

ZONING CODE OF THE TOWN OF LITTLE BLACK

TAYLOR COUNTY, WISCONSIN

ORIGINALLY ADOPTED

February 15, 2017

Amended 2018-7-8

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1. SECTION 1: TITLE AND PURPOSE

1.1: TITLE: This Ordinance shall be known, cited, and referred to as: The Town of LITTLE BLACK Zoning Ordinance.

1.2: PURPOSES:

(1.2.A): General.

The Town of Little Black Zoning Ordinance is intended to protect and enhance the natural resources and rural culture of the township. The Zoning Ordinance of the Town of LITTLE BLACK is adopted for the following purposes: To promote and to protect the public health, safety, comfort, convenience, and general welfare; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate standards of light, air, and open space; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, agricultural and manufacturing uses for the mutual benefit of all. It is further intended to provide for the administration and enforcement of this Ordinance and the Town of Little Black comprehensive plan on a local level and to provide penalties for violations.

(1.2.B): Groundwater.

Scientific research has demonstrated that groundwater quantity in the town is limited due to unique geologic circumstances, and that groundwater quality is also impacted by naturally occurring and human-caused conditions. The purpose of this Zoning Ordinance, therefore, also includes protecting, preserving, and conserving the groundwater resources of the Town of Little Black.

1.3: AUTHORITY:

These regulations are adopted under the authority granted by secs. 60.61 and 62, 61.35 and 62.23, Wis. Stats., and other statutes and grants of authority cited in this Ordinance. The Town Meeting has granted general and continuing village powers and zoning authority to the Town Board.

1.4: EFFECTIVE DATE:

This Ordinance shall be effective after a public hearing and adoption by the Town Board.

2. SECTION 2: RULES AND DEFINITIONS

2.1: GENERAL INTERPRETATIONS:

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

be to the nearest integral foot, if a fraction is one-half foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neuter.

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

2.2:SEVERABILITY:It is hereby declared to be the intention of the Town Board of the Town of LITTLE BLACK that the several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

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

2.3:DEFINITIONS:

The definitions of terms throughout this ordinance shall be interpreted to have the following meanings:

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

(2):ACCESSORY FARM BUILDINGS. Farm buildings other than the main dwelling unit.

(3):ACCESSORY OR AUXILIARY USE, STRUCTURE, or BUILDING: A use, structure, or building subordinate to the principal use of a building or to the principal use of land and which is located on the same piece of land. The accessory use or structure is serving a purpose customarily incidental to the use of the principal building or land use. For example, in the case of a house and detached garage on a lot, the accessory building is the garage. An accessory structure or building is not used for human habitation.

(4):ADULT-ORIENTED ESTABLISHMENT: means, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabarets and further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(5):AGGRIEVED: suffering from an infringement or denial of legal rights.

(6):AGRICULTURAL USE: Agricultural use is any of the following activities conducted for the primary purpose of producing an income or livelihood: crop or forage production, keeping livestock, beekeeping, nursery or sod production, floriculture, aquaculture, fur farming, or enrolling land in a federal, agricultural commodity payment program or a federal or state agricultural land conservation payment program. For purposes of this zoning ordinance, agriculture does not include forestry. (See definitions of "FORESTRY" elsewhere in this section.)

(7):AIRPORT. Any runway, landing area, or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

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

(9):ALTERATIONS: The physical change in a building or an addition to it. As applied to a building or structure, it means a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

- (10):ANIMAL UNIT A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wisconsin Administrative Code section NR 243.05, which are fed, confined, maintained or stabled in an animal feeding operation. For the purpose of this ordinance, one animal unit is equivalent to 1000 pounds.
- (11):APARTMENT HOUSE: A building containing accommodations for more than two families living independently of each other.
- (12):AUTO DEALER: Any person may who sells, offers to sell, or displays of more than three (3) vehicles that are not in the person’s personal fleet.
- (13):AUTOMOBILE BODY SHOP: Overall painting or a paint shop for motor vehicles; collision services; steam cleaning. Mechanical automobile repair does not fall within the general definition of automobile body shop, but rather is a separate use and is termed “automobile repair” in this ordinance.¹
- (14):AUTOMOBILE OR TRAILER SALES AREA. An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- (15):AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair, vehicle steam cleaning. Overall painting or a paint shop for motor vehicles does not fall within the general definition of automobile repair, but rather is a separate use and is termed an “automobile body shop” in this ordinance.
- (16):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.
- (17):AUTOMOBILE: For purposes of this ordinance, the term “automobile” includes cars, trucks, farm machinery and ancillary equipment.
- (18):BASEMENT. A portion of a building or structure partly underground.
- (19):BED AND BREAKFAST ESTABLISHMENT: A business as defined in Section 254.61(1), Wis. Stats.
- (20):BOARD: the Town Board of the Town of Little Black, established under Wis. Stat. ch. 60, subch. IV and further discussed in Section 4 of this Ordinance.
- (21):BOARD OF APPEALS: The Board of Appeals as it is established under the provisions of Section 62.23(7)(e), Wis. Stats., and Section 4 of this Ordinance.
- (22):BOARDING HOUSE: A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation.
- (23):BUILDABLE LOT AREA: That part of the lot not included within the open areas required by this ordinance.
- (24): BUILDING: any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land, including but not limited to one- and two-family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, commercial structures, industrial structures, accessory structures, and outbuildings.
- (25):BUILDING, ALTERATIONS OF: Any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building, or movement of a building from one location to another.
- (26):BUILDING, COMPLETION: A building for which roofing materials, siding materials, window, doors and steps have been affixed to the exterior and the interior supplied with electricity, plumbing

¹ Note: The reason for separating these uses relates to potential differences in ventilation needs and impacts on air quality. An applicant may request both uses on one site, in which case the more restrictive requirements would apply to any zoning permit or conditional use permit.

and heating fixtures in operable condition and in conformance with applicable codes and regulations, as determined by the Zoning Administrator.

(27):BUILDING, FLOOR AREA RATIO: The floor area of the building divided by the area of the lot on which it is or will be located. The floor area of the building shall include that area of ground covered by the roof of the building. Total floor area shall include the sum of the floor areas of all buildings on the lot.

(28):BUILDING HEIGHT: The vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable or gambrel, hip, or pitch roof.

(29):BUILDING PERMIT: See Zoning Permit.

(30):BUILDING, PRINCIPAL or MAIN: The building of primary importance on a parcel of land, in contrast to those which are accessory or of secondary importance. In the case of a house and attached garage, the entire structure, including the house and garage, shall be considered the principal building.

(31):BUILDING SETBACK LINE or SETBACK: The line outside the right-of-way of a street beyond which no building or part thereof shall project and no accessory structure built, except as otherwise provided by this ordinance. Building setback lines are measured from projections, such as roof overhangs, rather than from the building's foundation. (See Wisconsin Uniform Dwelling Code for additional details on measurement.)

(32):BUILDING SITE AREA: The ground area of a building or buildings, together with all open spaces required by this Ordinance.

(33):BUILDING, STORAGE: Buildings for the storage of personal property, exclusive of dwelling units.

(34):BUSINESS OR ESTABLISHMENT: Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods and/or the provision of services.

(35):CAFO: Concentrated or confined animal feeding operation. An animal feeding operation with 1,000 animal units or more is a large CAFO. The DNR may designate a smaller-scale animal feeding operation (fewer than 1,000 animal units) if it has pollutant discharges to navigable waters, contaminates a well, or meets any of the other criteria under Wis. Admin. Code § NR 243.03(12).

(36):CAR WASH: A building, or portion thereof, containing commercial facilities for washing vehicles using a steam cleaning device, cleaning solutions and water under pressure, blower, chain conveyor or other mechanical devices.

(37):CEMETERY: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

(38):CENTER LINE: A line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the center line center line of the main-traveled way of a non-divided highway.

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

(40):CHEESE FACTORY: A facility that converts any type of milk source into cheese. This definition may include a retail outlet inside the factory.

(41):CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, and injured persons or animals and those who are in need of medical or surgical attention, but where persons are not provided with board or room nor kept overnight on the premises. Animals may be kept overnight at veterinary clinics.

(42):CLUB: An association of persons who are organized for some non-commercial common purpose. Examples of clubs are the Boys and Girls Club, the Local History Club, the 4-H Club and the Gardening Club. A group organized solely or primarily to render a service customarily provided by a commercial enterprise is not a club. A roadhouse or tavern shall not be construed as a club.

- (43):COLLECTOR STREET: A public street intended to serve and provide access to neighborhoods or sub-neighborhoods.
- (44):COMMON OWNERSHIP: Ownership by the same person or persons, or a legal entity that is wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- (45):COMPREHENSIVE PLAN: The Town's community development plan entitled "Town of Little Black Comprehensive Plan 2011," originally adopted in 2011 and as amended under Sections 62.23 and 66.1001, Wis. Stats. for the purposes stated therein.
- (46):CONDITIONAL USE: A public or private use which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such "conditional use" may or may not be granted, subject to the terms of this Ordinance.
- (47):CONDOMINIUM: Any property subject to a condominium declaration established under Ch. 703, Wis. Stats.
- (48):CONVALESCENT HOME. A home designed for the care and housing of patients requiring observation and treatment, but not requiring hospitalization.
- (49):CONVENIENCE STORE: A small store or shop which may also be associated with the sale of motor vehicle fuel, and stocking a range of everyday items such as groceries, toiletries, bakery goods, beverages, food items, limited household items and automotive supplies. Convenience stores may also have automobile washing facilities. Convenience stores may not provide automobile repair or painting services.
- (50):COURT: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides.
- (51):CREMATORIES: A furnace to burn animal or human bodies. It may be standalone or within a building.
- (52):CROP: row crops, field crops, tree crops, timber, bees, and apiary productions.
- (53):DATCP.: The Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- (54):DAY CARE OR CHILDCARE FACILITY: For the purpose of this Code, a day care or childcare facility shall have the same definition as contained in sec. 48.65(1), Wis. Stats.
- (55):DECK: A structure usually made of wood and/or synthetic materials which is accessory to a principal structure and normally has no roof covering or sidewalls.
- (56):DEVELOPMENT: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewerage disposal systems or water supply facilities.
- (57):DISTRICT: A portion of the Town where certain uniform regulations and/or requirements or combinations of both apply according to the provisions of this ordinance and as may be specified on the Town's Official Zoning Map as adopted by the Town Board of Supervisors.
- (58):DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, or within a building or structure.
- (59):DRIVEWAY means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.

(60):DWELLING UNIT: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

(61):DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwelling units, but not including hotels, boarding houses, and lodging houses.

(62):EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.

(63):EMERGENCY VEHICLE means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.

(64):ESSENTIAL SERVICES. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wire, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings which are necessary for the furnishing of adequate service by utilities or municipal departments for the general health, safety or welfare.

(65):EXPRESSWAY: A divided arterial highway with controls on public and private access and, generally, with interchanges at major intersections.

(66):FACTORY-BUILT HOME: Any structure built in a factory and designed for long-term residential use including:

(a):Manufactured Homes: has the meaning in Wis. Stat. § 101.91(2).

(b):Modular Homes: has the meaning in Wis. Stat. § 101.71(6)(a).

(67):FAMILY: A group of persons living together in one (1) dwelling unit as a single housekeeping entity.

