Bakeries.
 - (E) Printing plants, laundries, cleaning and dyeing plants.
 - (F) Mechanical repair shops, including repair garages.
 - (G) Bottling plants, experimental and manufacturing laboratories.
 - (H) Woodworking plants.
 - (I) Plants for the fabrication of sheet metal products and welding shops.
 - (J) Any processing or treatment clearly incidental to the conduct of a permitted business or use.
 - (K) Special Permit Uses: Manufacturing, processing, assembling and/or packaging, and distribution of products when duly authorized by a Special Permit from the Town Board after holding a public hearing and finding that, in their opinion, the use will not be hazardous, offensive or objectionable due to odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water carried waste.
- (2) HEIGHT AND AREA.** In the Commercial District "C", for buildings or parts of buildings hereafter erected or structurally altered, the height of buildings, the minimum dimensions of yards, and the minimum lot area per parcel or family shall be as follows:
- (A) Height. For any residential building, as specified in ss. [17.30\(3\)](#), Residential District "A", else for non-residential, no more than 60' nor more than 5 stories.
 - (B) Side yard setback. As specified in ss. [17.38\(2\)\(B\)](#), Commercial District "B".

- (C) Rear yard setback. There shall be a rear yard setback having a minimum depth of 25' for a building 3 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard setback shall be increased 3'. See ss. [17.10\(2\)](#) and (7); [17.12\(4\)](#), (6), (7) and (12).
- (D) Front yard setback. See ss. [17.60](#) to [17.60\(3\)](#), Highway Setback Lines.
- (E) Lot Coverage. The total ground floor of every building or part of building hereafter erected or structurally altered shall not exceed 70% of the total lot area to which it is attached.
- (F) Lot Area.
1. For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
 2. For all lots created and recorded prior to the effective date of this chapter, or for lots in a plat or cluster;
 - a. One family lots or multi-family shall provide a lot area of not less than 7,200 sq. ft. per family and no such lot shall be less than 60' in width.
 - b. Commercial lots; The minimum lot size that was effective at the time the lot, parcel, or tract was approved or created.
 3. See also ss. [17.10\(2\)](#) and [17.12\(5\)](#).
- (G) Vision Clearance. As specified in ss. [17.37\(2\)\(G\)](#), Commercial District "A".
- (H) Off Street Parking. Every building hereafter erected or structurally altered for other than retail business and consumer service shall provide an accessible motor vehicle parking space off the public street in the ratio of 200 sq. ft. of area for each 3 persons employed on the premises, together with provisions for ingress and egress to the public street. Retail business and consumer service establishments shall provide for off street parking as specified in the Commercial District "A".

17.40 INDUSTRIAL DISTRICT. In the Industrial District, unless otherwise provided for in this chapter, buildings or land may be used for any purpose, in accordance with the following standards, *except* the following uses that are prohibited or otherwise require a conditional or special use permit:

(1) PROHIBITED USES.

- (A) Residential, educational or institutional uses, except a dwelling for a watchman or caretaker employed on the premises and members of his family.
- (B) Uses in conflict with any laws of the State or any ordinances of the County governing nuisances.

(2) CONDITIONAL USES. Any of the following uses shall not be allowed until an application for a conditional use permit has been duly submitted, the location of such use has been reviewed by the Town Plan Commission and a conditional use permit has been approved by the Town Board, after investigation and public hearing pursuant to s. [17.20](#) of this Code:

1. Abattoirs, except for slaughter of poultry.
2. Acid manufacture.
3. Cement, lime, gypsum or plaster of paris manufacture.
4. Distillation of bones.
5. Explosives manufacture or storage.
6. Fat rendering.
7. Fertilizer manufacture.
8. Garbage, rubbish, offal or dead animal reduction or dumping.
9. Glue manufacture.
10. Junk yard.
11. Petroleum refining.
12. Smelting of tin, copper, zinc or iron ores.
13. Stockyards.
14. Garbage, trash or recycling transfer facilities.

- (3) HEIGHT AND AREA.** In the Industrial District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- (A) Height.** Buildings hereafter erected or structurally altered shall exceed neither 60' nor 5 stories in height. See ss. [17.12\(2\)](#).
 - 1.** For any residential building, as specified in ss. [17.30\(3\)](#), Residential District "A".
 - (B) Side yard setback.** For buildings or parts of buildings used for residential purposes, the side yard setback regulations of the residential district shall apply, otherwise a side yard setback, if provided, shall be not less than 12' in width.
 - (C) Front yard setback.** See ss. [17.60](#) to [17.60\(3\)](#), Highway Setback Lines.
 - (D) Rear yard setback.** There shall be a rear yard setback having a minimum depth of 25' for a building 3 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard setback shall be increased 3'. See ss. [17.10\(2\)](#) and (7); [17.12\(4\)](#), [\(6\)](#), [\(7\)](#) and [\(12\)](#).
 - (E) Lot Area.**
 - 1.** For all new lots created after the effective date of this chapter, the minimum lot area shall be one acre and the minimum lot width shall be 100 feet.
 - 2.** For all lots created and recorded prior to the effective date of this chapter;
 - a.** Residential lots shall provide a lot area of not less than 10,000 sq. ft. per family and no such lot shall be less than 60' in width.
 - 3.** See also ss. [17.10\(2\)](#) and [17.12\(5\)](#).
 - (F) Vision Clearance.** There shall be a vision clearance of not less than 10' extending from the curb level to the ceiling line of the ground floor, but in no case shall such vision clearance be less than 12' high.
 - (G) Auto Parking.** Every building hereafter erected or structurally altered shall provide an accessible motor vehicle parking space off the public street in the ratio of 200 sq. ft. of area for each 5 persons employed on the premises, together with provisions for ingress from and egress to the public street or alley.

