

ZONING CODE OF THE TOWN OF RIETBROCK
MARATHON COUNTY, WISCONSIN

Drafted and Codified By

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ZONING CODE
OF THE
TOWN OF RIETBROCK
MARATHON COUNTY
WISCONSIN

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SECTION 1

- 1.01 **TITLE:**
This Ordinance shall be known, cited, and referred to as:
The Town of Rietbrock Zoning Ordinance.
- 1.02 **PURPOSES:**
The Zoning Ordinance of the Town of Rietbrock is adopted for the following purposes: To lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience, and general welfare; to provide adequate standards of light, air, and open space; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, agricultural and manufacturing uses for the mutual benefit of all. It is further intended to provide for the administration and enforcement of this Ordinance on a local level and to provide penalties for its violation.
- 1.03 **AUTHORITY:**
These regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23(7) of the Wisconsin Statutes.
- 1.04 **EFFECTIVE DATE:**
This Ordinance shall be effective after a public hearing, referendum of the town electors at an annual meeting, adoption by the Town Board, and approval by the Marathon County Board of Supervisors

SECTION 2

RULES AND DEFINITIONS

2.01

GENERAL INTERPRETATIONS:

The following rules of construction apply to this Ordinance: The particular shall control the general: in case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control; the word "shall" is always mandatory whereas the word "may" is permissive; words used in the present tense shall include the future, and words used with singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; "building" or "structure" includes any part thereof; the phrase "used for" includes "arranged for", the word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity; unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either" . . . "or", the conjunction shall be interpreted as follows: "and" indicates that all the connected items, conditions, provisions or events shall apply; "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; "either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination; all measured distances shall be to the nearest integral foot, if a fraction is one-half foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neuter.

The provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Ordinance and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

2.02

SEPARABILITY:

It is hereby declared to be the intention of the Town Board of the Town of Rietbrock that the several provisions of this Ordinance are separable, in accordance with the following:

- (1) If any Court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

- (2) If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

2.03

DEFINITIONS:

The following words, phrases and terms wherever they occur in this Ordinance, shall be interpreted as herein defined.

Accessory Use: A use customarily incident and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

Agriculture: "Agriculture" is the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Airport: An "airport" is any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley: An "alley" is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Apartment House: A building containing accommodations for more than two families living independently of each other.

Auto Laundry: A building, or portion thereof, containing facilities for washing vehicles using a steam cleaning device, cleaning solutions and water under pressure, blower, chain conveyor or other mechanical devices.

Automobile Service Station: Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings and

premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

Automobile Wrecking or Salvage Yard: Any area of land where three or more vehicles, unlicensed or not in running condition, accumulation of auto parts, or both, are stored in the open and are not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition. Any area where tire carcasses are stored or recycled. Any area where three or more pieces of construction equipment, or appliances are stored and are not being restored to operation, or any land or structure for the wrecking or storing of such equipment or appliances, or parts thereof, not in working condition.

Basement: A "basement" is that portion of a building the floor-line of which is below lot grade and the ceiling of which is not more than five (5) feet above lot grade.

Boarding House: A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for five (5) or more persons not members of a family but not exceeding twenty (20) persons and not open to transient customers.

Boathouse: Any structure designed for the purpose of protecting or storing boats for non-commercial purposes, and not for human habitation.

Boat Liveries: Establishment offering the rental of boats and repairs and fishing equipment.

Building: A "building" is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

Building, Accessory: A subordinate or supplemental building, the use of which is incidental to that of the principal building on the same lot or incidental to the use of the premises on which it is located.

Building, Principal: A nonaccessory building used for the protection of goods or chattels in which a principal use of the premises on which it is located is conducted.

Building Height: The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

Building Site Area: The ground area of a building or buildings, together with all open spaces required by this Ordinance.

Campgrounds: Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which a fee is charged.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that which is flowing within the limits of the defined channel.

Club: An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

Condominium: An apartment house in which individual apartments may be offered for sale instead of for rent.

Day Care or Childcare Facility: For the purpose of this Code, a day care or childcare facility shall have the same definition as contained in sec. 48.65(1), Wisconsin Statutes.

Development: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewerage disposal systems or water supply facilities.

District: A designated area of the township for which the regulations governing the use of the land and buildings are uniform.

Dog Kennel: A structure used for the harboring of more than three dogs that are more than 6 months old.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, and lodging houses.

Establishment, Business: A "business establishment" is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

Family: One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority house.

Farm: An area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property. This includes fur farms in which the animals are housed and fed under artificial conditions.

Feedlot: A feedlot shall be determined to be any of the following facilities, when they are a business and means of livelihood:

- (1) Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised in close quarters for sale at wholesale or retail;
- (2) Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Floor Area: The gross horizontal areas of the several stories within the outer lines of the exterior walls of a building or from the centerline of party walls; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways and unenclosed porches, or terraces.

Frontage: "Frontage" is the length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Fur Farm: Any property comprising land or building or both, used for the purpose of raising or harboring fur

bearing animals, including those defined in Section 29.01(3)(c) Wisconsin Statutes, and also including chinchillas and other fur bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

Garage Private: An accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles.

Garage, Public: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

Grade: "Grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Home Occupation: Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold, that no person other than a member of the resident family is employed on the premises, and that no more than 25% of the floor area of any floor of the residence or accessory building is used for the home occupation. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, nonretail cabinet making, real estate brokerage or photographic studios.

Home Professional Business. Any professional occupation for gain or support when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that such business is conducted solely by a member or members of the resident family entirely within the residence, that not more than 50% of only one floor of the dwelling shall be devoted to such business and that no more than two persons not members of the resident family are employed in nonprofessional capacities in any such office. A home professional business includes uses such as attorneys, doctors and dentistry offices, real estate brokerages, photographic studios and service oriented shops such as beauty and barber shops, offices for tax preparation and licensed

childrens day care for no more than twelve (12) children. Before any home professional business may be opened, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the business may commence.

Hotel: A building in which board and lodging are provided to the transient public for compensation.

House Trailer: A "house trailer" is a trailer or other vehicle designed and constructed for dwelling purposes.

Interchange: A grade separated intersection with one or more turning lanes for travel between intersecting highways.

Junk Yard: A "junk yard" is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Lot: A parcel of land occupied or designed to be occupied by one (1) building and its accessory buildings or uses, including the open spaces required by this Ordinance, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this Ordinance as to width and area for the district in which it is located. No land included in any street, highway, or railroad right-of-way shall be included in computing lot area.

Lot, Corner: A lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or is bounded by a curved street, any two chords of which, on the inside of the curve, form an angle of 120 degrees or less.

Lot Width: For the purpose of this Ordinance the width of a lot shall be the shortest distance between the side lines at the building setback line. Such building line may be the setback line or a line designated on a plat, or in a conveyance of an unplatted parcel.

Manufactured Home: A home certified and labeled as a manufactured home under 42 USC Sections 5401 to 5426 which is set upon a foundation constructed at a minimum to the requirements of Wisconsin Administrative Code ILHR 21.18, or a comparable foundation as approved by the

local building inspector, is installed according to manufacturer's instructions, and is properly connected to utilities. For purposes of the Zoning Code, a "manufactured home" shall be treated the same as a "single-family residence" and, where appropriate, a "two-family residence".

Mobile Home: "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.

Mobile Home Park: Any park, court, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes or manufactured homes which contain less than 1,000 square feet of floor area and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile home parks shall not include automobile, mobile or manufactured home sales lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.

Motel or Tourist Cabin: A building or group of buildings which: (a) Contains living or sleeping accommodations used primarily for transient occupancy, and (b) Has individual entrances from outside the building to serve each such living or sleeping unit.

Non-Conforming Structure: Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a non-conforming structure and not a non-conforming use.

Non-Conforming Use: Any building or land lawfully occupied by a use at the effective date of this Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment with the use requirements of the district in which it is situated.

Noxious Matter: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic wellbeing of individuals.

Occupancy: Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

Park: A pleasure ground set apart for recreation of the public, to promote its health and enjoyment.

Park, Amusement: An area publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

Parking Lot: A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobile or other vehicles or storage for the purpose of repair or wrecking.

Person: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Planned Development: A "planned development" is a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.

Professional Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.

Property Lines: "Property Lines" are the lines bounding a zoning lot, as defined herein.

Protected Shorelands: Those lands lying within the following distances from the normal high water elevations of navigable waters as defined in Section 144.26 of the Wisconsin Statutes, i.e. 1,000 feet from a lake, pond or flowage, 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pot hole lake, the distance shall be measured from the high water mark thereof.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Way: A "public way" is any sidewalk, street, alley, highway, or other public thoroughfare.

Quarrying: The removal of clay, rock, gravel, decomposed granite, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process whereby the materials are substantially removed from the site.

Recreation or Youth Camp: An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

Rendering Plant: A plant for the reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.

Riding Stable: A building or premises used for the rent or lease of horses or animals for hire.

Roadside Stand: A structure having a ground area of not more than 300 square feet, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products more than one-half of which were produced on the premises or adjacent premises. There shall not be more than one such roadside stand on any single premises.

Setback: The minimum allowable distance from a given point or line of reference, such as a thoroughfare right-of-way, waterline, or prospective line to the nearest vertical wall or other element of a building or structure.

Shopping Center: A group of contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off-street parking facilities.

Sign: Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface. Signs placed or erected by governmental agencies or nonprofit civic

associations for a public purpose in the public interest shall not be included herein nor shall this include signs which are a part of the architectural design of a building.

Sign, Billboard, Directional: Signs which direct potential patrons or visitors to a specific place of business interest or community and which may indicate either goods or services offered or both.

Sign, flashing: Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use.

Slaughterhouse: Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses, and the storage, freezing and curing of meat in preparation of either meat products, by-products or both.

Special Uses: Uses which may be permitted in a district through the granting of a Conditional Use Permit by the Town Board, upon recommendation by the Planning Commission and a finding that specified conditions are met.

Story: The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

Street: A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of determining setback, even though such driveway may have been designated a town road for the purpose of maintenance.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools.

Structural Alterations: Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footing, and piles.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the value of which equals or

exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure or site documented as deserving preservation by the State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and replacement of doors, windows and other non-structural components.

Temporary Structure: A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.

Tent: A "tent" is any temporary structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

Tourist Court: See Motel.

Trailer: A "trailer" is any vehicle, house-car, camp-car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, or commercial purposes and herein referred to as a "trailer".

Unnecessary Hardship: A circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this chapter.

Use: The "use" of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Principal: A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "conditional".

Use, Permitted: A "permitted use" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

Use, Conditional: A "conditional use" is a use--either public or private--which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted, subject to the terms of this Ordinance. A conditional use permit may be granted only by the Town Board after public hearing and written recommendation by the Town Planning Agency.

Variance: A departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, which the Zoning Board of Appeals may permit, contrary to the regulations of this Ordinance for the district in which such building, structure or parcel of land is located., when the Board finds that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is not compensating gain to the public health, safety or welfare.

Visual Clearance: A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads 2 or at the intersection of highways or streets with railroads.

Warehouse - Mini: Units rented to store residential personal property, sporting equipment such as snowmobiles and boats and other similar non-hazardous materials.

Waterline: The shortest straight line that lies wholly within a lake or stream lot, provided that not less than 75 percent of any 100 feet of such line shall be on the landward side of, or upon, the ordinary high water mark of such lake or stream.

Conservancy Area: An area of land where the water table is at, near or above the land surface.

Yard: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, Front: A "front yard" is a yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear: A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side: A "side yard" is a yard extending along a side lot line from the front yard to the rear yard.

