

Town of Viroqua Zoning Ordinance

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ARTICLE I

Title and Authority

A. TITLE

This Ordinance shall be known, cited, and referred to as: THE TOWN OF VIROQUA ZONING ORDINANCE, VERNON COUNTY, WISCONSIN.

B. AUTHORITY

The Town of Viroqua, pursuant to Section 60.61 of the Wisconsin Statutes, hereby enacts a zoning Ordinance to read as follows:

ARTICLE II

INTENT, PURPOSE AND SEVERABILITY

A. VISION STATEMENT AND INTENT

The world will progress and much will change in the future, but agriculture will always be needed to provide food and fiber for humankind. This Ordinance provides a framework to ensure that farmers will farm the Town of Viroqua far into the future. The non-farming residents of the Town of Viroqua recognize the unique and glorious beauty of this land. This Ordinance also provides a path to growth that sustains that beauty and quality of life.

This Ordinance is further intended to promote the orderly development of the community, while also promoting the health, safety, morals and general welfare of the citizens of the Town of Viroqua, Vernon County, Wisconsin.

B. PURPOSE

The Town of Viroqua Zoning Ordinance, Vernon County, Wisconsin, is adopted for the following purposes: regulate building, land subdividing and platting of existing parcels; establish procedures and requirements for the surveying, mapping, measuring and recording of all subdivided land; to further the orderly layout and use of the land; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Town; to insure the maximum preservation of agricultural land for agricultural purposes; to prevent the overcrowding of land, including the overcrowding of agricultural land for agricultural purposes; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to foster a more rational pattern of relationship among agricultural, residential, business, commercial and manufacturing uses for the mutual benefit of all.

C. SEVERABILITY

1. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
2. If any application of this Ordinance to a particular Structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other Structure, land, or water not specifically included in said judgment.

ARTICLE III DEFINITIONS

A. GENERAL

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neutral.

1. The word “shall” is mandatory and not discretionary.
2. The word “may” is permissive.
3. The word “Lot” shall include the words “piece”, “parcel”, and “plats”; the word “Building” includes all other Structures of every kind regardless of similarity to Buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
4. All “measured distances” shall be to the nearest “integral foot”. If a fraction is one-half foot (.5’) or less, the next “integral foot’ below shall be taken.
5. Any words not herein defined shall be constructed, as defined in other respective state, county, and Town codes.

B. WORDS DEFINED

Certain words and terms in this Ordinance are to be interpreted as defined herein:

1. **Accessory Use or Building.** A use or detached Structure subordinate to the Principal Use of a Structure, land, or water located on the same Lot or parcel serving a purpose customarily incidental to the main use of the principal Structure.
2. **Agriculture.** The use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary Accessory Uses for packing, treating, or storing the produce; provided, however, that the operation of any such Accessory Uses shall be secondary to that of the primary agricultural activities occurring thereon.
3. **Airport.** Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for Airport Buildings or other Airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie down areas, hangars, and other necessary Buildings and open spaces.
4. **Alley.** A public or private right-of-way primarily designed to serve as secondary access to abutting properties.

5. **Bed and Breakfast Establishments.** Any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owners or managers personal residence, is occupied by owner or manager at the time of rental and in which the only meal served to guests is breakfast. The maximum stay of any one (1) guest shall not exceed seven (7) days per stay.
6. **Block.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad right-of-way, shorelines or waterways or municipal boundary lines.
7. **Boarding House (Lodging House).** A Building or premises, other than a Hotel, containing lodging rooms for compensation, accommodating four (4) or more persons not of the keeper's Family. Lodging may be provided with or without meals.
8. **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. When a Building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate Building.
9. **Building Accessory.** A subordinate Building or portion of a principal Building, the use of which is incidental and customary to that of the principal Building, where an Accessory Building shall comply in all respects with the requirements of this Ordinance applicable to the principal Building.
10. **Building Height.** The vertical distance measured from the average elevation of the finished Lot Grade at the front of the Building to the highest point of a ceiling in the case of a flat roof, to the deck line of a mansard roof and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.
11. **Building, Temporary.** Any Building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Mobile homes used as residences shall not be classified as Temporary Buildings. Mobile Homes are further defined herein below.
12. **Clinic, Medical, or Dental.** An organization of specializing physicians or dentists, or both, who have their offices in a common Building. A Clinic shall not include inpatient care.
13. **Club.** An association of persons for some common purpose but not including groups organized primarily to render a service, which is customarily carried on as a business. All organizations shall be recognized Clubs.
14. **Dwelling.** A Building, or portion thereof, excluding a Manufactured Home, Hotel, Motel, Boarding Houses, and trailers designed or used exclusively for residential occupancy.
15. **Dwelling Unit.** One (1) or more rooms, which are arranged, designed or used as living quarters for one Family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each Dwelling Unit.

16. **Dwelling, Single-Family.** A Building designed to be occupied exclusively by one (1) Family.
17. **Dwelling, Two-Family.** A Building designed to be occupied exclusively by two (2) families.
18. **Dwelling, Multiple-Family.** A Building used or designed as a residence for three (3) or more families including tenement houses, row houses, apartment houses, and apartment Hotels.
19. **Family.** Any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.
20. **Farm.** Any parcel of land, which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products.
21. **Frontage.** The length of all the property fronting on one (1) side of a Street between the two (2) nearest intersecting Streets, measured along the line of the Street, or if dead-ended, then all property abutting on one (1) side between an intersecting Street and the dead end of the Street.
22. **Frontage, Zoning Lot.** The length of all the property of such zoning Lot fronting on a Street, measured between side Lot Lines.
23. **Fur Farm.** Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
24. **Garage, Private.** An accessory to the main Building which provides for the storage of Motor Vehicles and in which no occupation, business, or service for profit is carried on.
25. **Garage, Public and Storage.** Any Building or premises, other than a Private Garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
26. **Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the Building or Structure.
27. **Group Home.** Any facility operated by a person required to be licensed by the department under Wis. Stat. § 48.625 for the care and maintenance of 5 to 8 children, as provided in Wis. Stat. § 48.625 (1).
28. **Home Occupation.** Any occupation or profession carried on by a member of the immediate Family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the Building is being utilized in whole or in part for any purpose other than that of a Dwelling, there is no commodity sold upon the premises; no person is employed other than a member of the immediate Family residing on the premises; and no mechanical or electrical equipment is used, except such as is permissible for purely domestic or household purposes. A professional

person may use his/her residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his/her profession.