(68):FARM ACREAGE: Acreage that is part of a farm, except that farm acreage does not include any nonfarm residential acreage.

(69):FARM, HOBBY: A non-commercial farm operation with a limited number of animals and agricultural crop production, the income from which is incidental to the total household income.

(70):FARM RESIDENCE: means any of the following structures that is located on a farm:

(a): A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

(I): An owner or operator of the farm.

(II): A parent or child of an owner or operator of the farm.

(III): An individual who earns more than 50 percent of his or her gross income from the farm.

(b): A migrant labor camp that is certified under s.103.92 Wis. Stats..

(71):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.

(72):FARMLAND PRESERVATION PLAN: a plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 stats.

(73):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 confined areas for sale at wholesale or retail; (2) Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in confined areas for the purpose of fattening such livestock for final shipment to market.

(74):FENCE, CLOSED: A fence whose entire length is more than 50% opaque and whose individual elements or sections are also greater than 50% opaque.

(75):FENCE: A structure usually serving as an enclosure, barrier, or boundary, usually made of posts, boards, wire, or rails.

(76):FLOOD: Has the meaning in TAYLOR County Shoreland Zoning Ordinance, which also defines floodplain, flood profile, flood-proofing, flood stage and floodway.

(77):FOREST INDUSTRIES: The cutting and temporary storage of forest products, the operation of portable sawmills, and production of maple syrup and sugar.

(78):FOREST CROPLAND: Forested pasture consisting mainly of forest, brush-grown pasture, arid woodlands, and other areas within forested areas that have grass or other forage growth. May include significant areas grazed only lightly or sporadically.

(79):FORESTRY: developing, caring for, or cultivating forests including the management of growing timber

(80):FOUNDATIONS: A building or structure component that meets the minimum requirements specified in Wisconsin Administrative Code ch SPS 321..

(81):FREEWAY: An expressway with full control of access and with grade separations at all intersections.

(82):FRONTAGE. Frontage shall be that boundary of a property which is along an existing or dedicated public street or, where no public street exists, is along a public way. Where a property abuts more than one street, the Zoning Administrator shall determine the frontage for purposes of this Ordinance.

(83):FUR FARM: Any property comprising land or building or both, used for the purpose of raising or harboring fur bearing animals, including those defined in Section 29.001(30), Wis. Stats., and also including chinchillas and other fur bearing animals, whether the animals are kept for breeding, slaughtering, pelting purposes.

(84):GARAGE APARTMENT: A structure being part of a private garage in which provision is made for one dwelling unit.

(85):GARAGE STORAGE: Any building or premises, used for parking vehicles, trailers or storing any personal property pursuant to previous arrangements, and at which automobile fuels, and oils are not sold, and vehicles or trailers are not equipped, repaired, hired or sold.

(86):GRADE, FINISHED: The final grade of the site that conforms to an approved plan as required by this ordinance.

(87):GRADE, NATURAL: The existing grade of elevation of the ground surface that exists or existed prior to man-made alterations.

(88):GRADE, PERCENTAGE OF: The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance. (Twelve feet of change in elevation in 100 feet 318 horizontal distance is a 12% grade)

(89):GRADE. A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

(90):GRADING: The physical disturbance of the ground by the addition, removal, or re-distribution of soil.

(91):HABITABLE STRUCTURE: Any structure, or portion of a structure, used or intended to be used for permanent or intermittent human occupancy.

(92):HARDSHIP: has the meaning as developed in Wisconsin case law for granting a “variance.” See Section (6.3.A):

(93):HIGH WATER LINE; ORDINARY HIGH WATER MARK: See TAYLOR County Shoreland Zoning Ordinance.

(94):HOME OCCUPATION: Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or

offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold, that no person other than a member of the resident family is employed on the premises, and that no more than 25% of the floor area of any floor of the residence or accessory building is used for the home occupation. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shop, nonretail cabinet making, real estate brokerage, or photographic studios.

(95):HOME PROFESSIONAL BUSINESS: Any professional occupation for gains or support when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that such business is conducted solely by a member or members of the resident family within the residence. A home professional business includes uses such as attorneys, doctors, and dentistry offices, real estate brokerages, photographic studios and service-oriented shops such as beauty and barbershops, offices for tax preparation and licensed children's day care for no more than twelve (12) children.²

(96):HOSPITAL. Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, rest home, and any other place for the diagnosis, treatment or other care of ailments. "Hospital" shall be limited to places for the diagnosis, treatment or other care of human ailments with provisions for treatment or other care of human ailments with provisions for keeping such patients overnight on the premises.

(97):HOTEL: A building in which board and lodging are provided to the transient public for compensation.

(98):HOUSEHOLD PET. Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, or fish in aquarium(s).

(99):HOUSEHOLD UNIT: A group of persons who live together in one dwelling unit as a single housekeeping unit to the exclusion of all others.

(100):HUMAN HABITATION: The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

(101):IMPACTED LANDOWNER means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.

(102):INDUSTRY: A business use or activity at a scale greater than home occupation involving manufacturing, fabrication, assembly warehousing, and/or storage. The manufacture, fabrication, processing, preparation or treatment of any article, substance, or commodity including indoor or outdoor storage of materials, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise. For purposes of this zoning ordinance, nonmetallic mining is not an industry. (See definition of "NONMETALLIC MINING" in this section.)

(103):INSIDE STORAGE UNITS. See Mini-Warehousing Definition

(104):INTERCHANGE: A grade separated intersection with one or more turning lanes for travel between intersecting highways.

(105):JUNK, SALVAGE YARD: An open area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building.

(106):JUNK YARD: For the purpose of this ordinance, "Junk Yard" shall have the same meaning as Salvage Yard.

(107):JUNK-AUTOMOBILE WRECKING YARD. Any premises on which ten or more motor vehicles not in running order or operating condition are stored in the open.

² Before any home professional business may be opened, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the business may commence.

(108):KENNEL: A kennels is any premise, structure or parcel of land or portion thereof, where dogs, cats or other household pets are maintained, boarded, bred or cared for, either for remuneration or for the purposes of sale.

(109):LAUNDROMAT: A business that provides washing, drying and/or ironing machines for hire to be used by customers on the premises.

(110):LIVESTOCK STRUCTURE means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

(111):LIVESTOCK: Cattle, swine, poultry, sheep, and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

(a):For use in determining compliance with ch. 91 Wis. Stats, livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids(camels, llamas, alpacas, and vicunas.), ratites(any of a diverse group of large, flightless birds), and farm-raised fish.

(b): For use in determining compliance with ATCP 51 of Wis. Adm. Code, livestock means domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products.

(112):LOADING AREA: A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(113):LOT COVERAGE: The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.

(114):LOT DEPTH: The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

(115):LOT WIDTH: 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.

(116):LOT, CORNER: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less the 135 degrees. The point of intersection of the street lines in the "corner."

(117):LOT, INTERIOR: A lot other than a corner lot.

(118):LOT, LINE: A property boundary line of any lot held in single or separate ownership, except that where any portion of a lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

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

(120):MANUFACTURED DWELLING (HOME): has the meaning in Wis. Stat. § 101.91(2)(am).

(121):MANURE excreta from livestock, including livestock bedding, water, soil, hair, feathers, and other debris and process wastewater that becomes intermingled with livestock excreta in normal manure handling operations.

(122):MINI-WAREHOUSE: a small storage space of 200 to 2,000 square feet, designed for commercial customers.

(123):MINOR STRUCTURE: Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, and arbors, including walls and fences under four feet (4') in height.

(124):MOBILE HOME PARK: Any park, court, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes or manufactured homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile home parks shall not include automobile, mobile or manufactured home sales lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.

(125):MOBILE HOME: has the meaning in Wis. Stat. § 101.91(2)(c). For purposes of this section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home.

(126):MOTEL: A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner, his agent or his employees.

(127):MOTOR HOME: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(128):MOTOR VEHICLE, INOPERABLE: Any motorized vehicle incapable of immediately being driven and/or not properly licensed in accordance with state law.

(129):MOTOR VEHICLE, JUNK: Any motor vehicle, trailer, or semitrailer that is inoperable and which, by virtue of its condition cannot be economically restored to operable condition; provided that such vehicle, trailer or semitrailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than 60 days.

(130):MOTOR VEHICLE: See Automobile.

(131): NONCONFORMING LOT: A lot which had dimensions or square footage that met legal requirements prior to the adoption, amendment or comprehensive revision of this Ordinance, but which fails to conform to the current requirements of this Ordinance.

(132):NONCONFORMING USES OR STRUCTURES: Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this Ordinance or amendments thereto, which does not conform to the regulations of this Ordinance or any amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

(133):NON-FARM RESIDENCE means a one or two family residence other than a farm residence.

(134):NONMETALLIC MINERALS: A product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.

(135):NONMETALLIC MINING means any or all of the following: Extraction from the earth of mineral aggregates or nonmetallic minerals for off-site use or sale, including drilling and blasting as well as associated activities such as excavation, grading and dredging of such materials; manufacturing or industrial processing operations that may involve the use of equipment for the crushing, screening, separation, washing, drying or blending of the mineral aggregates or nonmetallic minerals obtained by extraction from the mining site, or from materials transferred from off-site; manufacturing processes aimed at producing nonmetallic products for sale or use by the Operator; stockpiling of nonmetallic products for sale or use off-site and stockpiling of waste materials; transporting of the extracted nonmetallic materials, finished products or waste materials to or from the extraction site and/or processing site(s); stockpiling, storing or processing of nonmetallic products for transportation

including trucking terminals and rail terminals whether located on or off of the mine site; disposal of waste materials from nonmetallic mining; reclamation of the extraction site.

(136):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.

(137):NOXIOUS WEEDS: a class of weeds that must be destroyed.

(138):NURSING HOME: A home in which three or more persons not of the immediate family are received, and provided with shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

(139):OCCUPANCY: 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.

(140):OPERATOR means a person who applies for or holds a local approval for a business including a livestock facility.

(141):OWNER means any person having a legal or equitable interest in a building or land. "Owner" does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension of credit to permit construction or remodeling of the building or purchase of the building by a third party.

(142):PARK, AMUSEMENT: An area publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

(143):PARK-RECREATIONAL AREA: A park, playground, ball field, ski hill, sport field, swimming pool, riding stables or riding academies or other facilities and areas constructed for recreational activities and open for use by the public or a private organization.

(144):PARK-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.

(145):PARKING LOT: A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobile or other vehicles or storage for the purpose of repair or wrecking.

(146):PARKING SPACE: A surfaced area for temporarily parking vehicles.

(147):PASTURE: Grazing animals on growing vegetation. See also the standards in the Taylor County Technical Guide adopted by the Taylor County Land Conservation Committee.

(148):PERMANENT STRUCTURE: A structure which is built of such materials and in such a way that it would be commonly expected to last and remain useful for a substantial period of time.

(149):PERMITTED USE: A use listed in the zoning ordinance that is allowed at all locations in a zoning district, provided that the project or use complies with the general standards for the zoning district, any overlay district or design standards, and related building or construction codes. Authorization of a permitted use is non-discretionary and may be authorized with a zoning permit.

(150):PERSON: Any individual, firm, trust, partnership, public or private association or corporation.