Yard, Corner Side: A "corner side yard" is a side yard which adjoins a public street.

Yard, Interior Side: A "corner side yard" is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Transitional: A "transitional yard" is that yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

SECTION 3

GENERAL REGULATIONS

3.01

SCOPE OF REGULATIONS:

These regulations shall conform to the following requirements:

- (1) All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing building occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
- (2) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated--subject thereafter to the provisions of this Ordinance relating to Non-Conforming Buildings, Structures, and Uses.
- (3) Where the Building Inspector has issued a permissive use permit, a conditional use permit, or a permit for a variance pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Building Inspector.
- (4) A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six (6) months for any reason.

3.02

SEWAGE DISPOSAL AND WATER SUPPLY:

Regardless of other provisions of this Ordinance, in all classifications and in all districts, there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the County Sanitarian and state and local statutes and regulations. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if

any. Drain field property line setbacks shall be determined in accordance with county regulations.

3.03

EXEMPTIONS:

The following uses are exempt by this Ordinance and permitted in any zoning district: poles, towers, wires, cables, conduits, vaults, laterals, pipe, mains, valves or any other similar distributing equipment for telephone or other communications and electric power, gas, water and sewer lines.

3.04

USE REGULATIONS:

(1) **Uses Restricted:**

In any district no building or land shall be used and hereafter no building shall be erected structurally altered or relocated except for one or more of the uses hereinafter stated for that district.

(2) **Temporary Uses:**

Uses such as real estate sales field office or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board.

(3) **Unclassified Uses:**

In case of question as to the classification of a use, the question shall be submitted to the Zoning Board of Appeals for determination.

3.05

NON-CONFORMING STRUCTURES AND USES:

(1) **Continuation or expansion:**

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance or amendment thereto may be continued although such building or use does not conform with the provisions of the Ordinance, but no nonconforming building or premises may be expanded unless approved in writing by the Town Board after a public hearing before the Planning Commission. The Zoning Board of Appeals shall have jurisdiction to permit the expansion of a nonconforming building or premises in those instances where the nonconformity of the building structure or use could be remedied by the issuance of a variance under the provisions of Section 4.07 of this Ordinance.

(2) **Limitations:**

(a) No nonconforming structure or use during its total lifetime shall be enlarged or expanded in excess of 50% of its appraisal value at the

time of its becoming nonconforming, unless permanently changed to conform with the regulations of this Ordinance.

- (b) When a nonconforming structure is damaged to the extent of more than 50 percent of its appraised value at the time it was damaged, as determined by the Planning Commission, it shall not be restored except in conformity with the regulations of the district in which it is located.
 - (c) These regulations are not to be construed to prevent the necessary maintenance or repairs of buildings, utilities and property.
- (3) **Lot Lines:**
The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a building or use.
 - (4) **Discontinuance:**
If the nonconforming use of a building or premises is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to the regulations of the district in which it is located.
 - (5) **Change:**
The Town Board, after investigation and public hearing by the Planning Commission, may authorize the change of one nonconforming use to another of the same classification provided that the Planning Commission shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

3.06

ACCESSORY USES AND STRUCTURES:

In any district accessory buildings and uses customarily incident to the permitted uses in that district shall be permitted subject to such requirements as may be designated for that district in which they are located. Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the principal use unless otherwise approved by the Planning Commission.

- (1) **Location:**
No accessory building or structure, with the exception of a boathouse, on the shoreline, shall

be erected or altered or moved to a location within the required area of a front or side yard. An accessory building, structure or use in a rear yard shall be not less than seven feet from any property line, except that on a corner lot or a through lot, such accessory building shall be subject to the same highway or street setback requirements as the principal building, unless otherwise provided herein for a specific permitted or special use.

3.07

AREA REGULATIONS:

- (1) **Lot Reduction:**
After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met.
- (2) **Existing Lot:**
Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located, providing the requirements of Chs. ILHR 83 and 85, Wisconsin Administrative Code can be satisfied.
- (3) **Yard and Open Space Regulations:**
All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. No legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yards, other open space, or minimum lot area requirements for any other building.

Except as otherwise provided in this Ordinance, any side yard or rear yard abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards in the two districts which abut the district boundary line.

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- (a) Uncovered stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.

- (b) Marquees, awnings and chimneys adjoining the principal building: overhanging roof eaves and architectural projections; may project into any required yard.
- (c) Ornamental light standards, flag poles, trees and outdoor fuel-dispensing equipment is permitted in any yard.
- (d) Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six (6) feet and shall not exceed a height of four (4) feet in yards abutting streets and shall not be closer than two (2) feet to any public right-of-way. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (e) A setback less than the setback required for the appropriate district for a rear yard may be permitted where there are legally established principal buildings on adjacent lots. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site. When there is no principal building within 200 feet on one side, the minimum setback for the district shall be used on that side to calculate the average. The average is not to include any building not within 10 feet of the rear lot line.

For the purpose of this section, measurements shall be the shortest distance from the rear property line to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions and appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc. All buildings and structures shall be constructed behind the averaged setback line. Construction between the averaged building setback line and the rear property line may only be authorized by a variance pursuant to Section 4.07 of this Code. NOTE: Since this is a section dealing with rear yards, "behind" implies "toward the front of the lot."

(f) The owner of two or more lots shall comply with the yard requirements of each individual lot unless the lots are legally combined into a single lot or redivided to maintain minimum yard setbacks.

(4) **Minimum Lot Area.**
In all districts, the minimum lot area shall be calculated without including any road right-of-way or any other easements for streets or utilities which are greater than 20 feet wide.

3.08 HEIGHT REGULATIONS AND EXCEPTIONS:

- (1) Heights of the following structures, except for airport regulations, may exceed Ordinance limits for the district in which they are located: cooling towers, stacks, barns, lookout towers, silos, windmills, water towers, church spires, radio and television aerials, masts, antennas and similar mechanical appurtenances.
- (2) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a greater height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (3) Adjacent to airports the maximum height of any object, except for field crops and fences under five (5) feet high, located within five hundred (500) feet of either side of the centerline of a landing strip, and extended to a distance of two miles from the end of the runway shall be no higher than 1 - 50 of the distance of the object to the boundary of the airport as provided in Wisconsin Statutes 114.136(2)(b).

3.09 HIGHWAY SETBACKS:

For the purpose of determining the distance buildings and other structures shall be setback from streets and highways, the streets and highways of the township are divided into the following classes:

- (1) **Class A highways:**
 - (a) All state and federal highways are hereby designated as Class A highways.
 - (b) The setback line of Class A highways shall be one hundred ten (110) feet from the centerline

of the highway or fifty (50) feet from the average right-of-way line whichever is greater, except that for any freeway or divided Class A highway the setback distance shall be one hundred (100) feet from the right-of-way line.

(2) Class B highway:

(a) All county trunks are hereby designated as Class B highways. For the purpose of this Ordinance any road will be considered a county trunk after it has been placed on the county trunk system by the county board and approved by the State Highway Commission.

(b) The setback for Class B highways shall be seventy-five (75) feet from the centerline of such highway or forty-two (42) feet from the average right-of-way line, whichever is greater.

(3) Class C highways:

(a) All town roads, public streets and highways not otherwise classified, are hereby designated Class C highways.

(b) The setback from Class C highways shall be sixty-three (63) feet from the centerline of such highway or thirty (30) feet from the average right-of-way line, whichever is greater.

(4) Private easement roads:

The setback from private easements serving more than one residence or parcel shall be 30 feet from the described easement or, in the case of an easement that does not have a legal description, 30 feet from the nearest point on the edge of the traveled way.

3.10

REDUCED BUILDING SETBACKS:

(1) A setback less than the setback required for the appropriate class of highway may be permitted where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback. In such cases the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site or, if there is no principal building within two hundred (200) feet on one side, the average of the setback for the principal building on the one side and the setback-required in Section 3.09. The average is

side 200'
rear 50'

not to include any building now within ten (10) feet of the right-of-way.

- (2) Any modification of other setbacks, including waterline setback, may be permitted by the Town Board upon recommendation from the Planning Commission.

3.11 VISION CLEARANCE TRIANGLE:

- (1) In each quadrant of every public street intersection or street-railroad intersection, there shall be a vision clearance triangle bounded by the street centerlines and a line connecting points on them three hundred (300) feet from a Class A highway intersection, two hundred (200) feet from a Class B highway intersection and one hundred fifty (150) feet from a Class C highway intersection.

Within a vision clearance triangle, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of 2½ feet and 10 feet above the elevation of the street or highway grade at the centerline, except as provided in Section 3.12.

3.12 STRUCTURES PERMITTED WITHIN SETBACK LINES:

- (1) Open fences.
- (2) Petroleum and gas transmission lines, telephone, telegraph and power transmission towers, poles and lines, and portable equipment both above and below ground that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner will file with the Town Board an agreement in writing that the owner will move or remove all new construction additions and replacements erected after the adoption of this Ordinance at his expense, when necessary to the public interest. (i.e. highway construction, airport, sewer and water lines, etc.).
- (3) Underground structures not capable of being used as foundations for future prohibited overground structures.
- (4) The planting and harvesting of field crops, shrubbery and trees, shrubbery or field crops, shall be planted so as to constitute no substantial obstruction to the view of motorists and pedestrians across the vision clearance triangle from one highway or street to another.

- (5) Access or frontage roads constructed by the public to plans approved by the Town Board.
- (6) Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

3.13

MOBILE HOME AND MANUFACTURED HOME LIMITATION:

Within those districts contained in this Code where mobile homes or manufactured homes containing less than 1,000 square feet of floor area are allowed as independent dwelling units, such mobile or manufactured home and the land upon which either is located shall be owned in common.

SECTION 4

ADMINISTRATION AND ENFORCEMENT

4.01

ORGANIZATION:

The administration of this Ordinance is hereby vested in three (3) offices of the town as follows:

Building Inspector
Board of Appeals
Town Planning Commission

This section shall first set out the authority of each of these three offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- (a) Issuance of zoning certificates.
- (b) Issuance of occupancy certificates.
- (c) Variances.
- (d) Appeals.
- (e) Amendments.
- (f) Conditional uses.
- (g) Fees.
- (h) Penalties.

4.02

BUILDING INSPECTOR:

The Building Inspector of the town and such deputies or assistants that have been, or shall be, duly appointed by the Town Board shall enforce this Ordinance, and in addition, thereto, and in furtherance of such authority shall:

- (a) Issue all zoning certificates and make and maintain records thereof;
- (b) Issue all certificates of occupancy, and make and maintain records thereof;
- (c) Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance;
- (d) Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefor;

- (e) Provide and maintain a public information service relative to all matters arising out of this Ordinance;
- (f) Forward to the Town Planning Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the office of the Building Inspector;
- (g) Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this Ordinance;
- (h) Issue occupancy certificates when approved by the Town Board regulating the erection and use of land for periods not to exceed 10 days for specific purposes such as: temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said use or operation and any incidental temporary structures or tents are in conformance with all other Ordinances and Codes of the town;
- (i) Allow parking lots in Residence Districts to be illuminated between the hours of 10:00 P.M. and 7:00 A.M. when necessary for the public safety or welfare; and
- (j) Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance, and to make reports of its recommendations to the Town Planning Commission not less frequently than once a year.

4.03

THE BOARD OF APPEALS:

The Board of Appeals as it is established under the provisions of Section 62.23(7)(e) of the Wisconsin Statutes, is the Board of Appeals referred to in this Ordinance.

(1) Jurisdiction:

The Board of Appeals is hereby vested with the following jurisdiction and authority:

- (a) To hear and decide appeals from any order, requirement, decision, or determination made by the Building Inspector under this Ordinance;

- (b) To hear and pass upon the applications for variances from the terms provided in this Ordinance in the manner prescribed by and subject to the standards established herein;
- (c) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by Section 62.23(7)(e) of the Wisconsin Statutes.