29. **Hotel.** A Building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
30. **Junk (Salvage) Yard.** An open area where waste or scrap material is bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, bottles, and automobiles. Junk Yards include any parcel containing more than five (5) unregistered vehicles stored outside at any one location.
31. **Lodging Facility.** A Bed and Breakfast Establishment, Boarding House, Hotel or Motel.
32. **Lot.** A forty (40) acre parcel of land, or any part thereof owned by the same owner(s), as set forth in the tax roll of the Town of Viroqua. Synonymous with “Parcel” and “Tract of Land.”
33. **Lot of Record.** A Lot which is part of a Subdivision, the plat of which has been recorded in the office of the Register of Deeds of Vernon County; or a parcel of land, the deed to which was recorded in the office of the Register of Deeds prior to the adoption of this Ordinance, and certified survey maps approved and recorded in the Register of Deeds office of Vernon County.
34. **Lot, Zoning.** A single tract of land located within a single Block, which (at the time of filing for a Building permit), is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a Zoning Lot may or may not coincide with a Lot of record.
35. **Lot, Corner.** A Lot located at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees.
36. **Lot, Depth of.** The mean horizontal distance between the front Lot Line and the rear Lot Line of a Lot, measured within the Lot boundaries.
37. **Lot, Interior.** A Lot other than a Corner Lot.
38. **Lot Lines and Area.** The peripheral boundaries of a parcel of land including the Street right-of-way lines and the total area lying within such boundaries. Lot Areas shall not include any part of a road, Street or highway.
39. **Lot, Through.** An Interior Lot having Frontage on two (2) non-intersecting Streets.
40. **Lot, Width of.** The horizontal distance between the side Lot Lines of a Lot, measured at the narrowest width within the first thirty feet (30') of Lot Depth immediately behind the Front Yard Setback line. Lot Width shall be understood to mean the horizontal distance of the parcel of land lying parallel to a road, Street or highway, and if such road, Street or highway should not exist at such time as such land is acquired, it should then be considered in effect for any proposed road, Street or highway in the future. Except where

a river, stream or lake exists, the horizontal distance parallel to the water's edge generally shall be considered the point of measurement to establish the one hundred foot (100') width requirement.

41. **Manufactured Home.** A Structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used for long-term residential use when connected to required utilities.
42. **Manufactured Home Parks.** Any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
43. **Motel.** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning Lot and designed for use by transient guests; and where there is no permanent occupancy of any unit, except by the owner, his/her agent or his/her employees.
44. **Motor Vehicle.** Any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
45. **Professional Office.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a Professional Office shall be incidental to the residential occupation; the office shall not exceed one half (1/2) the area of only one (1) floor of the residence and only one (1) resident person is employed.
46. **Retail.** Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.
47. **Roadside Stand.** A Structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of Farm products produced on the premises. No such Roadside Stand shall be more than three hundred (300) square feet in ground area and limited to ten feet (10') maximum height.
48. **Sanitary Landfill.** Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles or engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.
49. **Setback.** Minimum horizontal distance between the front line of a Building or Structure and the front property line.
50. **Slaughterhouse.** A Building or portion thereof used in the conduct of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut, or altered.

51. **Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a Street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but does not include a driveway to a Building.
52. **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.
53. **Structural Alteration.** Any change, other than incidental repairs which would prolong the life of the supporting members of a Building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
54. **Subdivision.** A Subdivision is the division of any existing Lot, parcel or tract of land by the owner thereof, or their agent, for the purpose of sale or of building or of development where: 1) The act of division creates two (2) or more parcels of building sites of twenty (20) acres or less in area; 2) Two (2) or more parcels of building sites of twenty (2) acres each or less in area are created by successive divisions within a period of five (5) years; or 3) One (1) or more additional parcels of land regardless of size, purpose or time frame are created.
55. **Town.** Meaning Town of Viroqua.
56. **Town Board.** The governing body of the Town of Viroqua.
57. **Use, Conditional.** Uses of a special nature as to make impractical their predetermination as a Principal Use in a respective zone district.
58. **Use, Nonconforming.** Any use of land, Building, or Structure, lawful at the time of the enactment of this Ordinance which does not comply with all of the regulations of this Ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
59. **Use, Permitted.** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
60. **Use, Principal.** The main use of land or Buildings as distinguished from a subordinate or Accessory Use. A Principal Use may be Permitted, Conditional or Nonconforming.
61. **Yard.** Open space on the same Lot with a Building or Structure, unoccupied and unobstructed from the ground upward, except for vegetation. A “Yard” extends along a Lot Line, and to a Lot Depth or Lot Width specified in the Yard requirements for the zone the Lot is located in.
62. **Yard, Front.** A Yard extending along the full length of the front Lot Line between the side Lot Lines.
63. **Yard, Side.** A Yard extending along a side Lot Line from the Front Yard to the Rear Yard.

64. **Yard, Rear.** A Yard extending along the full length of the rear Lot Line between the side Lot Lines.

ARTICLE IV GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Viroqua.

B. EXISTING ORDINANCE

Restriction or requirements with respect to building or land or both which are established by federal, state or county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise, the provisions of this Ordinance shall apply.

C. AREA REGULATIONS

1. Lot size shall comply with the required regulations of the established district.
2. No Building permit shall be issued for a Lot that abuts on half a Street. Said permit shall be issued only after the entire Street right-of-way has been dedicated.
3. No Manufactured Home Park shall be established in the Town without the approval of the Town Board.
4. Any Mobile Home located within the boundaries of the Town shall have the tongue and wheels removed and be fully skirted or placed on a foundation within six (6) months. Placement of any Mobile Home in the Town shall be on land with a minimum size of one-half (.05) acre and shall have a sewage system and water supply and shall be reclassified as residential.
5. Any restrictions added to platted lands must be made a part of the preliminary and Final Plat. Said restrictions require the approval of the Town Board.

D. HEIGHT REGULATIONS

1. Except as otherwise provided in this Ordinance, the height of any Building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such Building is located.
2. Accessory Farm Buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay Structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this Ordinance, but shall comply with height regulations of respective zones.