(151):POND: A seasonal or permanent body of water, created by excavation, by dike construction or by a combination of both.

(152):PRIME FARMLAND MEANS ANY OF THE FOLLOWING:

- (a): An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the federal Department of Agriculture.
- (b): Land, other than land described in par. A, that is identified as prime farmland in the Little Black Comprehensive Plan.

(153):PRIME OR PRODUCTIVE AGRICULTURAL OR FORESTRY LAND means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.

(154):PROHIBITED USE: A use that is not allowed in a zoning district because it is not expressly listed as a permitted or conditional use, or that is specifically prohibited in a particular district.

(155):PROFESSIONAL OFFICE: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.

(156):PROPERTY LINE means a line that separates parcels of land on record with the Taylor County Register of Deeds.

(157):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.

(158):PUBLIC WAY: A "public way" is any sidewalk, street, alley, highway, or other public or private thoroughfare available for public passage.

(159):RECREATIONAL VEHICLE: See Motor Home.

(160):RELATED LIVESTOCK FACILITIES means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

(a):They use one or more of the same livestock structures to collect or store manure.

(b):At least a portion of their manure is applied to the same land spreading acreage.

(161):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.

(162):RESORT: An area containing one or more permanent buildings utilized principally for the accommodation of the public for recreation purposes.

(163):RESTAURANT: A space within a suitable building providing an adequate and sanitary kitchen equipment and dining room of related capacity, having employees for preparing, cooking, and serving suitable food.

(164):RIDING STABLES OR RIDING ACADEMIES:

(a): COMMERCIAL. A stable or riding academy, including buildings and premises, for horses, ponies, donkeys, mules or other animals which are let, hired, used or boarded on a commercial basis or for compensation.

(b): PRIVATE. An accessory building for the keeping of horses, ponies, donkeys or mules owned by the occupant of the premises and not kept for remuneration, hire or sale.

(165):RIGHT-OF-WAY: Passageways such as freeways, streets, bike paths, alleys, sidewalks, and walkways, or other area that is dedicated or deeded to the public for transportation or passage.

(166):ROAD RIGHT-OF-WAY LINE: A dividing line between a lot, tract or parcel of land and an abutting road.

(167):ROAD: All property dedicated or intended for public or private street purposes or subject to public easements therefor and has a right-of-way width of 66 feet with a hard surfaced paved area of at least 22 feet in width with 2 foot graveled shoulders or a gravel surface of 26 feet in width.

(168):ROADSIDE STAND: A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered.

(169):SANITARY LANDFILL: The term "sanitary landfill" has the meaning set forth in Wisconsin Statutes Chapter 289.01 (20) and (35), as may be amended from time to time.

(170):SCHOOL, COMMERCIAL: A school limited to special instruction such as business, art, music, trades, handicraft, dancing, or riding.

(171):SELF STORAGE: spaces of 25 to 200 square feet and designed for storage of household goods by consumers.

(172):SERVICE BUILDING: A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this ordinance.

(173):SERVICE-TYPE BUSINESSES include such businesses as barbershops, beauty parlors, laundromats, music, dancing, art or photography studios, servicing, repair, home appliance or equipment and similar uses.

(174):SHOOTING RANGE, PUBLIC: Any permanent or semi-permanent target shooting range for use by the general public and/or for competitive shoots, whether or not a charge/fee/donation is required to use the facility.

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

(176):SIGN, ADVERTISING: Any non-point-of-sale sign, usually of changeable character, such as a billboard, which portrays advertisements for establishments, services, articles or products not necessarily associated with the premises upon which the sign is located.

(177):SIGN, BANNER. Any sign in which the characters, letters, illustrations, or ornamentations are applied to cloth, paper, fabric or other similar material, with or without frame.

(178):SIGN, BILLBOARD: 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.

(179):SIGN, DIRECTIONAL. A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.

(180):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.

(181):SIGN, GROUND SIGN: A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and with the bottom of the sign surface more than three feet but less than eight feet above grade. Ground signs include the following:

(a):ILLUMINATED SIGN. A sign designed to give forth any artificial light or reflect such light from an artificial source.

(b): POLE SIGN. A sign with an elevated surface supported by one or more vertical poles or columns placed in the ground with the sign surface a minimum of eight feet above ground.

(c):PROJECTING SIGN. A sign which projects from and is supported by a wall or a building and extends out from the wall more than twelve (12) inches.

(d): PORTABLE SIGN. A free-standing sign not permanently anchored or secured to either a structure or the ground such as, but not limited to, "A" frame, "T" shaped or inverted "V" shaped signs.

(e):ROOF SIGN. A sign which is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.

(f): STRING SIGN. Any sign in which lights, ribbons, pennants or other similar small, attention-drawing devices are attached to a rope, string, wire, pole or similar support.

(g): WALL SIGN. A sign which is attached directly to a building wall and which does not extend out more than twelve (12) inches therefrom, with the exposed face of the sign in a plane parallel to the building wall.

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

(183):SOLAR ENERGY SYSTEM: Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

(184):SOLAR ENERGY: Direct radiant energy received from the sun.

(185):STORY: The vertical distance between the surface of any floor and the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

(186):STREET: A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, trail, parkway, boulevard, lane, place, highway, thoroughfare or any similar term.

(187):STREET, ARTERIAL: A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as streets, highways and parkways.

(188):STRUCTURAL ALTERATION: See Alterations.

(189):STRUCTURE: Anything constructed or erected, the use of which requires a foundation or a location on or in the ground. It includes but is not limited to objects such as buildings, factories, sheds and cabins.

(190):SUBDIVISION - a division of a lot, parcel, or tract of land by the owner thereof, or the agent of owner, for the purpose of sale or of building development, where: The act of division creates three (3) or more parcels or building sites of 2 acres each or more in area, served by a common private road to township specifications for private roads.

(191):TEMPORARY STRUCTURE: A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.

(192):TOWN means the Town of Little Black, Taylor County, Wisconsin, and includes the town's officers, employees, and agents when appropriate.

(193):TOWN BOARD means the Board of Supervisors for the Town of Little Black, or any person designated to act for the town board.

(194):TOWN CHAIRPERSON: the Chairperson of the Board of Supervisors.

(195):TOWN PLAN COMMISSION: See Section 4.6.

(196):UNNECESSARY HARDSHIP: See Section 6.3.

(197):USE, INCOMPATIBLE: A use or service that is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

(198):UTILITIES: See PUBLIC UTILITIES.

(199):VARIANCE: A deviation from the strict terms of the ordinance, granted under the procedures and standards set forth in Section 6.

(200):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.

(201):WASTE STORAGE STRUCTURE means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of ATCP 51.12(2) and 51.14, "waste storage structure" does not include any of the following:

- (a):A structure used to collect and store waste under a livestock housing facility.
- (b): A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

(202):WATER STORAGE FACILITY: A water tower, tank or similar vessel which is part of a high capacity well.

(203):WELL, HIGH CAPACITY: A well, except for a residential well or fire protection well, that together with all other wells on the same property has a capacity of more than 100,000 gallons per day.

(204):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.

(205):WIND ENERGY SYSTEM: Equipment that converts and then stores or transfers energy from the wind into usable forms of energy

(206):WIS. STATS. means the Wisconsin Statutes, including successor provisions to cited statutes.

(207):WPDES PERMIT means a Wisconsin pollutant discharge elimination system permit issued by DNR under ch. 283, Wis. Stats. and any applicable regulations.

(208):YARD, FRONT YARD: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

(209):YARD, REAR YARD: An open space extending full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

(210):YARD, SIDE YARD: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required in the district where located.

(211):YARD, INTERIOR SIDE: A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot. May include a "corner side yard."

(212):YARD: An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings or minor structures in specified yards.

(213):ZONING ADMINISTRATOR: A person appointed by the Town Board to administer and enforce this Ordinance, and who has such other duties as specified herein.

(214):ZONING PERMIT: A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this chapter are or shall be used in accordance with the provisions of this chapter. For example, zoning permits are required for modifications to nonconforming structures and uses.

3.SECTION 3 GENERAL REGULATIONS

3.1:SCOPE OF REGULATIONS: Development in the Town of Little Black shall conform to the following requirements:

(3.1.A):All buildings erected, all uses of land or buildings, and all structural alteration or relocation of existing building occurring hereafter the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

(1):However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within twelve (12) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated – subject thereafter to the provisions of this Ordinance relating to Non-Conforming Buildings, Structures, and Uses.

(2):Where a zoning permit, a conditional use permit, or a variance has been issued pursuant to the provisions of this Ordinance, such permit or variance shall become null and void unless work thereon is substantially underway within twelve (12) months of the date of the issuance of such permit by the Zoning Administrator.

(3):A conditional use permit shall be deemed to authorize only the particular use specified in the permit and shall expire if the conditional use shall cease for more than twelve (12) months for any reason.

(4):Any zoning permit issued in conflict with the provisions of this Ordinance, shall be null and void.

(3.1.B):All new dwellings unless on a parcel with no other dwellings shall be on a surveyed parcel no less than two (2) acres not including right of way.

3.2:SEWAGE DISPOSAL AND WATER SUPPLY:

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

3.3:EXEMPTIONS:

The following uses are permitted in any zoning district, subject to any additional rules, regulations, or laws that apply to the installation and operation of these uses: poles, towers, wires, cables, conduits, vaults, laterals, pipe, mains, valves or any other similar distributing

equipment for telephone or other communications and electric power, gas, water and sewer lines.

3.4:USE REGULATIONS:

(3.4.A):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 permitted uses hereinafter stated for that district, or as a conditional use by permit.

(3.4.B):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. A mobile home may be used as a temporary office or shelter incidental to construction in connection with the development of the premises on which the mobile home is located, but only during the time that construction or development is actively underway. The Zoning Administrator must authorize such temporary office, shelter or mobile home in writing before the same may be erected at the premises.

(3.4.C):Unclassified Uses: In case of questions as to the classification of a use, the question shall be submitted to the Zoning Board of Appeals for determination.

3.5:NON-CONFORMING STRUCTURES AND USES.

(3.5.A):Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance or amendment thereto may be continued although such building or use does not conform with the provisions of the Ordinance, but no nonconforming building or premises may be enlarged or altered unless a zoning permit has been issued as required by this ordinance. No nonconforming use may be extended or expanded.

(3.5.B): Nonconforming structures: Discontinuance and Change.

(1): No conforming structure during its total lifetime shall be enlarged or altered in excess of 50% of its assessed value unless permanently changed to conform with the regulations of this Ordinance.

(2):When a nonconforming structure is damaged to the extent of more than 80 percent of its appraised value at the time it was damaged, as determined by the Planning Commission, it shall not be restored except in conformity with the regulations of the district in which it is located. If the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored or replaced to the size (unless a larger size is needed to comply with applicable state or federal requirements), location, and use that it had immediately before the damage or destruction occurred, regardless of whether the damage exceeds more than 80 percent of its appraised value at the time the damage occurred. Nonconforming manufactured home communities are subject to the provisions of Wis. Stat. § 62.23(7)(ham).

(3):These regulations are not to be construed to prevent the necessary maintenance or repairs of buildings, utilities and property.

(3.5.C): Lot Lines: The size and shape of a lot shall not be altered so as to increase the amount of nonconformity of a building or use.