(2) Meetings and Rules:

All meetings of the Board of Appeals shall be held at the call of the Chairman, and at such times as the Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed immediately in the office of the Building Inspector and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

(3) Finality of Decisions of the Board of Appeals:

All decisions and findings of the Board of Appeals on appeals or upon application for a variance, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

4.04

THE TOWN PLANNING COMMISSION:

The Town Planning Commission, as defined herein and as established in Section 62.23(1) of the Wisconsin Statutes, is the Town Planning Commission referred to in this Ordinance.

(1) Jurisdiction:

The Town Planning Commission shall discharge the following duties under this Ordinance:

- (a) Hear all applications for conditional uses and amendments to this Ordinance and report said findings and recommendations to the Town Board

in the manner prescribed in this section for Amendments and Conditional Uses;

- (b) Receive from the Building Inspector his recommendations as related to the effectiveness of this Ordinance and report its conclusions and recommendations to the Town Board not less frequently than once a year;
- (c) To hear and decide all matters upon which it is required to pass under this Ordinance.

4.05

ZONING CERTIFICATES:

- (1) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Town unless the application for such permit has been examined by the Building Inspector and has affixed to it a certificate of the Building Inspector, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate of occupancy, issued in conflict with the provisions of this Ordinance, shall be null and void.
- (2) Plats: Every application for a building permit shall be accompanied by:
 - (a) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions, as certified by a "registered land surveyor" or a "registered professional engineer", registered with the State of Wisconsin, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land; and
 - (b) A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the Building Inspector, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required by the Building Inspector for the proper enforcement of this Ordinance.

4.06

OCCUPANCY CERTIFICATES:

No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no

land, vacant on the effective date of this Ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the Building Inspector. No change in a use, other than that of a permitted use to another similar permitted use, shall be made until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this Ordinance.

- (1) **Application for Occupancy Certificate:**
Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Building Inspector.
- (2) **Issuance of Occupancy Certificate:**
No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 14 days after the Building inspector is notified in writing that the building or premises is ready for occupancy. Upon written request from the owner, the Building Inspector shall issue an occupancy certificate for any building or premises existing at the time of adoption of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the applicable provisions of this Ordinance.

4.07

VARIANCES:

- (1) **Purpose:**
The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact in accordance with the standards

- (f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this Section.

(4) Authorized Variances:

Variances from the regulations of this Ordinance shall be granted by the Board of Appeals only in accordance with the standards established in Section 4.07(3) above, and may be granted only in the following instances and in no others:

- (a) To permit any yard or setback less than a yard or a setback required by the applicable regulations;
- (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 percent of the required area and width;
- (c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- (d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;
- (e) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served; and
- (f) To increase by not more than 10 percent the maximum gross floor area of any use so limited by the applicable regulations;

- (g) To permit a reasonable variation in the height restrictions on fences.

The concurring vote of four members of the Board of Appeals shall be necessary to grant a variance. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

4.08

APPEALS:

(1) **Scope of Appeals:**

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Building Inspector. Such an appeal shall be taken within 30 days after the decision or the action complained of, by filing with the Building Inspector a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

(2) **Findings on Appeals:**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice of the Building Inspector and on due cause shown.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by one publication in a newspaper of general circulation in the Town and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of hearing. The Board shall thereafter reach its decision within 90 days from the filing of the appeal. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement,

decision or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue and direct the issue of a permit. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any official, or to decide in favor of the applicant on any matter upon which it is required to pass under any provision of the Ordinance, or to effect any variation in the Ordinance. The Building Inspector shall maintain records of all actions of the Board of Appeals relative to appeals.

4.09

AMENDMENTS:

- (1) **Authority:**
For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the Town, and lessening or avoiding congestion in the public streets and highways, the Town Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance, provided that in all amendatory ordinances adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.
- (2) **Initiation of Amendment:**
Amendments may be proposed by the Town Board, the Town Planning Commission or by any interested person or organization.
- (3) **Application for Amendment:**
An application for an amendment shall be filed with the Building Inspector in such form and accompanied by such information as required by the Building Inspector. Such application shall be forwarded to the Town Planning Commission with the request to hold a public hearing on said application for amendment.
- (4) **Hearing on Application:**
The Town Planning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Town Planning Commission. The hearing shall be conducted and a record of such proceedings shall be

preserved in such manner as the Town Planning Commission shall, by rule, prescribe from time to time.

- (5) **Notice of Hearing:**
Notice of time and place of such hearing shall be published as a Class 2 notice under Ch. 985, Wis. Stats. in a newspaper of general circulation in the Town. In addition thereto, the office of the Marathon County Zoning Administrator shall be provided with a copy of such notice, not less than 10 days before the hearing. Copies of all permits issued annually shall be sent to the Office of the County Zoning Administrator on or before December 31st of the year issued.
- (6) **Findings of Fact and Recommendation of the Town Planning Commission:**
Within 30 days after the close of the hearing on a proposed amendment, the Town Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Town Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - (a) Existing use of property within the general area of the property in question.
 - (b) The zoning classification of property within the general area of the property in question.
 - (c) The suitability of the property in question to the uses permitted under the existing zoning classification.
 - (d) The trend of development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification.
 - (e) **Minimum size of parcel:** A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses 200 feet of frontage or contains 25,000 square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

The Town Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Town Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the RS-1/20, RS-1/40 District, shall be considered the highest classification and the M-2 District shall be considered the lowest classification.

(7) Action by the Town Board:

- (a) The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Town Planning Commission on the proposed amendment.
- (b) The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be granted except by a favorable vote of majority of all the members of the Town Board.
- (c) If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

4.10

CONDITIONAL USES:

- (1) Purpose:
The development and execution of this Ordinance is based upon the division of the Town into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly

classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

- (a) Uses publicly operated or traditionally affected with a public interest.
 - (b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (2) **Initiation of Conditional Use:**
Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.
- (3) **Application for Conditional Use:**
An application for a conditional use shall be filed with the Building Inspector on a form prescribed by the Building Inspector. The application shall be accompanied by such plans and/or data prescribed by the Town Planning Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 4.10(6), hereinafter. Such application shall be forwarded from the Building Inspector to the Town Planning Commission with a request for a public hearing and report relative thereto.
- (4) **Hearing on Application:**
Upon receipt in proper form of the application and statement referred to in Section 4.10(3) above, the Town Planning Commission shall hold at least one public hearing on the proposed conditional use. Notice of the time and place of such hearing shall be published as a Class 2 notice under Ch. 985, Wis. Stats. in a newspaper of general circulation in the Town. In addition thereto, a copy of the said notice shall be provided to the Office of the Marathon County Zoning Administrator at least 10 days before the hearing. Copies of all permits

issued annually shall be provided to the Office of the Zoning Administrator of Marathon County no later than December 31st of the year of issue.

(5) Authorization:

For each application for a conditional use, the Town Planning Commission shall report to the Town Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

(6) Standards:

No conditional use shall be recommended by the Town Planning Commission unless such Commission shall find:

- (a) 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,
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood,
- (c) 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,
- (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided,
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Town Board

shall be provided to the Office of the Zoning Administrator of Marathon County no later than December 31st of the year of issue.

(5) Authorization:

For each application for a conditional use, the Town Planning Commission shall report to the Town Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

(6) Standards:

No conditional use shall be recommended by the Town Planning Commission unless such Commission shall find:

- (a) 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,
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood,
- (c) 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,
- (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided,
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Town Board

Planning Commission.

- (7) **Conditions and Guarantees:**
Prior to the granting of any conditional use, the Town Planning Commission may recommend, and the Town Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 4.10(6) above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (8) **Planned Developments:**
Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the Town Planning Commission and the action of the Town Board.
- (a) **Use exceptions:** The Town Planning Commission may recommend and the Town Board may authorize that there be in part of the area of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Town Planning Commission shall find:
- (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
 - (2) That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
 - (3) That not more than 20 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exception.
- (b) **Bulk regulations:** In the case of any planned development, the Town Planning Commission may recommend and the Town Board may authorize

exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such development, provided that the Town Planning Commission shall find:

- (1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this Ordinance for buildings developed on separate zoning lots;
 - (2) That the overall floor area ratio for the planned development would not exceed, by more than 20 percent, the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned developments, as stipulated in each district;
 - (3) That the minimum lot area per dwelling unit requirements of this Ordinance shall not be decreased by more than 20 percent in any such development containing residential uses, and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in common recreation area within the development;
 - (4) That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this Ordinance on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and
 - (5) That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.
- (9) Effect of Denial of a Conditional Use:
No application for a conditional use which has been denied wholly or in part by the Town Board, shall

be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Town Planning Commission and the Town Board.

(10) Revocation:

In any case where a conditional use has not been established within one year after the date of granting thereof, then, without further action by the Town Planning Commission or the Town Board, the conditional use or authorization shall be null and void.

4.11

FEE SCHEDULE:

The following fees and charges are applicable in the Town:

<u>TYPE OF PERMIT</u>	<u>FEE</u>
Single Family Residence	\$ 50
Multiple Family Residence	100
All Other Principal Buildings	20
Addition, Alteration or Conversion (over \$5,000.00)	20
Accessory Buildings (over \$5,000.00)	20
Signs (Larger than 35 sq. ft.)	20
Plan Commission Hearing	200
Board of Appeal Hearing	75
Mobile Home Park Permit	500
Quarry Permit	125
Conditional Use Permit	50
Variance	50
Subdivision Plat Review	50

4.12

PENALTIES:

Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance, shall, upon conviction, forfeit not less than \$10.00 nor more than \$300.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail of Marathon County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

SECTION 5

ZONING DISTRICTS AND MAPS

5.01

DISTRICTS:

The lands of the Town are hereby divided into the following districts:

- (1) RS-1/20, RS-1/40 Single Family Residence District,
- (2) RS-2 Single Family Residence District,
- (3) RM Multiple Family Residence District,
- (4) RP Planned Development Residence District,
- (5) CV Conservancy District,
- (6) RC Recreation District,
- (7) A-1 and A-2 Agricultural District,
- (8) AR and AR/M Agricultural/Residential and AE and AE/M Agricultural/Estate Districts,
- (9) HI Highway Interchange District,
- (10) C-1 Commercial District,
- (11) M-1 Light Industrial and Office District and
- (12) M-2 Heavy Industrial District.

5.02

MAPS:

The location and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map entitled "Town of Rietbrock Zoning Map" and dated the _____ day of _____, 1996, which is incorporated herein and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

5.03

BOUNDARIES OF DISTRICTS:

In unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the centerlines of streets, highways, railroads, section lines, quarter-section lines, quarter-quarter lines, quarter-quarter-quarter lines or such lines extended or connected. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than 300 feet in depth.

5.04

EXEMPTED USES:

The following uses are exempted by this Ordinance and permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, provided that the installation shall conform to Federal Communications Commission and Civil Aeronautics Administration rules and regulations and the regulations of other authorities having jurisdiction.

SECTION 6

RS-1/20 AND RS-1/40 RESIDENCE DISTRICTS

6.01

PURPOSE:

The Residential Districts are designed to encourage a suitable environment for family life by permitting under certain conditions, such neighborhood facilities as churches, schools, playgrounds and appropriate institutions and by protecting the residential character against noncompatible uses. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements.