17.41 MOBILE HOME COURT DISTRICT. Mobile home parks shall only be permitted in a Mobile Home District.

- (1) USE.** In the Mobile Home District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this chapter, except mobile homes, or manufactured homes. "Residences", as used herein, means places of human habitation. Nothing herein shall be construed to restrict the erection and use of a permanent structure for an office for an operator of a mobile home park or for accessory building. "Accessory Buildings," as used herein, means a building used for housing washing machines and dryers for the use of inhabitants of a mobile home park, or any building used for the mobile home operator for storage or repair of equipment incidental to the operation of a mobile home park.
- (2) RESTRICTIONS AND REGULATIONS.**
 - (A)** There shall be no mobile home sales, except occasional sales by individual owners of mobile homes. "Occasional Sales," as used herein, is defined to mean sales on a non-regular basis by persons not engaged in the business of mobile home sales.
 - (B)** Mobile homes and mobile home parks (as defined by ss. 66.058(1)(j), Wis. Stats.) shall comply with the following regulations:
 - 1.** Mobile home parks shall contain a minimum area of 5 acres.
 - 2.** The minimum space (as defined in ss. 66.058(1)(j), Wis. Stats.) shall be 4,000 sq. ft.
 - 3.** The minimum width of each space shall be 40'.
 - 4.** The top of a mobile home (excluding the chimney) shall not be more than 22' from the ground.
 - 5.** Mobile homes shall not be closer than 20' from each other.

17.41 MOBILE HOME COURT DISTRICT. Mobile home parks shall only be permitted in a Mobile Home District.

6. Each mobile home shall be no less than 15' from any roadway in the park. "Roadway" is defined as any road in the park used for the driving of a motor vehicle, but does not include a driveway used only by the inhabitant of a mobile home, for the parking of his motor vehicle.
7. No mobile home shall be closer than 50' to the right-of-way line of any federal, State or County highway.
8. Each mobile home park shall be well drained, properly graded and free from stagnant pools of water. The drainage and grade of such parks shall comply with WI Stats or Administrative Code providing for such requirements.
9. Each mobile home park shall have a water or well and sewage system connection for each mobile home, and such water and sewage system shall conform to any statute, rule or regulation of the Department of Natural Resources or any County ordinance regulating them.
10. Each mobile home park shall contain an area of not less than 5% of its total area for the recreational use of its inhabitants.
11. Any roadway within a mobile home park shall be at least 40' wide. This restriction shall not apply to a driveway or parking area.
12. Each space shall have a parking area or driveway sufficient to provide parking for at least one automobile, and no parking shall be permitted on any roadway within a park.
13. Each mobile home park shall be clearly bounded by a hedge of trees.

17.42 COMMUNITY BASED RESIDENTIAL FACILITIES. Community based residential facilities may be located in any residential district, commercial district and in Agriculture Districts "A" and "B" upon petition and approval of a conditional use permit being granted pursuant to ss. 17.36. Community based residential facilities are prohibited in all other districts.

17.43 Thru 17.49 Reserved.

17.50 BOATHOUSES AND HOUSEBOATS.

- (1) A houseboat is defined as any floating structure designed or used for dwelling or business purposes.
- (2) A boathouse is defined as any structure floating, whether secured to the ground or not, and designed or used to store boats or marine equipment.
- (3) No person shall build, anchor, keep or maintain, or use for dwelling or business purposes any houseboat or boathouse on or near any Mississippi River tributaries for a period of time longer than 24 hours.
- (4) The owner or occupant of any floating houseboat located in an improper area by reason of this chapter shall have a period of 6 months from the date of publication of this chapter to remove such houseboat or boathouse therefrom.

17.60 HIGHWAYS AND RELATED SETBACK LINES Setback Lines Established. In order to promote the public safety, general welfare and convenience, it is necessary that highway setback lines be established in the Town.

- (1) DEFINITIONS. As used in this section and chapter, the following words mean:
 - (A) SETBACK LINES. A line established which is parallel to a right-of-way line, centerline of a highway, a body of water, a property line, a vehicle access easement line, or other line for the purpose of defining limits, outside of which buildings, structures or uses must be constructed, maintained or confined.
 - (B) TO PLACE. The putting of a building or structure in a particular situation, whether this is by original construction or erection or by moving a building or structure to the particular situation.
 - (C) TRAFFIC LANE. A strip of roadway intended to accommodate a single line of moving vehicles.

