

# TOWN OF STETTIN ZONING CODE

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## **INTRODUCTION**

### **1.1 OBJECTIVES.**

To achieve the objectives outlined in ss. 60.62, 61.35 and 62.23(7), Wisconsin Statutes, the Town Board adopts the zoning regulations contained in this chapter.

### **1.2 SHORT TITLE.**

This chapter shall be known and cited as the Town of Stettin Zoning Code.

### **1.3 PURPOSE AND INTENT.**

This chapter is adopted to promote and protect public health, safety, comfort, convenience, aesthetics and other aspects of the general welfare; and, more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to guide the proper distribution and location of various land uses, to promote the safety and efficiency of the streets and highways, to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire, flooding, water pollution, contamination and other hazards, to define the powers and duties of the administrative bodies as provided in this chapter, and to prescribe penalties for the violation of the provisions of this chapter or any amendment to this chapter.

### **1.4 APPLICATION OF OVERLAPPING REGULATIONS.**

- (1) This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.
- (2) Floodplain and Shoreland regulations which are to be applied within the jurisdictional area as defined in ss. 4.17 and 4.19 of this chapter take precedence over the less restrictive provisions of the respective zones.

### **1.5 GENERAL INTERPRETATIONS.**

The following rules of construction shall apply to this chapter:

- (1) The particular shall control the general; in case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control; "shall" is mandatory, "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; "used for"; includes "arranged for", "person" includes an individual, corporation, partnership, 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" 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 shall 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 1/2 foot or more, the integral foot next above shall be taken. The masculine gender includes the feminine and neuter.

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

1.6 SEVERABILITY AND NONLIABILITY.

Should any section, clause, provision or portion of this chapter be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. The Town does not guarantee, warrant or represent that only those areas designated as floodplains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies or employees for any flood damages that may occur as a result of reliance upon and conformance with this chapter.

1.7 DEFINITIONS.

The following words, phrases and terms, wherever they occur in this chapter shall be interpreted as defined in this section:

**ANIMAL CONFINEMENT FACILITIES / LIVESTOCK FACILITIES.** See the General Code of Ordinances for Marathon County Chapter 13 Livestock Facilities Licensing Ordinance.

**ANIMAL FEEDING OPERATION.** A feedlot or facility other than a pasture, where animals have been, are, or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12 month period.

**ANIMAL UNITS.** For the purpose of this ordinance, the total number of animal unit types that are equivalent to one animal, termed as an animal unit, as defined in NR 243. A part of an animal unit shall be rounded to the nearest full animal.

<u>Description:</u>	<u>Animals Equivalency:</u>
<u>BEEF CATTLE:</u>	
Steers, cows or buffalo (400 lbs. to mkt.)	1.0
Calves (under 400 lbs.)	0.2
Bulls	1.4
<u>DAIRY CATTLE:</u>	
Milking and dry cows	1.4
Heifers (800 lbs. to 1,200 lbs.)	1.1
Heifers (400 to 800 lbs.)	0.6
Calves (under 400 lbs.)	0.2
<u>SWINE:</u>	
Pigs (55 lbs. to mkt.)	0.4
Pigs (up to 55 lbs.)	0.1
Sows	0.4
Boars	0.5
<u>SHEEP:</u>	
Per animal	0.1
<u>HORSES:</u>	
Per animal	2.0

DUCKS:

Bird (wet lot)	0.2
Bird (dry lot)	0.01

CHICKENS:

Layers	0.01
Broilers	0.005

TURKEYS:

Bird	0.018
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**ANIMAL WASTE FACILITY.** Any site or area specifically designed and/or constructed for the purpose of storage or holding of animal waste and manure.

**APARTMENT HOUSE.** A building containing accommodations for more than two families living independently of each other.

**AQUIFER.** A saturated, permeable, geologic formation that contains and will yield significant quantities of water.

**AUTO DEALER.** Any person may sell, offer to sell, or display three (3) vehicles per year on property which they own or control providing the vehicles are part of their personal fleet. Sale of, offer to sell, or display of more than three (3) vehicles requires proper zoning for an auto dealership.

**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 YARD, JUNK YARD, OR SALVAGE YARD.** Any area of land where three or more vehicles, unlicensed or not in running condition, an accumulation of auto parts, or both, are stored in the open and are not being restored to operation. Any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition. Any area where tire carcasses are stored or recycled. Any area where 3 or more pieces of unlicensed or inoperative construction equipment, motorcycles, snowmobiles, boats or appliances or their parts are stored and are not being restored to operation, or any land or structure for the wrecking or storing of such vehicles, equipment or appliances, or parts thereof, not in working condition.

**BOARD OF APPEALS.** The body established under ss. 62.23(7)(e), Wisconsin Statutes, for towns and designated "Board of Appeals".

**BOARDING HOUSE.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 5 or more persons not members of a family, but not exceeding 20 persons and not open to transient customers.

**BOAT LIVERIES.** Establishments offering the rental and repair of boats and fishing equipment.

**BOATHOUSE.** A residential accessory building designed and used for storage of boats and boating accessories belonging to the resident. A boathouse shall not be used for storage of land vehicles, lawn, garden or shop equipment or supplies.

**BUILDING GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**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 gable roofs.

**BUILDING SITE AREA.** The ground area of a building or buildings, together with all open spaces required by this chapter.

**BULKHEAD LINE.** A geographic line along a reach of a navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to ss. 30.11, Wisconsin Statutes, and which allows complete filling on the landward side, except where such filling is prohibited by the floodway provisions of this chapter.

**CAMPGROUNDS.** Any premises established for overnight habitation by persons using equipment designed for the purposes of temporary camping and for which a fee is charged.

**CERTIFICATE OF COMPLIANCE.** A certification issued by the zoning administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

**CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**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 an individual apartment may be offered for sale instead of for rent.

**CONE OF DEPRESSION.** The area around a well in which the water level has been lowered at least one tenth (1/10) of a foot by pumping of the well.

**CONSERVANCY AREA.** An area of land where the water table is generally at, near or above the land surface.

**COUNTY TECHNICAL GUIDE.** The County Technical Guide developed primarily by the USDA Natural Resources Conservation Service to protect soil and water resources consists of standards designed to minimize negative impacts of agricultural production practices. The Technical Guide was adopted by the County Land Conservation Committee (hereafter LCC) on November 7, 1977. It is amended from time to time as standards are revised based on current research.

**DAY CARE OR CHILD CARE FACILITY.** For the purpose of this code a day care or child care facility shall have the same definition as contained in ss. 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 sewage disposal systems or water supply facilities.

**DISTRICT.** A designated area of Town of Stettin for which the regulations governing the use of the land and buildings are uniform.

**DOG KENNEL, BREEDING AND/OR BOARDING.** More than three (3) dogs and not more than twelve (12) dogs that are more than six (6) months old and/or a business where dogs are bred and sold and/or boarded, cared for, and/or trained, generally for a fee.

**DOG KENNEL, PRIVATE.** Three or less dogs that are more than 6 months old.

**DOG KENNEL, STRUCTURE.** The pen(s), run(s), and accessory structure(s) associated with land used for the harboring of dogs.

**DRAINAGE SYSTEM.** One or more artificial ditches, tile drains or similar devices which collect surface runoff on ground water and convey it to a point of discharge.

**DWELLING.** A building or portion thereof designed exclusively for residential occupancy, including one family, two family and multiple family dwellings.

**ENCROACHMENT.** An encroachment is any fill, structure, building, accessory use, principle use or development in the floodway.

**EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

**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.

**FARM CONSOLIDATION.** The process of joining small plots of land together to form larger farms or bringing scattered units together to form large fields.

**FARM OPERATOR.** An owner occupant of a parcel of land as defined in ss. 91.01 (6) Wisconsin Statutes.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

**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.

**FENCE.** A structure usually serving as an enclosure, barrier, or boundary, usually made of posts, boards, wire, or rails.

**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.

**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 ss. 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.

**HABITABLE STRUCTURE.** Any structure, or portion of a structure, used or intended to be used for permanent or intermittent human occupancy.

**HEARING NOTICE.** A publication or posting meeting the requirements of Ch. 985, Statutes.

**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 percent 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, non-retail cabinet making, real estate brokerage or photographic studios.

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

**HOUSEBOAT.** A water craft intended for temporary occupancy.

**HUSBANDRY, High Density.** Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of more than one animal unit per acre, and 500 or more animal units total. This type of facility requires livestock facility licensing in accordance with Marathon County licensing regulations.

**HUSBANDRY, Low Density.** Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit per acre, and less than 500 or more animal units total.

**HUMAN HABITATION.** The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

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

**LAND USE.** Any nonstructural use made of unimproved or improved real estate. Also see: "DEVELOPMENT".

**LANDING.** A platform at the end of a flight of stairs.

**LIVESTOCK FACILITY.** A feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained or stabled of a total of 45 days or more in any 12-month period. (See ATCP 51 WAC.)

**LOT.** A parcel of land occupied or designed to be occupied by one principal structure or use and its accessory structures or uses, including the open spaces required by this chapter, 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 chapter 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, FRONTAGE.** Lot Frontage is measured at the street lot line. When a lot has more than one lot line, lot frontage shall be measured from the street access side, and the minimum lot width required by this Chapter shall be provided at each such line. All lots shall have a minimum 66 feet of lot frontage at the front property line unless noted in the zoning district.

**LOT, WATERFRONT.** Any lot where any developments including stairs, grading, tree-cutting, etc. are taking place within 100 feet of the OHWM (for the purpose of determining fees as outlined in ss. 2.15 of this Code).

**LOT, WIDTH.** For the purpose of this chapter 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.

**MOBILE HOME OR MANUFACTURED HOME.** (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. “Mobil Home” includes the Mobile home’s structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying the manufacturer’s warranty.

(2) “Manufactured Home” means either of the following:

- (a) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- (b) A structure which meets all the requirements of par. (a) except the size requirements, and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of Housing and Urban Development and complies with the standards established under 42USC 5401 to 5425.

**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 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 park shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

**MOTEL OR TOURIST CABIN.** A building or group of buildings which contain living or sleeping accommodations used primarily for transient occupancy, and has individual entrances from outside the building to serve each such living or sleeping unit.

**"NGVD" or NATIONAL GEODETIC VERTICAL DATUM.** Elevations referenced to mean sea level datum, 1929 adjustment.

**NAVIGABLE WATERS.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952) & DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)].

**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 well-being 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.

**OCCUPANCY PERMIT.** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

**OPEN SPACE USE.** Those uses having a relatively low flood damage potential and not involving structures.

**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 automobiles or other vehicles or storage for the purpose of repair or wrecking.

**PARK (MODEL) UNIT.** A structure resembling a mobile home or manufactured home in construction and design, generally having less than 400 square feet of total floor area, and not a travel trailer due to its inability to be towed by conventional cars or trucks.

**PASTURE.** Grazing animals on growing vegetation with no supplemental feed at up to five animal units per acre. Also rotational grazing systems designed periodically to exceed five animal units per acre, which comply with the standards in the County Technical Guide adopted by the Land Conservation Committee.

**PERSON.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**PIER.** Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

**POND.** A seasonal or permanent body of water, created by excavation, by dike construction or by a combination of both. The only ponds within this definition subject to shoreland regulations by this chapter are those which have been excavated within 500 feet of a navigable body of water under ss. 30.19, Wis. Stats., or which are navigable in fact. Pursuant to ss. 30.19, Wis. Stats., ponds constructed within 500 feet of navigable waters are defined as public waters.

**PRIVATE SEWAGE SYSTEM/PRIVATE ON-SITE WASTE TREATMENT SYSTEM (POWTS).** For the purpose of this code a private sewage system shall have the same definition as contained in ss. 145.01(12) Stats.

**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.

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

**REACH, HYDRAULIC.** A hydraulic reach along a river or stream is that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface

profile and may be caused by bridges, dams, expansion and contraction of the water flow and changes in stream bed slope or vegetation.

**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.

**RECREATIONAL FACILITY, INDOOR.** An establishment that provides for commercial recreational uses conducted entirely within a structure, i.e. indoor batting cages, indoor golf ranges, indoor paintball/archery/shooting ranges, indoor go cart track, indoor commercial skating rinks.

**RECREATIONAL FACILITY, OUTDOOR.** A recreational land use conducted outside of a structure.

**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 ACADEMY.** An academy for the teaching of riding without any boarded horses.

**RIDING STABLE.** A building or premises used for the rental, leasing or boarding of horses for hire.

**ROADSIDE STAND.** A structure having a ground area of not more than 300 sq. ft., readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products more than 1/2 of which were produced on the premises or adjacent premises. There shall not be more than one such roadside stand on any single premise.

**SETBACK LINE / BUILDING LINE.** The minimum allowable distance from a given point or line of reference, such as a thoroughfare right-of-way, water line or property line to the nearest vertical wall or other element of a building or structure.

**SHOPPING CENTER.** A group of contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off street parking facilities.

**SHORELANDS.** Lands within the following distances from the ordinary high water mark of navigable waters as defined in ss. 144.26, Wis. Stats.: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**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. See Subchapter 6.

**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 and preparation of either meat products, by-products or both.

**SPECIAL EXCEPTION.** Uses which may be permitted in a district through the granting of a special exception by the Town Board, upon finding by the Town Planning Commission that specified conditions are met. The term “special exception” replaces the term “conditional use” in previous ordinances.

**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 purposes of maintenance.

**STRUCTURAL ALTERATIONS.** Any changes in the supporting members of a structure such as bearing walls, columns, beams or girders, footing and piles.

**STRUCTURE.** Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which 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. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, buses, and motor homes.

**STRUCTURE, ACCESSORY.** A structure which is incidental or subordinate to the principal structure on the same parcel and may be desirable but not necessary for the use of the parcel as permitted by this code. In residential districts accessory structures shall be of similar construction to the principal structure.

**STRUCTURE, MINOR.** A structure not requiring a zoning permit, and shall include any small easily movable construction and any structure which has a footprint of not more than 200 square feet. Minor structures must meet all setbacks for the zoning district in which they are located with the exception of school bus waiting shelters. Small easily movable accessory structures include but are not limited to objects such as bird houses, play equipment, tree houses, lawn ornaments, mail boxes, farm calf hutches, deer stands (without living quarters, plumbing or running water), outside wood stoves/boilers and other hand movable objects such as picnic tables, grills, etc. Note: Wis. Admin. Code requires counties to issue permits for all structures in floodplain

**STRUCTURE, NONCONFORMING.** A structure erected prior to the effective date of this chapter or amendment thereto, that conforms to use limitations but does not conform to dimensional or other standards including setbacks, floor area, parking, distance, or flood proofing.