6.02

RS-1/20 AND RS-1/40 SINGLE FAMILY RESIDENCE DISTRICT:

(1) PERMITTED USES:

The following uses are permitted in the RS-1/20 and RS-1/40 Single Family Residence District:

- (a) Single family dwellings designed for and occupied exclusively by one family, but not including a mobile home or manufactured home containing less than 1,000 square feet of floor area.
- (b) Churches, cemeteries subject to Wis. Stats. sec. 157, public and private schools, colleges and universities.
- (c) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
- (d) Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided, however, that no accessory building may be used as a separate dwelling unit.
- (e) Gardening and farming, including nurseries for the propagation of plants only, but not farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.
- (f) Telephone exchanges, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings, provided there is no service garage or storage yard.

- (g) Home occupations, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation, that no stock trade is kept or sold and that no person other than a member of the resident family is employed on the premises.
- (h) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental use of the premises; provided further that there shall be no external alterations that would effect a substantial change in the residential character of the building, that not more than 50 percent of only one floor of the dwelling shall be devoted to such offices and that no more than two persons not members of the resident family may be employed in non-professional capacities in any such office.
- (i) Railroad right-of-way but not including switching, classification yards or sidings.
- (j) Vending machines when the use is clearly an indoor accessory use to the primary use.
- (k) Signs, See Section 19.
- (l) Ponds subject to the conditions contained in Section 12.02(d) of this Code. In addition, ponds shall maintain a minimum slope of 4' horizontal to 1' vertical to a water depth of 6' and a 3' horizontal to 1' horizontal slope below the 6' depth. Disposal and/or stabilization of spoil from pond excavation shall be addressed on the pond plans and a 3' horizontal to 1' vertical slope shall be minimum.

6.03

CONDITIONAL USES:

The following conditional uses may be allowed in the RS-1/20 and RS-1/40 District subject to the provisions of Section 4.10 of this Ordinance:

- (a) Institutions of a charitable or philanthropic nature, hospital, clinics and sanatoria, except contagious hospitals and mental institutions.

- (b) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (c) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (d) Bed and breakfast establishments subject to Chapter 50, Wis. Stats.

6.04

HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:
Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. (See Section 3.08).
- (2) Floor Area and Width:
Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths.
 - (a) One-story houses shall have a minimum floor space of 1,000 square feet exclusive of basement, breezeway, porch and garage.
 - (b) Split-level, two-story and bi-level houses shall have a minimum floor space of 1,500 square feet exclusive of basement, breezeway, porch and garage.
 - (c) No single side of any building used in whole or in part for residential purposes shall be less than 24 feet in width.
- (3) Lot Area:
 - (a) For platted or unplatted lands where public sewer is not available, the minimum lot area shall be determined by percolation test in accordance with the requirements of Wisconsin Administrative Code Chapter ILHR 83 entitled PRIVATE SEWERAGE SYSTEMS and Chapter ILHR 85 entitled SUBDIVISIONS NOT SERVED BY PUBLIC SEWER, but no such lot or building site shall have an area in the RS-1/20 of less than twenty thousand (20,000) square feet or a width of less than one hundred feet (100) at the building line and in the RS-1/40 of less

than forty thousand (40,000) square feet or a width of less than one hundred fifty (150) feet at the building line.

- (b) For platted or unplatted lands where public sewer is available, the minimum lot area in the RS-1/20 may be reduced to ten thousand (10,000) square feet and the minimum lot width shall be seventy-five (75) feet at the building line.
 - (c) No building, together with its accessory buildings, shall occupy in excess of thirty (30) percent of the area of any lot.
- (4) **Side Yards:**
There shall be a side yard on each side of a building. The aggregate width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet wide. (See Section 3.06).
- (5) **Rear Yard:**
The minimum depth of any rear yard shall be fifty (50) feet, except on water front lots.
- (6) **Setback Lines (Streets and Waterline):**
See Sections 3.09, 3.11.
- (7) **Off-Street Parking:**
See Section 18.00.
- (8) **Foundations:**
All dwelling units shall be placed upon permanent foundations which meet the requirements of the State of Wisconsin Administrative Code.

SECTION 7

RS-2 SINGLE FAMILY RESIDENCE DISTRICT

7.01 PERMITTED USES:

- (a) Any use permitted in the RS-1 Single Family Residence District.
- (b) Manufactured homes containing less than 1,000 square feet of floor area and mobile homes, as detached, single-family dwellings, provided the said manufactured home or mobile home and the lot upon which either is located have a common ownership and provided further that each shall be placed on a permanent foundation and have adequate accessory buildings, to properly house bicycles, toys, lawn mowers, garden tools and equipment.

7.02 CONDITIONAL USES:

The following conditional uses may be allowed in the RS-2 Single Family Residence District subject to the provisions of Section 4.10 of this Ordinance:

- (a) Mobile Home Parks as provided in Section 17.00.
- (b) Day care or childcare facilities.
- (c) Bed and breakfast establishments subject to Chapter 50, Wis. Stats.

7.03 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:
Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. (See Section 3.08).
- (2) Floor Area and Width:
Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths.
 - (a) One-story houses shall have a minimum floor space of 1,000 square feet exclusive of basement, breezeway, porch and garage.
 - (b) Split-level, two-story and bi-level houses shall have a minimum floor space of 1,500 square feet exclusive of basement, breezeway, porch and garage.

- (c) No single side of any building used in whole or in part for residential purposes shall be less than 24 feet in width.
- (3) Lot Area:
- (a) For platted or unplatted lands, where public sewer is not available, the minimum lot area shall be determined by percolation test according to formulas of DILHR as contained in Chs. ILHR 83 and 85, Wisconsin Administrative Code, but no such lot shall have an area of less than 20,000 square feet or a width less than 100 feet at the building line. Where public water supply is available, the lot area may be reduced according to the provisions contained in Ch. ILHR 85, Wisconsin Administrative Code.
 - (b) For plats, or for unplatted lands where public sewer is available, the minimum lot width shall be 100 feet and the minimum lot area 15,000 square feet.
 - (c) No building, together with its accessory buildings, shall occupy in excess of thirty-five (35) percent of the area of an interior lot or forty (40) percent of the area of a corner lot.
- (4) Side Yards:
The minimum width of any side yard shall be ten (10) feet. (See Section 3.06).
- (5) Rear Yard:
The minimum depth of any rear yard shall be thirty-five (35) feet, except on water front lots.
- (6) Setback Lines (Street and Waterline):
See Sections 3.09, 3.11.
- (7) Off-Street Parking:
See Section 18.00.

SECTION 8

RM MULTIPLE FAMILY RESIDENCE DISTRICT

8.01 PERMITTED USES:

- (a) Any use permitted in the RS-1 Single Family Residence District.
- (b) Multiple family dwellings, duplexes, apartment houses, condominiums.
- (c) Retail consumer goods, sales and service conducted solely for the convenience of the resident of a multi-family development.
- (d) Bed and breakfast establishments subject to Chapter 50, Wis. Stats.

8.02 CONDITIONAL USES:

The following conditional uses may be allowed in the RM Multiple Family Residence District subject to the provisions of Section 4.10 of this Ordinance:

- (a) Rooming and boarding houses, and day care or childcare facilities are conditional uses permitted when the location of the use shall have been approved in writing and a conditional use permit granted after a public hearing by the Board of Appeals.

8.03 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

- (a) For single family dwellings and duplexes the maximum building height shall be thirty-five (35) feet.
- (b) For apartments the maximum building height shall be four (4) stories.
- (c) See Section 3.08.

(2) Lot Area and Floor Area:

- (a) The lot area, lot width and floor area requirements for single family dwellings hereafter erected, moved or structurally altered in the RM Multiple Family Residence District shall be the same as those required under RS-1 Single Family Residence District.

- (b) Buildings used in whole or in part for multiple family dwelling purposes which are hereafter erected, moved or structurally altered shall provide a minimum lot area and a minimum floor area as required by the following table:

Number of Families	Lot Area	Floor Area (Total)
2 (on 2 floors)	20,000 sq.ft.	1,200 sq.ft.
2 (on 1 floor)	20,000 sq.ft.	1,200 sq.ft.
3	24,000 sq.ft.	1,500 sq.ft.
4	28,000 sq.ft.	2,000 sq.ft.
Each additional family over 4	Lot and floor area to be determined by the Town Board, with the Town Board to consider as guidelines 3,000 sq. ft. of additional lot area and a minimum 500 sq. ft. additional floor area for each additional family over four.	

- (c) When the regulations of the Department of Industry, Labor and Human Relations or other state or local agencies require a larger lot area than any of the above, such regulations shall govern for both platted and unplatted areas and lots.

- (3) Side Yards:
There shall be a side yard on each side of a building. The aggregate width of the side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet wide. See Section 3.06.
- (4) Rear Yard: The minimum depth of any rear yard shall be fifty (50) feet, except water front lots.
- (5) Setback Lines:
See Sections 3.09, 3.11.
- (6) Off-Street Parking:
See Section 18.00.

SECTION 9

RP RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

9.01

PURPOSE:

The purpose of the RP Residential Planned Development District is to provide the means whereby land may be planned and developed as a unit for residential uses under standards and conditions which afford flexibility; encourage good design, open spaces, the preservation of natural features, and to minimize the present and future burdens upon the community as a whole which result from poor planning.

In Cluster Subdivisions the grouping of residences will permit individual lot sizes to be reduced provided that the overall density within the development is maintained. The remaining undeveloped area shall be required to remain a common open space, preferably on the shoreline if the subdivision is located in a shore area, in perpetuity. Such grouping of residences facilitates common water supply and sewerage disposal systems.

Such developments shall be site designed as a total unit development and may be developed by subunits in accordance to the approved overall site plan.

9.02

REZONING REQUIRED:

The rezoning to the RP District shall be required. A site plan of a continuous area of no less than 20 acres shall be submitted at the time the zone change is requested. The site plan shall be acted upon by the Town Planning Commission following a public hearing and recommendations shall be made to the Town Board, all in accordance with Section 4.09 of this Ordinance.

9.03

PERMITTED USES:

- (a) Clustered single family lot developments.
- (b) Two-family dwellings.
- (c) Multi-family dwellings.
- (d) Any permitted use in the RS-1 Single Family Residence District.
- (e) Accessory uses, structures and amenities in the approved development plan.
- (f) Retail consumer goods sales and service.

HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:
Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. (See Section 3.08).
- (2) Floor Area:
Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area as follows:
 - (a) Minimum 1,200 square feet for single family dwellings.
 - (b) Minimum 1,000 square feet for row-houses.
 - (c) Minimum 600 square feet for each apartment.
- (3) Park Area:
The minimum of open space or excess land not used for lots or streets shall be 20 percent of any platted subdivision and shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to and the acceptance by county, town or municipality. If the land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
- (4) Lot Area and Width:
 - (a) For lots not served by public sewer, the minimum size shall be governed by Chs. ILHR 83 and 85, Wisconsin Administrative Code, and the minimum width shall be 75 feet for single-family residences and 150 feet for multiple-family residences.
 - (b) For lots served by a public sewer the minimum lot size shall be:

1. 8,000 square feet for single family dwellings.
2. 4,000 square feet for each row-house or apartment.

(c) The minimum width shall be:

1. 65 feet for single family residences.
2. 120 feet for row-house or apartment development.

(5) Side Yards:

There shall be a side yard on each side of a building having a minimum width of ten (10) feet except a corner lot shall have a side yard of thirty (30) feet from the street right-of-way. See Section 3.06.

(6) Rear Yard:

The minimum depth of any rear yard shall be fifty (50) feet.

(7) Setback Lines:

(a) Highways - See Sections 3.09, 3.11.

(b) Waterline - All buildings and structures, except piers, wharves, marinas and boathouses shall be setback at least one hundred twenty-five (125) feet from all points along the normal high water line.