17.60 HIGHWAYS AND RELATED SETBACK LINES Setback Lines Established. In order to promote the public safety, general welfare and convenience, it is necessary that highway setback lines be established in the Town.S

- (D) CENTERLINE. The center of a highway as shown on a legal map, plat, survey or plan or as described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist, the traveled centerline of the existing highway shall be used to determine the centerline.
 - (E) SURVEYS AND PLANS. Surveys and plans as referred to hereinafter shall be considered as accepted by the County or town board if County and town funds have been used in the improvement carried out with such plans.
 - (F) JUNCTION. The point upon which 2 highway center lines, as herein established, or a highway center line and the center line of a railway right-of-way meet.
 - (G) RIGHT-OF-WAY LINE. The line delineating the exterior boundary or boundaries of a highway
 - (H) RIGHT-OF-WAY. Land over which an existing or planned public highway or railroad is intended and the boundary of which is shown on a legal map, plat, survey or plan or described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist and a highway has been constructed, 33 feet on either side of the traveled centerline shall be considered the right-of-way of said highway.
- (2) CLASSES OF HIGHWAYS AND CENTER LINES. Highways classifications and the position of the center line shall be determined as follows:
- (A) CLASS 1 HIGHWAYS. Improved or unimproved Town Roads or other public roads not identified as a Class 2 or 3 Highway.
 - 1. The center line is at the center of the surfacing or pavement, or if there be none, the center of the graded roadbed the or midway point between fences or other markers
 - (B) CLASS 2 HIGHWAYS. Improved or unimproved County Roads.
 - 1. The center line is the center of the surfacing or pavement; if there is none, the center of the graded road.
 - (C) CLASS 3 HIGHWAYS. Improved or unimproved State or Federal Roads
 - 1. The center line is the center of the surfacing or pavement; if there is none, the center of the graded road.
- (3) SETBACK DISTANCES. Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined by ss. [\(1\)](#) and [\(2\)](#) of this chapter, shall be as provided in this subsection.
- (A) Whenever a highway is improved to a classification requiring a greater setback distance than that required by this chapter prior to such improvement, the setback distance shall be that applicable to the latter classification.
 - (B) In cases where the provisions of this section or chapter may be interpreted to provide for different setback distances, the greater setback distance shall prevail. See accessory building related 17.30(1)(D) .
 - 1. Along Highways, Generally. The setback distance from the center line at any point for the respective classes of highways shall be as follows:
 - a. Class 1 Highways, setback distance 60'.
 - b. Class 2 Highways, setback distance 80'.
 - c. Class 3 Highways, setback distance 80'.
 - 2. Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point on the boundary line of the highway be less than the following:
 - a. Class 1 Highways, 25'.
 - b. Class 2 Highways, 50'.
 - c. Class 3 Highways, 50'.
 - (C) Except that, where structures are to be erected between buildings existing on September 20, 1979, which are located not more than 150' apart and having setback lines less than are

17.60 HIGHWAYS AND RELATED SETBACK LINES Setback Lines Established. In order to promote the public safety, general welfare and convenience, it is necessary that highway setback lines be established in the Town.S

established by this section, the Board of Appeals may vary this regulation as prescribed by statute or where a practical difficulty exists provided that it attaches as a condition of any such variation that the applicant for variance will hold the Town harmless from, and indemnify the Town for, additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation will permit a setback of less than 60'

1. At Ordinary Highway Intersection. At grade intersections of highway with highway, there shall be setback lines which shall be straight lines across all sectors connecting points on the setback lines along the intersection highways, which points are located 50' from the intersections of the projections of the setback lines along the highways.
2. At Highway Intersections With Transitional Widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
3. At Highway Intersections With Curve Connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing on the curve shall be classified as provided by ss. (1) and (2) of this chapter, and the setback distance along the curve shall be measured from the center line of the curved section determined accordingly.
4. At Railroad Grade Crossings. At railroad grade crossings, the setback lines shall be straight lines across all sectors, connecting points located on the railway right-of-way line and the highway setback line, respectively, each 100' from the intersections of the highway setback lines and the railway right-of-way line.

(4) STRUCTURES PROHIBITED WITHIN SETBACK LINES. No new building, new sign or other new structure or part thereof shall be placed between the setback lines established by this chapter and the highway except as provided by this chapter. No building, sign or structure or part thereof existing within such setback lines as of September 20, 1979, shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 60% or more of its last assessed value except as provided for under [17.11\(7\)](#) or by Special Exception Permit.

(5) STRUCTURES PERMITTED WITHIN SETBACK LINES. The following kinds of structures may be placed between the setback lines and the highway:

- (A) Open fences.
- (B) Telephone, telegraph and power transmission poles and microwave radio relay structures.
- (C) Underground structures not capable of being used as foundations for prohibited aboveground structures.
- (D) Access or service highways constructed according to plans as submitted to and approved by the Town Board, along roads and highways maintained by the Town, or the County Highway Committee along highways maintained by the county. In giving such approval, the relevant authority shall give due consideration to highway safety and maximum reasonable sight distances.
- (E) This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections as provided by ss. [17.60\(3\)\(C\)](#)1, 2, and 4 shall be obstructed.