(3.5.D):Nonconforming uses: Discontinuance and Change.

(1):If the nonconforming use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to the regulations of the district in which it is located and other applicable provisions of this Ordinance.

(2):A zoning permit may be issued to authorize the change of one nonconforming use to another of the same type provided that the Planning Commission shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.

(3):Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

3.6: ACCESSORY USES AND STRUCTURES: In any district accessory buildings and uses customarily incident to the permitted uses in that district shall be permitted subject to such requirements as may be designated for that district in which they are located. Accessory buildings,

structures and uses shall be compatible with the principal uses and shall not be established prior to the principal use unless otherwise approved by the Zoning Administrator.

(3.6.A):Location

(1): No accessory building or structure, with the exception of a boathouse on the shoreline, shall be erected or altered or moved to a location within the required area of a front or side yard.

(2):An accessory building or structure, including any overhang or use in a rear yard, shall be not less than fifteen feet from any property line between property owners, 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.

3.7:AREA REGULATIONS

(3.7.A):Except as specifically provided herein, all lots shall comply with the area requirements of the district in which the lot is located. See Sections (11.4.B),(12.4.B) and (13.4.B) .

(3.7.B): Lot Reduction: After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met.

(3.7.C):Existing Lot: Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which the lot is located, providing all other requirements (Town, County, State and Federal) of the district within which the lot is located are met.

(3.7.D):Yard and Open Space Regulations: All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building.

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

(2):The yard requirements provided elsewhere in this Ordinance may be modified as follows:

(a):Uncovered stairs, landings, and fire escapes may project into any yard not closer than fifteen (15) feet to any lot line.

(b):Marquees, awnings and chimneys adjoining the principal building, overhanging roof eaves, and architectural projections may project into any required yard not closer than fifteen (15) feet to any lot line.

(c):Ornamental light standards, flag poles, trees and outdoor fuel-dispensing equipment are permitted in any yard.

(d):Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of ten (10) feet and shall abide by the vision clearance triangle requirements in yards abutting streets, and shall not be closer than two (2) feet to any public right-of-way. Security fences are permitted on the property lines in all districts. Fences shall be no closer than the 15 feet from buildings.

(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 redivided to maintain minimum yard setbacks.

(f):Poles, towers, wires, cables, conduits, vaults, laterals, pipe, mains, valves or any other similar distributing equipment for telephone or other communications and electric power, gas, water and sewer lines are allowed in any yard area, subject to other applicable requirements.

(g):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.

3.8:HEIGHT REGULATIONS AND EXCEPTIONS:

(3.8.A): Heights of the following structures, may exceed Ordinance limits for the district in which they are located, unless applicable airport regulations require a lower height: cooling towers, stacks, barns, lookout towers, silos, windmills, water towers, church spires, radio and television aerials, masts, communication towers, antennas and similar mechanical appurtenances.

(3.8.B): Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet in any district where allowed, provided the front, side and rear yards setbacks required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

(3.8.C): Adjacent to airports, the maximum height of any object shall comply with the requirements of sec. 114.136(2)(b), Wis. Stats.

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

(3.9.A): Class A highways:

(1): All state and federal highways are hereby designated as Class A highways.

(2): The setback line of Class A highways shall be sixty-six (66) feet from the center-line of the highway or per state requirements, whichever is greater.

(3.9.B): Class B highway:

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

(2): The setback for Class B highways shall be sixty-six (66) feet from the center-line of such highway.

(3.9.C): Class C highways:

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

(2): The setback from Class C highways shall be sixty-six (66) feet from the center-line of such highway.

(3.9.D): Private easement roads:

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

3.10: REDUCED BUILDING SETBACKS:

(3.10.A): A setback less than the setback required for the appropriate class of highway may be allowed by variance where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback.

(3.10.B): For the purpose of this section, measurements shall be the shortest distance from the center-line of the right-of-way to the building foundation or that part of the building which is totally enclosed. The intent is to include such additions or appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc.

(3.10.C): Any modification of other setbacks may be allowed by variance.

3.11: VISION CLEARANCE TRIANGLE:

(3.11.A): In each quadrant of every public street intersection or street-railroad intersection, there shall be a vision clearance triangle bounded by the street center-lines and a line connecting points on them one hundred fifty (150) feet from all highway intersections. Within this vision clearance triangle, no structure or object of natural non-annual growth (not seeded and harvested annually) shall be constructed, maintained or permitted to grow a height of 2 feet above the elevation of the street or highway grade at the center-line, except as provided in Section 3.12.

(3.11.B): In each quadrant of every public street intersection or street-railroad intersection, there shall be a vision clearance triangle bounded by the street center-lines and a line connecting points on them seventy-five (75) feet from all highway intersections. Petroleum and gas transmission lines, telephone, telegraph, cable, power transmission towers, poles and lines, and portable equipment both above and below ground that are readily removable in their entirety and additions to and replacements of all such structures may be made, provided the owner will file with the Town Board an agreement in writing that

the owner will move or remove all new additions and replacements erected after the adoption of this Ordinance at his expense, when necessary to the public interest.

3.12:STRUCTURES PERMITTED WITHIN SETBACK LINES: The following structures are permitted within the setback areas described in this Ordinance, subject to any other applicable rules that apply to the structure:

(3.12.A): Open fences.

(3.12.B): Underground structures not capable of being used as foundations for any future prohibited overground structures.

(3.12.C): Access or frontage roads constructed by the public pursuant to plans approved by the Town Board.

(3.12.D): Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.Poles, towers, wires, cables, conduits, vaults, laterals, pipe, mains, valves or any other similar distributing equipment for telephone or other communications and electric power, gas, water and sewer lines.

4.SECTION 4 ADMINISTRATION AND ENFORCEMENT

4.1: ORGANIZATION: The administration of this Ordinance is hereby vested in four (4) offices of the town as follows:

(4.1.A): Zoning Administrator

(4.1.B): Town Board

(4.1.C): Town Board of Appeals

(4.1.D): Town Planning Commission

4.2:This section shall first set out the AUTHORITY OF EACH OF THESE OFFICES, and then describe the procedure and substantive standards with respect to the following administrative functions:

(4.2.A): Issuance of zoning permits and certificates of compliance.

(4.2.B): Variances.

(4.2.C): Appeals.

(4.2.D): Amendments.

(4.2.E): Conditional uses.

(4.2.F): Fees.

(4.2.G):Penalties.

4.3: ZONING ADMINISTRATOR:

(4.3.A):The Zoning Administrator will be appointed by the Town Board. The Zoning Administrator shall enforce the provisions of the Zoning Ordinance of the Town of LITTLE BLACK and shall have the following powers and duties:

(1):Issue all zoning permits and make and maintain records thereof;

(2):Issue conditional use permits or denials after a vote of the Plan Commission and Town Board, as provided herein;

(3): Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance and make and maintain records thereof;

(4):Advise applicants as to the provisions of the zoning ordinance and assist them in preparing permit applications;

(5):Keep records of all permits issued, inspections made, work approved and other official actions;

(6):On behalf of the Town Board, maintain the list of individuals who submit a written request to receive notice of any proposing zoning ordinance or amendment that affects allowable use of his or her property, and property size or density requirements, as required by Section 62.23(7)(d)4., Wis. Stats.

(7):Report violations of this ordinance or other land use regulations to the Town Board and issue stop work orders, as directed by the Town Board or Plan Commission if necessary;

(8):Forward to the Town Plan Commission all applications for conditional uses and for amendments to this ordinance that are initially filed in the office of the Zoning Administrator;

- (9):Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this ordinance;
- (10):Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of his/her recommendations to the Town Plan Commission;
- (11):Have access to any structure or premises for the purpose of performing his/her duties between the hours of 8:00 am. and 8:00 pm., by permission of the owner or upon issuance of a special inspection warrant in accordance with Section 66.0119, Wis. Stats.;
- (12):Upon reasonable cause or question as to proper compliance, and as directed by the Town Board or Plan Commission where necessary, to revoke any zoning or conditional use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance, or order restoration and/or after the fact compliance.
- (13):Disability. Issue a zoning permit that waives specified zoning ordinance requirements, if the administrator determines that the requested waiver of zoning restrictions is necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and is the minimum accommodation that will give the handicapped or disabled persons adequate relief. The accommodation cannot unreasonably undermine the basic purposes the zoning ordinance seeks to achieve. The zoning administrator may require that the alteration be removed after the disabled person vacates the property, and may require that the applicants sign and record an affidavit with the local register of deeds outlining conditions and removal procedures associated with allowing accommodations for the disabled.

4.4:THE TOWN BOARD:

(4.4.A):The Town Board is the ultimate authority on zoning and zoning decisions, except those decisions made by the Board of Appeals and reviewable by the circuit court. The Town Board has the power and authority vested to it in Wis. Stat. ch. 60 and this Ordinance.

4.5:THE BOARD OF APPEALS:

(4.5.A):Membership. The Board of Appeals shall consist of five (5) members appointed by the Town Chairperson in April, subject to confirmation of the Town Board, for terms of three (3) years, except that of those first appointed one shall serve for one (1) year, two for two (2) years and two for three (3) years. A quorum shall be 5 members or alternates to conduct legal business. Members of the Board of Appeals shall be residents of the Town of Little Black.

(4.5.B):The Town Chairperson shall also appoint, for staggered terms of three (3) years, two (2) alternate members of such board, in addition to the five (5) members above provided for.

(4.5.C): Annually, the Town Chairperson shall designate one of the alternate members as first alternate and other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent.

(4.5.D):The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

(4.5.E):Jurisdiction.

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

(2):To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or other administrative official in the enforcement of this ordinance or any ordinance adopted pursuant thereto.

(3):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 and safeguards established herein;

(4):To hear and decide all other matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by Section 62.23(7)(e), Wis. Stats.

(4.5.F):Meetings and Rules:

- (1):All meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals, and at such times as the Board of Appeals may determine.
- (2):The Town Chairperson shall designate one of the members as Board of Appeals chairperson. The Board of Appeals shall select their recorder to record the proceedings and all actions.
- (3):All meetings and 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.
- (4): The Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
- (5): 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, all of which shall be immediately filed in the office of the board and shall be a public record.
- (6):The Board of Appeals shall adopt rules of proceeding, in accordance with this Ordinance and Wis. Stat. § 62.23(7)(e).
- (4.5.G):Appeal to circuit court. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the town may, within 30 days after the filing of the decision in the office of the Board of Appeals, commence an action in circuit court seeking the remedy available by certiorari, as provided in Section 62.23(7)(e)10., Wis. Stats.

4.6:TOWN PLAN COMMISSION

(4.6.A):Membership.

- (1):There shall be a Town of Little Black plan commission, consisting of five (5) members appointed by the Town Chairperson in April, or any other time if a vacancy occurs during the middle of a term, subject to confirmation of the Town Board, for terms of three (3) years, except that of those first appointed one shall serve for one (1) year, two for two (2) years and two for three (3) years. The Town Chairperson shall appoint the Plan Commission's presiding officer.
- (2):At least one "citizen" member must serve on the five-member commission. Citizens are to be persons of recognized experience and qualifications and residents of the Town of Little Black.
- (3):The Town Chairperson shall also appoint, for staggered terms of three (3) years, two (2) alternate members of such board, in addition to the five (5) members above provided for.
- (4): Annually, the Town Chairperson shall designate one of the alternate members as first alternate and other as second alternate.
- (a):The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent.
- (b):The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

(4.6.B):Jurisdiction.