SECTION 10

C-V CONSERVANCY DISTRICT

10.01

PURPOSE:

The Conservancy District provides for the protection of the ecology and conservation of natural resources of the town. Generally this includes swamps, marshlands and areas where the highest groundwater is at or near the surface of the ground.

10.02

PERMITTED USES:

- (a) Forestry.
- (b) Grazing livestock.
- (c) Harvesting wild crops, such as wild hay, ferns, moss, berries and tree fruits.
- (d) Hiking trails and bridle paths.
- (e) Hunting, fishing and trapping.
- (f) Hydro-electric power stations, dams and other structures for the use or control of flowing water.
- (g) Open type shelters for public use and non-residential buildings or structures used in conjunction with the raising of wildlife and fish and the practice of forestry. This shall include buildings and structures used by the public and semi-public agencies or groups for research in, or the rehabilitation of, natural resources.
- (h) Telephone, telegraph and power transmission and distribution lines and necessary appurtenant structures.
- (i) Wildlife preserves.

10.03

SETBACK LINES:

See Sections 3.09, 3.11.

10.04

OFF-STREET PARKING:

See Section 18.00.

SECTION 11

RC RECREATION DISTRICT

11.01

PURPOSE:

This district is intended to provide for the orderly and attractive grouping of recreational oriented establishments, facilities, and structures.

11.02

PERMITTED USES:

- (a) Agriculture, and other open land-uses including, beekeeping, dairying and grazing, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
- (b) Any use permitted in the Conservancy District.
- (c) Camping trailers, mobile campers, or houseboats for temporary parking and living purposes.
- (d) Fish hatcheries and farm ponds.
- (e) Community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (f) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (g) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
- (h) Railroad right-of-way but not including switching, spurs, classification yards or sidings.
- (i) Signs: See Section 19.00.
- (j) Telephone exchanges, provided there is no service garage or storage yard; telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings.
- (k) Vending machines when the use is clearly an indoor accessory to the principal use.
- (l) Buildings and structures and uses of land customarily incidental to the above permitted uses,

but only on same premises with the primary permitted uses.

11.03

CONDITIONAL USES:

The following conditional uses may be allowed in the RC Recreation District subject to the provisions of Sec. 4.10 of this Ordinance:

- (a) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.
- (b) Automobile service station.
- (c) Concession stands.
- (d) Dinner Clubs.
- (e) Dwelling, single family, providing it shall be an accessory to a principal use.
- (f) Gift and Specialty shops customarily found in recreational areas.
- (g) Institutions of philanthropic or educational nature.
- (h) Marinas, boat liveries, sale of bait and fishing equipment. The service and repair of boats and motors.
- (i) Microwave radio relay structures, providing there would be no adverse affect on neighboring properties.
- (j) Motels, hotels, resorts (including two or more seasonal single family dwellings for rent or lease).
- (k) Restaurants.
- (l) Recreation camps, youth camps and campgrounds, provided all buildings shall be more than 100 feet from the side lot line. Recreation camps shall conform to Ch. HSS 175, Wis. Adm. Code, and campgrounds shall conform to Ch. HSS 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.
- (m) Riding stables.
- (n) Sanitary landfill, provided no location shall be within one-half mile of the boundary of a Residence District and the operation shall be in full

compliance with NR 51, Wisconsin Solid Waste Disposal Standards.

(o) Shooting ranges provided the requirements for such ranges as stated in the Agricultural District are met.

(p) Taverns.

(q) Travel Trailer Parks provided:

1. The minimum size of a travel trailer park shall be five (5) acres.
2. The maximum number of travel trailers shall be ten (10) per acre.
3. Minimum dimension of a travel trailer site shall be thirty (30) feet wide by fifty (50) feet long.
4. Each travel trailer shall be so located that there shall be at least a fifteen (15) foot clearance between travel trailers.
5. There shall be 1½ automobile parking spaces available for each trailer site.
6. In addition to setback line requirements of Section 3.09 of this Ordinance there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
7. Travel trailer parks shall conform to the requirements of Ch. 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.

11.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:
Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet.
- (2) Lot area:
One acre minimum, with a minimum width of 150 feet.
- (3) Floor area and width:
Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths.

- (a) One-story houses shall have a minimum floor space of 1,000 square feet exclusive of basement, breezeway, porch and garage.
 - (b) Split-level, two-story and bi-level houses shall have a minimum floor space of 1,500 square feet exclusive of basement, breezeway, porch and garage.
 - (c) No single side of any building used in whole or in part for residential purposes shall be less than 24 feet in width.
- (4) Side yards:
There shall be a minimum side yard of twenty-five (25) feet.
- (5) Rear yard: The minimum depth of any rear yard shall be fifty (50) feet, except on water front lots.
- (6) Setback Lines:
See Sections 3.09, 3.11.
- (7) Off-Street Parking:
See Section 18.00.

SECTION 12

A-1 AND A-2 AGRICULTURAL DISTRICT

12.01

PURPOSE:

The A-1 and A-2 Agricultural Districts are designed to foster the preservation and use of prime agricultural-land related uses, and to provide for certain residential uses in a rural environment.

12.02

PERMITTED USES:

(a) Any use permitted in the RS-1 Single Family Residence District and two family dwelling.

(b) Manufactured homes containing less than 1,000 square feet of floor area and mobile homes, as detached single-family dwellings in the A-2 District, provided the said manufactured or mobile home and the land upon which either is located have a common ownership.

(c) Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored under cover or is screened from the road with natural screening. Tents and self-contained campers or camping trailers may be occupied on a temporary basis, not to exceed 60 days in a calendar year, provided that a permit is secured from the building inspector or the Town Board, if the use is to exceed 30 days.

(d) Dams, power plants, flowage areas and farm ponds, which are outside the jurisdiction of county-regulated shorelands. Farm ponds shall maintain a slope from the shoreline no greater than 3' horizontal to 1' vertical to water depth of 6' when the pond is at its lowest level due either to seasonally fluctuating groundwater levels or pumping for irrigation. Ponds shall be located at least 30' from any property boundary or R/W line, 50' from any septic system drain field area, and 25' from a septic or holding tank. Pond outlets shall be designed so as not to concentrate runoff onto another person's property or to cause erosion. Permits for ponds shall be granted or denied based on plans submitted. The permit holder shall notify the Town Building Inspector or the Town Board upon completion of the excavation.

- (e) General farming, with animal unit densities of 1 per acre or less including dairying, livestock and poultry raising. Other agricultural activities such as nurseries, greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewerage, rubbish or offal; provided that no greenhouse or building for the housing of livestock or poultry shall be located within 300' of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 300' from navigable waters and designed or constructed to prevent animal waste material from entering watercourses, waterways or other navigable waters.
- (f) Forestry and forest products.
- (g) Hunting and fishing shelters. A building, sometimes referred to as a "hunting shack", intended for temporary occupancy for hunting, fishing or other recreational purposes, provided that the building is located no less than 600' from the nearest residence other than that of the owner, and complies with the provisions of Ch. ILHR 83, Wis. Adm. Code, all municipal sanitary requirements, and has the written approval of the Town Board. This definition does not include cottages, campers, camping trailers or non-farm residences. As a condition of the shelter permit, a statement shall be recorded at the Register of Deeds, stating that the structure cannot be improved or used for anything other than its originally-approved use, unless it can be brought into compliance with this chapter. The recorded statement shall be made binding on all heirs and assigns.
- (h) Hunting, fishing and trapping.
- (i) Maple syrup processing plant.
- (j) Temporary Sawmills. Sawmills which are temporary in nature which utilize no permanent buildings or structures in their operation and when located at least 500 feet from a residence other than the owners.
- (k) Signs:

1. Signs not to exceed fifteen (15) square feet used exclusively to advertise sale of agricultural products produced on the premises, signs giving the name of the farm owner and rural directory signs when all such signs are established in accordance with the provisions of Section 19.00.

(l) Telephone, telegraph and power transmission and distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities, radio and television stations and transmission towers and microwave relay towers.

(m) Transient amusements, such as music festivals, carnivals and circuses shall require a temporary zoning permit.

(n) Mobile homes and small manufactured homes.

1. One manufactured home containing less than 1,000 square feet of floor area or one mobile home, each of which is to be used for habitation and which is not the primary place of residence shall be permitted as an accessory building on any operating farm providing:

(i) A determination is made in writing by the Town Planning Commission that one or more of the occupants of either the mobile home or such manufactured home derives a substantial portion of their livelihood from their farm operation and/or substantially participates in the operation of the farm.

(ii) More than one mobile home or manufactured home containing less than 1,000 square feet of floor area on the property may be permitted with Town Board approval and a conditional use permit issued in accordance with Section 4.10 of this Code.

2. The temporary use of a mobile home or a manufactured home containing less than 1,000 square feet of floor area, not to exceed one year, unless an extension is authorized in writing by the Town Board,

shall be permitted while a permanent dwelling is under construction, providing such mobile or manufactured home and the permanent dwelling are located on the same lot or parcel of land and providing a county sanitary permit has been obtained for the permanent dwelling and that an approved private waste disposal system is utilized by the temporary mobile or manufactured home.

- (o) Uses customarily accessory to a permitted agricultural use.
- (p) Municipal buildings for the repair or storage of road-building and maintenance machinery or road maintenance materials and recycling collection centers or depots.

12.03

CONDITIONAL USES:

The following conditional uses may be allowed in the A-1 and A-2 Agricultural District subject to the provisions of Section 4.10. Such approval shall be consistent with the general purpose and intent of this Ordinance and shall be based upon such evidence as may be presented at a public hearing, tending to show the desirability of specific proposed locations for a specific use from the standpoint of the public interest when considering such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise vibration, operation for heavy vehicular traffic and increased traffic on the public streets. Such uses shall also be subject to certain specific conditions as may be required.

- (a) Aircraft landing fields, basins and hangers providing the site area is not less than twenty (20) acres.
- (b) Animal hospitals, but not the boarding of animals. See (i) below.
- (c) Canneries.
- (d) Cheese factories.
- (e) Concrete batching and/or blacktop mix plant (temporary).
- (f) Condenseries.
- (g) Contractor's storage yards, when any such yard shall be so placed, fenced, or screened by a planting so as not to be visible from any public

highway or residential building other than that of the owner of such yard, his agent or employee.

- (h) Creameries.
- (i) Dog kennels, when located not less than three hundred (300) feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (j) Drive-in theaters, provided there is a distance of not less than 1,000 feet between the boundary of any Residential District and the drive-in theater, site, measured in a straight line.
- (k) Feed lots provided, buildings housing animals or poultry and barnyards or feed lots shall be located not less than one hundred (100) feet from any navigable water and shall be so designed and located that waste or manure will not drain into any navigable water or contaminate groundwater.
- (l) Fish hatchery-Commercial.
- (m) Fur farms; pea viners and charcoal kilns, when located not less than one thousand (1,000) feet from any residential building other than that of the owner of the premises, his agent or employee and not less than one thousand (1,000) feet from the right-of-way line of any Federal, State and County trunk highway; provided that this regulation shall not apply to portable pea viners where there is no stacking of the vines.
- (n) Garden or nursery store.
- (o) Grain elevators (commercial).
- (p) Housing for migrant workers.
- (q) Hunting grounds and game reserves (commercial).
- (r) Incinerator-public.
- (s) Medical, correctional or charitable institutions.
- (t) Non-metallic mining. The application for the conditional use permit is subject to the same requirements as Section 16.03(11)(a) through (f).
- (ta) Mini Warehousing. It is generally expected that "mini warehousing" as defined will only be allowed in existing farm buildings which

would otherwise be vacant due to farm consolidation or for other reasons.