E. ZONING COMMITTEE

1. A Town Zoning Committee shall be established by the Town Board and shall consist of five (5) appointed residents of the Township as provided by Wis. Stat. § 60.61. The Town Board may compensate said Zoning Committee in a manner and method designated by the Board and such compensation and its amount shall be established and set at the time of the appointment of the Committee and shall remain in effect for the remainder of the term of the Committee.
2. Removal of Members. Members of the Zoning Committee may be removed by the Board provided the Board first notifies the member of its intentions to pursue removal, along with its written reasons for removal; and, holds a public hearing on the proposed removal of the member prior to taking action to remove said member.
3. The Board shall designate one Zoning Committee member to be the Zoning Committee chairperson.
4. The Board shall appoint an alternate member for a term of three (3) years who shall act with full power when a member of the Town Zoning Committee is unable to act, whether as a result of conflict or other unavailability.
5. The Board shall fill the vacancy for the unexpired term of any member whose term becomes vacant.
6. Duties of the Zoning Committee shall be:
 - a. To prepare and present amendments to the Zoning Ordinance;
 - b. To receive and review any requests or complaints;
 - c. To hold a preliminary hearing upon written request for a zoning change or Conditional Use permit; and
 - d. Duties of the Committee Chairperson shall be to investigate all complaints, give notice of violations and to enforce the provisions of this Ordinance.
 - e. Members of the Zoning Committee may enter at any reasonable time onto a private land or water to make a zoning inspection so long as reasonable notice is provided to the owner and so long as the owner consents.
 - f. In cases wherein the owner does not consent to a member's access of its property and wherein the Zoning Committee has reasonable suspicion to believe that the nonconsenting owner is in violation of this Ordinance or other applicable law, the Zoning Committee may presume the nonconsenting owner is in violation of this Ordinance or other applicable law and may seek legal remedy for such presumed violation as if confirmation of that violation was obtained.

F. BOARD OF ADJUSTMENT.

1. A Board of Adjustment shall be established by the Town Board as provided by Wis. Stat. § 60.65 and shall consist of three (3) members. Not more than one (1) Town Board Supervisor may be a member of the Board of Adjustment. Rules and procedures applying to the Board of Adjustment shall be kept on file with the Town.

G. TOWN BOARD

1. The Town Board shall have the authority to permit the erection and use of a Building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this Ordinance for such public utility purposes which are reasonably necessary for public convenience and welfare.
2. In addition to the powers enumerated elsewhere, in Local or County Ordinances or State Statute, the Town Board shall have the following powers:
 - a. Grant a permit for a Temporary Building for commerce or industry in a residential district which is incidental to the residential development. Such permit is to be issued for a period of not more than one (1) year.
 - b. Grant a permit for the extension of a District Boundary if a district divides a Lot in a single ownership prior to the adoption of this Ordinance.
 - c. By Conditional Use permit, after due notice and public hearing, authorize the location of any Buildings or uses in any district from which they may have been excluded by this Ordinance, provided that such Building or use shall comply with all other regulations in the district in which it is proposed to be located and is otherwise consistent with the Intent and Vision Statement of this Ordinance as determined by the Town Board.

H. CHANGES AND AMENDMENTS

1. The Town Board may, within a public hearing and on its own motion, petition, amend, supplement or change the boundaries or regulations established in the Ordinance. The Board shall give notice of any proposed revisions in the zoning Ordinance and of the time and place of the public hearing on them by a class 2 notice pursuant to Wis. Stat. 985. The Board shall allow any interested person to testify at the hearing. If any proposed revision under this Subdivision would make any change in an Airport-affected area, as defined by Wis. Stat. § 62.23(6)(am)1.b., the Board shall mail a copy of such notice to the owner or operator of the Airport bordered by the Airport-affected area.
2. A proposed amendment, supplement or change to the Town zoning Ordinance must be adopted by not less than a two-thirds vote of the Town Board if a protest against the proposed amendment, supplement or change is presented to the Town Board prior to or at the public hearing under paragraph H.1. and:
 - a. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered; or
 - b. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within three hundred feet (300') of the parcel or parcels to be rezoned.
3. A proposed amendment, supplement or change to the Town zoning Ordinance must be adopted by not less than a two-thirds vote of the Town Board if the proposed amendment, supplement, or change would make any change in an Airport affected area, as defined

under Wis. Stat. § 62.23(6)(am)1.b. and if a protest against the proposed revision is presented to the Town Board prior to or at the public hearing under paragraph H.1. by the owner or operator of the Airport bordered by the Airport affected area.

I. MISCELLANEOUS PROVISIONS

1. Any applicant who files a request to rezone land in the Town shall pay a non-refundable application fee, the amount of which shall be documented and available in the Clerk's office. Modification of said fee must be approved by the Board.
2. Any zoned area along a Town, State, County or Federal Roadway within the Town, shall be considered zoned in the classification designated by the Town District Map for Zoning for a distance of not less than one hundred feet (100') along such roadway. Such areas so zoned along said roadway shall be displayed and designated on the official Town District Map.
3. A Manufactured Home shall not be parked within a residential district area except as otherwise provided in this Ordinance.
4. **Building Permits.** A Building permit is required for the construction, reconstruction, renovation, or moving of any Building within the Town when the cost of the project is estimated to be over one thousand dollars (\$1,000). This Building permit, along with instructions regarding the application process, is available from the Town Clerk. The Town Clerk shall be the official responsible for issuing all Building permits. The Clerk shall include on all permits: the owner(s) of the property upon which proposed construction is to occur; the description of the property pursuant to the Town assessment roll or fire number; and, the estimated project cost.
5. **Site Permits.** Pursuant to Wis. Stat. 101.63 and 101.73, a site permit is required for all new residential Dwellings. This site permit, along with instructions regarding the application process, is available from the Town Clerk. The Town Clerk shall be the official responsible for issuing all site permits. The Clerk shall issue a notice to the Assessor whenever a Building site permit is issued.
6. Whenever a person, firm or corporation presents to the Town Board a development plan, such plan must provide a proposed means of access to the property intended to be developed. Such access must be approved by the Town Board, and shall be in compliance with all Ordinances and other laws related thereto.
7. An application for a Conditional Use permit under the terms of this Ordinance shall be made to the Town Board and filed with the Town Clerk on a form provided by the Town Clerk. Said form shall provide for and show the applicant's name, address, description of the property to which the Conditional Use is to be extended and shall provide such other information as the Town Board may deem necessary to establish the applicants need and intent to a Conditional Use. The application shall further legally describe the property owned by the applicant and to which the conditional use is extended or permitted.
8. An application for the Conditional Use permit, having been properly filed with the Town Board as provided above, may be referred to the Town Zoning Committee for their approval and recommendation to the Town Board. The Town Zoning Committee shall act on such application in a reasonable length of time and shall then, after study, make their

recommendation to allow or disallow the Conditional Use permit to the Town Board in writing.