- (1):The Town Plan Commission shall have the authority to make recommendations to the Town Board on modifications to the Town's comprehensive plan in accordance with statute, to hold hearings and make recommendations to the Town Board on conditional use permits, to oversee the Zoning Administrator, and such other powers as may be necessary to enable it to perform its functions and promote town planning.

(4.6.C):The Town Plan Commission shall have power and authority to employ experts, contractors, and a staff, and to pay for their services as may be necessary and proper, not exceeding the appropriation that may be made for such commission by the Town Board or permitting and other fees.

(4.6.D):The Town Plan Committee shall meet no later than March 1st to review this Ordinance, the Town's Comprehensive Plan, and any reports from the Zoning Administrator and Board of Appeals, with a report to be given at the annual meeting.

(1):The purpose of this meeting and annual report is to discuss potential revisions to the zoning ordinance and improve provisions that are unclear, inadequate, overly restrictive, outdated, or otherwise problematic.

5.SECTION 5: ZONING PERMITS AND CERTIFICATES OF COMPLIANCE.

5.1:Purpose. Zoning permits are permits issued by the Zoning Administrator to ensure that land use in the Town is in compliance with the provisions of this Ordinance and the Comprehensive Plan, and to authorize certain activities such as changes to nonconforming structures and other activities specified by this Ordinance. A zoning certificate of compliance may be issued to provide confirmation of compliance with zoning ordinance.

5.2:Requirement For Zoning Permit

(5.2.A):The owner of any building or structure in the town, unless exempt under this section, who constructs, installs, remodels, reconstructs, enlarges, alters, removes, or demolishes any building or structure within the Town shall seek and obtain from the Zoning Administrator a Zoning Permit prior to commencing, or causing the commencement of, any construction, installation, remodeling, reconstruction, enlargement, altering, removing, or demolishing of any building.

(5.2.B):Exemptions from permit requirement. The requirement in Section 6.3 to obtain a Town Building Information Permit shall not apply to any of the following:

(1):Buildings or structures owned by the town.

(a):The restoration or repair of building equipment, such as furnaces, central air conditions, water heaters, and similar mechanical equipment without the alteration or addition to the building or structure.

(b):Fences or other similar like enclosures.

5.3:Application

(5.3.A):To obtain a Zoning Permit, the applicant shall file an application with the Zoning Administrator, including name and address of the owner of the property; legal description; size and location of the building to be erected or moved on or onto the property; proposed use of the building or premises; type of construction; estimated cost; other permits required, and such other information that the Zoning Administrator may reasonably require. The application shall be signed by the owner or his or her duly authorized representative or agency; provided, however, that if a prospective owner desires a prior ruling on a proposed construction or use before completion of purchase, he or she may apply for a permit as a prospective owner, and, if a permit be denied, he or she may appeal the denial as set forth in this ordinance. If the Zoning Administrator cannot determine compliance with the provisions of this ordinance from the application and development plan submitted by the applicant and/or other information reasonably known to the Zoning Administrator, the Zoning Administrator may require additional information. The application shall not be considered complete, and no action shall be taken thereon, until such additional information has been received.

(5.3.B):Every application for a zoning permit shall be accompanied by:

(1):A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn showing the actual dimensions, 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

(2):A site plan, in duplicate, drawn 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 and roads, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.

(5.3.C):Other Requirements

(1):The Zoning Permit shall not be issued until all other permits, engineering approvals, and stamps that relate to or may affect the construction, location, or design of any building are obtained, including but not limited to the following:

(2):County sanitary or shoreland zoning permits.

(3):Town, county, or state driveway permits.

(4):State one- and 2-family dwelling code permits.

(5):Any other applicable permit under town or county ordinance or state law or federal law.

5.4:Issuance or denial of Zoning Permit.

(5.4.A):It is within the Zoning Administrator's discretion to refer complete applications to the Plan Commission for input, recommendations and/or a determination prior to issuance or denial of a zoning permit.

(5.4.B):A Zoning Permit shall be issued if and only if it has been satisfactorily determined by the Zoning Administrator, and Plan Commission where applicable, that the use of land and buildings set forth in the zoning permit application is consistent and in compliance with this ordinance.

(5.4.C):Each permit issued for activities involving ground-disturbing activities, including removal of protective ground cover or vegetation, shall contain the notice required by Section 60.625, Wis. Stats:

“YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER.”

The notice shall contain the electronic Web site address that gives the recipient of the notice direct contact with that Web site. The applicant for the zoning permit shall sign a statement acknowledging that the person has received the notice.

(5.4.D):Other Requirements. Obtaining a Zoning Permit does not relieve the owner from complying with any other Town, county, state, or federal requirement, ordinance, or law, including, but not limited to, those governing shoreland zoning, subdivision, land division, and highways.

(5.4.E):Zoning Permit Form, Issuance, And Fee

(1):The Zoning Administrator is authorized to develop a Zoning Permit application form, if such form has not been created by the Town Board by resolution. A fee for issuance of the permits is as follows:

(a):The fee shall be \$1 per \$1000 of the cost of the work for residential construction.

(b):For agricultural, commercial and manufacturing the fee shall be \$2 per \$1000 of the cost of the work.

(5.4.F):Upon completion of a project for which a zoning permit is required, the owner shall notify the Zoning Administrator and request an inspection to determine completion and compliance with this Ordinance. The inspection must be made before a zoning certificate of compliance may be issued.

6.SECTION 6: VARIANCES.

6.1:Purpose

(6.1.A):The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where there are practical difficulties or unnecessary hardships in carrying out the literal enforcement of the provisions of this Ordinance, and where the Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed.

6.2:Variances may be granted in the following circumstances:

(6.2.A):Area variances:

(1):To permit variations in yards, setbacks, frontage, height of buildings and other structures, bulk or density requirements, or to increase by not more than 10 percent the maximum gross floor area of any use, so limited by this Ordinance (area variances), Use variance:

(2):To permit the use of a lot or lots for a use or activity otherwise prohibited, or in an area otherwise prohibited (use variances),

(3):Rezoning requests are the preferred method of addressing or changing the use of a property.

(6.2.B):Application for Variance and Notice of Hearing:

- (1):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.
- (2):Within 14 days of the receipt of a complete appeal package, as determined by the Zoning Administrator, notice of the time and place of such public hearing shall be published by posting in at least three public places in the Town and also by mailing notice thereof to the parties in interest.
- (3):The hearing shall be held within 30 days of the receipt of the completed application for a variance.
- (4):The decision on the application for a variance shall be issued within 45 days of the date of the hearing.

6.3:Standards for Variances. To qualify for a variance, it must be demonstrated, and the Board of Appeals must find, that the property meets all of the following three requirements:

(6.3.A):Unnecessary hardship.

- (1):For use variance—no reasonable use of the parcel as a whole.
- (2):For area variance—non-compliance with standards would unreasonably prevent the landowner from using the property for a permitted purpose or be unnecessarily burdensome.
- (3):The hardship may not be self-created.
- (4):Economic or financial hardship is not justification and will not satisfy this criteria.

(6.3.B):Unique property limitations.

- (1):Limitations such as steep slopes, wetlands, shape, or size prevent compliance with this Ordinance.
- (2):Limitations common to a number of properties is not justification and will not satisfy this requirement.
- (3):Circumstances of the individual, as opposed to the property, is not justification and will not satisfy this requirement.

(6.3.C):No harm to the public interest

- (1):No harm to the public interest, as determined by the purpose and intent of this ordinance, and the short term, long term, and cumulative impacts on neighborhood, community, and the general public.

6.4:Voting and Conditions.

(6.4.A):The concurring vote of a majority of the members of the Board of Appeals shall be necessary to grant a variance. All decisions to grant or deny variance requests shall be made in writing. For a period of one (1) year after denial, the Board of Appeals shall not consider a new application for the same or substantially similar variance

(6.4.B):The Board of Appeals may, in writing, impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards and purposes established in this Section.

7.SECTION 7: ADMINISTRATIVE APPEALS

7.1:Scope of Appeals:

(7.1.A):An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator or other administrative officer under this Ordinance.

(7.1.B):Such an appeal shall be taken within 30 days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof.

(7.1.C): 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.

7.2:Procedure and Findings on Appeals:

(7.2.A):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 a court of record on application, on notice of the Zoning Administrator and on due cause shown.

(7.2.B):Within 14 days of the receipt of the appeal, 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 or by posting said notice in at least three (3) public places in the Town and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of hearing.

(7.2.C):The concurring vote of a majority of the members of the Board shall be necessary to modify or reverse any order, requirement, decision or determination of any official, or to decide in favor of the applicant on any matter upon which it is required to pass under any provision of the Ordinance, or to effect any variation in the Ordinance. The Zoning Administrator shall maintain records of all actions of the Board of Appeals relative to appeals.

8.SECTION 8: AMENDMENTS

8.1:Purpose and Authority: Consistent with the purposes of this Ordinance, the Town Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance, provided that in all amendatory ordinances adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

8.2:Procedure for Amendment:

(8.2.A):Amendments may be proposed by the Town Board, the Town Plan Commission or by any interested person or organization.

(8.2.B):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. Complete applications shall be forwarded to the Town Plan Commission with the request to hold a public hearing on said application for amendment.

(8.2.C):Hearing on Application: The Town Plan Commission shall hold a public hearing on each application for (an) amendment(s) at such time and place as shall be established by the Town Plan Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Town Plan Commission shall, by rule, prescribe from time to time.

(8.2.D):Notice of Hearing: Within 14 days of the receipt of a complete application for an amendment, as determined by the Zoning Administrator, 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. Such hearing shall take place within 30 days of the receipt of an application for an amendment. If the proposed changes to the district or regulations have the effect of changing the allowable use of any property within the Town, the notice shall include either a map showing the property affected by the changes or a description of the property affected by the changes and a statement that a map may be obtained from the Town Board.

(8.2.E):Findings and Recommendation of the Town Plan Commission:

(1):Within 45 days after the close of the hearing on a proposed amendment, the Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board.

(2):Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Planning Commission shall consider the following matters:

(a):Existing use of property within the general area of the property in question.

(b):The zoning classification of property within the general area of the property in question.

(c):The suitability of the property in question to the uses permitted under the existing zoning classification.

(d):The trend of development, if any, in the general area of the property in question, including changes which have taken place since the day the property in question was placed in its present zoning classification.

(e):Any comments made by those attending the hearing or submitting written comments.

(3):The Town Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and serves the purposes of this Ordinance, and is consistent with the Comprehensive Plan.

(8.2.F):Action by the Town Board:

(1):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 adoption of such amendment. The Town Board shall not approve the amendment unless it finds it is in the public interest and serves the purposes of this Ordinance, and is consistent with the Comprehensive Plan.

(2):Prior to any vote, the Town Board shall send a notice, which contains a copy or summary of the Plan Commission's tentative recommendations, proposed changes to a district plan, and regulations or proposed amendments, to each person on the list who has submitted a written or electronic request to receive notice of any proposed zoning amendment that affects the allowable use of the person's property. The notice shall contain the information and be in the form required in Section 62.23(7)(d)4., Wis. Stats.