- (u) Mobile home parks, subject to the condition in Section 17.00 of this Ordinance.
- (v) Radio or TV broadcasting studio and/or tower.
- (va) Riding stables and riding academies subject to the following:
 - (i) Equestrian trails shall be no closer than 200' from any property line or 300' from any residence other than that of the owner unless written approval is granted by the adjoining owner(s) for a lesser setback and approval is granted by the Planning Commission.
 - (ii) Stables, barns, corrals and exercise yards shall be located no closer than 300' from any property line.
 - (iii) Except in the RC Recreation District, the hours of operation shall include only daylight hours.
 - (iv) Except in the RC Recreation District, no person other than a member of the resident family shall be employed on the premises.
 - (v) Animal unit densities shall be one (1) per three (3) acres or less.
- (w) Roadside stand.
- (x) Sanitary landfill, provided no location shall be within one-half mile of the boundary of any residence district and the operation shall be in full compliance with NR 51, Wisconsin Solid Waste Disposal Standards.
- (y) Slaughterhouses, when located not less than one thousand (1,000) feet from any residential building other than that of the owner of the premises, his agent or employee.
- (z) Shooting ranges provided:
 - (1) Shooting stands shall be no less than one thousand (1,000) feet from residential building, other than that of the owner, his agent, or employee.

- (2) No firing shall be toward or over any navigable water or population center located within two (2) miles.
- (3) The range shall be clearly identified from all directions with conspicuous "Danger Shooting Range" signs.
- (4) There shall be a barrier, impenetrable to any missile fired on the range, which shall extend a distance above and to each side of the targets equal to one (1) foot for each twenty-five (25) yards to the most remote shooting stand, but in no case less than four (4) feet.
- (5) Any other conditions the Town Board considers necessary for the public safety.
- (6) Trap and skeet ranges providing the owner of a trap or skeet range has under control by ownership or lease an area no less than 1,800' wide and 900' deep and providing further that there shall be no residences within 1,000' of the external boundaries of the range, unless occupants of such residences waive this condition in writing.
 - (a1) Snowmobile trails and accessory buildings and operations when operated commercially.
 - (a2) Travel trailer parks, subject to the provisions for travel trailer parks in the Recreation District, Section 11.03(q).
 - (a3) Boarding house or bed and breakfast establishments subject to Ch. 50, Wis. Stats.
 - (a4) Dams, power plants and flowages.
 - (a5) Farms exceeding one animal unit per acre. Provisions for approval must include a suitable manure disposal plan, controlled barnyard runoff, and must address other management concerns.
 - (a6) Home occupations, when such occupation(s) is of a type which is compatible with farming or agricultural activities or in furtherance of said activities and which does not involve any external alteration that would effect a substantial change in the agricultural character of any building or structure on the premises; provided further that no article is sold or offered for sale that is not produced by such home occupation and that no person other than the owner and resident of the premises or member of his family is employed on the premises. Such conditional use permit will cease in the event the person named on the permit no longer resides upon the premises.
(updated 3-8-2004)

(a7)Auto body and mechanical repair of automobiles when done as a hobby as opposed to a full time commercial business. Provided, however, that all such work be done and vehicles stored either within an enclosed building or structure or screened from public view. No more than three (3) such automobiles may be upon the premises at any given time. The resident owner of the premises may sell any one or more of said vehicles providing said seller possesses a Wisconsin Dealer's License at the time of sale.

(a8)Retail Meat Market, for the purpose of purchasing, preparing, and selling meat and by-product, when facility is owner operated, and is a secondary operation to the main agricultural purpose of the property and does not constitute the primary use of the land.

(updated 3-8-2004)

12.04 HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. See Section 3.08.

(2) Lot Area:

Buildings used in whole or in part for residential dwelling purposes which are hereafter erected or structurally altered shall be located on a lot having an area of not less than two acres and no such lot shall be less than Two hundred (200) feet in width. This requirement shall not apply to mobile homes permitted on farms as an accessory use.

(a) Riding stable/academy hereafter established shall be located on a parcel having a contiguous area of not less than 35 acres.

(3) Floor Area and Width:

Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have the following minimum floor areas and widths.

(a) One-story houses shall have a minimum floor space of 1,000 square feet exclusive of basement, breezeway, porch and garage.

(b) Split-level, two-story and bi-level houses shall have a minimum floor space of 1,500 square feet exclusive of basement, breezeway, porch and garage.

(c) No single side of any building used in whole or in part for residential purposes shall be less than 24 feet in width.

(4) Side Yards:

There shall be side yards provided between each building and the property line of no less than twenty (20) feet.

(5) Rear Yard:

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

(6) Setback Lines:

See Sections 3.09, 3.11.

(7) Off-Street Parking: See Section 18.00.

SECTION 12A

AR AND AR/M AGRICULTURAL/RESIDENTIAL AND AE AND AE/M AGRICULTURAL/ESTATE DISTRICTS

12.05 PURPOSE:

The purpose of the AR, AR/M and AE, AE/M districts is to provide for and promote small to medium lot residential living with some limited agricultural activities.

12.06 LANDS INCLUDED IN THESE DISTRICTS:

These districts are for the accommodation of rural parcels less than 35 acres in size, that are not part of larger farm operations.

12.07 PERMITTED USES:

- (1) One single family dwelling provided all other conditions of this chapter and the Private Sewage System Code can be met.
 - (a) Conventional single family dwellings in the AR and AE districts.
 - (b) Mobile homes or conventional single family dwellings in the AR/M and AE/M districts. Subject to Sec. 3.13 of this Code.
- (2) Limited farming including livestock, poultry in the AE, AE/M district only and feed and vegetable crops and other similar enterprises or uses in the AR, AR/M and AE, AE/M districts. Livestock and poultry confinement systems, feedlots and fur farms are not a permitted use. There shall be no more than one animal unit per 3.0 acres. One animal unit shall be defined as being equivalent to the following: One 1,000 lb. steer; one beef cow; one dairy cow and calf; two heifers, 10 months to freshening; four llamas; four calves, one and one-half months to ten months; eight calves, birth to one and one-half months; two beef cows, ten months to freshening; four swine; ten sheep; ten goats; 100 chickens; 100 rabbits; 50 ducks; 50 turkeys or other poultry; one horse or pony.
- (3) "Hobby" farms, forestry, beekeeping, plant nurseries, fish hatcheries and noncommercial

greenhouses and ponds subject to the conditions contained in Sec. 6.02(1)(1) of this chapter.

- (4) One temporary roadside stand per lot, not more than 300 sq. ft., used solely for the sale of products at least 50% of which were produced on the premises.
- (5) Garage and/or usual accessory buildings.
- (6) Public utility equipment such as telephone and electric power, distribution poles, towers and lines, including transformers.
- (7) Churches, cemeteries subject to Wis. Stats. §157, public and parochial schools, colleges and universities.

12.08

CONDITIONAL USES:

- (1) Stables and riding schools in the AE district only.
- (2) Fish hatcheries in the AE district only.
- (3) Dog kennels in the AE district only.
- (4) Livestock and poultry confinement farms, feedlots and fur farms in the AE district only.
- (5) Livestock or poultry in the AR and the AR/M districts, not to exceed one animal unit per 3.0 acres.
- (6) Agriculturally related commercial enterprises, including but not limited to, cheese factories, veterinary hospitals and clinics, seed, fertilizer and chemical sales, feed mills, but not farm machinery sales and service.
- (7) Public and semipublic utilities such as telephone and electric transmission lines or structures, microwave relay towers, relay stations, transmitters and buildings uses for related purposes but not broadcast studios or offices associated with any of the above.
- (8) Signs, per Sec. 12.02(k).
- (9) Home occupations and home professions.

- (10) Bed and Breakfast establishment subject to Chap. 50 Wis. Stats.

12.09

HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

- (1) Height requirements, front, side, and rear yard requirements, and floor area requirements for the AR and AR/M and AE and AE/M districts shall be the same as described in Sec. 12.04.
- (2) The minimum lot size in the AR district shall be 2 acres. The maximum lot size in the AR district shall be 10 acres. The minimum lot width shall be 150'.
- (3) The minimum lot size in the AE district shall be 5 acres. The maximum lot size in the AE district shall be 34.99 acres. The minimum lot width shall be 210'.
- (4) All lot areas shall be calculated according to Sec. 3.07(6) of this chapter which excludes road right-of-ways and other easements which are more than 20' wide from the total lot area.

SECTION 13

HI HIGHWAY INTERCHANGE DISTRICT

- 13.01 **PURPOSE:**
The Highway Interchange District is intended to promote highway safety by protecting the traffic carrying capacity of freeway interchanges through access controls to the intersecting roads and the orderly development of adjacent lands much of which will be related to the particular interchange.
- 13.02 **DISTRICT BOUNDARIES:**
- (1) The boundaries of the Highway Interchange District shall be determined by the Town Board after consultation with the Town Planning Commission and with the appropriate representatives of the Department of Transportation, Division of Highways.
- 13.03 **ABROGATION AND GREATER RESTRICTIONS:**
When the Highway Interchange District and the underlying zoning district regulations conflict, the most restrictive combination of regulations shall prevail.
- 13.04 **DESCRIPTION OF DISTRICT:**
The Highway Interchange Districts have been established utilizing the most appropriate information to and including:
- (1) The physical characteristics and service resources of the surrounding area.
- (2) The location of nearby developments.
- (3) Traffic volumes.
- (4) The local road system.
- (5) Relationship to neighboring interchanges.
- 13.05 **SPECIAL PROVISIONS:**
The following provisions shall apply to all Highway Interchange Districts:
- (1) In order to maintain the natural beauty of the Interchange areas and prevent distraction to the highway traveler, preservation of trees and landscaping of all development may be required. The lot owner or developer, in making an application for a zoning permit, shall submit a sketch of his lot or area to be developed and include the following information:

- (a) Location of all structures.
 - (b) Location of parking.
 - (c) Gradient of the land.
 - (d) Proposed tree cutting or tree planting and landscaping.
- (2) Filling, grading and excavating which would result in substantial erosion of soils which adversely affects roads, ditches or adjoining property and affect the scenic beauty is prohibited. The following shall require a Conditional Use Permit:
- (a) Filling or grading on slopes of 20 percent or more.
 - (b) Filling or grading of more than 20,000 square feet on slopes of 12-20 percent.
 - (c) Filling or grading of 40,000 square feet on slopes of 12 percent or less.
- (3) In granting a permit the Town Board may attach the following conditions:
- (a) The smallest amount of bare ground be exposed for the shortest time feasible.
 - (b) Acceptable erosion control ground cover such as mulch be used and permanent cover such as sod be planted.
 - (c) Diversions, silting basins, terraces and other methods be used to reduce erosion.
 - (d) Fill to be stabilized according to accepted engineering practices.
- (4) In keeping with the intent of this Ordinance the following considerations and any other relevant factors, shall serve as criteria in evaluating the suitability of the proposed uses within the Highway Interchange District.
- (a) The existing topography, vegetative cover, drainage patterns and ground water table.
 - (b) The relation to scenic or recreation values.
 - (c) The percolation characteristics of the soil where septic tanks are required.

- (d) The compatibility of the proposed use with existing or other proposed uses in the area and its relation to any existing land use plan.
- (e) The expected composition of site generated traffic by vehicle types.
- (f) The volume of traffic expected to be generated relative to existing and forecasted volume in the interchange and its effect on the operation of the interchange and local road system.

