

TOWN OF CAMPBELL

LA CROSSE COUNTY, WISCONSIN

ORDINANCE NO 2020-4

An Ordinance to amend Sections 40-4, 40-7, 40-95 (b) (4), 40-99 (b) (1), and 40-145 (c) (4) of the Code of Ordinances of the Town of Campbell relating to: definitions, limits on number of accessory structures, setbacks for decks and swimming pools, green space requirements in the rear yard, provisions for Planned Unit Developments, allowable uses in the Residential "C" District, and setbacks from Class 1 highways.

Chapter 40 - ZONING

ARTICLE I. - IN GENERAL

Sec. 40-1. - Statutory authorization.

A chapter to promote the public health, safety and general welfare, pursuant to the provisions of Wis. Stats. §§ 59.69, 59.694, 60.61, 60.62, and 61.35 and for such purpose to divide the Town of Campbell, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the purposes: to provide a method for its administration and enforcement and to provide penalties for its violation.

Sec. 40-2. - Interpretation and purposes.

- (a) The provisions of this chapter shall be held to be minimum requirements adopted to promote the public health, safety and general welfare of the town.
- (b) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenant of agreement between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are required by other rules, regulations, or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.
- (c) This chapter and any decisions related thereto are intended to be consistent with the town's comprehensive plan per Wis. Stats. § 66.1001.

Sec. 40-3. - Districts.

(a) For the purpose of this chapter, the town is hereby divided into ten districts, as follows:

- (1) Residential District A.
- (2) Residential District B.
- (3) Residential District C.
- (4) Rural Residential District.
- (5) General Agricultural District.
- (6) Commercial District.
- (7) Light Industrial District.
- (8) Industrial District.

- (9) Manufactured Home Community District.
 - (10) Public Facilities and Institutional District.
- (b) The boundaries of the aforesaid districts are hereby established as shown on the map entitled, "Town of Campbell Zoning Map, La Crosse County, Wisconsin," which map is made a part of this chapter by reference. All notations and references shown on the zoning map are as much a part of this chapter as though specifically described herein. This map is intended to be updated as needed to show amendments to zoning district boundaries.
- (1) The zoning district boundaries will be located on ownership parcel lines, shorelines, town boundary lines, highway, roads, streets, alleys, railroads, or section, quarter section or quarter-quarter section lines, unless otherwise shown. Where the designation on the zoning map indicates that the various districts are approximately bounded by parcel lines, shorelines, highway, road, street or alley lines, railroads, or section, quarter section or quarter-quarter section lines, such lines shall be construed to be the zoning district boundary lines.
 - (2) Where the zoning district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be lots, and where the designations of the zoning map are approximately bounded by lot lines, such lot line shall be construed to be determined by use of the scale shown on such map, or by professional survey information where such information exists.

Sec. 40-4. - Definitions.

For the purpose of this chapter, words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number; the term "building" includes the term "structure"; the term "shall" is mandatory and not directory. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any words not defined as follows shall be construed as defined in the state and town building codes:

Accessory building means a building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of building, or is substantially attached thereto, Any accessory building projected forward of the rear building line of the principal building shall satisfy the same front and side yard requirements as the principal building. Detached accessory structures placed in the rear yard must be placed at a minimum of 10 feet behind the rear wall line of a principal residence in order to maintain access to the rear yard.

Access easement means a recorded interest in property evidencing a private right of access to real property, defined by a legal description, providing for sufficient all weather vehicular access to adequately protect public welfare and safety.

Alley means a street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

Apartment house. See *Dwelling, multiple* .

Barbershop or beauty parlor. Subject to approval of the town board. When established in a residential district, a barbershop or beauty parlor shall be incidental to the residential occupation; not more than 25 percent of the floor area of only one story of a dwelling unit shall be occupied by such office, and only two barber chairs in a barbershop and two operators in a beauty parlor shall be permitted and only one unlighted name plate, not exceeding one square foot in area containing the name and business of the occupant of the premises, shall be exhibited.

Basement means a story partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

Boardinghouse means a building other than a hotel where meals or lodging are furnished for compensation for three or more persons not members of a family.

Building means any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

Building, height of, means the vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height gable or gambrel, hip or pitch roof.

Community based residential facility means a licensed facility as defined in Wis. Stats. § 46.03(22).

Deck, An uncovered exterior structure designed or intended for outdoor living space. A deck or landing of five feet by five feet or smaller does not require a permit. Decks shall have a minimum of 15 feet rear yard setback in all residential districts.

Dwelling, multiple means a building, or portion thereof, designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

Dwelling, one-family, means a detached building designed for or occupied exclusively by one family.

Dwelling, two-family, means a detached or semi-detached building designed for and occupied exclusively by two families.

Family means the body of persons who live together in one dwelling unit as a single housekeeping entity.