17.61 Thru 17.79 Reserved

17.80 BOARD OF APPEALS.

- (1) The Board of Appeals shall consist of 5 members appointed by the Town Chairman subject to confirmation by the Town Board for terms of 3 years, except that, of those first appointed one

shall serve for one year, two for 2 years, and two for 3 years. The members of the Board of Appeals shall all reside within the Town. The members of the board shall serve at such compensation to be fixed by the Town Board, from time to time, and shall be removable by the Town Chairman for cause upon written charges and after public hearing. The Town Chairman shall designate one of the members as chairperson. The board may employ a secretary and other employees with the approval of the Town Board. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

- (2) The Town Chairman shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. *Annually*, the Town Chairman shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternate.
- (3) The Board shall adopt such rules for its government and procedure not in conflict with state statutes as will carry out the regulations of this chapter. Meetings shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact. All records of the Board shall be immediately filed in with the Town Clerk and shall be a public record. If a Quorum is present, the board of appeals may take action by a majority vote of the members present.
- (4) Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the town, affected by a decision of any administrative officer of the town. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the records upon which the action appealed from was taken.
 - (A) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless said officer, from whom the appeal is taken, *certifies* to the board of appeals, after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the *certificate* a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown. The Chairman shall fix a date for hearing the appeal and cause notice thereof to all parties in interest as provided by the *rules* of the Board
 - (B) The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give *public notice* thereof, as well as due *notice to the parties in interest*, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. In any action involving a listed property, as defined in s. [44.31 \(4\)](#), the board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning.
- (5) APPEALING TO THE BOARD OF APPEALS. Any person desiring to appeal to the Board of Appeals shall pay an application fee, as determined by the Town Board, to the Clerk of the Town at the time such appeal is filed, and failure to do so shall be grounds for rejection of such appeal. If the appeal is made for a variance after construction has commenced for the work which is the subject of the variance (i.e. after-the-fact), the fee shall be double the normal application fee.

17.81 POWERS OF THE BOARD OF APPEALS. The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto.

- (2) To authorize upon appeal in specific cases, such variance from the terms of this chapter, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done. In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" exists and the records of the Board shall clearly show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" is created. A variance granted under this subdivision runs with the land. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare. Said board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules herein contained. Nothing in this part shall preclude the granting of special exceptions by the Town plan commission or the Town Board in accordance with the zoning regulations duly adopted in this chapter which were in effect on July 7, 1973 or adopted after that date.
- (3) In exercising the above mentioned powers, such board may, in conformity with the provisions of such parts relied upon, reverse, or affirm wholly, or in part; or modify any order requirement, determination, or decision appealed from; and may make such order, requirement, decision or determination as ought to be made in the matter; and to those ends shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.
- (A) Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the town, may, within 30 days after the filing of the decision with the Town Clerk, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals, and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review. Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings
- (4) In addition to the foregoing, the Board shall have the following specific powers:
- (A) Grant a permit for commerce or industry in a Residential District which is incidental to the residential development, such permit to be issued for a period of not more than one year.
- (B) Grant a permit for the erection and use of a building or premises in any location, for such public utility purposes as are reasonably necessary for public convenience and welfare.
- (C) Grant a special permit, after due notice or public hearing, authorizing the location of any of the following buildings or uses in any district except the Industrial District from which they are excluded by this chapter, provided that such building or use shall comply with all the other regulations of the district in which it is proposed to be located:
1. Hospitals.
 2. Institutions of philanthropic or eleemosynary.
 3. Cemeteries.
 4. Community reaction buildings and fields.

- (D) To call on any other Town, or County department or official for assistance in the performance of its duties, and it shall be the duty of each other department and officials to render such assistance as may be reasonably required.
- (5) Except as specifically provided herein or by Statute, no action of the Board shall have the effect of permitting in any district uses prohibited in that district.
- (6) In exercising any of the foregoing powers, the Board of Appeals may in appropriate cases, establish suitable conditions and safeguards in harmony with the general purpose and intent of this chapter.

17.82 ENFORCEMENT.

- (1) The Town Zoning Administrator shall be appointed or designated by the Town Board. Violations of this chapter shall be enforced by the Town Zoning Administrator at the discretion of the Town Board.
- (2) TOWN ZONING ADMINISTRATOR DUTIES. The Town Zoning Administrator shall have the following duties in connection with the administration of this chapter:
 - (A) The Zoning Administrator shall interpret and administer this chapter and issue all certificates, determinations, or ministerial permits as required by this chapter.
 - (B) He shall cause all complaint of violations of this chapter to be submitted in writing by the person making the complaint, or, if anonymous, to record the date and nature of the complaint made. He shall investigate all complaints of any violation of this chapter that are signed if there is cause to believe there is a violation of this chapter. Consistent with the resources made available or assigned to him by the Town Board, he shall investigate such complaints. He shall seek the advice of the Town Board regarding anonymous complaints and their investigation. The Town Board may give all due weight to anonymous complaints that it sees fit.
 - (C) He shall promptly warn any property owner, or the owner's assigns, of violations of this chapter and seek voluntary corrective actions whenever possible.
 - (D) He shall report all continuing violations of the terms of this chapter to the Town Board, whereupon the Town Board shall determine whether to sign a complaint and report the same to the District Attorney or the Town's Attorney for prosecution of such violations, proceed in a manner that will allow the violator to correct the violation in a time certain, or to proceed otherwise, as it sees fit.
 - (E) He shall assist the District Attorney or the Town Attorney in the prosecution of violations of this chapter.
 - (F) At the express request of the Town Board, Town Chairman, Plan Commission or Board of Appeals, he shall present such information, records, or reports within his control that may assist them in making decisions.
 - (G) Record of Existing Buildings: He shall build up a voluntary record, as the information is brought to his attention, of all buildings and structures situated within the setback or offset lines as established by this chapter, or any amendment thereto, which shall include the distances of such buildings or structures from the relevant lines, their size, type of construction and use, the quarter section in which they are situated, and the names and addresses of the owners and occupant of the premises and the date on which the record is made. Such voluntary record shall be kept current and shall show any such buildings or structures that may be removed or damaged to the extent that their reconstruction will be contrary to this chapter.
 - (H) Record of Nonconforming Uses: He shall build up a record, as the information is voluntarily brought to his attention, of all buildings, structures, and premises which are nonconforming as to use of the property with regard to this chapter. It shall be the duty of the property owner to prove that any claimed legal nonconforming use actually qualifies as a legal nonconforming use in the case of any doubt or dispute.