(3):If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

9.SECTION 9: CONDITIONAL USES AND CONDITIONAL USE PERMITS

9.1:Purpose: The development and execution of this Ordinance is based upon the division of the Town into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

9.2:Initiation of Conditional Use:

(9.2.A):Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

(9.2.B):An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall include the site plan and plat map required to be filed with an application for a Zoning Permit, a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 9.4, hereinafter, and a copy of all federal, state, and county permits necessary for the proposed use. A completed application, as determined by the Zoning Administrator, shall be forwarded from the Zoning Administrator to the Plan Commission. The Plan Commission and Town Board retain authority to request additional information from the applicant at any time prior to CUP issuance or denial.

9.3:Public Notice and Hearing:

(9.3.A):A public hearing shall be held before the Plan Commission within 45 days on all completed conditional use applications. The Zoning Administrator is responsible for publishing notice of the public hearing after determining the application is complete. Notice of the public hearing shall be published as a Class 1 notice and mailed by U.S. mail to all adjacent landowners.

(9.3.B):Within 30 days of the public hearing, unless additional information is requested from the applicant, the Plan Commission will give their recommendation to the Town Board, including written findings on the standards for issuance specified herein, along with any recommended additional conditions when they are deemed necessary for the protection of the public interest.

(9.3.C):The Town Board will give the final approval or denial of the conditional use permit application. The basis for any denial of a CUP shall be specified in writing.

9.4:Standards:

(9.4.A):No conditional use shall be granted by the Town Board unless it finds:

- (1): That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare,
- (2): That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood, nor substantially reduce groundwater or surface water supply or harm groundwater quality of existing users.
- (3): That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the surrounding property for uses permitted in the district,
- (4): That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided,
- (5): That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets,
- (6): That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, the purposes of this Ordinance, and the comprehensive plan.

9.5: Conditions and Denials:

(9.5.A): Prior to the granting of any conditional use, the Plan Commission may recommend, or the Town Board may direct, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 9.4. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(9.5.B): Effect of Denial of a Conditional Use: No application for a conditional use which has been denied wholly or in part by the Town Board, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of significant change of conditions found to be valid by the Town Planning Commission and the Town Board.

9.6: Revocation:

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

(9.6.B): The Zoning Administrator, as directed by the Town Board, may revoke a conditional use permit if there is not compliance with the conditions of the permit or purpose and standards of this Ordinance.

10. SECTION 10: FEES AND PENALTIES.

10.1: Fee Schedule:

(10.1.A): Any application for a zoning permit, conditional use permit, variance, administrative appeal, or overlay permit, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee or fees which shall be from time to time established by Town Board or Board of Appeals resolution, except a double permit fee may be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance, in addition to any other fines, fees, and penalties. A fee may also be required for a zoning text or map amendment.

(10.1.B): A listing of all license and permit application fees shall be kept on file with the Town Clerk and Zoning Administrator, and are available on request.

(10.1.C): All fees shall be paid to the Town of Little Black Treasurer. The fee shall be non-refundable unless the application is withdrawn prior to the commencement of processing of the application.

(10.1.D): In the event that the Town determines that it is necessary to consult with a third party, such as planner, attorney, or engineer, in review and considering the application, all reasonable costs and expenses associated with such consultation may be charged to the applicant.

(10.1.E): Public Hearing: A fee shall be required for all public hearings.

10.2: PENALTIES

(10.2.A):Any person, partnership, corporation, or other legal entity who fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$1000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

(10.2.B):The Town Board, Zoning Administrator, or any property owner who would be specially damaged by a violation of this Ordinance, may seek injunctive or equitable relief from a court of record to enjoin further violations, or to cause an unlawful structure to be vacated or removed.

(1):In addition to fines and forfeitures, the persons(s) found to have violated this Ordinance shall be responsible for the costs of prosecution incurred by the Town for enforcement, including attorney fees, inspection fees, survey fees, and other reasonable and necessary consultant fees.

(2):The remedies provided in this section are not exclusive. Nothing in this Ordinance shall be construed to prevent the Town or any person from commencing any action, or enforcing any remedy authorized by any other law.

11.SECTION 11: ZONING DISTRICTS AND MAPS

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

(11.1.A):RESIDENTIAL

(11.1.B):COMMERCIAL & INDUSTRIAL

(11.1.C):A-1 AGRICULTURAL

(11.1.D):A-2 AGRICULTURAL

11.2:MAPS: The location and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map entitled "TOWN OF LITTLE BLACK ZONING MAP" which is incorporated herein and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

11.3:BOUNDARIES OF DISTRICTS:In non subdivided property, unless otherwise indicated on the map, the district boundary lines are the center-lines 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 the District to be not less than 300 feet in depth

12.SECTION 12: RESIDENTIAL DISTRICT

12.1:PURPOSE: The Residential District is 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 RESIDENTIAL DISTRICT is 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. Residential normal water usage is acceptable with the exception of open loop geothermal.

12.2:PERMITTED USES: The following uses are permitted in the Residential District:

(12.2.A):Single family dwellings designed for habitation and occupied exclusively by one family.

(12.2.B):Duplex dwellings designed for habitation and occupied by no more than two families.

(12.2.C):Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property.

(12.2.D):Churches, public and private schools, colleges and universities

(12.2.E):Gardening, including nurseries for the propagation of plants only, but not farms operated for the disposal of sewage, rubbish or offal, fur farms, livestock farms and poultry farms.

(12.2.F): Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.

(12.2.G):Manmade ponds which maintain a minimum slope of 4' horizontal to 1' vertical to a water depth of 6' and a 3' horizontal to 1' horizontal slope below the 6' depth. Disposal and/or stabilization of spoil from pond excavation shall be addressed on the pond plans.

(12.2.H):Railroad right-of-way but not classification yards or sidings.

12.3:CONDITIONAL USES:

(12.3.A):The following conditional uses may be allowed in the Residential District subject to the provisions of Section 9 of this Ordinance.

(1): Animal hospitals and clinics, but not the boarding of animals.

(2):Antique or art shop.

(3):Bakery

(4):Bank, savings and loan or other financial institutions.

(5):Barber shop, beauty parlor.

(6):Bed and breakfast establishments as defined by Section 254.61, Wis. Stats.

(7):Book and stationery store.

(8):Business, professional offices and clinics.

(9):Cemeteries subject to Wis. Stats. Sec. 157.

(10):Clothing stores, department stores, shoe stores, shoe repair shops.

(11):Drugstore.

(12):Florist shop, greenhouse.

(13):Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.

(14):Funeral homes.

(15):Furniture store, appliances, office equipment, upholstering.

(16):Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.

(17):Hotels, motels.

(18):Inside storage units.

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

(20):Insurance firms, real estate firms, stock brokers.

(21):Jewelry stores.

(22):Laundry, cleaning and dyeing establishment.

(23):Libraries, museums and community buildings, private clubs and fraternities.

(24):Manufacturing or storage in connection with all permitted uses, when clearly incidental to the conduct of a retail business on the premises.

(25):Martial arts schools.

(26):Multiple family dwellings, apartment houses, condominiums.

(27):Municipal buildings and buildings for the repair or storage of road building or maintenance machinery except sewage disposal plants, garbage incinerators .

(28):Music, radio and television store, media shop.

(29):Outdoor archery and paintball ranges.

(30):Paint store, interior decorator.

(31):Photographer, photography supply shop.

(32):Printing and duplicating.

(33):Private libraries and museums.

(34):Publishing office.

(35):Restaurant, cafe and drive-in restaurant.

(36):Retail stores and shops offering convenience goods and services.

(37):Telephone exchanges, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit.3.

³Note: For excavation of roads, public right-of-way, and grounds, including boring, see Ordinance Section 23.01 EXCAVATIONS OF ROADS, PUBLIC RIGHT-OF-WAY AND GROUNDS

12.4:HEIGHT, YARDS, AREA, AND OTHER REQUIREMENTS.

(12.4.A):Height: For single family dwellings, apartments and duplexes the maximum building height shall be thirty-five (35) feet.

(12.4.B):Lot Area:

(1):For platted or unplatted lands where public sewer is not available, no lot or building site shall have an area in the District of less than two acres not including town right of way.

(a):No building, together with its accessory buildings, shall occupy in excess of thirty (30) percent of the area of any lot.

(b):When the 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.

(12.4.C):Setback Lines (Streets .): See Section 3.9.

12.5:PROHIBITED OR UNLISTED USES:

(12.5.A):The following uses are prohibited in the RESIDENTIAL DISTRICT,

(12.5.B):Adult entertainment, adult bookstore/adult novelty shop including adult libraries and adult museums whether or not alcohol is served.

(12.5.C):Bag cleaning; canneries, electric and steam generating plants; electroplating; enameling; forges, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; and tanneries.

(12.5.D):Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bleach, bone, cabbage, carpeting, celluloid, cement, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, pesticide, lampblack, lime, lime products, linoleum, matches, oil, cloth, paint, peas, perfume, pickle, poison, polish, potash, pulp, pyroxylin, rope, rubber, shoddy, size, starch, stove polish, textiles, and varnish.

(12.5.E):Manufacturing, processing, and storage of the following items, building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.

(12.5.F):Mining, metallic and non-metallic.

(12.5.G):Mobile home parks.

(12.5.H):Municipal sewerage disposal plants and related facilities

(12.5.I):Outdoor musical concerts for profit.

(12.5.J):Outdoor shooting ranges, excluding archery and paintball which are conditional.

(12.5.K):Park-Recreation or Youth Camp.

(12.5.L):Park, Amusement.

(12.5.M):Rendering plant

(12.5.N):Sewage disposal plants, garbage incinerators, landfills.

(12.5.O):Solid waste and recycling transfer stations.

(12.5.P):Subdivisions with lots less than 2 acres in size.

(12.5.Q):Wrecking, junk, demolition and scrap yards.

(12.5.R):Any use requiring continuous pumping of a groundwater well.

(12.5.S): Any other use not listed as a permitted or conditional use in the Residential District.

13.SECTION 13, A-1 AGRICULTURAL DISTRICT

13.1:PURPOSE. The A-1 Agricultural District is designed to foster the preservation and use of prime agricultural land, to preserve the rural character of the Town, to preserve surface and groundwater resources, and to provide for certain residential uses in a quiet, low impact rural environment.

13.2:PERMITTED USES:

(13.2.A):Any permitted uses in the Residential District.

(13.2.B):Campers or camping trailers stored or parked temporarily.

(13.2.C):Dams, flowage areas and farm ponds, which are outside the jurisdiction of county-regulated shorelands.

(1):Farm ponds shall maintain a slope from the shoreline no greater than 4' horizontal to 1' vertical to water depth of 6' when the pond is at its lowest level, due either to seasonally fluctuating groundwater levels or pumping for irrigation.

(2):Ponds shall be located at least 30' from any property boundary or RAN line, 50' from any septic system drain field area including mound system, and 25' from a septic or holding tank.

(3):Pond outlets shall be designed so as not to concentrate runoff onto another person's property or to cause erosion.

(13.2.D):Forestry and forest products.