**STRUCTURE, PRINCIPAL.** A structure which contains or is directly related to the main use of the property on which it is located, conforms to the purpose section of the zoning district in which it is or is to be located and is a structure listed as a permitted or special exception in the zoning district. Only one principal structure is permitted on each lot or parcel.

**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 nonstructural components.

**TOURIST COURT.** See MOTEL.

**TOWN PLANNING COMMISSION.** A Town planning commission authorized by ss. 62.23(1), Wisconsin Statutes.

**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 purposes of this chapter.

**USE, ACCESSORY.** A use customarily incidental 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.

**USE, NONCONFORMING.** Any building or land lawfully occupied by a use at the effective date of this chapter or amendment thereto which does not conform after the passage of this chapter or amendment with the use requirements of the district in which it is situated.

**USE PRINCIPAL.** A principal use is the main use of land or building as distinguished from a subordinate or accessory use.

**UTILITIES.** Any public or private water supply, waste collection or disposal system including, but not limited to, septic systems, private and public wells and their attendant facilities, public sewage collection systems and treatment facilities.

**VARIANCE.** A departure from the dimensional standards of this chapter as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this chapter 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. (See also section 8.7)

**VISUAL CLEARANCE.** A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.

**WAREHOUSE - MINI.** Units rented to store residential personal property, sporting equipment such as snowmobiles & boats and other similar non-hazardous materials.

**WATERSHED.** The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

**WATER SURFACE PROFILE.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

**WELL.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

**WETLANDS.** Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**WHARF.** Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

**YARD.** An open space on a lot which, except for vegetation or specified structures, is unoccupied and unobstructed from the ground up. On a parcel which has a conforming principal building, the street, side and rear yards are presumed to extend from the minimum setback line to the nearest point of the principal structure.

**YARD, REAR.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard.

**YARD, SIDE.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

**YARD, STREET.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance equal to the minimum highway setback specified for the existing or proposed class of highway. On corner lots, the street yard is determined by the street which is parallel to the long axis of the principal structure or is the yard fronting on the street for which the address is assigned.

**ZONING ADMINISTRATOR.** A person recommended by the Town Planning Commission and appointed by the Town Board to administer and enforce this ordinance.

**ZONING PERMIT.** Zoning permit as used in the Zoning Code is a certificate of the Zoning Administrator indicating that the proposed building or structure complies with all the provisions of the Zoning Code of the Town of Stettin. See Section 10.5.

## **GENERAL REGULATIONS**

### **2.1 JURISDICTION.**

The provisions of this chapter shall apply to the land, water, air and all structures both above and below ground within the unincorporated areas of the Town of Stettin.

### **2.2 COMPLIANCE.**

- (1) No structure, land, water or air shall hereafter be used without full compliance with the provisions of this chapter and all applicable local, County and State regulations. No structure (with the exception of certain minor structures), or part thereof shall hereafter be located, erected, moved, reconstructed or altered and no substantial land use change made without a zoning or special exception permit. The Zoning Administrator shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations and enforce the provisions of this chapter. The Zoning Administrator shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of identification, he shall procure a special inspection warrant in accordance with ss. 66.122, Wis. Stats., except in case of emergency.

No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the Zoning Administrator nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to Town Planning Commission.

Where issuance of an after-the-fact permit or approval would have the effect of correcting a violation it may be granted if all conditions required for issuance can be complied with.

- (2) Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this code and obtain all necessary permits. State agencies are required to comply if ss. 13.48(13), Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when ss. 30.12(4)(a), Stats., applies.

- (3) Either Town of Stettin or any owner or owners of property within the district affected by a particular regulation may sue to enforce by injunction order compliance with this chapter.

### **2.3 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 stated in this chapter 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 Zoning Administrator.

- (3) UNCLASSIFIED USES. In case of a question as to the classification of a use, the question shall be submitted to the Town Planning Commission for determination. Uses already classified in any district are not eligible for a determination.

## 2.4 NONCONFORMING STRUCTURES AND USES.

- (1) Pre-existing structures - dimensional non-conformance.
  - (a) Structures erected prior to the effective date of this chapter or amendment thereto which are conforming to this chapter as to use but do not conform to dimensional rules (setbacks, height, yard spaces, separation, etc.) and which are proposed to be altered are subject to the following requirements:
    - 1. Repairs and improvements of a maintenance nature are allowed.
    - 2. Alterations, additions and expansions which change the exterior dimensions of the structure and which conform to the dimensional rules of this chapter and other applicable regulations are allowed.
    - 3. Alterations, additions and expansions which change the exterior dimensions of the structure and which do not conform to this chapter, but which do not increase the dimensional non-conformity beyond that which existed before the work commenced may be allowed provided that they do not exceed 50 percent of the equalized assessed value of the structure and a special exception permit is granted by the Town Board, taking into consideration recommendations of the Town Planning Commission.
    - 4. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
- (2) Pre-existing uses and structures - use nonconformance.
  - (a) Land uses or uses of structures which were lawfully established prior to the effective date of this chapter or amendment thereto which are nonconforming as to use may be continued, provided that:
    - 1. If a nonconforming use is discontinued for a period of 12 months, any future use of the property shall be in conformity with this chapter.
    - 2. Nonconforming uses shall be subject to the provisions of Section 2.4(1) as to any dimensional nonconformity and Section 2.4(3).
- (3) Pre-existing structures and uses - other standards and requirements.
  - (a) When a structure which is nonconforming as to dimensional standards or a structure containing a nonconforming use is demolished, removed, or damaged to the extent of more than 50% of its current equalized assessed value it shall not be restored except as a conforming use and at a conforming location.

- (b) Mobile homes and other structures which are legally nonconforming in the zoning district in which they are located may be added to, provided the addition does not exceed 50% of the equalized value of the original structure at the time of application and a permit is issued by the Zoning Administrator for residential uses and a Special Exception Permit is granted by the Town Board, taking into consideration recommendations of the Town Planning Commission for all non-residential uses.
- (c) Any alteration or repair to any structure which is nonconforming as to use or dimensions and is located within a floodplain shall comply with Section 4.16 of this chapter.
- (d) The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a structure or use.
- (e) The effective dates for application of the nonconforming structure or use provisions are the date of Town Board approval of the Town Zoning map or map amendment.
- (f) Existing Special Exception Uses. All uses existing on the effective date of this chapter which would be classified as special exceptions in the particular zoning district concerned, if they were to be established after the effective date of this chapter, are hereby declared to be conforming special exceptions to the extent of the existing operation only. Any proposed change in the existing use, and any vertical or horizontal enlargement of a nonmetallic mine shall be subject to the special exception procedures as if such use were being established anew.

## 2.5 ACCESSORY USES AND STRUCTURES.

- (1) Accessory structures and uses customarily incidental to and compatible with permitted principal structures and uses shall be permitted subject to the district requirements, unless a special exception permit is granted by the Town of Stettin Board, taking into consideration the recommendations of the Town Planning Commission.
- (2) No accessory building or structure shall be erected or altered or moved to a location within the required area of a front or side yard. In a C-1, C-2, M-1, or M-2 district rear yard setbacks for an accessory structure shall comply with the requirements for the principal structure for the district. An accessory building, structure or use in a rear yard shall be not less than 10' 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) Accessory building(s) cannot exceed a total of 2500 square feet and no more than 3 accessory buildings in total in the following districts: RS 1/40, RM, RP, RR, and A-1. Accessory building or buildings greater than 2500 square feet may be granted as a special exception.
- (4) In AE and A-4 districts, no more than 6 accessory buildings are permitted on any one parcel without the granting of a special exception. Examples of accessory buildings include: detached garage, pole barn, carport, or single-family residence (in an agriculture district). Accessory structures such as silos and granaries do not apply to the limit of accessory buildings.
- (5) In A-3 districts, accessory use means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incident to, an agricultural use.

(c) A farm residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(e) Non-farm residences that meet the requirements of §91.46(2), Wis. Stats.

## 2.6 AREA REGULATIONS.

(1) **LOT REDUCTION.** After adoption of this chapter, no lot area shall be reduced so that the area, dimensional and yard requirements of this chapter cannot be met.

(2) **EXISTING LOT.** Lots existing and of record prior to the adoption of this chapter or the establishment or change of zoning districts, but of substandard size, may be devoted to uses permitted in the district in which located, providing the requirements of applicable Wisconsin Administrative Codes can be satisfied and further provided all dimensional setback requirements can also be satisfied. No existing lot shall have its boundaries altered in any way without the resulting parcel(s) being in full compliance with this code and the zoning district in which the parcel(s) are located. The Town Board, taking into consideration recommendations of the Town Planning Commission, may waive this requirement where there is not sufficient contiguous ownership to comply but where the parcel(s) to be created will be less nonconforming.

(3) **YARD AND OPEN SPACE REGULATIONS.**

(a) 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.

(b) Except as otherwise provided in this chapter, 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.

(c) The yard requirements stipulated elsewhere in this chapter may be modified as follows:

1. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed 6 feet and not closer than 3 feet to any lot line. Stairs leading to the OHWM shall not exceed four (4) feet in width. Landings on stairs leading to the OHWM shall not exceed six (6) feet by the width of the stairs and in no case shall the landing be larger than four (4) by six (6) feet.
2. Marquees, awnings and chimneys adjoining the principal building. Overhanging roof eaves and architectural projections may project into any required yard.
3. Ornamental light standards, flag poles, trees and outdoor fuel-dispensing equipment are permitted in any yard.
4. Residential fences are permitted on the property lines in residential districts but shall not, in any case, exceed a height of 6 feet. Fences shall not exceed a height of 4 feet in required street yards and shall not be closer than 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 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(d) 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' 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 now within 10' 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 8.3(2)(b) of this code. NOTE: Since this is a section dealing with rear yards, 'behind' implies 'toward the front of the lot'.

(e) 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 re-divided 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' wide.

2.7 HEIGHT REGULATIONS AND EXCEPTIONS.

- (1) Height of the following structures, except for airport regulations, may exceed 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 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 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 5 feet high, located within 500 feet of either side of the centerline of a landing strip and extended to a distance of 2 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 ss. 114.136(2)(b), Wis. Stats.

2.8 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 Town 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 for Class A highways shall be 110' from the centerline of the highway or 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 50 feet from the right-of-way line.
- (2) CLASS B HIGHWAYS.
  - (a) All County trunk highways are hereby designated as Class B highways. For the purpose of this chapter any road will be considered as a County trunk after it has been placed on the County trunk system by the County Board and approved by the State Department of Transportation.
  - (b) The setback for Class B highways shall be 83 feet from the centerline of such highway or 42 feet from the right-of-way line, whichever distance is greater. Buildings which were legally built at a setback of 75 feet to 83 feet from the centerline may be added to or rebuilt on the existing foundation subject to the limitations in Section 2.4(1)(a)4 and 2.10.
- (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 63 feet from the centerline of such highway or 30 feet from the 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.

2.9 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 200 feet of the proposed building site that are built to less than the required setbacks. 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 setback required in Section 2.8 shall be used to calculate the average. The average is not to include any building now within 10 feet of the right-of-way.

For the purpose of this section measurements shall be the shortest distance from the centerline or right-of-way to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions or 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.

- (2) Any modification of other highway setbacks may be permitted by the Board of Appeals according to the variance provisions of this chapter. See Section 2.6(3)(d) for modification of rear yard setbacks.

2.10 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 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 150 feet from a Class C highway intersection.
- (2) Within a vision clearance triangle, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of 2- 1/2 feet and 10 feet above the elevation of the street or highway grade at the centerline, except as provided in Section 2.11. Parking lots are prohibited within the vision clearance triangle.
- (3) The planting and harvesting of field crops is permitted but not so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision triangle from one highway or street to another.

2.11 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 is readily removable in its entirety. Additions to and replacement of all such structures may be made, provided the owner will file with the Zoning Administrator an agreement in writing that the owner will move or remove all new construction, additions and replacements erected after the adoption of this chapter 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 over ground structures.
- (4) The planting and harvesting of field crops, shrubbery and trees except that no trees, shrubbery or field crops, shall be planted so as to constitute a 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 County Highway Committee.
- (6) Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

2.12 MOBILE HOME LIMITATION

Within those districts contained in this code where mobile homes are allowed as independent dwelling units, the mobile home and the land upon which it is located shall be owned in common.

2.13 BUFFER ZONE

The expected close proximity of Commercial and/ Manufacturing Districts to Residential Districts make it necessary to regulate uses, structures and outside storage related to the operation of a business in such Commercial and/or Manufacturing District. Therefore no storage of materials, goods, supplies, or equipment related to the operation of a business in the Commercial and/or Manufacturing District shall be visible from an adjoining Residential District or the road right of way adjoining any Commercial or Manufacturing Zoned property.

## **SHORELAND REGULATIONS AND PROVISIONS**

### **3.1 JURISDICTION.**

Marathon County, through the Marathon County Zoning Department has jurisdiction over all shorelands and some wetlands in the Town of Stettin under Chapter 17 of the General Code of Ordinances for Marathon County. Marathon County has jurisdiction over wetlands which are located in the shoreland floodplain areas which are five acres or larger.

Shorelands shall include all lands within the following distances from the ordinary high-water mark of navigable waters as defined in ss. 30.10 and 144.26(2)(d), Wis. Stats.

- (1) One thousand feet from the ordinary high-water mark of a lake, pond or flowage. If the navigable water is a glacial pothole lake, the distance shall be measured from the high-water mark thereof.
- (2) Three hundred feet from the ordinary high-water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater.

These shorelands-wetlands provisions of Chapter 17 of the Marathon County General Code of Ordinances applies in all shorelands within the jurisdiction of that chapter which are designated as wetlands that are five acres or more in size on the wetlands inventory maps that have been adopted by the Marathon County Board and are on file in the office of the County Zoning Administrator.