- (I) He shall supervise the zoning records of the town, and shall supervise or maintain their preservation as established by decision of the Town Board, from time to time, with the assistance of any town official, as is established by the Town Board, from time to time.

17.83 ISSUANCE OF ZONING-OCCUPANCY PERMITS; BUILDING PERMITS REFERENCED.

1. No building or structure shall hereafter be erected or structurally altered until a Zoning-Occupancy Permit therefore shall have been applied for and issued. Such application shall be made to the Town Zoning Administrator on forms provided by him or by the Town. All applications shall be accompanied by plans in duplicate drawn to scale, showing:
 - a. The location, actual shape and dimensions of the lot to be built upon,
 - b. The exact size and location of the building on the lot,
 - c. The existing and/or intended use of the building,
 - d. The number of families to be accommodated,
 - e. The buildings situation with reference to the highway,
 - f. The distance between the nearest point on the building to the center of the highway or road and also to the nearest point the right of way line.
 - g. The existing and proposed location of any and all private sewage disposal systems and private water supply systems,
 - h. And such other information regarding the proposed building and neighboring lots or buildings as may be called for on the application as is reasonably necessary to provide for the enforcement of this chapter.
 2. If the Zoning Administrator finds that the proposed building or structure will not be in violation of this or any other ordinance, he shall issue a Zoning-Occupancy Permit, retain one copy of the drawing, and return the other with his approval: otherwise he will reject the application and inform the applicant of the reasons in writing. Such permit shall be issued or the application be denied within 10 days after the receipt of the application. Such Zoning-Occupancy Permit shall be posted on the premises so as to be visible from the highway at all times until such construction has been completed. The charges for the issuance of Zoning-Occupancy Permits shall be determined by the Town Board from time to time.
 - a. For buildings that are required to be served by a private water supply system or a private onsite sewage waste treatment system pursuant to WI. Administrative Code SPS 325, SPS 382, and SPS 383 of the Wisconsin Administrative Code, or their successor statutes or codes, if any, or by any other ordinance or statute, if any, no town Zoning-Occupancy Permit, or building permit, may be issued prior to the issuance of a State/County Well Permit and State/County Sanitary Permit.
 3. Statements made in the application shall be made under oath, and any willfully false statement in the application shall subject the person making it to the penalties of this chapter, in addition to other penalties for false swearing.
 4. The Zoning Administrator or any other Town official shall be assisted by the County Sherriff, if warranted, and by Town employees and officials, as appropriate, in policing this chapter.
 5. The issuance of building permits is necessarily governed by separate ordinance(s) of the Town Of Burns, except, however, as is specifically provided for in this chapter.
- (B) Certificate of Occupancy.
1. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of zoning occupancy shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises, or part thereof, and the proposed use thereof, conform with the provisions of this chapter. Such permit shall be issued only when the building or premises, and the proposed use thereof, conform with all the requirements of this chapter.

2. Under such rules and regulations as may be established by the Town Board of Supervisors, the Zoning Administrator may issue a temporary certificate of occupancy for part of a building.
3. Upon written request from the owner, the Zoning Administrator shall perform the ministerial function of issuing a certificate of occupancy for any building or premises existing at the time of the adoption of this chapter, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the chapter. The town board may set a rate per hour for doing this inspection work or set a flat fee according to a reasonably anticipated amount of time, or charge no rate or fee at all, as it sees fit. Such rate or fee shall be changed from time to time, as the board see fit, but shall, in any and all cases, be related to actual costs to the town and passed upon past experience and shall not be punitive in nature.

17.84 COUNTY ORDINANCES AFFECT CERTAIN LAND IN THE TOWN. The following La Crosse County ordinances may affect land regulated under this chapter.

