

TOWN OF GROVER ZONING ORDINANCE

AN ORDINANCE to regulate the use of property within the Town to promote the general health and welfare, and provide for enforcement and administration.

The Town Board of the Town of Grover do ordain as follows;

SECTION 1. Introduction. The Town is divided into districts as shown on the Official Zoning Map. No person shall use any land in a district for a purpose not permitted in that district. This Ordinance does not supersede any public or private agreement concerning land use; when there is conflict. The Ordinance shall control if it is more restrictive and the public or private agreement shall control if it is more restrictive.

SECTION 2. Definitions. The singular includes the plural, the masculine includes the female and visa versa, and the words in this ordinance shall have their common and ordinary meaning.

SECTION 3. Districts - The following uses are permitted in each named district.

- a. **Residential District.** The land in the general use district may be used for agricultural and residential uses. Other uses are permitted if a Conditional Use Permit is issued the proposed use.
- b. **Commercial District.** The land in Commercial District may be used for any purpose not a public nuisance. All businesses, schools, and manufacturing must provide off road parking for their patrons.
- c. **Agriculture District.** The land and structures in the agricultural district may be used only for agricultural purposes as defined in Section 91.01 (1), Wisconsin Statutes, and for residential and other uses permitted under Section 91.75 Wisconsin Statutes. Other uses are permitted if a Conditional Use Permit is issued for the proposed use.

d. FORESTRY and RECREATION DISTRICT.

(see attached map)

The land in the forestry and recreational district may be used for the production of forest products, camping, seasonal cottages and cabins, dams and flowages, wild crop production (such as marsh hay, ferns moss, berries, fruits, and seeds, wild rice, etc.) Other uses are permitted if a Conditional Use Permit is issued for the proposed use.

SECTION 4. General Uses. In all districts the following is permitted:

- a. Utility facilitating and right-of-ways (except in the agricultural district, where they are permitted only to the extent permitted by Section 91.75, Wisconsin Statutes).
- b. Churches, Libraries Schools, and Governmental buildings (except in the agriculture district, where they must be established only by a conditional use Permit, and then only to the extent permitted by Section 91.75, Wisconsin Statutes).
- c. Roads, driveways and buildings ancillary to the main use of the property.

AMENDED 5-14-02

SECTION 5. General Regulations. The following are applicable to all.

- a. All buildings shall be set back fifty (50) feet from all public roads, ten (10) feet from property lines, and seventy-five (75) feet from the high water line of any lake, stream or river.**
- b. All lots shall be at least 5 acres in size and shall a frontage on a public road of no less than two-hundred (200) feet, except in the agriculture district, where the minimum lot size is thirty-five (35) acres.
- c. Present legal uses and lots maybe continued, and existing legal buildings maybe replaced if destroyed by fire, storm, or other casualty. Non-conforming uses may not be enlarged or extended, but may be repaired and remodeled.**

SECTION 6. Enforcement.

- a. No building permit shall be issued unless the building and use is permitted by this ordinance.
- b. Any person who violates, or is a party to the violation of this ordinance shall forfeit not less than \$25.00 nor more than \$200.00. A separate violation occurs on each day that an offence continues.

AMENDED 8-6-91

SECTION 7. Conditional Use permits.

- a. A person desiring to use land for a purpose not permitted for the zone (district) in which the land is located may apply for a Conditional Use Permit. The Chairman of the Town Zoning Committee shall furnish application forms upon request. The application shall state the purposed use and location (with map), and any restrictions or covenants the applicant is willing to agree to as a condition of granting of the Permit, and shall be accompanied by an application fee of \$25.00. All applications will be submitted to the Town Zoning Committee/Park Commission (through the Chairman of the Town Zoning Committee) which will grant or deny the Permit. The applicant, an adjacent landowner, or other person aggrieved may appeal the decision to the Town Board within thirty (30) days of the decision of the Committee/Commission. Notice of the appeal must be given to the Chairman of the Town Board and shall be accompanied by a filing fee of \$25.00.
- b. The Committee/Commission shall, upon receipt of the application set a time and place for public hearing, mail or deliver a copy of the application to each adjacent landowner of record, and post or publish the application sufficiently to comply with the Wisconsin Open Meetings Law. The hearing shall be held within twenty (20) days of the receipt of the application by the Chairman of the Town Zoning Committee. At the hearing, the applicant shall be heard and may be represented by a friend, relative, or attorney. Opponents of the application shall also be heard. The Committee/ Commission shall establish rules for conduction the hearing.

- c. The Committee/Commission shall grant or deny the application. If the application is denied, the Committee/Commission may indicate changes or conditions, which would make the application more successful. A new application, reflecting the suggestions of the Committee/Commission maybe submitted after such a denial, and a new hearing shall be heard on the application. No Conditional Use Permit shall be granted for land in the agriculture district unless the proposed use is permitted under Scetion91.75, Wisconsin Statutes.
- d. The Committee shall consist of five citizens appointed by the Town Chairman for five years, staggered terms. Appointments must be approved by the Town Board, and the members shall file the official oath. They shall receive mileage. They may be removed only for cause, after notice and hearing, by the Town Board
- e. The Committee/Commission shall consider the following factors in deciding on the application”:
 - 1. The testimony and presentations at the hearing.
 - 2. The alternative locations available for proposed use
 - 3. The ability of the Town to provide services to the proposed use at a reasonable cost.
 - 4. The degree to which the proposed use will conflict with agriculture (if the land affected is zoned agriculture), or with other uses in the area.
 - 5. The availability of utility services to the land affected.
 - 6. Other factors which affect the public interest.

AMENED 8-6-91

SECTION 8. CHANGES and AMENMENTS

The Town Board may from time to time on its own motion or petition amend, supplement or change the District Boundaries or the Regulations herein or subsequently establish, upon giving at least ten days notice by publication in the official paper at least one time in such ten days of the proposed amendment, supplement or change and of hearing thereon, and opportunity to any person interested to be heard. In case of protest against such change duly signed and acknowledged by owners adjacent extending 100 feet there from, or by owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street or road frontage on such opposite land. Such amendment, supplement or change, shall not become effective except by favorable vote of two thirds of the Town Zoning Committee, or the Town Board of Appeals which ever shall have jurisdiction at the time.

SECTION 9. VALIDITY.

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole any part thereof, other than the part so declared to be invalid.

This Ordinance shall be deemed to be in force from and after its passage, approval, publication and recording to law.

Recommended by:

Town of Grover Planning Commission:

24th day of August 1979

Ferdinand Behm

Chairman, Planning Commission

Elsie Dobrenz

Secretary, Planning Commission

Passed and Approved by

Filed 24th day of August 1979

Town Board this 24th day of August, 1979

Lester Schwarz

Chairman

Barbara Zester

Town Clerk

Samuel Zagorski

Supervisor

Stephen L. Kalmon

Supervisor