## **DISTRICTS AND MAPS**

### **4.1 ZONING DISTRICTS.**

For the purpose of determining separation of uses, the RS-1/40, RR, RM, and RP are all considered to be residential districts. In A-1, AE, A-3 and A-4 when the principal structure is a residence the parcel shall be treated as a residential parcel for all use determinations and accessory structures, except that pole buildings are acceptable accessory structures in districts greater than 5 acres. When the parcel does not have a residence, and the principal structure is a farm structure, such as the main barn on a dairy farm, the parcel shall be treated as an agricultural parcel for all use determinations and accessory structures. The lands of the Town may be divided into the following districts:

RS-1/40	Single Family Residence District
RR	Rural/Residential District
RM	Multiple Family Residence District
RP	Planned Development Residence District
CP	Conservancy Protection District
RC	Recreation District
A-1	Agricultural District
A-3	Farmland Preservation Agricultural District
A-4	Agricultural Transition District
AE	Agricultural/Estate District
C-1	Light Commercial District
C-2	Commercial District
M-1	Light Industrial and Office District
M-2	Heavy Industrial District
FP	Floodplain Overlay District
HW	Highway Overlay District
SW	Shoreland-Wetland Overlay District

### **4.2 MAPS.**

These districts are shown upon the zoning map of the Town of Stettin, designated as the "Zoning Map of Town of Stettin, Marathon County, Wisconsin" and as said map is prepared and adopted by the town coming under this chapter, it thereby becomes a part of this chapter. All notations, references and other information shown upon the zoning map of the town shall be as much a part of this chapter as if the matter and the things set forth by the map are fully described herein.

### **4.3 BOUNDARIES OF DISTRICTS, EXCEPT FOR THE VARIOUS FLOOD AND SHORELAND-WETLAND BOUNDARIES.**

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' in depth.

#### 4.4 RS-1/40 RESIDENCE DISTRICTS.

- (1) **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 non-compatible 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.
- (2) **PERMITTED USES.**
  - (a) Single family dwellings designed for and occupied exclusively by one family, but not including a house trailer or mobile home.
  - (b) Churches, cemeteries subject to Wis. Stats ss. 157, public and parochial 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 kennels and 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
  - (h) Railroad right-of-way but not including switching, classification yards or sidings.
  - (i) Vending machines when the use is clearly an indoor accessory use to the primary use.
  - (j) Signs. (See Subchapter 6)
  - (k) Ponds subject to the conditions contained in section 4.11(3)(o). 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' vertical 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.
- (3) **SPECIAL EXCEPTIONS.** The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Town Board, taking into consideration recommendations of the Town Planning Commission after a public hearing.

- (a) Institutions of a charitable or philanthropic nature, day care or child care facilities, hospitals, 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 Establishment subject to Chapter 50, Wis. Stats.
- (e) Horses may be allowed on the following basis:
  - 1. Minimum lot size shall be 5 acres,
  - 2. One horse per 5 acres,
  - 3. Buildings for housing horses and barnyards shall be located not less than 200 feet from any property line.

(4) **HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.**

- (a) Height. Except as otherwise provided in this chapter, no building shall exceed a height of 35'. (See Section 2.7)
- (b) 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:
  - 1. One-story houses shall have a minimum floor space of 1,000 square feet exclusive of basement, breezeway, porch and garage.
  - 2. 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.
  - 3. No single side of any building used in whole or in part for residential purposes, shall be less than 24 feet in width.
- (c) Lot Area.
  - 1. For platted or unplatted lands in protected shorelands. (See Section 3.1.)
  - 2. For other platted or unplatted lands where public sewer is not available, the minimum lot area shall be determined by soil analysis according to the formulas of the Department of Commerce as contained in COMM 83 Wis. Adm. Code, but no such lot or building site shall have an area in the RS-1/40 of less than 40,000 sq. ft. or a width of less than 150' at the building line and a minimum of 66' of lot frontage.
  - 3. No building, together with its accessory buildings, shall occupy in excess of 30% of the area of any lot.

- (d) 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 25' and no single side yard shall be less than 10' wide. See Section 2.5(2).
- (e) Rear Yard. The minimum depth of any rear yard shall be 50' except on water front lots.
- (f) Setback Lines (Streets and Waterline). See Sections 2.8, 2.10 and 3.1.
- (g) Off Street Parking. See Sections 5.1-5.3

4.5 RR RURAL / RESIDENTIAL.

- (1) **PURPOSE.** The purpose of the RR district is to provide for and promote smaller lot residential living with some limited agricultural activities.
- (2) **LANDS INCLUDED IN THESE DISTRICTS.** This district is for the accommodation of rural parcels 40 acres or less in size.
- (3) **PERMITTED USES:**
  - (a) Any use permitted in RS 1/40 District
  - (b) One conventional single family dwelling provided all other conditions of this chapter and the Private Sewage System Code can be met.
  - (c) "Hobby" farms, forestry, bee keeping, plant nurseries, and noncommercial greenhouses and ponds subject to the conditions contained in 4.4(2)(1) of this chapter.
  - (d) 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.
  - (e) Garage and/or usual accessory buildings, private kennels.
  - (f) Public utility equipment such as telephone and electric power, distribution poles, towers and lines, including transformers. (See Section 7.1-7.9).
  - (g) Churches, cemeteries subject to Wis. Stats. 157, public and parochial schools, colleges and universities.
  - (h) Home occupation
  - (i) Limited farming including large pet/hobby animals, feed and vegetable crops and other similar enterprises or uses. There shall be no more than one animal unit per 2.5 acres.
- (4) **SPECIAL EXCEPTIONS:**
  - (a) Any Special Exception listed in RS 1/40 excluding 4.4(3)(e)

- (b) 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. (See Section 7.1-7.9).
  - (c) Signs, per Section 6.1-6.5.
  - (d) Bed and Breakfast establishment subject to Chap 254 Wis. Stats.
- (5) HEIGHT, YARD, AREA AND OTHER REQUIREMENTS.
- (a) Height, except as otherwise provided in this chapter, no building shall exceed a height of 35 feet. See Section 2.7.
  - (b) The minimum lot size shall be 2 acres. The minimum lot width shall be 150' at the building line and 66' at the lot frontage line.
  - (c) 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:
    - 1. One story houses shall have a minimum floor space of one thousand square feet, exclusive of basement, breezeway, porch and garage.
    - 2. Split level, two story and bi-level houses shall have a minimum floor space of fifteen hundred square feet, exclusive of basement, breezeway, porch and garage.
    - 3. No single side of any building shall be less than twenty four feet in width.
  - (d) Side Yards: There shall be a side yard provided on each side of the building. The aggregate width of side yards shall not be less than twenty five feet and no single side yard shall be less than ten feet wide. See Section 2.5(2).
  - (e) Rear Yard: The minimum depth of any rear yard shall be fifty feet except on water front lots.
  - (f) Setback Lines (Street and Water lines). See Section 2.8, 2.10, and 3.1.
  - (g) Off Street Parking: See Sections 5.1, 5.2, 5.3.

4.6 RM MULTIPLE FAMILY RESIDENCE DISTRICT.

(1) PERMITTED USES.

- (a) Any use permitted in the RS-1/40 Single Family Residence District.
- (b) Duplexes.
- (c) Retail consumer goods, sales and service conducted solely for the convenience of the resident of a multifamily development.
- (d) Bed and Breakfast Establishment subject to Chapter 50 Wis. Stats.
- (e) Home occupation.

(2) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Town Board, taking into consideration recommendations of the Town Planning Commission after a public hearing.

- (a) Boarding and rooming houses.
- (b) Day care or child care facilities.
- (c) Three family and larger multiple family dwellings. When reviewing applications for special exception the Board shall consider the following as minimum guidelines and may increase floor and lot areas but shall not reduce them unless municipal sewer and water is available:

<u>Number of families</u>	<u>Lot Area</u>	<u>Total heated living space</u>
2	40,000	1,200
3	50,000	1,800

For each additional family unit added, a minimum of 10,000 square feet shall be added to the lot area and 600 square feet shall be added to the heated living space.

- 1. When regulations of the Department of Commerce 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) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS NOT OUTLINED AS A SPECIAL EXCEPTION.

(a) Height.

- 1. For single family dwellings and duplexes the maximum building height shall be 35'.
- 2. For apartments the maximum building height shall be four stories.
- 3. See Section 2.7

- (b) Lot Area and Floor Area. 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-1/40 Single Family Residence District.
- (c) Side Yards. There shall be a side yard on each side of a building. The width of the side yards shall not be less than 25' for four (4) family units or smaller. Additional side yard equaling five (5) feet per family shall be added to the 25' base dimension. See ss. 2.5(2).
- (d) Rear Yard. The minimum depth of any rear yard shall be 50' for four (4) family units or smaller, except water front lots. Additional rear yard equaling ten (10) feet per additional family shall be added to the 50' base dimension.
- (f) Setback Lines. See Sections 2.8, 2.10 and 3.1.
- (g) Off Street Parking. See Sections 5.1-5.3.

4.7 RP RESIDENTIAL PLANNED DEVELOPMENT DISTRICT.

(1) PURPOSE.

- (a) 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.
- (b) 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 sewage disposal systems.
- (c) Such developments shall be site designed as a total unit development and may be developed by sub-units in accordance with the approved overall site plan.

(2) 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 in accordance with Section 9.4 of this chapter.

(3) PERMITTED USES.

- (a) Clustered single family lot developments.
- (b) Two family dwellings.
- (c) Multifamily dwellings.
- (d) Any permitted use in the RS-1/40 Single Family Residence District.
- (e) Accessory uses, structures and amenities in the approved development plan.
- (f) Home occupation

(4) SPECIAL EXCEPTIONS.

- (a) Retail consumer goods, sales and service.

(5) HEIGHT, YARD, AREA AND OTHER REQUIREMENTS.

- (a) Height. Except as otherwise provided in this chapter, no building shall exceed a height of 35'. See Section 2.7.
- (b) 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:

1. Minimum 1,200 sq. ft. for single family dwellings.
  2. Minimum 1,000 sq. ft. for row houses.
  3. Minimum 600 sq. ft. for each apartment.
- (c) Park Area. The minimum of open space or excess land not used for lots or streets shall be 20% 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 Town. 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.
- (d) Lot Area and Width.
1. For lots not served by public sewer, the minimum size shall be governed by Ch. COMM 83, Wis. Adm. Code, and the minimum width shall be 75' for single family residences and 150' for multiple family residences.
  2. For lots served by a public sewer, the minimum lot size shall be:
    - a. 8,000 sq. ft. for single family dwellings.
    - b. 4,000 sq. ft. for each row house or apartment.
  3. The minimum width shall be:
    - a. 65' for single family residences.
    - b. 120' for row house or apartment development.
- (e) Side Yards. There shall be a side yard on each side of a building having a minimum width of 10' except a corner lot shall have a side yard of 30' from the street right-of-way. See Section 2.5(2).
- (f) Rear Yard. The minimum depth of any rear yard shall be 50'.
- (g) Setback Lines.
1. Highways. See Section 2.8 and 2.10.
  2. Waterline. All buildings and structures, except piers, wharves, marinas and boathouses shall be setback at least 125' from all points along the ordinary high-water mark.

4.8 CP CONSERVANCY PROTECTION DISTRICT.

- (1) **PURPOSE.** The Conservancy Protection District provides for the protection of the environment and conservation of natural resources of this Town. Generally, this includes swamps, marshlands and areas where the highest groundwater is at or near the surface of the ground. The Conservancy Protection District is intended to provide a district similar to Section 17.35 of the Marathon County Zoning Code so that the Town may provide nearly uniform regulations in all designated.
- (2) **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) Hydroelectric power stations, dams and other structures for the use or control of flowing water.
  - (g) Open type shelters for public use and nonresidential 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 semipublic 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, refuges and habitat development.
- (3) **SETBACK LINES.** See Sections 2.8, 2.10 and 3.1.
- (4) **OFF STREET PARKING.** See Sections 5.1-5.3.

4.9 RC RECREATION DISTRICT.

- (1) **PURPOSE.** This district is intended to provide for the orderly and attractive grouping of outdoor recreation-oriented establishments, facilities and structures.
- (2) **PERMITTED USES.**
  - (a) Agriculture and other open land uses, including bee keeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
  - (b) Any use permitted in the Wetlands Protection District.
  - (c) One camping trailer, park unit, mobile camper or houseboat for temporary parking and living purposes for the caretaker or owner and his family only.
  - (d) Fish hatcheries and farm ponds subject to the conditions contained in Section 4.4(2)(1) of this chapter.
  - (e) Community buildings, private clubs and fraternities, except those whose principle 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, golf driving range, 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 6.1-6.5.
  - (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 principle 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.
- (3) **SPECIAL EXCEPTIONS.** The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Town Planning Commission.
  - (a) Amusement parks, including baseball batting ranges, commercial skating rinks, go-cart tracks, race tracks, miniature golf course or similar establishments.
  - (b) Concession stands.
  - (c) Dwelling, single family, providing it shall be an accessory to a principle use.

- (d) Gift and specialty shops customarily found in recreational areas.
- (e) Institutions of philanthropic or educational nature.
- (f) Marinas, boat liveries, sale of bait and fishing equipment. The service and repair of boats and motors.
- (g) Microwave radio relay structures, providing there would be no adverse effect on neighboring properties. (See Section 7.1-7.9).
- (h) Motels, hotels, resorts (including two or more seasonal single family dwellings for rent or lease).
- (i) Restaurants.
- (j) Recreation camps, youth camps and campgrounds, provided all buildings shall be more than 100' 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.
- (k) Riding stables and riding academies subject to the following:
  1. Equestrian trails shall be no closer than 150 feet from any property line or 200 feet from any residence other than that of the owner unless written approval is granted from the adjoining owner(s) for a lesser setback and approval is granted by the Town Board, taking into consideration recommendations by the Town Planning Commission.
  2. Stables, barns, corrals, and exercise yards shall be located no closer than 200 feet from any property line.
  3. Except in the RC Recreational District the hours of operation shall include only daylight hours.
  4. Except in the RC Recreational District no person other than a member of the resident family shall be employed on the premises.
  5. Animal unit densities shall be a maximum of one (1) horse per three (3) acres.
- (l) Sanitary landfill, provided no location shall be within 1/2 mile of the boundary of a Residence District and the operation shall be in full compliance with Ch. NR 51, Wisconsin Solid Waste Disposal Standards.
- (m) Shooting ranges.
  1. Trap and skeet ranges providing the owner of the trap or skeet range has 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.