9. The Town Board, after receiving such recommendation from the Zoning Committee, shall either allow or disallow the Conditional Use permit at its sole discretion. Whenever a Conditional Use permit has been approved by the Town Board, the Town Board has the authority to determine the appropriate terms of the Conditional Use permit, including the length of said permit's validity. Further, whenever a Conditional Use Permit has been approved by the Town Board, the Town Clerk has authority to furnish said permit to the applicant.
10. Whenever an application for a Conditional Use permit is presented to the Town Board for action, the Town Board may require that a public hearing be held to determine whether the proposed Conditional Use permit is in the best interest of the public.
11. Conditional Use permits may be transferrable so long as the conditions for which the Conditional Use permit was originally granted remain in place.
12. The Town recognizes the activities of Farmers in this Ordinance and gives them the right of spreading manure and application of pesticides, herbicides, fungicides and seeding by aerial and ground methods. This Ordinance gives permission for these activities to occur at any time, including holidays, weekends, day and night. Said permission shall include noises, odors, dust and fumes associated with Farming practices.
13. Agricultural practices within the Town will operate under Right to Farm Wisconsin, Wis. Stat. § 823.08.
14. Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall pay a forfeiture for each offense. Every day of violation shall constitute a separate offense. The forfeiture amount is to be determined by the Town Board of Adjustment.

ARTICLE V ESTABLISHMENT OF ZONES

A. ZONE DISTRICT

For the purpose of this Ordinance, the Town of Viroqua, Vernon County, Wisconsin is hereby divided into the following zoning districts:

R – Residential
A – Agricultural
C – Commercial
I – Industrial
S – Special Purpose

B. ZONING MAP

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map, the Town of Viroqua, Vernon County, Wisconsin, Assessor's Plat Map (created by the Vernon County Survey Department), and adopted by the Town Board on the date indicated herein below, and as updated and approved by the Town Board, which is incorporated herein and hereby made a part of this Ordinance. The 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.

C. ZONING BOUNDARIES

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the centerlines of highways, Streets, Alleys, and pavements; or right-of-way lines of railroads; or section, division of section, tract and Lot Lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into Lots and Blocks, wherever a district is indicated as a strip adjacent to and paralleling a Street or highway, the Lot Depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the Street or highway, and the length of Frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or unless otherwise indicated.
3. Where a district boundary line divides a Lot in single ownership on the effective date of this Ordinance, the Board of Adjustment, after due hearing may extend the regulation for either portion of such Lot.

D. EXEMPTED USES

The following uses are exempted by this Ordinance and permitted in any zone district. Public road rights-of-way and public improvements projects, to include poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other public utility provided communications; and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction. However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the R – Residential District.

E. NON-EXEMPTED USES

Cellular Phone towers are not exempt from these Ordinances and are allowed, with a Conditional Use permit.

F. NONCONFORMING USES

The existing lawful use of a Building or Premises at the time of this enactment of this Ordinance or any Amendment thereto may be continued although such use does not conform with the provisions of this Ordinance for the District in which it is located. If no Structural Alterations are made, a Nonconforming Use of a Building may be changed to another Nonconforming Use of the same or a more restricted classification. Whenever a Nonconforming Use has been changed to a more restricted Nonconforming Use or to a Permitted Use, such use shall not thereafter be changed to a less restricted use. Whenever a Building containing a Nonconforming Use is damaged by fire, explosion, act of God or the Public Enemy to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except as permitted by Wis. Stat. § 60.61(5m).

Nothing herein contained shall require any change in the plans, construction size or designed use of any Building or part thereof for which a Building Site Permit has been issued before the effective date of this Ordinance and the construction of which has started within six (6) months from the date of such Permit.

ARTICLE VI

R – RESIDENTIAL

A. INTENT

The following regulations shall apply in R – Residential District.

B. PERMITTED USES

1. Single-Family Dwellings.
2. Two-Family Dwellings.
3. Transmission lines, substations, telephone and telegraph lines and public utility installments.

C. PERMITTED ACCESSORY USES

1. Private Garages, carports, and driveways.
2. Home Occupations.
3. Tool houses, sheds and other similar Buildings used for the storage of common supplies.
4. Conservatories and greenhouses for plants provided such activity is not designed for wholesale or Retail trade.

D. CONDITIONAL USES

1. Multiple-Family Dwellings.
2. Group Homes.
3. Bed and Breakfast Establishments.
4. Manufactured Home Park.
5. Planned Unit Development.
6. The following institutional uses; provided any Building shall be located twenty-five feet (25') or more from any other Lot in a Residential District.
 - a. Schools, public, denominational, or private, elementary, junior high, and senior high, including playgrounds, athletic fields, and other Accessory Uses required for operation.

- b. Public open spaces including customary park, playground and athletic field activities and functions.
 - c. Public libraries, museums, community centers, or other public recreational Buildings and grounds.
 - d. Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
7. Church chapels, temples, synagogues, rectories, parsonages, and parish houses, provided the Buildings are located twenty-five feet (25') or more from any other Lot in a Residential District.
8. Temporary real estate tract offices for transacting the sale of Lots in the tract or land upon which the tract office is situated for a period not to exceed two (2) years.
9. Temporary Building, trailers, equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.

E. BUILDING SETBACKS AND SPACING REQUIREMENTS

1. Building Setbacks.
- a. Front Yard. 53 feet (53') minimum. The Setback line shall be the minimum horizontal distance between the centerline of the Street or road and the nearest point of a Building or any projection thereof including uncovered steps.
 - b. Side Yard. 25 feet (25') minimum. The Setback line shall be the minimum horizontal distance between the centerline of the Street or road and the nearest point of a Building or any projection thereof including uncovered steps.
2. When a Building or Dwelling is erected on an existing Lot, a distance of not less than ten feet (10') shall be allowed between any Building and an adjoining property line on one side of the Building to be erected; the purpose being to allow a minimum yet sufficient distance to provide for the entrance and exit of service vehicles. A minimum distance of ten feet (10') shall be required to be maintained between any Building and an adjoining property line on the opposite side of the Lot. The Lot Line referred to in this code shall not be intended to include the property line on the front of a Lot abutting any road, Street or highway and this code shall not be intended to change the Setback requirements in relation to road, Streets or highways.