Frontage means all the property abutting on one side of a road or street between two intersecting roads, streets or railroads; or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street. The term "frontage" also includes parcels of land abutting a street where there is no intersecting street in either direction from the subject parcel.

Garage, private, means an accessory building, space or attached garage for the storage of not more than three motor driven vehicles. Except for motor homes, no vehicles in excess of 16,000 pounds gross vehicle weight are permitted to be stored in a private garage.

Garage, public, means any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, storage, means any building or premises for the storage only of motor driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two-ton capacity shall be stored in any storage garage.

Home occupation means a gainful occupation owned and conducted by the family residing in the home of the home occupation location; provided that such occupation does not consume more than 25 percent of the total home floor space, and that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no sign other than one unlighted name plate not more than two square feet is installed and that no more than one other person not a member of the immediate family living on the premises is employed.

Hotel means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

Lodginghouse means a building, other than a hotel, where lodging only is provided for compensation for not more than three persons not members of the family.

Lot means a parcel of land having a width and depth sufficient to provide the space necessary for one main building or structure and its accessory building, of sufficient shape and size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this chapter, and abutting on a public street, or an access easement approved by the applicable town board, except an easement which is intended to serve more than one lot must be approved by the town board, using the relevant standards established under Wis. Stats. § 82.50.

Lot, corner, means a lot abutting on two or more streets at their intersection provided that the interior angle of such intersection is less than 135 degrees. A corner lot has a front setback area back from each street bordering the lot.

Lot, depth of, means the mean horizontal distance between front and rear lot lines.

Lot, interior, means a lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein.

Lot, through, means an interior lot having frontage on two non-intersecting streets.

Mineral extraction means the commercial removal of non-metallic rock, slate, gravel, sand, topsoil or other natural materials from a site by excavating, stripping, leveling or any other such process.

Nonconforming use means a building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereof, which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

Plan commission means the planning and zoning commission as established in chapter 24.

Planned Unit Development (PUD). A housing project, consisting of a group of 2 or more buildings having more than 2 dwelling units each, to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this chapter to the individual building units.

Professional office means the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, insurance, accountant, bookkeeper, telemarketing, computer consulting and sales, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation; not more than 25 percent of the floor area of only one story of a dwelling unit shall be occupied by such office, and only one unlighted name plate, not exceeding two square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.

Public airport means any airport which complies with the definition contained in Wis. Stats. § 114.002(7), or any airport which serves or offers to serve common carriers engaged in air transport.

Roadside stand means a structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered, not wholly enclosed and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall be not more than one roadside stand on any one premises.

Setback lines means lines established within a lot or parcel at required distances from street rights-of-way lines, rear lot lines, and side lot lines, and from railroad rights-of-way lines, with the exception that front setbacks in the light and heavy industrial districts will be governed by section 40-145. The area between the afore mentioned lines and street or rail road rights-of-way lines are unbuildable setback areas within which buildings or structures are prohibited as specified in each zoning district. Setback lines are the minimum distances that buildings or structures must be located back from lot lines; and this minimum distance applies to that part of a building which may overhang the foundation except for porch and entry canopies, bow windows, cornice structures, heating and cooling enclosures and similar auxiliary elements to a permitted use. A building or land use may be placed anywhere within a lot or parcel that is not subject to the setback areas described above which bound the perimeter of said lot or parcel. The unbuildable setback areas described in this chapter are a part of areas that may be referred to as "yards."

Stable means the same as "garage;" a draft animal being considered the equivalent of one self-propelled vehicle.

Story means that portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for the purposes of height regulation.

Story, half, means the space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.

Street means all property dedicated or intended for public or private street purposes, or subject to public easements therefor, and 21 feet or more in width.

Street line means a dividing line between a lot, tract or parcel of land and an abutting public street. A street line is the same as the street right-of-way line for purposes of this chapter.

Structural alterations means any change in the supporting members of a building, or any substantial change in the roof structure or in the exterior walls.

Structure means anything constructed or erected, the use of which requires a permanent location on or in the ground or attached to something having a permanent location on or in the ground. Retention ponds, pools, lagoons and similar excavations which are principal uses or accessory uses are also structures. A flag pole is not a structure for purposes of this chapter.

Swimming pool, is a body of water or an outdoor structure containing a body of water in a receptacle or other container installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. Swimming pools shall not be placed any closer than 10' to a lot line and shall not be placed in any front yard or in any required setback area of a corner lot. Swimming pools shall be considered the same as any other accessory structure regarding square footage limits, limits on number of accessory structures, and limits on buildable area for green space requirements.

Temporary structure means a moveable structure not designed for human occupancy, nor for the protection of goods or chattels and not forming an enclosure.

Tourist camp means a tract of land, with or without buildings, or where temporary accommodations are provided for two or more automobile trailers or camping tents, open to the public free or for a fee.