- (1) Chapter 8, Driveway Access to County Trunk Highways; Permit Application Required if an access or an easement connects to a county highway.
- (2) Chapter 12; Sanitation; Well and Septic Systems and permits. Private water supplies or sewage disposal systems,. No Town building permit may be issued until any required installation or reexamination of a safe and adequate water supply and sewage disposal system is assured and a sanitary permit or well permit is issued.
- (3) Chapter 16, Floodplain Zoning; Permit Application Required if property is in a flood plain district.
- (4) Chapter 18, Subdivision and Platting. Any subdivision of land, minor-subdivisions, or platted subdivisions of land may require a permit application or be subject to certain Certified Survey requirements and/ or Subdivision review requirements.
- (5) Chapter 20, Shoreland Zoning; Permit Application Required if property is located a shoreland zoning district.
- (6) Chapter 21, Erosion Control/Land Disturbance. Permit Application Required for activities requiring erosion control or that involve land disturbance activities.
- (7) Chapter 23, Animal Waste Management or Structures; Nutrient management compliance. Permit Process Required for new, enlarged, or abandoned structures.
- (8) Chapter 27, Nonmetallic Mining Reclamation; Permit Application Required for such nonmetallic mining activities.
- (9) Chapter 28; Telecommunications Facilities; Permit Application Required for such facilities. This chapter does apply within cities, villages and towns which have enacted ordinances, under zoning authority, regulating the same subject matter.
- (10) Chapter 29, Post Construction Storm Water Management. Permit application required for certain activities.
- (11) Chapter 33; Regulation Of Outdoor Advertising. This chapter does apply within cities, villages and towns which have enacted ordinances regulating the same subject matter.

17.85 VIOLATIONS AND PENALTIES.

- (1) Any person, firm or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, shall, upon conviction, remove the building, structure, or part thereof which violates the terms of this chapter, within 30 days of such conviction. Upon failure to do so, the Town Board shall remove such building, structure, or part thereof which violates the terms of this chapter and the cost of such removal shall become a lien upon the property, collectively as are other taxes.
- (2) Such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$1 nor more than \$500 for each offense, together with the costs of prosecution, and in default of the payment of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid but not to exceed 30 days. Upon conviction and after a time

certain has elapsed for compliance and correction of the violation, as order by the Court having jurisdiction in the case, each day that a violation continues to exist shall constitute a separate offense. Sentencing may be delayed, for a time certain, for the assessment of this penalty in the case of gross non-compliance with any court ordered remedy. Any appeal of any decision of any official or court shall toll any penalty until such appeal is heard and decided.

- (3) Whenever a person, firm or corporation has constructed or erected a structure or addition to an existing structure without obtaining the necessary permits required by this Code, the Town may elect, in lieu of prosecution, to require the violating party to pay the double fees set forth in s. [17.89](#) of this Code or as is otherwise set forth time to time by the Town Board or as otherwise provided . This section shall only apply to such structures or additions that are fully in compliance with the provisions of this Chapter or where a variance of the ordinance provisions for the structure or addition has been granted by the Board of Appeals.

17.86 CONFLICTING ORDINANCES. The provisions of this chapter shall prevail over any previous ordinances of the Town that may be or seem to be in conflict therewith, however, the more specific standard or regulation will control the more general.

17.87 VALIDITY. Should any section, clause or provision of this chapter be declared invalid, the same shall not affect the validity of the chapter or any part thereof, other than the part so declared invalid.

17.88 AMENDMENTS

- (1) This chapter may be amended in accordance with the procedure provided in s. [62.23\(7\)\(d\)2. \(c\)](#), Wis. Stats & as follows below.
- (A) In addition to the procedures provided for public hearings by WI stats. [62.23\(7\)\(d\)2.](#), the Town shall notify adjoining property owners in writing of the date and place of a public hearing of the requested zoning amendment. Adjoining owners are all owners of property adjacent to any part of the parcel owned by the Petitioner, whether or not the entire parcel or a portion of the property is sought to be rezoned.
- (B) The history of any and all amendments to this chapter shall be noted where applicable as either annotations, footnotes or endnotes, or as appendices..
- (C) All amendments to this chapter shall be submitted to the County Board for approval
- (2) The Board may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the Town plan commission for recommendation and report and after providing the notices, as required in [\(3\)](#) below, of the proposed amendments and hearings thereon. A hearing shall be held on the proposed amendments by the Town Board. If the proposed amendments have the effect of changing the allowable use of any property within the Town, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained from the Town Board. If the Board does not receive recommendations and a report from the plan commission, the Board may hold hearings without first receiving the recommendations and report.
- (3) The Town Board may make changes in the tentative recommendations after first submitting the proposed changes to the plan commission and after publishing a class 2 notice, under ch. [985](#), of the proposed changes and hearings thereon. Written notice of any such hearings shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed plan and regulations at least 10 days' prior to the herein. If the proposed changes to the proposed district plan and regulations have the effect of changing the allowable use of any property within the Town, the notice shall include either a map showing the property affected by the changes or a description of the property affected by the changes and a statement that a map may be obtained from the Town.
- (4) In case of a protest against an amendment proposed under subd. [\(3\)](#), duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall

not become effective except by the favorable vote of three-fourths of the members of the Board voting on the proposed change.

- (5) Any person petitioning to have the chapter amended or applying for a conditional use or special use or exception permit, shall pay the fee set forth in 17.89, "Zoning Fees", of this Code to the Treasurer of the Town, the Town Clerk, or the Town Chairman at the time such petition is filed and failure to do so shall be grounds for rejection of such petition.
- (6) Frequency of Petitions and Applications. After a petition for rezoning of property has been heard and denied, no other petition affecting the same property or portion thereof, requesting the same change in zoning can be filed and heard for a period of one (1) year from the date of said denial. After an application for a conditional use regarding certain property has been heard and denied, no other application for conditional use can be filed and heard for a period of one (1) year from the date of said denial, except that, where an application fails due to specific objections from landowners adjacent to the property, the original application can be re-filed and heard twice in a year if it includes such conditions as are intended to ameliorate the specific protests of the original objectors.