13.06

ACCESS CONTROL:

Access from abutting property to an intersecting highway shall be permitted only at designated access points, which shall be located as follows:

- (1) There shall be no access points located within 1,000 feet of the most remote end of taper or less than 1,000 feet thereafter. A lesser distance may be permitted by the Town Board upon prior written approval by a designated representative of the agency having jurisdiction over such highway.
- (2) To avoid dangerous jogs in alignment, permitted access points along opposite sides of intersecting highways shall be located with or directly opposite each other, or directly opposite a median strip crossover, or separated by no less than 300 feet of lateral distance along the highway centerline.
- (3) Each building or group of contiguous buildings shall have not more than two access points to the abutting frontage road, and no such access point shall exceed 35 feet in width at the property line. In order to reduce the number of such entrances and promote the safety of travel upon the abutting frontage road, wherever practicable, buildings or groups of buildings shall use entrances in common.
- (4) The intervals between permitted entrances onto a frontage road shall be closed to vehicular access by a curb, drainage ditch, planting strip or other equally effective barrier.
- (5) The access requirements hereof may be temporarily waived subject to the following conditions:
 - (a) A temporary Access Permit may be obtained from the Town Board for a period of one year, providing the applicant has obtained approval in writing for such a temporary permit from

the agency having jurisdiction over the highway.

- (b) Use of access shall be limited to the use described in the application for the Temporary Access Permit.
- (c) This Access Permit shall be temporary in nature and may be revoked upon the provision of a frontage road or other internal circulation system which would provide a reasonable alternate means of access.

13.07

SETBACK REGULATIONS:

(1) Setback lines are hereby established:

- (a) Along any fully-controlled access highway. Setbacks shall be 100 feet from the right-of-way.
- (b) Along intersecting highways, setbacks shall be as provided for in Section 3.09 Highway Setbacks.
- (c) Along frontage road, setbacks shall be 30 feet from the right-of-way of an existing or designated frontage road.
- (d) Where an alternative internal circulation system is provided in lieu of a frontage road, setbacks shall be 30 feet from the right-of-way of any existing or mapped public street or road which is a component of the internal circulation system.

- (2) In case of unusual changes in alignment of the intersecting highway right-of-way line or unusual topographic conditions which would cause unnecessary hardship in the application of this section, a variance for a lesser setback from the intersection highway may be granted by the Zoning Board of Appeals. Such variance may be conditioned upon the prior written approval of the agency having jurisdiction over the intersecting highway.

SECTION 14

C-1 COMMERCIAL DISTRICT

14.01

PURPOSE:

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

14.02

PERMITTED USES:

- (1) Animal hospitals and clinics, but not the boarding of animals.
- (2) Antique or art shop.
- (3) Bakery employing not over 8 persons on the premises.
- (4) Bank, savings and loan or other financial institutions.
- (5) Barber shop, beauty parlor.
- (6) Boat sales and service.
- (7) Book and stationery store.
- (8) Business, professional offices and clinics.
- (9) Clothing store, department store, shoe store, shoe repair shop.
- (10) Clubs and lodges.
- (11) Commercial entertainment facilities, but not Drive-In Theater.
- (11a) Dance studios.
- (12) Drugstore.
- (13) Dwelling, single family, but only as an accessory to a principal use.
- (14) Florist shop, greenhouse.
- (15) Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.
- (15a) Funeral homes.

- (16) Furniture store, appliances, office equipment, upholstery.
- (17) Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.
- (18) Hotel, motel.
- (19) Insurance firms, real estate firms, stock brokers.
- (20) Jewelry store.
- (21) Laundry, cleaning and dyeing establishment.
- (21a) Libraries, museums.
- (21b) Martial arts schools.
- (22) Music, radio and television store, record shop.
- (23) Paint store, interior decorator.
- (24) Parking lot.
- (25) Photographer, photography supply shop.
- (26) Printing and duplicating.
- (27) Public utility office or substation, telephone exchanges, fire stations, police station, administration buildings and similar uses.
- (27a) Publishing office.
- (28) Radio and television broadcasting studio, tower, mast or aerial, microwave radio relay structures.
- (29) Retail stores and shops offering convenience goods and services.
- (30) Restaurant, cafe, tavern, but not drive-in restaurant.
- (31) Signs, billboards, sign painting shop.
- (32) Sporting goods stores.
- (33) Theater, except drive-in theater.
- (34) Vocational schools and learning centers conducted for profit.

- (35) Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.

14.03

CONDITIONAL USES:

The following conditional uses may be allowed in the C-1 Commercial District subject to the provisions of Section 4.10 of this Ordinance. Such approval shall be consistent with the general purpose and intent of this Ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability of specific proposed locations for a specific use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise, vibration, operation of heavy vehicular traffic and increased traffic on the public streets.

- (1) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.
- (2) Automobile sales or service stations.
- (3) Bowling alleys, dance halls, skating rinks.
- (4) Day care or childcare facilities.
- (5) Drive-in restaurant.
- (6) Drive-in theater.
- (7) Farm equipment sales and service.
- (8) Farm machinery sales and service.
- (9) Feed and seed stores.
- (10) Fishing bait (live) stores.
- (11) Lumber yards.
- (12) New and used car sales and their repair.
- (13) Marinas.
- (14) Mobile homes sales and service.
- (15) Motorcycle sales, repair and service.
- (16) Newspaper office and press rooms.
- (17) Tavern.

(18) Transportation terminals.

(19) Wholesale establishments.

14.04

HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(1) Height:

Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet. One additional foot of extra height may be permitted provided one additional foot of each side and rear yards for each additional foot of extra height is also established up to a maximum height of sixty (60) feet unless the Planning Commission approves a greater height. (See Section 3.08).

(2) Lot Area:

The minimum lot area shall be ten thousand (10,000) square feet and the minimum lot width shall be seventy-five (75) feet at the building line.

(3) Floor Area:

Buildings used in whole or part for dwelling purposes, as opposed to accommodations for transients, shall have a floor area as required by the regulations of R-M Multiple Family Residence District.

(4) Side Yards:

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

(b) There shall be a side yard not less than ten (10) feet wide along the side of any lot in a Commercial District, which abuts the side lot line of a lot in a Residence District and is not separated therefrom by a street or alley.

(5) Rear Yard:

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

(6) Setback Lines:

See Sections 3.09, 3.11.

(7) Off-Street Parking:

See Section 18.00.

SECTION 15

M-1 LIGHT INDUSTRIAL AND OFFICE DISTRICT

15.01

PURPOSE:

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

15.02

PERMITTED USES:

- (1) Automotive heavy repair and upholstery.
- (2) Cleaning, pressing and dyeing establishments.
- (3) Commercial greenhouses.
- (4) Dwellings, single family for the caretaker or owner and his family only.
- (5) Food locker plants.
- (6) General or clerical offices.
- (7) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication, and similar small industries which do not require loud presses.
- (8) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles, and wood.
- (9) Manufacture, fabrication, packing, packaging and assembly of confections; cosmetics; electrical appliances; electronic devices; instruments; jewelry; pharmaceuticals; tobacco; toiletries; and foods except cabbage, fish and fish products, meat and meat products, and pea vineries.
- (10) Manufacturing and bottling of non-alcoholic beverages.
- (11) Painting.
- (12) Printing.
- (13) Professional offices.

- (14) Publishing.
- (15) Research and testing laboratories.
- (16) Schools and training centers.
- (17) Warehousing.
- (18) Wholesalers and distributors.

15.03

CONDITIONAL USES:

The following conditional uses may be allowed in the M-1 Light Industrial and Office District, subject to the provisions of Section 4.10 of this Ordinance:

- (1) Airports, air strip and landing fields providing the site area is not less than twenty (20) acres.
- (2) Animal hospitals and clinics, but not the boarding of animals.
- (3) Automobile sales or service stations.
- (4) Commercial service facilities, such as restaurants and fueling stations provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.
- (5) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelter, parks, playgrounds, and museums.
- (6) Manufacturing, processing, and storage of dry ice, and building materials.
- (7) Public passenger transportation terminals, such as heliports, bus and rail depots, provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

15.04

HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:
The maximum height shall be forty-five (45) feet except that this may be increased to sixty (60) feet, provided all yards are increased three (3) feet in width for each five (5) feet of additional height.
- (2) Lot area:
The minimum lot area shall be 20,000 square feet.

- (3) **Width:**
The minimum width shall be 150 feet.
- (4) **Side yards:**
The minimum side yard shall be twenty (20) feet, provided further that any such side yard which abuts a boundary of a Residence District shall be not less than 25 feet wide, unless such Residence District boundary lies within a street or alley.
- (5) **Rear yard:**
The minimum rear yard shall be not less than twenty-five (25) feet in depth.
 - (a) Any yard which abuts a boundary of a Residence District shall not have an automobile parking lot, stock pile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open placed in such yard, except that loading platforms may be established in a yard if it abuts on a railroad.
- (6) **Setback Lines:**
See Sections 3.09, 3.11.
- (7) **Off-Street Parking:**
See Section 18.00.

SECTION 16

M-2 HEAVY INDUSTRIAL DISTRICT

16.01

PURPOSE:

The Heavy Industrial District is intended to provide for uses which by their nature could exhibit characteristics harmful, noxious, or detrimental to surrounding uses of the land.

16.02

PERMITTED USES:

- (1) Any use permitted in the M-1 Light Industrial District.
- (2) Lumber yards and sawmills.
- (3) Automobile sales and service stations.
- (4) Freight yards and depots including livestock collection, transfer and sales.
- (5) Breweries.
- (6) Inside storage and outside storage when fenced.
- (7) Binderries.
- (8) Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted provided:
 - (i) Nonmetallic mining shall comply with the terms of the Marathon County Nonmetallic Mining Code, Chapter 21, General Code of Ordinances.
 - (ii) All excavations shall be at least 50' from the centerline of any right-of-way and 10' from any property line of another person or company. All accessory uses such as offices and parking areas shall be at least 100' from any right-of-way or property line.

16.03

CONDITIONAL USES:

The following conditional uses may be allowed in the M-2 Heavy Industrial District subject to the provisions of Section 4.10 of this Ordinance:

- (1) Airports, airstrips, and landing fields provided the site area is not less than twenty (20) acres.
- (2) Municipal sewerage disposal plants and related facilities.

- (2) Municipal sewerage disposal plants and related facilities.
- (3) Commercial service facilities, such as restaurants and bulk fueling stations provided all such services are physically and sales oriented toward industrial district users and employees and other users are only incidental customers.
- (4) Creameries, condenseries.
- (5) Crematories.
- (6) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil, cloth, paint, peas, perfume, pickle, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, size, starch, stove polish, textiles, and varnish.
- (7) Manufacture and bottling of alcoholic beverages; bag cleaning; canneries, cold storage warehouse; electric and steam generating plants; electroplating; enameling; forges, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; and tanneries provided such uses shall be at least six hundred (600) feet from residential districts.
- (8) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
- (9) Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from the nearest except that of the owner, his agent or employee.

16.04

HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

- (1) Height:

The maximum height of buildings shall be forty-five (45) feet except that this may be increased to sixty (60) feet, provided all yards are increased three (3) feet in width for each five (5) feet of additional height.

- (2) **Lot Area:**
The minimum lot area shall be twenty thousand (20,000) square feet.
- (3) **Width:**
The minimum width shall be one hundred fifty (150) feet.
- (4) **Side Yards:**
The minimum side yard shall be twenty (20) feet, provided further that any such side yard which abuts a boundary of a Residence District shall not be less than twenty-five (25) feet wide, unless such Residence District boundary lies within a street or alley.
- (5) **Rear Yard:**
The minimum rear yard shall be not less than twenty-five (25) feet in depth.
 - (a) Any yard which abuts a boundary of a Residence District shall not have an automobile parking lot, stockpile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open placed in such yard, except that loading platforms may be established in a yard if it abuts on a railroad.
- (6) **Setback Lines:**
See Sections 3.09, 3.11.
- (7) **Off-Street Parking:**
See Section 18.00.