- (n) Taverns.
- (o) Travel trailer parks, RV parks, primitive or developed campgrounds provided:
  1. The minimum size of a campground shall be five acres.
  2. The maximum number of camping spaces shall be 15 per acre.
  3. Minimum dimension of each camping space shall be 30' wide by 50' long.
  4. Each camping space shall be so located that there shall be at least a 15' clearance between spaces.
  5. There shall be 1 1/2 automobile parking spaces available for each camping space.
  6. In addition to setback line requirements of Section 2.8, 2.10 and 3.1 of this chapter, there shall be a minimum setback of 40' from all other exterior lot lines.
  7. Travel trailer parks shall conform to the requirements of Ch. HSS 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.
  8. Park units and all other structures and non-transient camping units shall obtain a zoning permit prior to placement and shall meet all shoreland and street setbacks and be provided with a state approved sewage disposal septic system when intended for human habitation.

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

- (a) Height. Except as otherwise provided in this chapter, no building shall exceed a height of 35'.
- (b) Lot Area. One acre minimum, with a minimum width of 150'.
- (c) 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 of no less than 600 sq. ft.
- (d) Side Yards. There shall be a minimum side yard of 25'.
- (e) Rear Yard. The minimum depth of any rear yard shall be 50', except on waterfront lots.
- (f) Setback Lines. See Sections 2.8, 2.10 and 3.1.
- (h) Off Street Parking. See Sections 5.1-5.3.

4.10 A-1 AGRICULTURAL DISTRICT

- (1) **PURPOSE.** The A-1 Agricultural district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as defined in the Town of Stettin Land Division Ordinance into 5 or more tracts, parcels or lots within a 5 year period.
- (2) **PERMITTED USES.**
  - (a) Any use permitted in the RS-1/40 Family Residence District and minor subdivisions as classified in the Town of Stettin Land Division Ordinance. (Certified surveys of no more than 4 lots within a 5 year period.)
  - (b) Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way.
  - (c) 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 Zoning Administrator or a duly appointed deputy, if the use is to exceed 30 days. Ponds which are outside the jurisdiction of shorelands described in Section 3.1. Ponds shall maintain a slope from the shoreline no greater than 3' horizontal to 1' vertical to a water depth of 6' when the pond is at its lowest level due either to seasonally fluctuating ground water levels or pumping for irrigation. Ponds exclusively for stock watering within an area fenced for livestock, with a surface area of 2,500 square feet or less, also with 3 foot horizontal to 1 foot vertical slopes (3:1), and with a maximum depth of 6 feet may be permitted. All 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 Marathon County Zoning Department for an inspection upon completion of the excavation.
  - (d) General farming, which complies with the Marathon County Animal Waste Ordinance and other applicable WI Admin. Codes and County ordinances including dairying, livestock and poultry raising. Where 500 or more animal units are proposed the rules contained in the Marathon County Livestock Facilities Licensing Ordinance Chapter 13 shall apply. Other agricultural activities such as nurseries, non-commercial greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that buildings for the housing of livestock or poultry shall be located as determined by the Livestock Facility Licensing Ordinance regardless of the number of animal units. Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 100' from any lake or stream. Where meeting this setback is impossible or impractical due to location of existing agricultural facilities, as verified by the Town Board, new buildings and building additions may be constructed at a lesser setback provided the degree of non-conformity is not increased. Animal units that are not regulated by ATCP 51, shall be limited to one animal unit per acre.

- (e) Forestry and forest products.
  - (f) 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. COM 83. Wis. Adm. Code, the sanitary requirements of Ch. 15 of the Marathon County General Code and has the written approval of the town board. This definition does not include cottages, campers, camping trailers or nonfarm 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 assignees.
  - (g) Hunting, fishing and trapping.
  - (h) Maple syrup processing plant.
  - (i) Signs. See Sections 6.1-6.5.
  - (j) Telephone, telegraph and power transmission and distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities. (See Section 7.1-7.9).
  - (k) Transient amusements such as music festivals carnivals and circuses shall require a temporary zoning permit.
  - (l) Uses customarily accessory to a permitted or agricultural use.
  - (m) Governmental uses such as town halls, garages, solid waste transfer stations and recycling collection centers or depots.
  - (n) Land spreading of municipal sewage sludge when done in accordance with and subject to the conditions contained in a permit from the Department of Natural Resources issued pursuant to Wis. Admin. Code NR 204.
  - (o) Home occupation.
- (3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use has been approved and a special exception permit granted by the Town Board, taking into consideration recommendations of the Town Planning Commission, after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter 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 when considering such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise, vibrations, operation of heavy vehicular equipment and increased traffic on public streets. Such uses shall also be subject to certain specific conditions as may be required.
- (a) Two-family dwellings.

- (b) Aircraft landing fields, basins and hangars providing the site area is not less than 20 acres.
- (c) Animal hospitals, and the boarding of animals when the provisions of (j i) below can be met.
- (d) Canneries
- (e) Cheese factories
- (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, for training, breeding or boarding, when located not less than 600' from any residential district or 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' between the boundary of any Residential District and the drive-in theater site, measured in a straight line.
- (k) Feedlots, provided buildings housing animals or poultry and barnyards or feedlots shall be located not less than 100' from any navigable water and are constructed in compliance with Chapter 11.02 of the Marathon County code of Ordinances *Animal Waste and Manure Management Code*.
- (l) Fish hatchery including fishing for a fee (commercial).
- (m) Fur farms, pea viners and charcoal kilns, when located not less than 1,000' from any residential building other than that of the owner of the premises, his agent or employee and not less than 1,000' 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 and dog field trial grounds.
- (r) Medical, correctional or charitable institutions.

- (s) Nonmetallic Mining. The application for the special exception permit shall be subject to Chapter 21 of the General Code of Ordinances for Marathon County and ss. 4.15 of this ordinance.
  - (t) Nonresidential structures.
  - (u) 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.
  - (v) Commercial radio or TV broadcasting studio and/or tower and microwave relay towers. (See Section 7.1-7.9).
  - (w) Riding stables and riding academies subject to the requirements of Section 4.9(3)(k).
  - (x) Roadside stand.
  - (y) Boarding house or Bed and Breakfast establishment subject to Chapter 50 Wis. Stats.
  - (z) Institutions of a charitable or philanthropic nature, day care or child care facilities, hospitals, clinics and sanatoria, except contagious hospitals and mental institutions.
  - (aa) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.
- (a) Height. Except otherwise provided in this chapter, no building shall exceed a height of 35’. See Section 2.7.
  - (b) Lot Area. Buildings used in whole or in part for residential dwelling purposes which area hereafter erected or structurally altered shall be located on a lot having an area of not less than five acres outside of the road right-of-way, and no such lot shall be less than 210’ at the building line and a minimum of 66’ of lot frontage.
    - 1. Riding stable/Academy hereafter established shall be located on a parcel having a contiguous area of not less than 35 acres.
  - (c) 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:
    - 1. One-story houses shall have a minimum floor space of 1,000 sq. ft. exclusive of basement, breezeway, porch and garage.
    - 2. Split-level, two-story and bi-level houses shall have a minimum floor space of 1,500 sq. ft. exclusive of basement, breezeway, porch and garage.
    - 3. No single side of any building, used in whole or in part for residential purposes, shall be less than 24 feet in width.

- (d) Side Yards. There shall be a side yard provided on each side of the building. The aggregate width of side yards shall not be less than 25' and no single side yard shall be less than 10' wide. See Section 2.5(2).
- (e) Rear Yard. The minimum depth of any rear yard shall be 50', except on waterfront lots.
- (f) Setback Lines (Street and Waterlines). See Sections 2.8, 2.10, and 3.1.
- (g) Off Street Parking. See Sections 5.1 – 5.3.

4.11 A-3 FARMLAND PRESERVATION AGRICULTURAL DISTRICTS.

- (1) **PURPOSE.** The A-3 Farmland Preservation Agricultural District is intended to: preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses, control public service costs, maintain a viable agricultural base to support agricultural processing and service industries, prevent conflicts between incompatible uses, reduce costs of providing services to scattered non-farm uses, space and shape urban growth, implement the provisions of the Town agricultural plan when adopted and periodically revised, and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under ss. 71.09(11), Wis. Stats.
- (2) **LANDS INCLUDED WITHIN THIS DISTRICT.** This district is generally intended to apply to lands which are limited to exclusive agricultural use, including: lands historically exhibiting good crop yields or capable of such yields, lands which have been demonstrated to be productive for dairying, livestock raising and grazing, other lands which are integral parts of such farm operations, land used for the production of specialty crops such as cranberries, ginseng, mint, sod, fruit and vegetables, and lands which are capable of productive use through economically feasible improvements such as irrigation.
- (3) **PERMITTED USES**
  - (A). For parcels with residential structures existing prior to January 1, 2014:
    - (1) One conventional single family dwelling, or duplex, provided all other conditions of this chapter and the Private Sewage System Code can be met.
    - (2) Mobile homes and Manufactured homes.
      - (a). One mobile home or manufactured home containing less than 1,000 square feet used for habitation which is not the primary place of residence shall be permitted as an accessory building on an operating farm providing:
        - (1) A determination is made in writing by the Town Planning Commission, or the Town Board in the absence of a Town Planning Commission, that one or more of the occupants of the mobile home derives a substantial portion of their livelihood from the farm operation and/or substantially participates in the operation of the farm, and provided that each mobile home is provided with proper skirting or a foundation.
        - (2) More than one mobile home on the property may be permitted with a special exception permit from the Town Board pursuant to a recommendation from the Town Planning Commission.

- (b) The temporary use of a mobile home, 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 the mobile 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 home.
- (B). For parcels with residential structures built or erected after January 1, 2014:
- (1) Farm residences which include a single family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
    - (a). An owner or operator of the farm.
    - (b). A parent or child of an owner or operator of the farm.
    - (c). An individual who earns more than 50% of his or her gross income from the farm.
  - (2) All non-farm residences require a conditional use permit and must meet the requirements of §91.46(2) or (3), Wis. Stats.
- (C) Single family dwelling, in addition to permitted residences in sub. (3)(a) and (b), providing one or more of the occupants is a parent or child of the operator of the farm, or when the dwelling is to be the retirement home of the present farm operator.
- (D) Pole buildings, garages, private kennels, and any other buildings necessary to the farm operation or permitted residential uses.
- (E) 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.
- (F) Agricultural use which includes any of the following activities that are conducted for the purpose of producing an income or livelihood:
- 1. Crops or forage production.
  - 2. Keeping livestock.
  - 3. Beekeeping.
  - 4. Nursery, sod, or Christmas tree production.
  - 5. Floriculture.
  - 6. Aquacultural.
  - 7. Forest Management.
  - 8. Enrolled land in a federal agriculture commodity payment program or federal or state agricultural land conservation program.

However, any agricultural use must comply with the Marathon County Animal Waste Ordinance and other applicable WI Admin. Codes and County ordinances including dairying, livestock and poultry raising. Where 500 or more animal units are proposed, the rules contained in the Marathon County Livestock Facilities Licensing Ordinance Chapter 13 shall apply.

- (G) Other agricultural activities provided any activity is an integral part of, or incidental to an agricultural use such as seasonal sale of seed and fertilizer, hunting, fishing, trapping, home occupations, riding stables or riding academies (pursuant to Section 4.9(3)(k) of this guide), and other similar enterprises or uses, except farms operated the disposal or reduction of garbage, sewage, rubbish or offal; provided that buildings for the housing of livestock or poultry shall be located as determined by the Livestock Facility Licensing Ordinance regardless of the number of animal units.  
Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 100' from any lake or stream. Where meeting this setback is impossible or impractical due to location of existing agricultural facilities, as verified by the Town Board, new buildings and building additions may be constructed at a lesser setback provided the degree of non-conformity is not increased. Animal units that are not regulated by ATCP 51, shall be limited to one animal unit per acre.
- (H) Game management.
- (J) Maple syrup processing plant.
- (K) Sawmills. When located 500' minimum distance from any residence other than that of the owner.
- (L) Signs. Signs not to exceed 15 sq. ft. 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 Sections 6.1-6.5 of this chapter.
- (M) Public utility equipment such as telephone and electric power, transmission and distribution poles, towers and lines, including transformers. (See Section 7.1-7.9).
- (N) Farm ponds and flowage areas which are outside the jurisdiction of shorelands described in ss. 3.0. Farm ponds shall maintain a slope from the shoreline no greater than 3' horizontal to 1' vertical to a water depth of 6' when the pond is at its lowest level due either to seasonally fluctuating ground water levels or pumping for irrigation. Ponds exclusively for stock watering within an area fenced for livestock, with a surface area of 2,500 square feet or less, also with 3' horizontal and 1' vertical slopes (3:1), and with a maximum depth of 6 feet may be permitted. All ponds shall be located at least 30' from any property boundary or R/W line, 50' from any septic system drainfield 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 Marathon County Zoning Department for an inspection upon completion of the excavation.
- (O) Land spreading of municipal sewage sludge when done in accordance with and subject to the conditions contained in a permit from the Department of Natural Resources issued pursuant to Wis. Admin. Code NR 204.

- (4) SPECIAL EXCEPTIONS. Provided the conditional use meets the requirements of Chapter 91 of the Wisconsin Statutes, the following are special uses permitted when the location of the use has been approved and a special exception permit has been granted by the Town Board, taking into consideration recommendations of the Town Planning Commission, after a public hearing.

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

- (a) Canneries.
- (b) Cheese factories.
- (c) Condenseries.
- (d) Creameries.
- (e) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- (f) Facilities used to provide veterinarian services for livestock.
- (g) Facilities used in processing of agricultural products.
- (h) Fish hatchery (commercial).
- (i) Fur farms when located not less than 1,000' from any residential building other than that of the owner of the premises, his agent or employee.
- (j) The establishment of farms with a total land contiguous land area of less than 35 acres or exceeding one animal unit per acre. Provisions for approval must include a suitable manure disposal plan, barnyard runoff and compliance with all other Town, County and Administrative Code provisions.
- (k) Land disposal of waste material other than agricultural waste and sanitary landfill, provided no location shall be within 1/2 mile of the boundary of any residence district and the operation shall be in full compliance with Ch. NR 214 and 500-524, or other applicable NR Codes.
- (l) Animal hospitals and the boarding of animals provided they are primarily for the servicing of livestock.