17.89 ZONING FEES.

- (1) The fees for permits, appeals, and public hearings under the Town Zoning Ordinance shall be determined by the Town Board. However, the fees for the permits, appeals, and public hearing, if any, for the Floodplain/Shoreland Zoning Ordinance, shall be determined by the County Board and are available upon request from the Town Clerk or the La Crosse County Zoning, Planning and Land Information Department, respectively, as applicable.
- (2) For all permit fees, when the application is received after-the-fact, or where activities have occurred prior to permit approval, the fee is doubled.

17.90 ORDINANCE NUMBERING AND DIVISION, This ordinance is numbered and divided using the following conventions:

Part:	Chapter	Subchapter	Section	Subsection	Paragraph	Subdivision	Subdivision Paragraph.
Example	17.	-----	17.01	17.01(1)	17.01(1)(A)	17.01(1)(A)1	17.01(1)(A)1.a
Abrev. Sing. /plural			s., ss	sub., subs.	par., pars.	subd., subds.	subd. par.

Chapter 17.00

Subchapter --- (not used)

Section 17.01

Subsection 17.01(1)

Paragraph 17.01(1)(A)

Subdivision 17.01(1)(A)1.

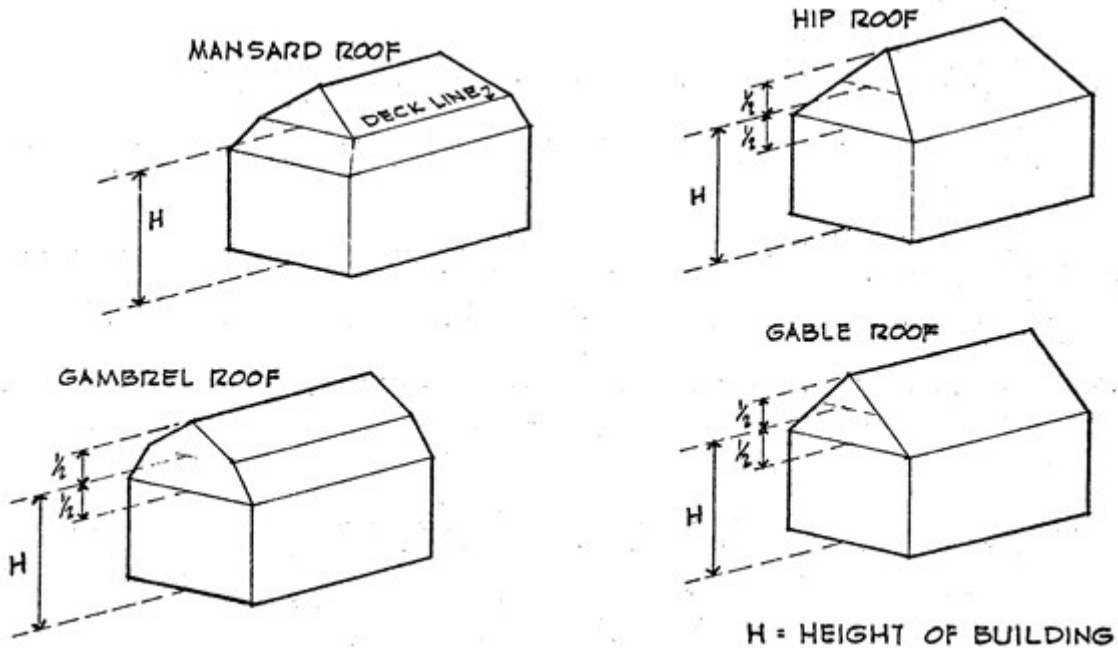
Subdivision-Paragraph

17.01(1)(A)1.a.

Number of Animal Types Equivalent to 1,000 Animal Units and Animal Equivalency Factors

Number Equivalent to 1,000 Animal Units	Subcategory of Animal Types	Animal Equivalency Factor
	DAIRY CATTLE:	
700	Milking and Dry Cows	1.4
910	Heifers (800 to 1,200 lbs)	1.1
1,670	Heifers (400 to 800 lbs)	0.6
5,000	Calves (under 400 lbs)	0.2
	BEEF CATTLE:	
1,000	Steers or Cows (1,000 lbs to	1.0
1,250	Steers or Cows (600 to 1,000	0.8
2,000	Calves (under 600 lbs)	0.5
700	Bulls	1.4
	SWINE:	
2,500	Pigs (55 lbs to Mkt)	0.4
10,000	Pigs (up to 55 lbs)	0.1
2,500	Sows	0.4
2,000	Boars	0.5
	SHEEP:	
10,000	Per Animal	0.1
	HORSES:	
500	Per Animal	2.0
	DUCKS:	
5,000	Per Bird (Wet Lot)	0.2
100,000	Per Bird (Dry Lot)	0.01
	CHICKENS:	
100,000	Layers	0.01
200,000	Broilers	0.005
	TURKEYS:	
55,000	Per Bird	0.018
	COMBINATION ANIMAL UNITS:	
1,000	Calculated Total	

APPENDIX B. Height of Buildings.