(13.2.E):Livestock facilities, where the number of animal units housed at the facility does not exceed 500 Animal Units per operation, including dairying, livestock, furbearing animals, poultry raising, or any combination thereof. For any such livestock facility:

(1):Buildings, pens and structures used for the housing, sheltering or feeding of livestock must be designed or constructed to prevent animal waste material from entering watercourses, waterways or other navigable waters.

(2):Waste storage units may be no closer than 300 feet to any property line or public road.

(3):Livestock structures may not be located within 100 feet of any property line or public road

(13.2.F):Growing of any crops used for food, fiber, medicine and feed.

(13.2.G):Other agricultural activities such as nurseries, greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer, and other similar enterprises or uses, provided that no greenhouse or shall be located within 100' of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building.

(13.2.H):Hunting, fishing and trapping.

(13.2.I):Maple syrup processing plants.

(13.2.J):Mobile homes and manufactured homes, under the following circumstances:

(1):One mobile home, which is to be used for habitation and which is not the primary place of residence shall be permitted as an accessory building on any operating farm providing, and

(2): The Zoning Administrator finds that one or more of the occupants of the mobile home participates in the operation of the farm.

(13.2.K):Municipal buildings for the repair or storage of road-building and maintenance machinery or road maintenance materials and recycling, collection centers, or depots.

(13.2.L):Sawmills which are temporary in nature which utilize no permanent buildings or structures in their operation and when located at least 500 feet from a residence other than the owners.Telephone, telegraph and power transmission and distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities, radio and television stations and transmission towers and microwave relay towers.

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

(13.2.N):Uses customarily accessory to a permitted agricultural use.

13.3:CONDITIONAL USES:

(13.3.A):The following conditional uses may be allowed in A-1 Agricultural District.

(1):Animal hospitals, but not the boarding of animals.

(2):Archery and paintball Ranges.

(3):Boarding house or bed and breakfast establishments subject to Section 254.61, Wis. Stats.

(4):Car Wash

(5):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.

- (6):Dog kennels, when located not less than three hundred (300) feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (7):Drive-in theaters, provided there is a distance of not less than 1,000 feet between the boundary of any Residential District and the drive-in theater site, measured in a straight line.
- (8):Garden or nursery store.
- (9):Home occupations, when such occupation(s) is of a type which is compatible with farming or agricultural activities or in furtherance of said activities and which does not involve any external alteration that would effect a substantial change in the agricultural character of any building or structure on the premises; provided further that no article is sold or offered for sale that is not produced by such home occupation and that no person other than the owner and resident of the premises or member of his family is employed on the premises. Such conditional use permit will cease in the event the person named on the permit no longer resides upon the premises.
- (10):Inside storage units.
- (11):Manufactured homes and mobile homes, as detached single-family dwellings in the A-1 District, provided said manufactured or mobile home and the land upon which either is located have a common ownership.
- (12):Medical, correctional or charitable institutions.
- (13):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.
- (14):Motor homes and self-contained campers or camping trailers occupied on a temporary basis, not to exceed 180 days in a calendar year as determined by the Zoning Administrator.
- (15):Non-metallic mining and metallic mining.
- (16):Park-Recreation or Youth Camp.
- (17):Park-Recreational Area.
- (18):Riding stables and riding academies located on at least 35 acres, where equestrian trails are no closer than 100' from any property line or 100' from any residence other than that of the owner, unless a variance is obtained as provided in this Ordinance, and where stables, barns, corrals and exercise yards are located no closer than 100' from any property line. The hours of operation shall include only daylight hours.
- (19):Roadside stands
- (20):Slaughter houses, provided less than 10 bovine, 2000 poultry, 30 swine, 30 sheep or 30 goats are slaughtered per day.

13.4:HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(13.4.A):Height: Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet, with the exception of agricultural related buildings and structures not to exceed FAA regulations.

(13.4.B):Yards:

(1):There shall be side yards provided between each building and the property line of at least twenty (20) feet.

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

(13.4.C):Setback Lines: See Section 3.9.

13.5:PROHIBITED OR UNLISTED USES: The following uses are prohibited in the A-1 AGRICULTURAL DISTRICT .

(13.5.A):Adult entertainment, adult bookstore/adult novelty shop including adult libraries and adult museums whether or not alcohol is served.

(13.5.B): Aircraft landing fields, basins and hangers with a site area of more than twenty (20) acres.

(13.5.C):Bag cleaning; canneries, electric and steam generating plants; electroplating; enameling; forges, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting;; and tanneries.

- (13.5.D):Canneries
- (13.5.E):Cheese factories
- (13.5.F):Concrete batching (temporary) and/or blacktop mix plant (temporary).
- (13.5.G):Condenseries
- (13.5.H):Creameries.
- (13.5.I):Farms operated for the disposal or reduction of garbage, sewerage, rubbish or offal
- (13.5.J):Fish hatchery-Commercial
- (13.5.K):Grain elevators (commercial)
- (13.5.L):Hunting grounds and game reserves (commercial).
- (13.5.M):Incinerator-public.
- (13.5.N):Livestock sales facilities.
- (13.5.O):Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bleach, bone, cabbage, carpeting, celluloid, cement, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, oil, cloth, paint, peas, perfume, pickle, poison, polish, potash, pulp, pyroxylin, rope, rubber, starch, stove polish, textiles, and varnish.
- (13.5.P):Manufacturing, processing, and storage of the following items, building materials, explosives, dry ice, fat, flammables, glue, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
- (13.5.Q):Mobile home parks
- (13.5.R):Municipal sewerage disposal plants and related facilities
- (13.5.S):Outdoor shooting ranges
- (13.5.T):Park, Amusement.
- (13.5.U):Rendering plants
- (13.5.V):Sewage disposal plants, garbage incineratorsSnowmobile trails and accessory buildings and operations when operated commercially.
- (13.5.W):Storage of fertilizer, fuels and grains for commercial purposes.
- (13.5.X):Exterior solid waste and recycling transfer stations.
- (13.5.Y):Travel trailer parks
- (13.5.Z):Wrecking, junk, demolition and scrap yards.
- (13.5.AA):Any other use not listed as a permitted or conditional use in the A-1 District.

14. SECTION 14, A-2 AGRICULTURAL DISTRICT

14.1: PURPOSE. The A-2 Agricultural District is designed to foster the preservation and use of prime agricultural-land related uses, as well as to allow more intensive agricultural uses.

14.2: PERMITTED USES:

- (14.2.A): All permitted uses in the A-1 Agricultural District.
- (14.2.B): Aircraft landing fields, basins and hangers providing the site area is not less than twenty (20) acres.
- (14.2.C): Animal hospitals, but not the boarding of animals. See (I) below.
- (14.2.D): 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.
- (14.2.E): Drive-in theaters, provided there is a distance of not less than 1,000 feet between the boundary of any Residential District and the drive-in theater, site, measured in a straight line.
- (14.2.F): Home occupations, when such occupation(s) is of a type which is compatible with farming or agricultural activities or in furtherance of said activities and which does not involve any external alteration that would effect a substantial change in the agricultural character of any building or structure on the premises; provided further that no article is sold or offered for sale that is not produced by such home occupation and that no person other than the owner and resident of the premises or member of his

family is employed on the premises. Such conditional use permit will cease in the event the person named on the permit no longer resides upon the premises.

(14.2.G):Garden or nursery store.

(14.2.H):Inside storage units.

(14.2.I):Mini Warehousing. It is generally expected that "mini warehousing" as defined here will only be allowed in existing farm buildings which would otherwise be vacant due to farm consolidation or for other reasons.

(14.2.J):Riding stables and riding academies located on at least 35 acres, where equestrian trails are no closer than 100' from any property line or 100' from any residence other than that of the owner, unless a variance is obtained as provided in this Ordinance, and where stables, barns, corrals and exercise yards are located no closer than 100' from any property line. The hours of operation shall include only daylight hours.

(14.2.K):Roadside stands.

14.3:CONDITIONAL USES: The following conditional uses may be allowed in A-2 Agricultural District subject to the provisions of Section 4.11.

(14.3.A):Animal hospitals, but not the boarding of animals. See (I) below.

(14.3.B):Archery and paintball Ranges.

(14.3.C):Boarding house or bed and breakfast establishments subject to Ch. 254.61, Wis. Stats.

(14.3.D):Canneries.

(14.3.E):Car Wash.

(14.3.F):Cheese factories.

(14.3.G):Concrete batching and/or blacktop mix plant (temporary).

(14.3.H):Condenseries.

(14.3.I):Creameries.

(14.3.J):Dog kennels, when located not less than three hundred (300) feet from any residential building other than that of the owner of such kennels, his agent or employee.

(14.3.K):Drive-in theaters, provided there is a distance of not less than 1,000 feet between the boundary of any Residential District and the drive-in theater, site, measured in a straight line.

(14.3.L):Fish hatchery-Commercial.

(14.3.M):Grain elevators (commercial).

(14.3.N):Hunting grounds and game reserves (commercial).

(14.3.O):Livestock facilities of 500 animal units or more, provided the owner or operator has obtained a Livestock Facilities Siting License under Town of Little Black Ordinance ch. 7608.

(14.3.P):Livestock sales facilities..

(14.3.Q):Manufactured homes and mobile homes, as detached single-family dwellings, provided said manufactured or mobile home and the land upon which either is located have a common ownership.

(14.3.R):Medical, correctional or charitable institutions.

(14.3.S):Non-metallic mining and metallic mining.

(14.3.T):Outdoor shooting ranges

(14.3.U):Park-Recreation or Youth Camp.

(14.3.V):Park-Recreational Area.

(14.3.W):Park, Amusement.

(14.3.X):Slaughter houses provided less than 10 bovine, 2000 poultry, 30 swine, 30 sheep or 30 goats slaughtered per day.

(14.3.Y):Storage of fertilizer, fuels and grains (commercial)

14.4: HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(14.4.A):Height:

(1):Except as otherwise provided in this Ordinance, no building shall exceed a height of thirty-five (35) feet, with the exception of agricultural related buildings and structures not to exceed FAA regulations.

(14.4.B):Yards:

(1):There shall be side yards provided between each building and the property line of greater than twenty (20) feet.

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

(14.4.C):Setback Lines: See Section 3.12.

14.5: PROHIBITED OR UNLISTED USES: The following uses are prohibited in the A-2 AGRICULTURAL DISTRICT.

(14.5.A):Adult entertainment, adult bookstore/adult novelty shop including adult libraries and adult museums whether or not alcohol is served.

(14.5.B):Bag cleaning; electric and steam generating plants; electroplating; enameling; forges, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; smelting; and tanneries.

(14.5.C):Farms operated for the disposal or reduction of garbage, sewerage, rubbish or offal.

(14.5.D):Incinerator-public.

(14.5.E):Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bleach, bone, cabbage, carpeting, celluloid, cement, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, oil, cloth, paint, peas, perfume, pickle, poison, polish, potash, pulp, pyroxylin, rope, rubber, starch, stove polish, textiles, and varnish.

(14.5.F):Manufacturing, processing, and storage of the following items, building materials, explosives, dry ice, fat, flammables, glue, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.

(14.5.G):Mobile home parks

(14.5.H):Subdivisions.