- (m) Feedlots, provided buildings housing animal or poultry and barnyards or feedlots shall be located not less than 100' from any navigable water and are constructed in compliance with Chapter 11.02 of the Marathon County Code of Ordinances Animal Waste and Manure Management Code.
- (n) Garden or nursery store.
- (o) Grain elevators (commercial).
- (p) Housing for migrant workers provided it is certified under §103.92, Wis. Stats.
- (q) A transportation, communications, pipeline, electric transmission, utility, or drainage use if the Town determines that all of the following apply:
  - 1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate considering alternative locations, or are specifically approved under state or federal law.
  - 3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
  - 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (r) A governmental, institutional, religious, or nonprofit community use if the Town determines that all of the following apply:
  - 1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - 3. The use is reasonably designed to minimize the conversation of land, at and around the site of the use, from agricultural use or open space use.
  - 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- (s) Nonmetallic mineral extraction if the Town determines that all of the following apply:
1. The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
  2. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  3. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
  4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  5. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  6. The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

- (t) Hunting and fishing shelters require a conditional use permit and must comply with the non-farm residence requirements of §91.46(2), Wis. Stats. These structures, sometimes referred to as "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 provision of Ch. COMM 83, Wis. Adm. Code, the sanitary requirements of Ch. 15 of this General Code and has the written approval of the town board. This definition does not include cottages, campers, camping trailers or nonfarm 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 and the Wisconsin Farmland Preservation Law. The recorded statement shall be made binding on all heirs and assignees.

(5) CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS.

- (a) Upon a consideration of information supplied at the public hearing and a review of the standards contained in sub. (4), the following conditions may be attached to the granting of a special exception: increased setbacks and yards; specifications for water supply, liquid waste and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this chapter. Violation of these conditions shall constitute a violation of this chapter as provided in Section 9.12.

(6) HEIGHT, YARDS, AREA REQUIREMENTS.

(a) Lot Area.

1. The minimum lot size to establish a residence or farm operation is 35 contiguous acres.
2. The minimum lot size shall be one acre to establish a separate parcel for an additional residence for parents or children of the farm operator, or for persons earning more than 50% of their gross income from the farm operation.
3. Where an additional residence for persons specified in subpar. 2. above is located on a farm without creating a separate parcel, the residence shall be at least 40' from other residences.
4. The minimum lot size for farm residences with or without structures which are separated from a large parcel through farm consolidation shall be one acre outside of the road right-of-way and shall not be less than 150' wide at the building line and road right-of-way. No lot shall be created such that the existing structure or the septic system serving the structure becomes nonconforming due to the property boundary setbacks or other minimum setbacks.
5. Lots or parcels having less than 35 acres that legally existed prior to the Town Board's approval of this section may be developed pursuant to Section 2.6(2) of this Code.

A lot having an area of more than one acre and less than 35 acres may be reduced to a minimum of one acre provided there is no net increase in the number of lots. Minimum lot width shall be 150 feet at the building line. Minimum frontage on a public highway shall be 66 feet. No lot shall be reduced in a way that creates substandard dimensions or setbacks for structures, private sewage systems, or other regulated features. Reductions in lot area shall comply with the provisions of Chapter 18, "Marathon County Land Division Regulations".

Any non-farm residence built or erected on the lot must be issued a conditional use permit provided it does not:

- A. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a wood lot, from agricultural use if on the farm there is a reasonable alternative location or size for a non-farm residential parcel or non-farm residence.
- B. Significantly impair or limit the current or future agricultural use of other protected farmland.

- (b) Height.
  - 1. The maximum height of a farm dwelling shall not exceed 35'.
  - 2. The maximum height of other structures shall meet the provisions of Section 2.7 of this chapter.
- (c) Side Yards. There shall be a side yard provided between each building and the property line of no less than 20'.
- (d) Rear Yard. The minimum depth of any rear yard shall be 50', except on waterfront lots.
- (e) Setback Lines. See Sections 2.8, 2.10 and 3.1
- (f) Off Street Parking. See Sections 5.1-5.3.
- (g) 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, provided that this regulation shall not apply to mobile homes permitted as accessory buildings on operating farms:
  - 1. One-story houses shall have a minimum floor space of 1,000 square feet exclusive of basement, breezeway, porch, and garage.
  - 2. 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.
  - 3. No single side of any building used whole or in part for residential purposes, shall be less than 24 feet in width.

(7) STANDARDS FOR REZONING.

Land may be rezoned out of A.3 without having the rezone certified under §91.36, Wis. Stats. if, after a public hearing, all of the following apply:

- (a) The land is better suited for a use not allowed in the farmland preservation zoning district.
- (b) The rezoning is consistent with any applicable comprehensive plan.
- (c) The rezoning is substantially consistent with the county certified farmland preservation plan.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (e). Adequate public facilities to serve the proposed development are present or will be provided.

- (f) Provisions of these facilities will not be an unreasonable burden to local government.
- (g) The land is suitable for the proposed development.
- (h) The proposed development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.
- (i) The need of the proposed development location in an agricultural area.
- (j) The availability of alternative locations.
- (k) The productivity of the agricultural lands involved.
- (l) The location of the proposed development to minimize the amount of agricultural land converted.

The Town shall by March 1 of each year provide to the department a report of the number of acres that the Town has rezoned out of a farmland preservation zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.

The Town shall by March 1 of each year submit a copy of the information that it reports to the department under sub. (2) to Marathon County.

4.12 A-4 AGRICULTURAL TRANSITION DISTRICT.

- (1) **PURPOSES.** The purposes of the A-4 District is to: provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion; defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; ensure that urban development is compatible with local land use plans and policies; provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:
  - (a) A minimum of every two (2) years.
  - (b) Upon completion or revision of a town agricultural preservation plan or land use plan which affects lands in these districts; or
  - (c) Upon extension of public services such as sewer and water, necessary to serve urban development.
- (2) **LANDS INCLUDED WITHIN THIS DISTRICT.** This district is generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space use but where conversion to nonagricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar lands are to be included.
- (3) **PERMITTED USES.** Same as Section 4.11(3), Farmland Preservation Agricultural District (A-3) including the treatment of mobile homes as dwellings.
- (4) **SPECIAL EXCEPTIONS.** Same as Sections 4.11(4) and (5), Farmland Preservation Agricultural District (A-3). In addition, hunting grounds, game reserves (commercial) and dog field trial grounds.
- (5) **MINIMUM LOT SIZE, HEIGHT AND YARDS.** Same as Section 4.11(6), Farmland Preservation Agricultural District (A-3).
- (6) **STANDARDS FOR REZONING.** Same as Section 4.11(7), Farmland Preservation Agricultural District (A-3).

4.13 AE AGRICULTURAL / ESTATE

- (1) PURPOSE. The purpose of the AE district is to provide for and promote lower density residential living with some limited agricultural activities.
- (2) PERMITTED USES:
  - (a) One conventional single family dwelling provided all other conditions of this chapter and the Private Sewage System Code can be met.
  - (b) General farming, which complies with the Marathon County Animal Waste Ordinance and other applicable WI Admin. Codes and County ordinances including dairying, livestock and poultry raising. Where 500 or more animal units are proposed the rules contained in the Marathon County Livestock Facilities Licensing Ordinance Chapter 13 shall apply. Other agricultural activities such as nurseries, non-commercial greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that buildings for the housing of livestock or poultry shall be located as determined by the Livestock Facility Licensing Ordinance regardless of the number of animal units. Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 100' from any lake or stream. Where meeting this setback is impossible or impractical due to location of existing agricultural facilities, as verified by the Town Board, new buildings and building additions may be constructed at a lesser setback provided the degree of non-conformity is not increased. Animal units that are not regulated by ATCP 51 shall be limited to one animal unit per acre.
  - (c) "Hobby" farms, forestry, bee keeping, plant nurseries and noncommercial greenhouses and ponds subject to the conditions contained in 4.4(2)(k) of this chapter.
  - (d) 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.
  - (e) Garage and/or usual accessory buildings, private kennels.
  - (f) Public utility equipment such as telephone and electric power, distribution poles, towers and lines, including transformers. (See Section 7.1-7.9).
  - (g) Churches, cemeteries subject to Wis. Stats 157, public and parochial schools, colleges and universities.
- (4) SPECIAL EXCEPTIONS:
  - (a) Riding Academy subject to Section 4.9(3)(k).
  - (b) Fish hatcheries.
  - (c) Dog kennels, for training, breeding and boarding.
  - (d) Livestock and poultry confinement farms, feedlots and fur farms.

- (e) 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. (See Section 7.1-7.9).
  - (f) Signs, per Sections 6.1-6.5.
  - (g) Home occupations and home professions.
  - (h) Bed and Breakfast establishment subject to Chap 254 Wis. Stats.
- (5) HEIGHT, YARD, AREA AND OTHER REQUIREMENTS.
- (a) Height requirements, front, side, and rear yard requirements, and floor area requirements shall be the same as described in Section 2.7.
  - (b) The minimum lot size in the AE district shall be 10 acres. The minimum lot width shall be 200' at the building line and a minimum of 66' of lot frontage.
  - (c) All lot areas shall be calculated according to Section 2.6(4) of this chapter which excludes road right-of-ways and other easements which are more than 20' wide from the total lot area.

4.14 C-1 LIGHT COMMERCIAL DISTRICT.

- (1) **PURPOSE.** The C-1 Light Commercial district is intended for small sites which purpose falls between the uses permitted in the Residential and C-2 Commercial Districts. This District encourages the provision of small scale retail and service uses. Uses in this District are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be compatible with the surrounding residential areas.
- (2) **PERMITTED USES.**
  - (a) Small Appliance Repair
  - (b) Hair Salons
  - (c) Professional Offices such as Accounting, Computer Services
  - (d) Crafts and/or Handicrafts
  - (e) Sewing and Alterations
  - (f) Dressmaking
  - (g) Bicycle Repair
- (3) **SPECIAL EXCEPTIONS.** The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Town Board, taking into consideration recommendations of the Town Planning Commission, after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter 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.
  - (a) Pet services, excluding Kennels
  - (b) Gift shops
  - (c) Photography Studio
  - (d) Garden shop
  - (e) Permitted accessory uses may include a single family residence.
- (4) **HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.**
  - (a) Height. Except as otherwise provided in this chapter, no building shall exceed 35 feet.
  - (b) Minimum lot size shall be 40,000 square feet.

- (c) Floor area: Amount of floor area designated for light commercial within a residential structure shall not exceed 25% of the total residential structures square footage, excluding any garage. Any separate structures exceeding 2,500 square feet site plan review by the Plan Commission.
  
- (c) Front Yard.
  - 1. There shall be a minimum front yard not less than 50' from the right of way.
  
- (d) Side Yards.
  - 1. Side yards shall be not less than 30' wide.
  - 2. There shall be a side yard not less than 40' wide along the side of any lot in a C-1 Commercial District which abuts the side lot line of a lot in a Residential District.
  
- (e) Rear Yard. There shall be a rear yard of not less than 30' in depth.
  
- (f) Existing structures: Shall be reviewed by a professional engineer or architect to meet the change of use standards in the International Existing Building Code as adopted by the State of Wisconsin.
  
- (g) Off Street Parking: Parking areas shall not exceed 8 stalls unless approved by Special Exception.

4.15 C-2 COMMERCIAL DISTRICT.

- (1) **PURPOSE.** This District is intended to promote business activities, such as general retail, commercial, personal and business services, and professional offices.
- (2) **PERMITTED USES.**
  - (a) Any uses permitted in a C-1 District
  - (b) Animal hospitals and clinics, except kennels
  - (c) Banks and financial institutions
  - (d) Business, office machines and supplies, sales and services
  - (e) Business or professional offices and clinics
  - (f) Barber and beauty shops
  - (g) Funeral homes
  - (h) Government services building
  - (i) Libraries and museums
  - (j) Meeting halls
  - (k) Photographer, photography studio
  - (l) Retail stores offering goods & services
  - (m) Indoor recreational facility
  - (n) Restaurant or cafe, except drive-in
  - (o) Signs, subject to Sections 6.1-6.5
  - (p) Accessory uses, such as parking, storage and product servicing or repair, clearly incidental to any part of the above uses
- (3) **SPECIAL EXCEPTIONS.** The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Town Board, taking into consideration recommendations of the Town Planning Commission, after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter 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.
  - (a) Any special exception listed in a C-1 district.

- (b) Single family dwellings
- (c) Amusement establishments and parks
- (d) Animal kennels
- (e) Auction room
- (f) Motor or recreational vehicle sales, service stations, repair, body shops, or car washes. All motor vehicle repair and service shall be conducted in an enclosed building
- (g) Day care or child care facilities
- (h) Drive-in restaurants or theaters
- (i) Farm machinery and equipment sales and service
- (j) Feed and seed stores
- (k) Hotels and motels
- (l) Mobile homes sales and service
- (m) Printing and duplicating facilities
- (n) Public utility and service facilities
- (o) Radio, TV and telecommunications towers (See Section 7.1-7.9).
- (p) Stadiums, auditoriums and arenas
- (q) Schools- i.e. music, dance, business or training
- (r) Taverns and outdoor sports facilities which are part of a tavern's operations
- (s) Wholesaling establishments
- (t) Wood Pallet establishment
- (u) Building materials and product sales
- (v) Mini warehousing, warehousing and storage other than accessory to permitted retail uses
- (w) Accessory uses, such as parking, storage and product servicing or repair, clearly incidental to any part of the above uses
- (x) Charging stations for charging electric vehicles.