BUILDING, HEIGHT OF. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to:

- (A) The highest point of the fascia or coping of a minimally pitched or *flat roof*,
- (B) The deck line of a mansard roof,
- (C) The average height of a gable or gambrel, hip or pitch roof.

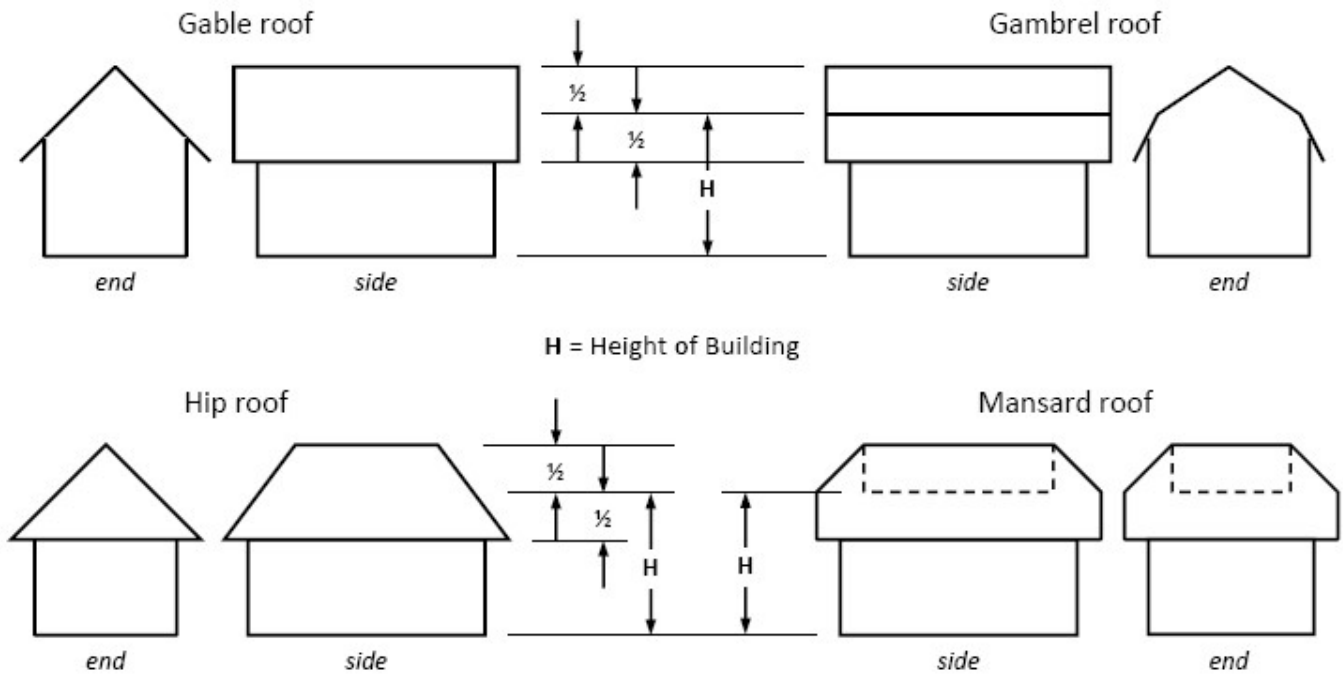


TABLE 82.50, TOWN ROAD STANDARDS: The Following table is reproduced here from Wis. Stats 82.50 , 2003 version.

(a) Local service, intermittent traffic	(b) Under 100 ADT	(c) 100 to 250 ADT	(d) 251 to 400 ADT	(e) 401 to 1,000 ADT	f) 1,001 to 2,400 ADT	(g) Over 2,400: State trunk standards
1. Right-of-way 3 rods	1. Right-of-way 3 rods	1. Right-of-way 4 rods	1. Right-of-way 4 rods	1. Right-of-way 4 rods	1. Right-of-way 4 rods	
2. Roadway width 20 feet	2. Roadway width 24 feet	2. Roadway width 26 feet	2. Roadway width 32 feet	2. Roadway width 34 feet	2. Roadway width 32 feet	
3. Surface width 16 feet	3. Surface width 18 feet	3. Surface width 20 feet	3. Surface width 22 feet	3. Surface width 22 feet	3. Surface width 22 feet	
	4. Maximum grades 9%-11%	4. Maximum grades 8%-11%	4. Maximum grades 6%-8%	4. Maximum grades 5%-8%	4. Maximum grades 6%-8%	
			5. Curvature 6°-12.5°	5. Curvature 5°-12.5°	5. Curvature 6°-12.5°	
(2) The department (DOT) may approve deviations from the minimum standards in special cases where the strict application of the standards is impractical and where such deviation is not contrary to the public interest and safety and the intent of this section.						
(3) This section does not apply to improvements on town roads existing on October 1, 1992.						

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[17.50](#) Boathouses and Houseboats

[17.60](#) Highways and Setback Lines

[17.60\(3\)](#) Setback Distances

[17.60\(4\)](#) [Structures Prohibited Within Setback Lines.](#)

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