F. OTHER REQUIREMENTS

1. Public Health, Sanitation and Nuisances.
- a. The Sanitation Code of Wisconsin, Wis. Admin. Code 391, is hereby adopted by reference and shall be construed, read and interpreted as though fully set forth in this section.

- b. Outdoor privies or toilets may be permitted only if they meet the restrictions of the Sanitation Code, Wis. Admin. Code 391, as well as any restrictions contained within Wis. Admin. Code 362. No outdoor privy shall be constructed when a public or private sewage system is in existence in the area of such proposed construction. A Building site permit must be obtained and such construction of any such outdoor privy or toilet must be approved by the County Zoning Administrator.
2. No Dwelling shall be constructed on a parcel of land within a residential zone having an area of less than one-half (0.5) acre and a Lot Width of less than one hundred feet (100').
3. Building Site Permit. No person is permitted to commence excavation for or construction of any Building Structure, or structural changes in any existing Building or Structure, without first obtaining a Building site permit from the Town Clerk. No permit shall be issued for the construction, Structural Alteration or remodeling of any Building or Structure until the application has been submitted in accordance with the provisions of the Ordinance, showing that the proposed construction is in compliance with the provisions of this Ordinance and any other pertinent laws, Ordinances or regulations.
4. A Garage or any other outbuilding shall not be used as a Dwelling unless a permanent Dwelling is under construction, or anticipated to soon be under construction. However at no time shall a Garage or any other outbuilding be used as a Dwelling for a period over one (1) year pending the said construction.
5. Survey, Mapping, Recording, Platting. Any division of land within the Town boundaries which shall result in a Subdivision as defined above, except assessor's plats, shall:
 - a. Be surveyed using a certified survey map prepared in accordance with Wis. Stat. § 236.34. Each certified survey map shall also show the acreage of individual tracts or parcels. The seller will be responsible for furnishing the Town Board with two (2) copies of the certified survey map for the Town's files, and one (1) copy directly to the Vernon County Register of Deeds for County Files;
 - b. Where four (4) or more parcels are created by successive divisions, within a five (5) year period, for use as residential building sites, an approved plat as required by Wis. Stat. 236 shall be prepared; and,
 - c. Include parcels of at least one-half (0.5) acre and with a Lot Width of at least one hundred feet (100') only.
6. Subdividing, General Provisions of.
 - a. The Town Board shall endeavor to discourage the platting of lands deemed unsuitable for platting because of topography or otherwise, and to encourage the re-platting of lands deemed unsatisfactorily subdivided.
 - b. All parcels for development must be surveyed, mapped, legally marked, and measured in acres and fractions thereof; and, all such information shall be recorded at the Vernon County Register of Deeds.

- c. All parcels for development shall be fenced with a legal fence, as defined by Wis. Stat. Ch. 90, on boundary lines unless the owners mutually agree otherwise and file a copy of that agreement with the Town Clerk.
- d. The Town Board may approve variations from these regulations so long as the general plan or spirit of this Ordinance is still met. Any such variations shall be recorded in writing with the Town Clerk with the reasons therefore.

7. Preliminary Plat.

- a. The owner of any lands falling under the provisions of paragraph 2(b) of this Section shall submit to the Town Clerk sufficient true copies of a preliminary plat of such land together with a list of the approval required to enable the Town Clerk to forward copies for approval or objection to the agencies specified in Wis. Stat. Ch. 236. The preliminary plat shall be drawn in accordance with a procedure approved by the Town Board and kept on file with the Town Clerk.
- b. Action on the Preliminary Plat.
 - i) The Town Board shall set a date and time to address the Preliminary Plat with the owner or their agent. The Board shall provide the owner or agent an opportunity to be heard and shall approve, approve conditionally or disapprove the Preliminary Plat within forty (40) days of the date on which it is filed, unless such action is deferred by the Board for good cause and with notice to owner or agent.
 - ii) Approval of the Preliminary Plat shall be indicated in writing on the face of each of the two (2) copies thereof, by the Town Clerk, whereupon one (1) copy shall be returned to the owner and one (1) copy shall be retained for filing by the Town Clerk.
 - iii) In the event that the Preliminary Plat is disapproved, the reasons for such disapproval shall be stated, in writing, and copies thereof attached to each of the two (2) copies of the Preliminary Plat. One (1) copy shall be delivered to the owner and the other retained for filing.
 - iv) Approval of the Preliminary Plat shall not commit the Town Board to approval of the Final Plat.
 - v) The Town Board shall notify all adjacent property owners by certified mail of any contemplated platting as indicated in the preliminary plat.
 - vi) No excavating, earth moving or road construction shall be commenced before the Preliminary Plat is approved by the Town Board.

8. Final Plat.

- a. Streets and Roads.

- i) Grades. Consideration shall be given to topography, with a view to securing safe and easy Grades and avoiding unsightly and expensive cuts and fills. The owner shall furnish and submit a grading plan with the Final Plat showing the Grades before the Final Plat. The grading plan must be approved before the owner commences construction of any Building on the premises. The grading of all Streets and Alleys shall be completed by the owner, and all necessary drainage Structures shall be in place, before the owner commences construction of any Buildings on the premises.
 - ii) The Town Board may require the sub-divider to make and install any additional public improvements necessary or that the sub-divider execute a surety bond to insure that they will make those improvements within a reasonable time as a prerequisite to approval of the plat.
 - iii) Provisions shall be made in the plat for the suitable continuation of the present existing roads and Streets adjoining plats or in adjoining unplatted lands. If straight continuations are not practicable, the continuations should be accomplished by use of suitable curves in order to avoid Street jogs or off-center intersections.
 - iv) All major Streets shall be platted to a width of not less than sixty-six feet (66').
 - v) Adequate Street connections or extensions shall be provided to insure free access to adjoining Subdivisions and lands which may be subdivided later.
- b. Lots.
- i) The minimum area of each Lot shall be not less than one half (.5) acre, nor shall any Lot be less than one hundred feet (100') in Lot Width at the building Setback line.
 - ii) Every Lot shall front upon a public Street.
 - iii) Side Lot Lines shall be at right angles to straight Streets and radial to curved Streets.
- c. Parks, School Sites, Playgrounds, Other Public Spaces. The sub-divider may be required to dedicate from five (5) to fifteen (15) percent of his tract for recreation, school sites or other public grounds other than Streets. Said dedicated portion of tract must be suitable for the purported public use.
- d. Drainage and Grades.
- i) No Streets, Alleys or public thoroughfares shall be permitted in or upon any waterway, ditch or any natural drainage course, whether dry or flowing.