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

- (a) Height: Except as otherwise provided in this chapter, no building shall exceed a height of 35'. 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 60' unless the Town Board, taking into consideration recommendations of the Town Planning Commission, approves a greater height. See Section 2.7.
- (b) Lot area. The minimum lot area shall be 40,000 sq. ft. and the minimum lot width shall be 150' at the building line.
- (c) Floor Area. Buildings used in whole or part for dwelling purposes, as opposed to accommodations for transients, shall have a floor area as required by the regulations of RM Multiple Family Residence District.
- (d) Front Yard.
  - 1. There shall be a minimum front yard not less than 50' from the right of way.
- (e) Side Yards.
  - 1. Side yards shall be not less than 30' wide.
  - 2. There shall be a side yard not less than 40' wide along the side of any lot in a C-2 Commercial District which abuts the side lot line of a lot in a Residential District.
- (f) Rear Yard. There shall be a rear yard of not less than 30' in depth.
- (g) Setback Lines. See Sections 2.8, 2.10 and 3.1.
- (h) Off Street Parking. See Sections 5.1-5.3.
- (i) Outdoor Storage. The outdoor storage that occurs with the uses in this district makes it necessary to regulate uses, structures, fences and their placement within this District, and which therefore must be contained within an enclosed building, solid fence or adequate screening. Such storage shall be screened from first floor windows, which may exist or potentially exist, on adjacent properties. Also see section 2.13.

4.16 M-1 LIGHT INDUSTRIAL DISTRICT

- (1) **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.
- (2) **PERMITTED USES.**
  - (a) Any uses permitted in a C-1 or C-2 District.
  - (b) Automotive heavy repair and upholstery, body shops
  - (c) Cleaning, pressing and dyeing establishments
  - (d) Dwellings, single family for the caretaker or owner and his family only.
  - (e) Food locker plants.
  - (f) Business or professional offices and clinics.
  - (g) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries which do not require loud presses.
  - (h) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles and wood Manufacture, fabrication, packing, packaging and assembly of ceramics, confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, pharmaceuticals, pottery, tobacco, toiletries and foods except cabbage, fish and fish products, meat and meat products and pea vineries.
  - (i) Manufacturing and bottling of nonalcoholic beverages.
  - (j) Painting.
  - (k) Printing.
  - (l) Professional offices and clinics
  - (m) Publishing.
  - (m) Research and testing laboratories.
  - (n) Schools and training centers.
  - (o) Warehousing, inside storage and mini warehousing. Inside storage of contractors' supplies and equipment, and outside storage when screened from the view of any public right-of-way and residences other than the owner's.

- (p) Wholesalers and distributors. Common and contract hauler parking and structures for the repair and maintenance of the vehicles.
- (3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Town Board, taking into consideration recommendations of the Town Planning Commission.
- (a) Any Special Exceptions uses listed in a C-1 Light Commercial district or a C-2 Commercial District.
  - (b) Airports, air strip and landing fields.
  - (c) Automobile sales or service stations.
  - (d) 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.
  - (e) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelter, parks, playgrounds and museums.
  - (f) Manufacturing, processing and storage of dry ice and building materials, lumber yards.
  - (g) Public passenger transportation terminals, such as heliports, bus and rail depots, provided all principal structures and uses are not less than 100' from any residential district boundary.
  - (h) Mail order house.
  - (i) Accessory uses.
  - (j) Planned developments, industrial.
  - (k) Public utility and service uses.
- (4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.
- (a) Height. The maximum height of buildings shall be 45' except that this may be increased to 60', provided all yards are increased 3' in width for each 5' of additional height.
  - (b) Lot Area. The minimum lot area shall be 40,000 sq. ft.
  - (c) Width. The minimum width shall be 150'.
  - (d) Front Yard. There shall be a minimum front yard not less than 50' from the right of way.

- (e) Side Yards. The minimum side yard shall be 40', provided further that any such side yard which abuts a boundary of a Residence District shall be not less than 50' wide, unless such Residence District boundary lies within a street or alley.
- (f) Rear Yard. The minimum rear yard shall be not less than 40' in depth.
- (g) Prohibited Uses of Yards. 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.
- (h) Setback Lines. See Sections 2.8, 2.10 and 3.1.
- (i) Off Street Parking. See Sections 5.1-5.3

4.17 M-2 HEAVY INDUSTRIAL DISTRICT.

- (1) **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.
- (2) **PERMITTED USES.**
  - (a) Any use permitted in the C-1 Light Commercial District, C-2 Commercial District, or M-1 Light Industrial District.
  - (b) Automobile sales and service stations.
  - (c) Freight yards and depots including livestock collection, transfer and sales.
  - (d) Breweries.
  - (e) Inside storage and outside storage when fenced.
  - (f) Lumber yards.
  - (g) Binderies.
  - (h) 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:
    1. Nonmetallic mining shall comply with the terms of the Marathon County Nonmetallic Mining Code, Chapter 21, General Code of Ordinances.
    2. All operations shall be at least 50' from the centerline of any right-of-way and 50' 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.
- (3) **SPECIAL EXCEPTIONS.** The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Town Board, taking into consideration recommendations of the Town Planning Commission, after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon evidence presented at such public hearing, tending to show the desirability or undesirability of a specific proposed use from the standpoint of the public interest, because of such factors as (without limitations because of enumerations) smoke, dust, noxious or toxic gases and odors, noise, glare, vibration and heavy vehicular traffic on the public streets.
  - (a) Any Special Exception listed in a C-1, C-2 or M-1 District.
  - (b) Airports, airstrips and landing fields provided the site area is not less than 20 acres.
  - (c) 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.

- (d) Creameries, condenseries.
  - (e) Crematories.
  - (f) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrin, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oilcloth, paint, peas, perfume, pickle, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, size, starch, textiles and varnish.
  - (g) Manufacture and bottling of alcoholic beverages, bag cleaning, canneries, cold storage warehouse, electric and steam generating plants, electro plating, 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 600' from residential districts.
  - (h) 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.
  - (i) Wrecking, junk, demolition, scrap yards, and portable tire shredders 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 600' from the nearest residence except that of the owner, his agent or employee.
  - (j) Municipal sewage disposal plants and related facilities.
- (4) HEIGHT, AREA, YARDS AND OTHER REQUIREMENTS.
- (a) Height. The maximum height of buildings shall be 45' except that this may be increased to 60', provided all yards are increased 3' in width for each 5' of additional height.
  - (b) Lot Area. The minimum lot area shall be 40,000 sq. ft.
  - (c) Width. The minimum width shall be 150'.
  - (d) Side Yards. The minimum side yard shall be 40', provided further than any such side yard which abuts a boundary of a Residence District shall not be less than 50' wide, unless such Residence District boundary lies within a street or alley.
  - (e) Rear Yard. The minimum rear yard shall be not less than 40' in depth.
  - (f) Front Yard. There shall be a minimum front yard not less than 50' from the right of way.

- (g) Prohibited Uses of Yards. 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.
- (h) Setback lines. See Sections 2.8, 2.10 and 3.1.

4.18 FLOODPLAIN OVERLAY DISTRICTS.

The Town of Stettin is subject to the Marathon County Floodplain Overlay District as defined in the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, Chapter 17.57. See County Zoning.

4.19 HW HIGHWAY OVERLAY DISTRICT

This district is intended to promote highway safety by protecting the traffic carrying capacity of divided highways through access controls to the intersecting roads and the orderly development of adjacent lands, much of which will be related to the particular corridor and interchange.

- (1) **PURPOSE.** The Highway Corridor and Interchange Overlay District is intended to promote highway safety by protecting the traffic carrying capacity of divided highways through access controls to the intersecting roads and the orderly development of adjacent lands much of which will be related to the particular corridor and interchange. Commercial and Industrial uses shall be restricted to interchange areas only while agriculture and limited residential development may be permitted where access is via an at-grade intersection.
- (2) **LANDS INCLUDED IN THIS DISTRICT.** The boundaries of the Highway Corridor and Interchange Overlay District shall be determined by the Town Zoning and Planning Committee, after consultation with the appropriate representatives of the Department of Transportation, Division of Highways and the town board of the affected township and established according to Article VI Section 6.9 of the Town of Stettin Zoning Code.
- (3) **ABROGATION AND GREATER RESTRICTIONS.** When the Highway Corridor and Interchange Overlay District and the underlying zoning district regulations conflict, the most restrictive combination of regulations shall prevail.
- (4) **DESCRIPTION OF DISTRICT.** The Highway Corridor and Interchange Overlay District, consisting of a one-half mile corridor on the North-side of State Highway 29 between the East boundary of Section 34 and the West Boundary of Section 31, have been established utilizing the most appropriate information to and including:
  - a. The physical characteristics and services resources of the surrounding area.
  - b. The location of nearby developments.
  - c. Traffic volumes.
  - d. The local road system.
  - e. Relationship to neighboring interchanges.
- (5) **SPECIAL PROVISIONS.** The following provisions shall apply to all Highway Corridor and Interchange Overlay District:
  - a. In order to maintain the natural beauty of the Corridor and 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 plan of his lot or area to be developed and include the following:

1. Location of all existing and proposed structures.
2. Location of existing and proposed parking.

3. Gradient of the land as represented by two-foot contours.
  4. Proposed tree cutting and/or tree planting and landscaping.
- b. Filing, 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 an erosion control plan and a special exception permit:
1. Filling or grading on slopes of 20% or more.
  2. Filling or grading of more than 20,000 sq. ft. on slopes of 12-20%.
  3. Filling or grading of 40,000 sq. ft. or more on slopes of 12% or less.
- c. In granting a permit the Stettin Town Board may attach the following conditions:
1. The smallest amount of bare ground be exposed for the shortest time feasible.
  2. Acceptable erosion control ground cover, such as mulch, be used and permanent cover, such as sod, be planted.
  3. Diversion, silting basins, terraces and other methods be used to reduce erosion.
  4. Fill to be stabilized to accepted engineering practices.
- d. In keeping with the intent of this chapter, the following considerations and any other relevant factors shall serve as criteria in evaluating the suitability of the proposed uses within the Highway Corridor and Interchange Overlay District.
1. The existing topography, vegetative cover, drainage patterns and groundwater table.
  2. The relation to scenic or recreation values.
  3. The characteristics of the soil where septic systems are required.
  4. The compatibility of the proposed use with existing or other proposed uses in the area and its relation to any existing land use plan and zoning of surrounding lands.
  5. The expected composition of site generated traffic by vehicle types.
  6. The volume of traffic expected to be generated relative to existing and forecasted volume and its effect on the operation of the interchange and/or road system.
  7. The need for adequate distance of any development from State Highway 29 right-away to allow for future frontage or backage roads.

(6) ACCESS CONTROL. Access from abutting property to an intersecting highway shall be permitted only at designated access points, which shall be located as follows:

- a. There shall be no access points located within 1,000 feet of the most remote end of an on or off ramp. A lesser distance may be permitted by the Stettin Town Board upon prior written approval by a designated representative of the agency having jurisdiction over such highway.
- b. To avoid dangerous jogs in alignment, permitted access point 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' of lateral distance along the highway centerline.
- c. Each building or group of contiguous buildings shall have not more than 2 access points to the abutting road, and no such access point shall exceed 35' in width at the property line.

In order to reduce the number of such entrances and promote the safety of travel upon the abutting road, wherever practicable, buildings or groups of buildings shall use entrances in common.

- d. The intervals between permitted entrances onto a road shall be to vehicular access by a curb, drainage ditch, planting strip or other equally effective barrier.
- e. The access requirements may be temporarily waived subject to the following conditions.
  1. A temporary access permit may be obtained from the Stettin 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.
  2. Use of access shall be limited to the use described in the application for the temporary access permit.
  3. 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.

(7) SETBACK REGULATIONS.

- a. Setback lines are hereby established:
  1. Along any controlled access highway. Setbacks shall be 50 feet from the right-of-way.
  2. Along intersecting highways, setbacks shall be as provided for in the Highway Setbacks section of the ordinance.
  3. Along frontage roads, setbacks shall be 30 feet from the right-of-way of an existing or designated frontage road.

4. 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 circulation system.
- b. 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 intersecting highway may be granted by the Board of Appeals. Such variance may be conditioned upon the prior written approval of the agency having jurisdiction over the intersecting highway.

#### 4.20 SW SHORELAND OVERLAY DISTRICT

The Town of Stettin is subject to the Marathon County Shoreland Overlay District as defined in the General Code of Ordinances for Marathon County Chapter 17 Zoning Code. See County Zoning.

**MOTOR VEHICLE AND PARKING REGULATIONS**

5.1 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.

5.2 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 or a public street shall be provided for each parking stall and driveways shall be at least 10' wide.
  - (b) Each parking stall shall be not less than 9' in width and not less than 180 sq. ft. 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 25' 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/Dwelling Unit
Two Family and Multi-family Dwellings	2 Stalls/Dwelling Unit
Hotels, Motels	1 Stall/Guest Room + 1 Stall/3 Employees
Hospitals, Clubs, Lodges, Sororities, Dormitories Lodging and Boarding Houses	1 Stall/2 Beds + 1 Stall/3 Employees
Sanitariums, Institutions, Rest and Nursing Homes	1 Stall/5 Beds + 1 Stall/3 Employees
Medical and Dental Clinics	4 Stalls/Doctor + 1 Stall/Employee
Churches, Theaters, Auditoriums Community Centers, Vocational and night Schools and Other Places of Public Assembly	1 Stall/5 Seats

Colleges, Secondary and Elementary Schools	1 Stall/2 Employees + A reasonable number of stalls for student and other parking
Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores	1 Stall/150 sq. ft. of Floor Area + 1 Stall/2 Employees
Manufacturing and Processing Plants, Laboratories and Warehouses	1 Stall/2 Employees during any 12 hr. period
Financial Institutions, Business, Governmental and Professional Offices	1 Stall/300 sq. ft. of Floor Area + 1 Stall/2 Employees
Funeral Homes	1 Stall/4 Seats + 1 Stall/2 Employees
Bowling Alleys	3 Stalls/Bowling Lane + 1 Stall/2 Employees

- (a) 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.
- (b) Parking lots containing 10 or more stalls which are located in the Residence Districts or adjoining 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 4'. If parking lots so located are lighted, the lights shall be so shielded as to prevent glare or illumination of adjoining residential property.

5.3 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 theaters, banks, restaurants, motels, funeral homes, vehicle sales lots, service stations, car washes, repair stations, commercial garages or commercial parking lots shall be not less than 200' from any pedestrian entrance or exit for 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 there being no direct entrance to or exit from any of the above to any federal, state or county highway.