(14.5.I):Municipal sewerage disposal plants and related facilities

(14.5.J):Rendering plant

(14.5.K):Sewage disposal plants, garbage incinerators

(14.5.L):Snowmobile trails and accessory buildings and operations when operated commercially.

(14.5.M):Exterior solid waste and recycling transfer stations.

(14.5.N):Travel trailer parks

(14.5.O):Wrecking, junk, demolition and scrap yards.

(14.5.P):Any other use not listed as permitted or conditional in the A-2 district.

15. SECTION 15, COMMERCIAL & INDUSTRIAL DISTRICT

15.1:PURPOSE: This district is designed to provide for a wide range of retail stores and personal service establishments which cater to frequently-recurring needs of town residents and visitors. To that end, the regulations for this District are designed to promote stability of and retain development by encouraging continuous retail frontage. This District also is intended for any manufacturing of 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. All conditional and permitted businesses in this District shall follow state statutes concerning construction and earth moving, including water retention ponds.

15.2:PERMITTED USES

(15.2.A):Animal hospitals and clinics, but not the boarding of animals.

(15.2.B):Antique or art shop.

(15.2.C):: Automobile sales and service stations. New and used car sales and their repair.

(15.2.D):Automotive heavy repair and upholstery, body shop.

(15.2.E):Bakery.

- (15.2.F):Bank, savings and loan or other financial institutions.
- (15.2.G):Barber shop, beauty parlor.
- (15.2.H):Binderies.
- (15.2.I):Book and stationery store.
- (15.2.J):Business, professional offices and clinics.
- (15.2.K):Boat and motorcycle sales and service.
- (15.2.L):Bowling alleys, dance halls, skating rinks.
- (15.2.M):Clothing store, department store, shoe store, shoe repair shop.
- (15.2.N):Dance studios.
- (15.2.O):Day care or childcare facilities.
- (15.2.P):Drugstore.
- (15.2.Q):Dwelling, single family, but only as an accessory to a principal use on parcels of two acres or more.
- (15.2.R):Feed and seed stores.
- (15.2.S): Fishing bait (live) stores.
- (15.2.T):Florist shop, greenhouse.
- (15.2.U):Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket
- (15.2.V):Funeral homes.
- (15.2.W):Furniture store, appliances, office equipment, upholstery.
- (15.2.X): General or clerical offices.
- (15.2.Y): Governmental uses, such as fire and police stations, community centers, libraries, public emergency shelter, parks, playgrounds, and museums. Public utility office or substation, telephone exchanges, fire stations, police station, administration buildings and similar uses.
- (15.2.Z):Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.
- (15.2.AA):Health club.
- (15.2.BB):Hotels and motels.
- (15.2.CC):Inside storage units and outside storage when fenced.
- (15.2.DD):Insurance firms, real estate firms, stock brokers.
- (15.2.EE):Jewelry store.
- (15.2.FF):Laundry, cleaning and dyeing establishment.
- (15.2.GG):Light industrial plants such as required for production of mill-work, machine tools, paper containers, patterns, die castings, light metal fabrication, and similar small industries which do not require loud presses.
- (15.2.HH):Manufacturing or storage in connection with all permitted uses, when clearly incidental to the conduct of a retail business on the premises.
- (15.2.II):Martial arts schools.
- (15.2.JJ):Mobile homes sales and service.
- (15.2.KK):Motorcycle sales, repair and service.
- (15.2.LL):Music, radio and television store, media shop.
- (15.2.MM):Newspaper office and press rooms.
- (15.2.NN):Paint store, interior decorator.
- (15.2.OO):Photographer, photography supply shop.
- (15.2.PP):Printing and duplicating.

- (15.2.QQ):Private libraries and museums.
- (15.2.RR):Professional offices.
- (15.2.SS):Publishing office.
- (15.2.TT): Research and testing laboratories.
- (15.2.UU):Restaurant, cafe and drive-in restaurant.

(15.2.VV):Retail stores and shops offering convenience goods and services.

(15.2.WW):Schools and training centers.

(15.2.XX):Sign painting shop.

15.3:CONDITIONAL USES:

(15.3.A):The following conditional uses may be allowed in the Commercial & Industrial District.

(1):Airports, air strip and landing fields providing the site area is not less than twenty (20) acres.

(2):Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.

(3):Any use permitted in the A-1 AGRICULTURAL DISTRICT.

(4):

(5):Breweries, bottling of alcoholic beverages, manufacturing and bottling of non-alcoholic beverages.

(6):Car Wash.

(7):Cleaning, pressing and dyeing establishments.

(8):Clubs and lodges.

(9):Cold storage plants.

(10):Commercial entertainment facilities, but not Drive-In Theater.

(11):Commercial greenhouses.

(12):Commercial or private radio or TV broadcasting towers, cellular telephone towers and similar structures subject to the provisions of Section 3.08.

(13):Construction and farm machinery sales or service businesses.

(14):Creameries, condenseries, artisan cheese plants.

(15):Freight yards and depots including livestock collection, transfer and sales.

(16): Gardening, including nurseries for the propagation of plants only, but not farms operated for the disposal of sewage, rubbish or offal, fur farms, livestock farms and poultry farms.

(17):Lumber yards and sawmills.

(18):Manufacture and processing of bedding, candle, cereals, meat, plastics, and sausage.

(19):Manufacture, fabrication, packing, packaging and assembly of confections; cosmetics; electrical appliances; electronic devices; instruments; jewelry; pharmaceuticals; tobacco; toiletries; and foods except cabbage, fish and fish products, meat and meat products, and pea vineries..

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

(21):Manufacturing, processing, and storage of dry ice, and building materials, lumber yards..

(22): Mining of non-metallic minerals.

(23): Multi family residences.

(24):Outdoor and indoor sports facilities and entertainment facilities which are part of a tavern's operations.

(25):Park-Recreational Area.

(26):Park, Amusement.

(27):Private transportation terminals, taxi, limo and bus terminals.

(28):Public passenger transportation terminals, such as heliports, bus and rail depots, provided all principal structures and uses are not less than three hundred (300) feet from any residential district boundary.

(29):Publishing.

(30):Radio, TV broadcasting, or cellular towers.

(31):Signs and billboards. See Town of Little Black Ordinance on Signs.

(32):Slaughter houses provided less than 10 bovine, 2000 poultry, 30 swine, 30 sheep or 30 goats slaughtered per day.

(33):Storage of fertilizer, fuels and grains

(34):Sporting goods stores with indoor only shooting ranges.

(35):Tavern.

(36): Vocational schools and learning centers.

(37): Warehousing, inside storage and mini-warehousing. Inside storage of contractors supplies and equipment, and outside of storage when screened from the view of any public right-of-way and residences other than the owners.

(38): Wholesalers and distributors. Common and contract hauler parking and structures for the repair and maintenance of the vehicles.

15.4: HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

(15.4.A): Height: Except as otherwise provided in this Ordinance, no building shall exceed a height of forty-five (45) feet. One additional foot of extra height may be permitted provided one additional foot of each side and rear yards for each additional foot of extra height is also established up to a maximum height of sixty (60) feet.

(15.4.B): The minimum lot area shall be one (1) acre.

(15.4.C): Yards

(1): There shall be a side yard not less than fifteen (15) feet wide along the side of any lot in a Commercial District, which abuts the side lot line of a lot in a Residence District and is not separated therefrom by a street or alley.

(2): Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet in depth.

(3): Any yard which abuts a boundary of a Residence District shall not have an automobile parking lot, stock pile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open placed in such yard, except that loading platforms may be established in a yard if it abuts on a railroad.

(15.4.D): Setback Lines: See Section 3.12.

(15.4.E): Off-Street Parking: See Town Ordinance.

15.5: PROHIBITED OR UNLISTED USES : The following uses are prohibited in the Commercial & Industrial District subject to the provisions of Section 4 of this Ordinance.

(15.5.A): Adult entertainment, adult bookstore/adult novelty shop including adult libraries and adult museums whether or not alcohol is served.

(15.5.B): Bag cleaning; canneries, electric and steam generating plants; electroplating; enameling; forges, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; and tanneries.

(15.5.C): Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bleach, bone, cabbage, carpeting, celluloid, cement, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, oil, cloth, paint, peas, perfume, pickle, poison, polish, potash, pulp, pyroxylin, rope, rubber, starch, stove polish, textiles, and varnish.

(15.5.D): Manufacturing, processing, and storage of the following items, explosives, fat, flammables, glue, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.

(15.5.E): Metallic Mining.

(15.5.F): Mobile home parks,

(15.5.G): Subdivisions.

(15.5.H): Municipal sewerage disposal plants and related facilities

(15.5.I): Mining of nonmetallic minerals, the processing for manufacture of materials incidental to such extraction, and the erection of buildings and the installation of equipment and machinery to be used in mining, extraction and processing.

(15.5.J): Park-Recreation or Youth Camp.

(15.5.K): Outdoor musical concerts for profit.

(15.5.L): Outdoor shooting ranges, including archery and paintball.

(15.5.M): Rendering plant.

(15.5.N):Solid waste and recycling transfer stations.

(15.5.O):Wrecking, junk, demolition and scrap yards.

(15.5.P):Any other use not specifically listed as permitted or conditional in the Commercial and Industrial District.

End of Ordinance

EFFECTIVE DATE

APPENDIX

THIS ORDINANCE ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN IS EFFECTIVE ON PUBLICATION OR POSTING.

The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Section 13-01	Section 13-01 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	Adopted this <u>15th</u> day of <u>Feb.</u> , 2017 by the Town Board of Supervisors of The Town of Little Black, Taylor County
Section 13-02	Section 13-02 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	Town Chairman: <u>Daniel Hoffmann</u>
Section 13-03	Section 13-03 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	Town Supervisor: <u>Raymond Johnson</u>
Section 13-04	Section 13-04 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	Town Supervisor: <u>Robert R. Pa...</u>
Section 13-05	Section 13-05 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	Filed this <u>15th</u> day of <u>Feb.</u> , 2017
Section 13-06	Section 13-06 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	Attest: <u>Jane Smith</u> Town Clerk
Section 13-07	Section 13-07 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
Section 13-08	Section 13-08 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
Section 13-09	Section 13-09 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
Section 13-10	Section 13-10 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
Section 13-11	Section 13-11 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
Section 13-12	Section 13-12 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
Section 13-13	Section 13-13 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
Section 13-14	Section 13-14 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	
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Section 13-50	Section 13-50 ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN	

List of Amendments to the Zoning Code Of The Town Of Little Black Taylor County,
Wisconsin (Updated in Zoning Code)

Passed 2018-7-8 (See 2018-7-8 Zoning Amendments)

Amendment 1: that the ZONING CODE OF THE TOWN OF LITTLE BLACK TAYLOR COUNTY, WISCONSIN shall be amended to **READ.**

13.SECTION 13, A-1 AGRICULTURAL DISTRICT

13.3:CONDITIONAL USES:

(15):Non-metallic mining **AND METALLIC MINING**

14.SECTION 14, A-2 AGRICULTURAL DISTRICT

14.3:CONDITIONAL USES:

(14.3.S):Non-metallic mining **AND METALLIC MINING**

3.SECTION 3 GENERAL REGULATIONS

(3.1.B): All new dwellings unless on a parcel with no other dwellings shall be on a surveyed parcel no less than two (2) acres not including right of way.