SECTION 17

MOBILE HOME PARKS

17.01

DISTRICTS ALLOWED:

Mobile home parks may be allowed as a conditional use in the RS-2 Single Family Residence District and the A-1 and A-2 Agricultural Districts subject to the requirements of this section and upon issuance of a Conditional Use Permit by the Town Board pursuant to Section 4.10 of this Ordinance.

17.02

DEFINITIONS:

- (1) "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.
- (2) "Manufactured home" means a home certified and labeled as a manufactured home under 42 USC Sections 5401 to 5426 which is set upon a foundation constructed at a minimum to the requirements of Wisconsin Administrative Code ILHR 21.18, or a comparable foundation as approved by the local building inspector, is installed according to manufacturer's instructions, and is properly connected to utilities. For purposes of the Zoning Code, a "manufactured home" shall be treated the same as a "single-family residence" and, where appropriate, a "two-family residence".
- (3) "Mobile Home Park" means any plot or plots of ground upon which any 2 or more mobile homes or manufactured homes containing less than 1,000 square feet of floor area or any combination of two or more such mobile homes or manufactured homes occupied for dwelling or sleeping purposes are located, and a charge is made for such accommodation.
- (4) "Space" means a plot of ground designed for the accommodation of one mobile home or one

manufactured home containing less than 1,000 square feet of floor area.

- (5) "Lot" means either a mobile home space or a space for a manufactured home containing less than 1,000 square feet of floor area plus all required yards for such mobile or manufactured home.

17.03

APPLICATION FOR PERMIT:

- (1) An application for a Conditional Use Permit for a Mobile Home Park must be made in the manner provided in Section 4.10 of this Ordinance, irrespective of whether or not a license or permit from the township to operate a Mobile Home Park has been issued. The application shall be filed with the Building Inspector in triplicate and shall be accompanied with duplicate sets of plans and specifications which shall be in compliance with all State, County or Town Ordinances and the provisions of the State Division of Health and a performance bond in the sum of \$5,000.00 to insure completion of the Mobile Home Park within twelve (12) months from the date of the issuance of the Conditional Use Permit or as otherwise approved by the Town Board and insuring further that such completion is in compliance with the requirements of this Ordinance. No mobile home or manufactured home containing less than 1,000 square feet of floor area shall be occupied until all conditions of this Ordinance have been met and an occupancy permit issued.
- (2) The application shall contain the following information:
- (a) Name, address and telephone number of applicant;
 - (b) A legal description of the land upon which applicant requests a permit for a Mobile Home Park;
 - (c) The names and addresses of all persons owning land abutting upon said land; and
 - (d) The names and addresses of all persons owning lands located across the street from said land.

17.04

LOCATION:

- (1) The park shall be located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- (2) The location of each mobile home park shall be approved or denied in writing within ninety (90) days. In approving such location, the Building Inspector shall view the proposed site or sites and the Town Planning Commission shall consider such evidence as may be presented, bearing upon the general purpose and intent of this Ordinance to promote the public health, safety and general welfare and the specific purpose of this paragraph to prevent the overcrowding of land and the development of housing blight in rural areas.

17.05

REQUIREMENTS:

- (1) The minimum size of a Mobile Home Park shall be ten (10) acres.
- (2) Each park shall provide mobile home lots, and each such lot shall be clearly defined or delineated. Each lot shall have an area of not less than four thousand (4,000) square feet and an average width of not less than fifty (50) feet; provided, however, that mobile home parks which existed lawfully at the time of the adoption of this Ordinance and have lots that do not comply with any of the foregoing minimum area and width requirements may continue to operate. New site development within or contiguous to an existing park shall conform to the standards of this Ordinance.
- (3) All mobile homes and manufactured homes shall be so located on each lot that there shall be at least a twenty (20) foot clearance between each such home. No mobile home or manufactured home shall be located closer than ten (10) feet to any accessory building within the park. No mobile or manufactured home shall be located closer to any property line of the park abutting upon a public street or highway than thirty (30) feet or such other distance as may be established by ordinance as front yard or setback requirements with respect to conventional buildings in the district in which the mobile home park is located.
- (4) There shall be a system of driveways, with a minimum of thirty (30) feet widths, graveled or paved with concrete or bituminous material,

providing access from each and every mobile home and automobile parking space within such park to the public street or highway, provided that there shall not be more than two entrances from or exits to such street or highway from any one such park.

- (5) Walkways to service buildings shall be not less than thirty-six (36) inches wide and shall be graveled or paved.
- (6) All driveways and walkways within the park shall be well lighted at night.
- (7) An electrical outlet supplying at least 100-115/220-250 volts, 100 amperes shall be provided for each mobile home space.
- (8) Each mobile home lot shall be provided with two off-street parking spaces and no on-street parking shall be permitted.
- (9) Each Mobile Home Park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall be planted to permanent grasses, flowers, shrubs and trees so as to provide a fifty percent opacity to a height of eight (8) feet.
- (10) Mobile Home Parks shall conform to the requirements of Ch. HSS 177, Wisconsin Administrative Code as amended.
- (11) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (12) Metal garbage cans with tight-fitting lids shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition and the contents thereof shall be disposed of at least twice each week.
- (13) Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property.

(14) Adequate provisions shall be made for the disposal of all sewage from a mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage system approved by the State Division of Health and/or Division of Environmental Health.

17.06 **MOBILE HOME USE RESTRICTIONS:**
No business shall be conducted in any mobile home or manufactured home within a mobile home park.

17.07 **REGISTERS:**
Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to Town officials for inspection and shall contain information as follows:

- (1) Name and address of each occupant.
- (2) Mobile home license number and name of manufacturer.
- (3) Automobile license number, and name and make of automobile.
- (4) Number of site to which assigned.
- (5) Last place of location.
- (6) Date of arrival, and
- (7) Date of departure.

SECTION 18

MOTOR VEHICLE AND PARKING REGULATIONS

18.01

LOADING REQUIREMENTS:

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

18.02

PARKING REQUIREMENTS:

(1) In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

(a) Adequate access to a public street shall be provided for each parking stall, and driveways shall be at least ten (10) feet wide with culverts no less than twenty-four (24) feet in width.

(b) Each parking stall shall be not less than nine (9) feet in width and not less than one hundred eighty (180) square feet in area exclusive of the space required for ingress and egress.

(c) No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

(2) Number of parking stalls required:

Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Two-family and multi-family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees

Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	4 stalls for each doctor plus 1 stall for each employee
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus a reasonable number of stalls for student and other parking
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 2 employees during any 12-hour period
Financial institutions, business, governmental and professional offices	1 stall for each 300 square feet of floor area
Funeral Homes	1 stall for each 4 seats
Bowling alleys	3 stalls for each bowling lane

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

Parking lots containing 10 or more stalls which are located in the Residence District or adjoin residential lots shall be screened along the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting of equivalent opacity or other equally effective means, built or

maintained at a minimum height of four (4) feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent glare or illumination of adjoining residential property.

18.03

DRIVEWAYS:

- (1) No direct access shall be permitted to the existing or proposed right-of-way of: expressways, freeways or interstate highways; nor to any other road, street, or highway without permission of the authority maintaining the facility.
- (2) Vehicle entrances and exits to drive-in theater, banks, and restaurants; motels, funeral homes, vehicular sales, service, washing and repair stations; garages, or parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.
- (3) Vehicle entrances or exits to drive-in or outdoor theaters, race tracks or other forms of open space facilities shall be subject to the following:
 - (a) That there be no direct entrance to or exit from any of the above to any federal, state or county highway.

SECTION 19

SIGNS

19.01

GENERAL:

No signs or billboards shall be permitted in any district except as specifically permitted herein.

At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.

No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner; nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.

No signs, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way without approval in writing from the Town Board.

No sign larger than thirty-five (35) square feet shall be located, erected, moved, reconstructed or enlarged until a zoning permit has been issued. The permit number shall appear in the lower right hand corner of such signs.

19.02

SIGNS IN RESIDENTIAL, CONSERVANCY, RECREATIONAL AND AGRICULTURAL DISTRICTS:

The following signs are permitted when located no less than fifteen (15) feet from the public right-of-way line:

- (1) Customary professional and home occupation signs and "For Rent" or "For Sale" signs, not exceeding four (4) square feet in area or as provided for in Section 12.02(k).
- (2) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation.
- (3) One announcement sign or bulletin board of an appropriate nature, identifying a hospital, school, church or other similar facility or institution, not exceeding twenty (20) square feet in area.
- (4) Temporary signs of not more than twenty (20) square feet in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Signs shall be removed at the conclusion of the event.

19.03

SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS:

The following signs are permitted:

19.03

SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS:

The following signs are permitted:

- (1) All signs permitted in Section 19.02.
- (2) Identifying sign(s) for the principal building of the commercial or industrial enterprise advertising a business or activity conducted on the premises in accordance with the following provisions:
 - (a) Wall signs placed against the exterior walls of buildings shall not extend more than one (1) foot from the wall surface and shall not exceed three hundred (300) square feet in area.
 - (b) Projecting signs fastened to, suspended from, or supported by attached structures shall not exceed forty (40) square feet in area on a side.
 - (c) Ground signs shall meet all yard requirements for the district in which it is located, shall not exceed two hundred (200) square feet on a side and shall not exceed twenty-five (25) feet in height above the main road grade.
 - (d) Roof signs shall not exceed ten (10) feet in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed two hundred (200) square feet on a side.

19.04

SPECIAL PROVISION:

- (1) Signs lawfully existing at the time of the adoption or amendments of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, such signs shall be deemed a nonconforming use or structure and shall therefore be subject to the provisions of Section 3.06 Nonconforming Structures and Uses.

TOWN OF RIETBROCK

ZONING CODE

AMENDMENTS

PUBLIC HEARING DATE AND ADOPTION – 05/02/2022

1.0 05/02/2022: LOT AREA, SIDE AND REAR YARDS MODIFICATIONS

1.1 SECTION 6

1.1.1 6.04 (3) (a) Lot Area:

Buildings which are hereafter erected or structurally altered shall be located on a lot having an area of not less than two acres and no such lot shall be less than two hundred (200) feet in width of road frontage.

1.1.2 6.04 (4) Side Yards:

There shall be a side yard provided between each building and the property line of no less than twenty-five (25) feet.

1.1.3 6.04 (5) Rear Yard:

The minimum depth of any rear yard shall be fifty (50) feet, except on waterfront yards.

1.1.4 REMOVE: 6.04 (3) (b)

1.1.5 REMOVE: 6.04 (3) (c)

1.2 SECTION 12

1.2.1 12.02 (a) Any use permitted in the RS-1/20 and RS-1/40 Residence District.

1.2.2 12.02 (2) Lot Area:

Buildings used in whole or in part for residential dwelling purposed which are hereafter erected or structurally altered shall be located on a lot having an area of not less than two acres and no such lot shall be less than two hundred (200) feet in width of road frontage.

1.2.3 12.02 (4) Side Yards:

There shall be a side yard provided between each building and the property line of no less than twenty-five (25) feet.

1.2.4 12.02 (5) Rear Yards:

The minimum depth of any rear yard shall be fifty (50) feet, except on waterfront yards.

1.3 SECTION 14:

1.3.1 14.04 (2) Lot Area:

Buildings used in whole or in part for residential dwelling purposed which are hereafter erected or structurally altered shall be located on a lot having an area of not less than two acres and no such lot shall be less than two hundred (200) feet in width of road frontage.