## SIGNS

### 6.1 GENERAL.

- (1) No signs or billboards shall be permitted in any district except as specifically permitted herein, or by a Special Exception permit
- (2) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety. (See Section 2.10.)
- (3) No sign located within 150' of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.
- (4) No sign shall be illuminated by any source of light that is not shielded to prevent glare of 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.
- (5) No signs, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way unless considered by the Town of Stettin Planning Commission and approved as a special exception permit by the Town of Stettin Board.
- (6) No sign larger than 5 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.
- (7) No permanent sign shall be located closer than 75' from the normal high-water mark of any navigable or perennial body of water, in the floodway of any stream or in any shoreland-wetland.
- (8) Area measurements of signs shall include any border or trim but not the standard or supporting structure.

### 6.2 SIGNS IN RESIDENTIAL, CONSERVANCY, AND AGRICULTURAL DISTRICTS.

The following signs are permitted when located no less than 15' from the public right-of-way line and not exceeding 5' in height, except as otherwise provided in this section:

- (1) Customary and home occupation signs not exceeding 15 square feet and "For Rent" or "For Sale" signs, not exceeding 4 square feet in area.
- (2) One on premises announcement sign or bulletin board of an appropriate nature, identifying a hospital, school, church or other similar facility or institution, not exceeding 20 sq. ft. in area.
- (3) Temporary signs of not more than 20 square feet in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Sign placement not to exceed 4 occurrences per year, per site. Signs shall be removed at the conclusion of the event.
- (4) Off premises signs provided they are directional only, the outside dimensions of which do not exceed 20 square feet, are located within a 3 mile radius of the advertised business or activity and are not in conflict with Ch. HY-19, Wis. Adm. Code, or ss. 84.30 and Ch. 196, Wis. Stats.

- (5) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation shall be no larger than 6 square feet and may be located any distance outside of the public right-of-way.
- (6) In all agricultural districts, signs which advertise agricultural products that are produced on the property where the sign is located shall be permitted provided the following conditions are met:
  - (a) Signs shall not conflict with State or federal sign regulations. (Note: it shall be the responsibility of the person wishing to erect or paint the sign to obtain any and all other permits or approvals.)
  - (b) For signs larger than 32 square feet, all conditions set forth in Section 6.4(2)(a)-(d) shall be met.
  - (c) Signs shall be located on an operating farm and adjacent to the principal building or buildings used in the production of the agricultural product being advertised.
  - (d) Signs shall contain only one message per face, and no more than one double face or 2 single face signs larger than 32 square feet per face shall be permitted.
  - (e) No sign other than a farm identification sign shall contain a brand name, trade name, organization, co-op, union or bureau name.
- (7) Signs which are 16 square feet in area or less shall be permitted as residence identification signs. These signs shall be no less than 15' from the right-of-way.
- (8) Signs which are 32 square feet in area or less shall be permitted as farm identification signs. These signs shall include the farm name and/or surname of the farm operator. Farm identification signs shall be no less than 15' from the right-of-way.

6.3 SIGNS IN RECREATIONAL DISTRICT.

The following signs are permitted:

- (1) All signs permitted in Section 6.2.
- (2) Two on premises announcement signs or bulletin boards of an appropriate nature, identifying a golf course, community building, park or other similar facility or institution, not exceeding 40 square feet in area per sign.
- (3) Off premises signs provided they are directional only, the outside dimensions of which do not exceed 30 square feet, are located within a 3 mile radius of the advertised business or activity and are not in conflict with Ch. HY-19, Wis. Adm. Code, or ss. 84.30 and Ch. 196, Wis. Stats.

6.4 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following signs are permitted:

- (1) All signs permitted in Section 6.2.

- (2) Identifying signs 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 1' from the wall surface and shall not exceed 200 square feet in area.
  - (b) Projecting signs fastened to, suspended from or supported by attached structures shall not exceed 40 square feet in area on a side.
  - (c) Ground signs shall be a minimum of fifteen (15) feet from the right of way.
  - (d) Ground signs shall not exceed 100 square feet in area on a side and shall not exceed 25' in height above the building grade.
  - (e) 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 100 square feet on a side.

6.5 SPECIAL PROVISIONS.

- (1) Signs lawfully existing at the time of the adoption or amendments of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, such signs shall be deemed nonconforming uses or structures and shall therefore be subject to the provisions of Section 2.4, Nonconforming Structures and Uses.
- (2) Signs that do not meet the standards listed in this ordinance may be considered by the plan commission and approved as a special exception.

## **TOWERS AND ANTENNAS**

### **7.1 STATEMENT OF INTENT**

The purpose of this ordinance is to establish guidelines for the siting of towers and antennas. The intent of this ordinance is to:

- (a) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the Town;
- (b) encourage collocation of new and existing tower sites;
- (c) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (d) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
- (e) enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.

### **7.2 DEFINITIONS**

- (a) "Alternative tower structure" shall mean man-made structures such as clock towers, water towers, buildings, bell steeples, light poles, and similar alternative designed mounting structures that camouflage or conceal the presence of towers and antennas.
- (b) "Antenna" shall mean any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electro-magnetic waves, digital signals, radio frequencies, wireless telecommunication signals, including but not limited to directional antennas, such as panels, micro-wave and satellite dishes and omni-directional antennas, such as whip antennas.
- (c) "Collocation" shall mean the location of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or alternative tower structure.
- (d) "FAA" shall mean the Federal Aviation Administration.
- (e) "FCC" shall mean the Federal Communications Commission.
- (f) "Governing authority" shall mean the governing authority of the Town (Town Board, Planning and Zoning Commission, Zoning Administrator).
- (g) "Height" shall mean, when referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

- (h) "Personal Communications Services (PCS)" shall mean a provider of personal wireless service facilities as now defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 322, and as the same may be amended from time to time.
- (i) "Personal Wireless Facilities" shall mean transmitters, antenna structures and other types of installations used to provide personal wireless services.
- (j) "Pre-existing towers and antennas" shall have the meaning set forth in section 3(d) of this ordinance.
- (k) "Residential zoning", for the purposes of this ordinance, shall mean a district that has residential lot sizes of five (5) acres or less.
- (l) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.
- (m) "Tower Site" shall mean the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

### 7.3 APPLICABILITY

No permit is required for the following uses:

- (a) Installing an antenna or tower on any existing structure (such as a tower, building, sign, light pole, water tower, or other free-standing non-residential structure), and provided additional antenna or tower adds no more than twenty (20) feet to the height of said existing structure.
- (b) Public Property. Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license of lease authorizing such antenna or tower has been approved by the governing authority.
- (c) Amateur Radio and Receive-Only Antennas. This ordinance shall not govern any tower, or installation of any antennas, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas.
- (d) Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 4(c). Any such towers or antennas shall be referred to in this ordinance as "pre-existing towers" or "pre-existing antennas".

7.4 GENERAL PROVISIONS

- (a) Principal or Accessory Use. Antennas and towers may be considered either principle or accessory use. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a new tower or antenna complied with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) All towers and antennas to be erected in the A-3 District must be a conditional use identified in Section 4.11(4)(q) of this code or require:
  - 1. A conditional use permit for a transportation, utility, communication or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (c) Aesthetics:
  - 1. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a light gray so as to reduce visual obtrusiveness and blend in to the natural setting and built environment.
  - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
  - 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - 4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (d) Federal Requirements. All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas. Proof of compliance shall be provided to the Town governing body.

## 7.5 PERMITTED USES

- (a) Permit. An administratively approved permit is required from the Town for the following permitted uses:
  - 1. Antennas. Locating an antenna that adds not more than twenty (20) feet to the height of an alternative tower structure, including placement on additional buildings or supporting equipment used in connection with said antenna, shall be permitted use in all zoning districts.
  - 2. Towers. Locating a tower, including placement of additional buildings or other supporting equipment used in conjunction with said tower, shall be a conditional use in all districts.
  - 3. Buildings. Buildings used for the exclusive use of housing antenna and tower equipment shall be no larger than one hundred fifty (150) square feet per antenna.
- (b) Construction of towers abutting a residential zoning districts regardless of municipal boundaries is not recommended. Residential zoning districts, for purposes of this ordinance, shall include any zoning district that provides for lot sizes of five (5) acres or less.

## 7.6 PERMITTING REQUIREMENTS

Applications for permitted use or special exception permits shall adhere to the following:

- (a) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (b) Information Required. Each applicant requesting a permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and scaled by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, proof of compliance with Federal Requirements [See Sec.4 (c)], and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.
- (c) Factors Considered in Granting Permits. The governing authority shall consider the following factors in determining whether to issue a permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the intent of this ordinance is thereby better served.
  - 1. Height of proposed tower;
  - 2. Proximity of the tower to residential structures and residential district boundaries;
  - 3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of accommodating other uses and reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers and other structures as discussed in Section 7(d) of this ordinance.

(d) Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. Existing towers or structures do not have the sufficient structural strength to support the applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) Accommodation of Other Users (Collocation):

1. Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate collocation of both the applicant's antenna(s) and comparable antenna(s) for at least two (2) additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

2. The holder of a permit for a tower shall allow collocation for at least two(2) additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

(f) Setbacks and Separations. The following setbacks and separation requirements shall apply to all towers and antennas for which a special permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the intent of this ordinance would be better served hereby.

1. All yard setbacks shall be a distance equal to the height of the tower.

2. Towers, guy wires, and accessory facilities must satisfy the minimum zoning district setback requirements.

3. Towers over ninety (90) feet in height shall not be located within one-quarter (1/4) of a mile from any existing tower that is over ninety (90) feet in height.

(g) Security Fencing. Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.

(h) Landscaping. The following requirements shall govern the landscaping surrounding towers; however, the governing authority may waive such requirements if the intent of this ordinance would be better served thereby.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing. Responsibility for compliance rests with the Lessee.

2. Lessee shall maintain the leased property and the standard buffer as in (h)1 above.

3. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

4. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wood lots, natural growth around the property perimeter may be sufficient buffer.

## 7.7 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply:

(a) The owner of such antenna or tower, or owner(s) of the property where the tower site is located shall remove said antenna and/or tower, including all supporting equipment and building(s), within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of

the governing authority does not occur within said ninety (90) days, the governing authority may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- (b) The applicant for a permit under this ordinance shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for the abandonment and subsequent removal based on the provisions of Section 8(a). Said agreement shall also identify that said agreement shall be binding on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

#### 7.8 PERMIT APPLICATION FEES

Permit application fees of Five Hundred Dollars (\$500.00) per antenna array and One Thousand Dollars (\$1,000.00) per tower with annual renewal fee of Two Hundred Fifty Dollars (\$250.00) per tower, and a One Hundred Thousand dollar (\$100,000.00) bond must be posted for the removal of abandoned antennas and towers, with proof of payment of said bond being shown when the annual renewal fee is paid.

#### 7.9 CONFLICTING ORDINANCES AND EFFECTIVE DATE

All parts of ordinances in conflict herewith are hereby repealed. This ordinance shall be in full force and effect from and after its date of publication.

## SMALL WIND ENERGY SYSTEM

### 8.1 STATEMENT OF INTENT

The purpose of this ordinance is to establish guidelines for siting Small Wind Energy Systems through:

- 1) overseeing the permitting of small wind energy systems;
- 2) preserving and protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system .

### 8.2 DEFINITIONS

- (a) “Administrator” means the Town of Stettin Zoning Administrator
- (b) “Board” means the Town of Stettin Town Board.
- (c) “Meteorological tower” (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- (d) “Owner” shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
- (e) “Rotor diameter” means the cross sectional dimension of the circle swept by the rotating blades.
- (f) “Small wind energy system” means a wind energy system that is used to generate electricity; has a nameplate capacity of 100 kilowatts or less; and has a total height of 170 feet or less.
- (g) “Total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- (h) “Tower” means the monopole, freestanding, or guyed structure that supports a wind generator.
- (i) “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. §. 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- (j) “Wind generator” means blades and associated mechanical and electrical conversion components mounted on top of the tower.

### 8.3 STANDARDS

A small wind energy system shall be a special exception use in all zoning districts subject to the following requirements:

(1) Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:

- (a) Any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
- (b) Any overhead utility lines, unless written permission is granted by the affected utility;
- (c) All property lines, unless written permission is granted from the affected land owner or neighbor.

(2) Access.

- (a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

(3) Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

(4) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(5) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished white, unless an alternative is approved in the special exception permit.

(6) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(7) Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

(8) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."

(9) Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

In addition, any small wind energy system in the A-3 District must meet the requirements of Section 4.11(4)(q) of this code.

#### 8.4 APPLICATION FOR SPECIAL EXCEPTION

Applications for special exception permits shall be made on forms furnished by the Zoning Administrator and shall include the following:

- (1) All documents necessary for a building permit. (see Paragraph .07 below)
- (2) The names and addresses of property owners having land within three hundred (300) feet of the boundaries of the property for which the special exception permit is requested.
- (3) A hearing will be conducted by the planning commission for recommendation of the special exception permit to the Town Board pursuant to and consistent with the requirements the Town of Stettin. All of the requirements of the Town of Stettin shall be applicable for a special exception permit under this ordinance.
- (4) Payment to the Zoning Administrator the fee for a public hearing before the Town Planning Commission.
- (5) Town Board will issue a special exception permit prior to a building permit being issued.

#### 8.5 PERMIT REQUIREMENTS

- (1) After the special exception is approved by the Town Board, the Owner shall submit an application to the Building Inspector for a building permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan.
- (2) The Owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.
- (3) Building Permit. A building permit shall be required for the installation of a small wind energy system.
- (4) Documents: The building permit application shall be accompanied by a plot plan which includes the following:
  - (a) Property lines and physical dimensions of the property;
  - (b) Location, dimensions, and types of existing major structures on the property;
  - (c) Location of the proposed wind system tower;
  - (d) The right-of-way of any public road that is contiguous with the property;
  - (e) Any overhead utility lines;
  - (f) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
  - (g) Foundation blueprints or drawings;
  - (h) Tower blueprint or drawing.

- (5) Fees. The application for a building permit for a small wind energy system must be accompanied by the fee required for a building permit for a Permitted Accessory Use.
- (6) Expiration. A permit issued pursuant to this ordinance shall expire if:
  - (a) The small wind energy system is not installed and functioning within twenty four (24)-months from the date the permit is issued; or,
  - (b) The small wind energy system is out of service or otherwise unused for a continuous twelve (12)-month period.

8.6 ABANDONMENT

- (1) A small wind energy system that is out-of-service for a continuous twelve (12)-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
- (2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator and the tower at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator and the tower removed at the Owner's expense.