- ii) Adequate easements shall be designated by the Town Board to provide for drainage of all surface or underground waters.
 - iii) Where cutting and filling is necessary, all cut sections shall be sloped to a minimum of two (2) to one (1) and all fill sections a minimum of three (3) to one (1). All cut sections shall be provided with suitable top soil where necessary and shall be seeded with appropriate grass or vegetation to insure proper growth which will prevent erosion.
- e. Timeframe of New Construction. All new construction must have the exterior of said construction in a finished appearance no later than one year from the date of approval of the Final Plat.

ARTICLE VII

A – AGRICULTURAL

A. INTENT

The following regulations shall apply in A – Agricultural Districts.

B. PURPOSE

To preserve agricultural land for food and fiber production; protect productive Farms; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs of providing services to scattered non-Farm uses; implement the provisions of the county agricultural plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservations Law, Wis. Stat. Ch. 91, to permit eligible landowners to receive tax credits pursuant to Wis. Stat. § 71.59.

C. DEFINITIONS

1. “Accessory Use” means any of the following land uses on a Farm:
 - a. A Building, Structure, or improvement that is an integral part of, or is incidental to, an Agricultural Use. This may include, but is not limited to:
 - i) A facility used to store or process raw agricultural commodities, all of which are produced on the Farms.
 - ii) A facility used to keep Livestock on the Farm.
 - iii) A facility used to store or process inputs primarily for Agricultural Uses on the Farm.
 - iv) A facility used to keep or service vehicles or equipment primarily employed in Agricultural Uses on the Farm.
 - v) A wind turbine or solar energy facility that collects wind or solar energy on the Farm, and uses or transforms it to provide energy primarily for use on the Farm.
 - vi) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the Farm, primarily for use on the Farm.
 - vii) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the Farm.

- b. An activity or business operation that is an integral part of, or incidental to, an Agricultural Use, including Roadside Stands.
 - c. A Farm Residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an Agricultural Use, which meets all of the following requirements:
 - i) It is conducted on a Farm by an owner or operator of that Farm.
 - ii) It employs no more than 4 fulltime employees annually.
 - iii) It does not impair or limit the current or future Agricultural Use of the Farm or other Protected Farmland.
 - iv) It requires no Buildings, Structures, or improvements other than those described above in this Article.
2. “Agricultural Use” means any of the following activities conducted for the purpose of producing an income or livelihood:
- a. Aquaculture.
 - b. Beekeeping.
 - c. Crop or forage production.
 - d. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - e. Floriculture.
 - f. Forest management.
 - g. Fur Farming.
 - h. Game Preserves.
 - i. Greenhouses.
 - j. Hatcheries.
 - k. Horticulture.
 - l. Keeping livestock.
 - m. Nurseries, including for sod or Christmas tree production.
 - n. Orchards.

- o. Paddocks.
 - p. Pasturage.
3. “Agriculture-related Use” means a facility whether or not located on a Farm, that has at least one of the following as a primary and not merely incidental purpose:
- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to Farms, including Farms in the Agricultural District.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from Farms, including Farms in the Agricultural District.
 - c. Processing, cutting, altering or otherwise butchering of animals or parts thereof, with or without a Slaughterhouse.
 - d. Marketing Livestock to or from Farms, including Farms in the Agricultural District.
 - e. Processing agricultural by-products or wastes received directly from Farms, including Farms in the Agricultural District.
4. “Base Farm Tract” means all land, whether one parcel or two (2) or more contiguous parcels, which is in an Agricultural District and is part of a single Farm regardless of any subsequent changes in the size of the Farm.
5. “Common Ownership” means ownership by the same Person or Persons, or by Persons that are all wholly owned by the same Person or Persons. Common Ownership includes joint tenancy and tenancy in common. For the purposes of this definition only, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
6. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not Contiguous if they meet only at a single point.
7. “Farm” means all land under Common Ownership that is primarily devoted to Agricultural Use if any of the following apply:
- a. The land produces at least \$6,000 in annual Gross Farm Revenues to its owner or renter, regardless of whether a majority of the land area is in Agricultural Use.
 - b. A majority of the land is in Agricultural Use.
8. “Farm Acreage” means the combined total acreage of all of the following in the Base Farm Tract: Farms and open space parcels of more than two (2) acres.

9. “Farm Residence” means any of the following Structures located on a Farm:
 - a. A single-Family (or duplex) residence that is the only residential Structure on the Farm.
 - b. A single-Family (or duplex) residence that is occupied by and 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) Other people that are involved in the Farm operation.
10. “Gross Farm Revenue” means gross receipts from Agricultural Uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross Farm Revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.
11. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, Farm-raised deer, Farm-raised game birds, camelids, ratites, Farm-raised fish.
12. “Non-Farm Residence” means any residence other than a Farm Residence.
13. “Non-Farm Residential Acreage” means the combined total acreage of all parcels on which Non-Farm Residences are located, all parcels on which the Zoning Committee has approved Non-Farm Residences, all parcels two (2) acres or less that do not qualify as Farms, and the parcel to which the Conditional Use permit application pertains. If a residence is located or proposed to be located on an Undivided Farm, but does not qualify as a Farm Residence, the size of the residential parcel is deemed to be two (2) acres.
14. “Open Space Parcel” means a parcel on which no Buildings, other than movable hunting blinds or small sheds with no foundation, have been constructed or approved for construction.
15. “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
16. “Prime Farmland” means all 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 United States Department of Agriculture.
 - b. Land, other than land described in paragraph a. above, which is identified as Prime Farmland in Vernon County’s certified Farmland Preservation plan.
17. “Prior Non-conforming Use” means a land use that does not comply with this Farmland Preservation Ordinance, but which lawfully existed prior to the application of this Ordinance.

18. “Protected Farmland” means land that is any of the following:
 - a. Located in a Farmland Preservation or Agricultural District certified under Wis. Stat. Ch. 91.
 - b. Covered by a Farmland Preservation Agreement under Wis. Stat. Ch. 91.
 - c. Covered by an agricultural conservation easement under Wis. Stat. 93.73.
 - d. Otherwise legally protected from nonagricultural development.

D. PERMITTED USES. The following uses are permitted, so long as such uses are also in accordance with existing State Statutes and County Ordinances.

1. Agriculture Uses, Agriculture-related Uses and Accessory Uses on Farms, except for those that require a Conditional Use Permit as expressed herein below under the Section titled Conditional Uses.
2. Non-Farm Residences constructed in a rural residential cluster according to a Conditional Use permit issued under Section E.4., below, for that cluster.
3. Undeveloped natural resources and open space areas.
4. Transportation, utility, communication, or other uses that are required under State or Federal law to be located in a particular place, or that are authorized to be located in a specific place under a State or Federal law that preempts the requirement of a Conditional Use permit for that use.
5. Prior Nonconforming Uses, subject to Wis. Stat. § 60.61(5).

E. CONDITIONAL USES.

The following uses are permitted only after obtaining a Conditional Use permit from the Town by application to the Town Board. The Board may issue a Conditional Use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. The Town Board shall follow the procedure described in in the General Provisions. Before issuing a Conditional Use permit, the Board shall determine in writing that the proposed use meets applicable conditions under this section. The Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this Ordinance.

1. The Town Board may issue Conditional Use permits for any Agricultural or Accessory Uses so long as the proposed use does not conflict with Permitted Agricultural Uses and/or are found necessary in light of the availability of alternative locations. All of the following must apply:
 - a. The use supports Agricultural Uses in the Farmland Preservation District in direct and significant ways, and is more suited to an Agricultural District than to the Industrial or Commercial district.

- b. The use and its location in the are consistent with the purposes of the Agricultural District.
 - c. The use and its location in the Agricultural District are reasonable and appropriate, considering alternative locations, or are specifically approved under State and Federal law.
 - d. The use is reasonably designed to minimize conversion of land, at and around the use site, from Agricultural Use or open space use.
 - e. The use does not substantially impair or limit the current or future Agricultural Use of other Protected Farmland.
 - f. Construction damage to land remaining in Agricultural Use is minimized and repaired to the extent feasible.
2. The Town Board may issue Conditional Use permits for the following Agricultural or Accessory Uses:
- a. Riding academies and stables or boarding facilities under Section C.1.
 - b. A new or expanded facility used to confine Livestock, if that facility will have no more than five hundred (500) animal units (as defined by the Environmental Protection Agency) and if the proposed facility meets with the requirements of Wis. Admin. Code Ch. ATCP 51.
 - c. A large on-Farm fuel or agrichemical storage facility, under Section C.1.
 - d. A Farmstead food processing facility.
 - e. A manure storage system.
 - f. A Manufactured Home used as a Farm Residence if it is situated on a foundation with tongue and wheels removed within six (6) months of placement and connected to a water system and a sewer system.
3. Non-Farm Residences. The Town Board may issue a Conditional Use permit for a proposed Non-Farm Residence if all of the following standards will be met when the approved Non-Farm Residence comes into existence:
- a. Non-Farm Residences in a Base Farm Tract:
 - i) The ratio of Non-Farm Residential Acreage to Farm Acreage in the Base Farm Tract will not exceed 1:20.
 - ii) There will be no more than four (4) Dwellings or units in Non-Farm residences, nor more than five (5) Dwelling units in residences of any kind.

- b. Neither the Non-Farm Residence, nor the parcel on which the Non-Farm Residence is located, will do any of the following:
 - i) Convert Prime Farmland, or cropland other than a wooded Lot, from Agricultural Use if there is a reasonable alternative available to the permit applicant.
 - ii) Significantly impair or limit the current or future Agricultural Use of any other Protected Farmland.

- 4. Non-Farm Residential Clusters. The Town Board may issue a single Conditional Use permit authorizing two (2) or more proposed Non-Farm Residences if all of the following apply:
 - a. The Conditional Use permit includes all of the following information:
 - i) The total number of Non-Farm Residences authorized by the permit.
 - ii) A certified survey map of each parcel on which a Non-Farm Residence is authorized.
 - iii) The number of Non-Farm Residences authorized on each parcel in the immediately preceding paragraph.
 - iv) The number of Dwelling units authorized in each authorized Non-Farm Residence.
 - b. Each of the parcels described under paragraph 3.a.ii. shares a boundary with at least one other parcel described under paragraph 3.a.ii.
 - c. Each of the proposed Non-Farm Residences will meet all of the standards under paragraph 3.a.ii. when all of the proposed Non-Farm Residences have come into existence.
 - d. The Conditional Use permit prohibits: any further division of any parcel described in paragraph 3.a.ii.; and, any Non-Farm Residence or Dwelling unit identified in the permit.

- 5. Compatible Infrastructure. The Town Board may issue a Conditional Use permit for any of the following uses, subject to sub-section b. of this paragraph:
 - a. Transportation uses, including roads, rail facilities and agricultural aeronautic facilities; communication uses including transmission lines, cell towers, antennae and broadcast towers; oil, gas and other pipelines; electrical transmission lines; wind turbines; solar power generation facilities; and drainage facilities.
 - b. The Town Board may issue a Conditional Use permit for the Compatible Infrastructure use so long as all of the following apply:

- i. Public forum should be held to allow for information using a class two (2) notice.
 - ii. The proposed use and its location in the Agricultural District are consistent with the purposes of the Agricultural District.
 - iii. The use and its location in the Agricultural District are reasonable and appropriate, considering alternative locations, or are specifically approved under State or Federal law.
 - iv. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from Agricultural Use or open space use.
 - v. The use does not substantially impair or limit the current or future Agricultural Use of other Protected Farmland.
 - vi. Construction damage to land remaining in Agricultural Use is minimized and repaired to the extent feasible.
6. Government and Nonprofit Community Uses. The Town Board may issue a Conditional Use permit for a government use, or for an institutional, religious or community use, if the Town Board determines that all of the following apply:
 - a. The use and its location in the Agricultural District are consistent with the purposes of the Agricultural District.
 - b. The use and its location in the Agricultural District are reasonable and appropriate, considering alternative locations outside the Farmland Preservation district; or, are specifically approved by State or Federal law.
 - c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from Agricultural Use or open space use.
 - d. The use does not substantially impair or limit the current or future Agricultural Use of other Protected Farmland.
 - e. Construction damage to land remaining in Agricultural Use is minimized and repaired, to the extent feasible.
7. Nonmetallic Mineral Extraction. The Town Board may issue a Conditional Use permit for a nonmetallic mineral extraction operation if all of the following apply:
 - a. The operation complies with the Town of Viroqua Nonmetallic Mining Ordinance 2015-4; Wis. Stat. 295, subchapter 1; Vernon County Municipal Code, Chapter 22, Article V, Nonmetallic Mining Reclamation; and any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.
 - b. The operation and its location in the Agricultural District are consistent with the purposes of the Agricultural District.