## HOME OCCUPATION

### 9.1 STATEMENT OF INTENT.

It is the intent of this Section to provide a means to accommodate a small home-based family or professional business without the necessity of rezoning a property from a residential to a commercial district. Approval of an expansion of a home occupation beyond the limits established in this Section is not anticipated; the business should instead relocate to an area that is appropriately zoned for the business use. Home occupations are economic activities performed within any single-family detached residence which comply with the following requirements. A home occupation business includes such occupations as babysitting, millinery, dressmaking, canning, laundering, and crafts or deemed appropriate by the Town of Stettin Zoning Administrator. All other occupations shall be considered under subsection 2.

### 9.2 PERMITTED BY RIGHT.

RS 1/40, RM, RP, A-1, A-3, A-4, RR, and AE Districts provided the following are met:

- (a) A permitted home occupation is restricted to service-oriented businesses and the manufacturing of handicrafts provided the activity meets all of the requirements of this section. Examples of service-oriented businesses are computer programming, accounting, insurance agency and computer based consulting and clerical services.
- (b) Under no circumstances shall a vehicular repair or body work business qualify as a home occupation.
- (c) The home occupation shall be conducted within the enclosed area of the dwelling unit, an attached garage, an accessory building, or detached garage. The accessory building used for a home occupation business shall not exceed (6) six hundred square feet.
- (d) A permitted home occupation shall not occupy more than twenty-five percent (25%) of the habitable floor area of the dwelling.
- (e) The home occupation shall be conducted completely within the dwelling unit or an accessory structure. The home occupation shall not be conducted on any porch, deck, patio, or a non-enclosed or partially enclosed portion of the dwelling unit.
- (f) There shall be no exterior alterations which change the character of the dwelling unit nor shall there be any exterior evidence of the home occupation other than the sign permitted below.
- (g) Only one (1) sign, not to exceed four (4) square feet, non-illuminated and flush, wall mounted only, may be used to advertise a home occupation. Said sign shall not be located within a right-of-way, and shall be of an appearance which is harmonious with nearby residential areas.
- (h) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.

- (i) No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not generally associated with the average residential use in the district.
- (j) The home occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (k) The home occupation shall not involve the use of construction or other heavy equipment such as dump trucks, fork lifts, tractors, backhoes, graders, semi-trailer trucks and front end loaders.
- (l) Sufficient off street parking shall be provided. Conduct of the home occupation business shall not interfere with the public use of the streets.
- (m) Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one non-resident employee.
- (n) In no instance shall a home occupation create a nuisance for neighboring properties. Said nuisance includes excessive traffic generated by the home occupation and excessive parking, nor a home occupation that creates a public health or public safety danger. The Zoning Administrator shall use his discretion in identifying and terminating any nuisances.
- (o) In an A-3 District, provided the home occupation does not limit or impair the current or future agricultural use of the farm or of other protected farmland.

### 9.3 SPECIAL EXCEPTION REGULATIONS.

- (a) The Plan Commission may approve home occupations in the above listed districts which do not meet the requirements in subsection 1. above, as a special exception. The proposed use shall comply with Section 9.10, standards and procedures applicable to all special exception.
- (b) Sale or transfer of the property, unauthorized expansion of the home occupation or failure to operate the home occupation according to the approved plan shall cause the special exception to be null and void.

### 9.4 EXISTING HOME OCCUPATIONS.

- (a) Permitted home occupations existing prior to the adoption of this ordinance may continue in their present form. However any modification or changes to the existing operation will require that the home occupation meet the ordinance or pursue a special exception per 9.3(a), above.

### 9.5 ENFORCEMENT.

- (a) The Town reserves the right to inspect all home occupation businesses.
- (b) All home occupation businesses that are open to the public shall be inspected by the fire department serving that business.

## **ADMINISTRATION AND ENFORCEMENT**

### 10.1 ORGANIZATION.

The administration of this ordinance is hereby vested in three (3) offices of the government of the Town of Stettin as follows:

Zoning Administrator  
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 permits.
- (b) Issuance of occupancy certificates.
- (c) Variances.
- (d) Appeals.
- (e) Amendments.
- (f) Special exceptions.
- (g) Fees.
- (h) Penalties.

### 10.2 ZONING ADMINISTRATOR.

The Zoning Administrator of the Town of Stettin 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 permits; the town clerk shall make and maintain records thereof;
- (b) issue all certificates of occupancy, and make and maintain records thereof;
- (c) shall be responsible for and conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance;
- (d) maintain, in conjunction with the town clerk, permanent and current records of this ordinance, including, but not limited to, all maps, amendments, special exceptions, variances, appeals, and applications thereof;
- (e) provide and maintain with the town clerk a public information service relative to all matters arising out of this ordinance;

- (f) forward to the Town Planning Commission all applications for special exceptions and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator;
- (g) forward to the Board of Appeals applications for appeals, variance, or other matters on which the Board of Appeals is required to pass under this ordinance;
- (h) issue occupancy certificates regulating the erection and use of land for periods not to exceed 10 days for specific purposes such as: temporary carnivals, churches, charities, and 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.

10.3 THE BOARD OF APPEALS.

(1) CREATION

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

(2) JURISDICTION

The Board of Appeals shall consist of five members. 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 Zoning Administrator 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; and
- (c) to hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by SS. 62.23(7)(e) of the Wisconsin Statutes.

(3) 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 Zoning Administrator and shall be a public record. The Board shall adopt its own rules and procedure, not in conflict with this ordinance or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

(4) 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.

10.4 TOWN PLANNING COMMISSION.

(1) CREATION

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

(2) JURISDICTION

The Town Planning Commission shall consist of seven members. The Town Planning Commission shall discharge the following duties under this ordinance:

- (a) To hear all applications for special exceptions and amendments to this Ordinance and report said findings and recommendations to the Town Board in the manner prescribed in this article for Amendments and Special Exceptions,
- (b) receive from the Zoning Administrator 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.

10.5 ZONING PERMIT.

- (1) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the Town of Stettin unless the application for such permit has been examined by the Zoning Administrator and has affixed to it a certificate of the Zoning Administration, 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) Applications for a zoning permit shall be made to the Zoning Administrator or his appointed deputies on forms furnished by the Zoning Administrator and shall include the following where applicable:
  - (a) Names and addresses of the applicant, agent or owner of the site, architect, professional engineer or contractor.

- (b) Description of the subject by Parcel I.D. number from tax rolls, lot and block numbers and recorded subdivision or by metes and bound, section, township and range, address of the subject site, property boundaries, dimension, elevation, uses and size of the following:
    - 1. Subject site, existing and proposed structures.
    - 2. Existing and proposed easements, streets and other public ways.
    - 3. Off street parking, loading areas and driveways.
    - 4. Existing highway access restrictions.
    - 5. Existing and proposed street, side and rear or shore yards.
    - 6. The use of any abutting lands and their structures within 50 feet of the subject site.
    - 7. The location of the ordinary high water mark, channel, floodway, floodplain and shoreland boundaries.
    - 8. The location of any well(s) and/or septic system(s).
    - 9. The zoning district within which the subject site lies.
  - (c) When not serviced by public sewer, a County sanitary permit issued pursuant to Ch. 15 of the General Code of Ordinances for Marathon County.
  - (d) Additional information if required by the Town Zoning Administrator.
  - (e) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts of portions thereof, drawn to scale showing the actual dimensions, or certified by a “registered land surveyor,” 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
  - (f) A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this ordinance.
- (3) The zoning permit shall be granted or denied in writing within 30 days.

## 10.6 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 Zoning Administrator or as appointed by the Zoning Administrator. 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 Zoning Administrator or the appointed official. Every certificate of occupancy shall state that the use of occupancy complies with the provisions of this ordinance.

### (1) APPLICATION FOR OCCUPANCY CERTIFICATE

Every application for a zoning 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 zoning permit is required shall be made directly to the Zoning Administrator.

### (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 Zoning Administrator 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 Zoning Administrator is notified in writing that the building or premises is ready for occupancy. Upon written request from the owner, the Zoning Administrator 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.

## 10.7 VARIANCES.

### (1) PURPOSE

The Board of Appeals, after a public hearing, may determine and authorize upon appeal a variance from the terms of the ordinance which will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

### (2) APPLICATION FOR VARIANCE AND NOTICE OF HEARING

An application for a variance shall be filed in writing with the Zoning Administrator. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be published at least once in a newspaper of general circulation in the Town of Stettin 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 the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the application.

3) STANDARDS FOR VARIANCES

The Board of Appeals shall not vary the regulations of this ordinance, as authorized in Section 8.7(2), above, unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- (b) the conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
- (c) the purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- (d) the alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property;
- (e) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (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 benefited by a variance as may be necessary to comply with the standards established in this section.

(4) AUTHORIZED VARIANCES

Variations from the regulations of this ordinance shall be granted by the Board of Appeals only in accordance with the standards established in Section 8.7(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 twenty percent (20%) of the applicable regulations, whichever number is greater;
- (e) to increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served;
- (f) to increase by not more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations; and
- (g) to permit a reasonable variation in the height restrictions on fences.

The concurring vote of three 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.

## 10.8 APPEALS.

### (1) SCOPE OF APPEALS

An appeal may be taken to the Board of Appeals by any person, firm, corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator. Such an appeal shall be taken within thirty (30) days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator 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 Zoning Administrator 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 the court of record on application, on notice of the Zoning Administrator 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 of Stettin and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least ten (10) days prior to the date of hearing. The Board shall thereafter reach its decision within ninety (90) days from the filing of the appeal. The Board of Appeals may affirm or may, upon the concurring vote of three (3) members, reverse, wholly or in part, or modify the order, requirement, decision, or determination that, in its opinion, ought to be done - and to that end, shall have all the powers of the officer from whom the appeal is taken. The Zoning Administrator shall maintain records of all actions of the Board of Appeals relative to appeals.

10.9 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 advantages 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 Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator. 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 of Stettin. In addition thereto, the office of the Marathon County Zoning Administrator shall be provided with a copy of such notice, not less than ten (10) days before the hearing.

(6) FINDINGS OF FACT AND RECOMMENDATION OF THE TOWN PLANNING COMMISSION

Within thirty (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 the 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 where applicable:

- (a) LAND USE
1. What is the existing use of the property within the general area of the property in question?
  2. What is the zoning classification of the property within the general area of the property in question?
  3. Which district best describes the proposed use?
  4. The suitability of the property in question to the uses permitted under the existing zoning classification?
  5. Will the proposed land use begin an undesirable or a desirable trend in the area?
  6. Is the proposed land use better suited in a different location?
    - a. \*If so, is land available elsewhere in the town for this use?
  7. What is 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?
  8. Will approving the rezone result in land-locked or irregular shaped lots?
  9. Will the potential rezone be compatible with the *official* future land use map of record?
  10. Will the approval of the rezone benefit the overall community?
  11. 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.
- (b) TRANSPORTATION FACILITIES
1. Is the current road leading to the property suitable for any changes in anticipated traffic?
    - a. \*If not, can the road be improved to support the anticipated traffic?
      - (1) \*If so, how will the improvement be financed?
  2. Will the property have safe access or will it pose a traffic safety hazard?
    - a. \*If it poses a traffic safety hazard, can the hazard be remedied?
  3. Will the property's access follow all access control ordinances?
- (c) ECONOMIC DEVELOPMENT
1. Will the rezone of the property contribute to the economic stability of the town?
  2. Will the loss of the existing land use harm the economic stability of the town?
- (d) NATURAL RESOURCES
1. Can long-term environmental values be preserved if the property is rezoned, or will the proposed use diminish the existing environmental and aesthetic values?
- (e) COMMUNITY FACILITIES
1. Will the change in use have different police or fire protection needs than the existing use?
    - a. \*If so, can existing police and fire protection adequately accommodate the change?

The concurring vote of four members of the Town Planning Commission shall be necessary to recommend the adoption of a proposed 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 as outlined in the Town Comprehensive Plan and Future Land Use Map 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 1/40 District shall be considered the highest classification and the M2 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 (20%) or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of 20 percent (20%) or more of the area of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be granted except by a unanimous vote of the Town Board.
- (c) If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.
- (d) No zoning ordinance or amendment of a zoning ordinance may be adopted by the Town unless approved by the Marathon County Board of Supervisors, as provided in Section 60.62(3) Wis. Stats.

10.10 SPECIAL EXCEPTIONS.

(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 building, 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 special exceptions 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 SPECIAL EXCEPTION

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a free-hold 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 special exceptions provided for in this ordinance in the zoning district in which the land is located.

(3) APPLICATION FOR SPECIAL EXCEPTION

Applications for special exception permits shall be made on forms furnished by the Zoning Administrator and shall include the following:

- (a) The information required in Section 8.5(2).
- (b) The names and addresses of property owners having land within 300 feet of the boundaries of the property for which the special exception permit is requested.
- (c) Payment to the Zoning Administrator the fee for a public hearing before the Town Planning Commission.

(4) CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS

Upon consideration of the factors listed above and the purpose of this chapter, the Town Planning Commission shall attach such conditions, in addition to those required by specific permits, as it deems necessary in furthering the purposes of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration, modification of sewage disposal and water supply facilities, modification of other waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties and deed restrictions.

(5) HEARING ON APPLICATION

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 of Stettin. In addition thereto, the office of the Marathon County Zoning Administrator shall be provided with a copy of such notice, not less than ten (10) days before the hearing.

(6) AUTHORIZATION

For each application for a special exception, the Town Planning Commission shall report to the Town Board its findings and recommendation, 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 special exception is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

(7) STANDARDS

No special exception shall be recommended by the Town Planning Commission unless such Commission shall find:

- (a) that the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (b) that the special exception 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 special exception 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 special exception 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 pursuant to the recommendations of the Town Planning Commission.

(8) EFFECT OF DENIAL OF A SPECIAL EXCEPTION

An application for a special exception which has been denied wholly or in part by the Town Board, will not have another hearing 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.

(9) REVOCATION

In any case where a special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Town Planning Commission or the Town Board, the special exception or authorization shall be null and void.

10.11 FEES.

Permit fees shall be set and amended from time to time by resolution of the Town Board and shall be kept on file in the offices of the Zoning Administrator and Town Clerk as a document entitled "Licenses and Permit Fees."

10.12 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 \$75.00 nor more than \$200.00 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 thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.