- c. The operation and its location in the Agricultural District are reasonable and appropriate, considering alternative locations outside the Agricultural District; or, are specifically approved by State or Federal law.
- d. The operation is reasonably designed to minimize the conversion of land around the extraction site from Agricultural Use or open space use.
- e. The operation does not substantially impair or limit the current or future Agricultural Use of other Protected Farmland.
- f. The Conditional Use permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is complete. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.

F. REZONING LAND WITHIN THE AGRICULTURAL DISTRICT.

- 1. Except as provided in subsection E.2, below, the Town Board may not rezone land that is within the Agricultural District unless the Board does all of the following:
 - a. Holds a public hearing on the issue of rezoning.
 - b. Makes a written finding, subsequent to the public hearing, that expressly finds:
 - i. The rezoned land is better suited for a use not allowed in the Farmland Preservation district;
 - ii. The rezoning is consistent with any comprehensive plan, adopted by the Town Board, which is in effect at the time of rezoning;
 - iii. The rezoning is substantially consistent with the Vernon County Farmland Preservation plan, certified pursuant to Wis. Stat. Ch. 91 and in place at the time of the proposed rezoning.
 - iv. The rezoning will not substantially impair or limit current or future Agricultural Use of other Protected Farmland.
- 2. Subsection E.1., above, does not apply to the following:
 - a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Wis. Stat. 91.
 - b. A rezoning that makes the Farmland Preservation Zoning Ordinance more consistent with the Vernon County Farmland Preservation Plan map, certified pursuant to Wis. Stat. Ch. 91 and in place at the time of the proposed rezoning.
- 3. By March 1 of each year, the Town shall submit to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to Vernon County a report of the

number of acres rezoned out of the Agricultural District and a map that shows the location of those acres.

ARTICLE VIII C – COMMERCIAL

A. INTENT

The following regulations shall apply in C – Commercial Districts..

B. PERMITTED USES

The following uses are permitted in the C Districts:

1. Any use permitted in the Agricultural district.
2. Shops; filling or gasoline stations; Professional Offices; food and dry goods stores; restaurants; campgrounds with greater than five (5) individual sites; or Lodging Facilities.
3. Agri-Business facility.
4. Commercial Agricultural. An agricultural enterprise which would not have land to support it for feed and fiber and disposal capabilities and/or have more than five hundred (500) animal units (as defined by the Environmental Protection Agency), would require an impact study by the Town Board or the zoning committee or both, to see if it is acceptable. Any costs incurred by the township will be billed to the applicant.

ARTICLE IX

I – INDUSTRIAL DISTRICT

A. INTENT

The following regulations shall apply in I – Industrial Districts.

B. PERMITTED USES

The following uses are permitted in the I-District:

1. Any use permitted in the C-District.
2. Any light or heavy industrial plants except for chemical and/or hazardous material production or handling.

ARTICLE X

S – SPECIAL PURPOSE DISTRICT

A. INTENT

The S – Special Purpose district is established to provide a district to support the Permitted Uses, included herein below.

B. PERMITTED USES

The following uses are permitted in the S-District:

1. Any use permitted in the I-District.
2. The following uses, so long as such sites are secured in a sufficient manner to insure public and environmental safety, including meeting all applicable State or Federal standards and laws: Landfills and former Landfills; Junk Yards; and, chemical, biological, and/or hazardous material production or handling.
3. Churches, community Buildings and cemeteries.
4. Parks and public land.

ARTICLE XI

Roadway Standards

A. INTENT

This article shall address the regulations for creating roads.

B. ROADWAY STANDARDS

1. The road or highway right of way shall be surveyed and have minimum width of sixty-six feet (66').
2. All roads and highways shall be graded with a twenty-six foot (26') roadway, twenty foot (20') top and not more than eleven percent (11%) Grade.
3. All roads and highways shall have drainage ditches. The drainage ditches shall be at least one foot (1') deep with at least three feet (3') of side slope for every foot of depth.
4. The bed of such road or highway shall be surfaced at least twenty feet (20') wide and the gravel compacted gravel.
5. Roads and highways shall be constructed with a base of twelve inches (12") of breaker run crushed rock and five (5) inches of ¾ inch (.75") gravel.
6. Whenever the contours of the land make it necessary that water be carried across the road or highway, the road or highway shall contain a culvert, the size and length of which shall be approved by the Town Board prior to installation, and in no case shall the culvert underneath a roadbed be less than 15 inches in diameter nor less than thirty feet (30') in length.
7. The twenty foot (20') wide road top shall be maintained with a gravel surf ace.

D. APPLICANTS TO ASSUME ALL ROAD AND HIGHWAY CONSTRUCTION COSTS.

The Town Board shall not grant the laying out of a highway or the acceptance of a highway by the Town until such time as the applicant contracts with said Town to provide for roads and highways in accordance with the specification and requirements under this Ordinance and until said applicants agree to paying all the costs for the improvement to said highway or road.

E. DEED REQUIRED.

Prior to the approval of the laying of a road, and pursuant to Wis. Stat. § 82.12, the Town Board may require a deed to be provided to the Town for all highway, roadway and drainage waterways along the public road.

F. TOWN RESERVES THE RIGHT TO ROADWAY.

Notwithstanding an applicant's or subdivider's complete compliance with all the requirements of this Ordinance and the requirements of Wis. Stat. Ch. 82, the Town Board pursuant to Wis. Stat. § 82.12, reserves the right to grant or refuse an application for a roadway as the Town Board deems best for the public good.

ARTICLE XII

Validity

A. SEVERABILITY

If any section, clause, provision or portion of the Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

B. EFFECTIVE DATE

This Ordinance shall be in full force from and after passage, approval, publication and recording, as required by law.

The foregoing Ordinance was adopted at a special meeting of the Town of Viroqua board on the _____ day of _____, 2017.

Town Board:

Town Chairperson: _____

Town Supervisor: _____

Town Supervisor: _____

Filed this _____ day of _____, 2017.