Trailer includes trailer coach, house trailer, mobile home, automobile trailer, camp car or any self-propelled or non self-propelled vehicle constructed, reconstructed or added to, by means of accessories, in such a manner as will permit the use and occupancy thereof for human habitation, storage or conveyance of machinery, tools or equipment, whether resting on wheels, jacks or other foundation, and used or so constructed that it is or may be mounted on wheels or any similar transportation devices, and used as a conveyance on highways and streets, but not including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals. Trailers shall not be considered buildings, dwellings or structures for the purposes of this chapter.

Vision clearance means an unoccupied triangular space at the street corner of a corner lot, which is bounded by the street lines and a setback line connecting points specified by measurement from the corner of each street line.

Yard means an unbuildable open space on the same lot with a building or structure unoccupied and unobstructed from the ground upward, except for flag poles and as otherwise provided herein.

Zoning official means the person the town board appoints or designates to administer and enforce the town zoning ordinance

Sec. 40-5. - Compliance.

Except as otherwise provided:

- (1) The use and height of buildings hereafter erected, converted, enlarged or structurally altered, and the use of any land shall be in compliance with regulations established herein for the district in which such land or building is located. Any use not listed as a permitted use in a district is prohibited in that district and except as otherwise expressly provided, any use listed as a permitted use in any other district shall be construed as a prohibited use in any other district.

- (2) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner, except in conformity with the area regulations hereby established for the district in which a building or premises is located. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
- (3) Every building hereafter erected, converted, enlarged or structurally altered, shall be located on a lot and in no case shall there be more than one main building on one lot.
- (4) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before September 8, 2020, and the construction of which shall have been started within six months from the date of such permit; and, nothing herein contained shall prevent the completion of buildings whose foundations were laid prior to September 8, 2020, provided that the completed building shall remain within the area confines of the existing foundation.
- (5) All buildings and structures hereafter erected, enlarged or structurally altered for commercial or industrial uses shall be provided with sufficient space for the loading or unloading of vehicles off the public street, road, highway or alley, so that such streets, roads, highways or alleys shall at all times be free and unobstructed to the passage of traffic.
- (6) All theatres, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least one car for every five seats provided, including the seats in all separate parts or rooms of such uses.
- (7) Any setback area or court 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 setback widths and depths and courts in the two districts which abut the zoning district boundary line.
- (8) When a housing project, consisting of a group of two or more buildings having more than two dwelling units each, is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this chapter to the individual building units, the town board may approve a development plan, provided it complies with the regulations of this chapter as applied to the whole plat.
- (9) The placement of a trailer in any residential district is prohibited except for those that conform to the town's mobile home park ordinance and those permitted in a licensed campground. One trailer may be parked or stored in a garage or other accessory building or rear yard provided that no occupancy for human habitation is maintained or business conducted therein while such trailer is so parked or stored.
- (10) The temporary placement of a trailer for occupancy in residential districts may be authorized subject to the approval of the town board for persons who are constructing a permanent dwelling on the same premises, or where a hardship exists, provided that the trailer is connected to an approved water supply and wastewater disposal system. In no case shall a trailer be permitted to be temporarily occupied for more than 180 days unless an extension of time is applied for and granted by the town board in cases of extreme hardship.
- (11) In any residential or agricultural district, the wheels or any similar transportation devices of any trailer shall not be removed or otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person in any manner other than as permitted in a licensed campground.
- (12) In any residential district or recorded residential subdivision plat, the storage of all motor driven vehicles, except motor homes, with a gross weight in excess of 16,000 pounds, is prohibited. Semitrailers are also prohibited.

Sec. 40-6. - Nonconforming uses.

- (a) The existing lawful use of a building, structure or premises at the time of the enactment of this chapter, or any amendment thereto, may be continued, although such use does not conform to the provisions of this chapter for the district in which it is located, but such nonconforming use shall not be extended.
- (b) If no structural alterations are made, a nonconforming use of a building or structure 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, such use shall not thereafter be changed to a less restricted use.
- (c) If a nonconforming use of a building, structure, or premises is discontinued for a period of 12 months, any future use of the building, structure or premises shall conform to the regulations for the district in which it is located.
- (d) The town shall comply with Wis. Stats. § 60.61(5m) regarding restoration of nonconforming structures.

Sec. 40-7. - Height and area exceptions.

The regulations contained herein relating to the height of buildings and structures and the size of yards and other open spaces shall be subject to the following exceptions:

- (1) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (2) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, silos, scenery lofts, tanks, water towers, ornamental towers, spires, or masts or aerials, are hereby excepted from the height regulations of this chapter and may be erected in accordance with state and federal regulations or ordinances of the town. Windmills, wireless television or broadcasting towers, microwave radio relay structures, telephone, telegraph and power transmission poles and lines, and necessary appurtenances may be permitted above height regulations only as conditional uses approved by the town board according to the provisions of this Code.
- (3) Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
- (4) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing on equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with.
- (5) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family.
- (6) Accessory buildings and structures which are not a part of the main building or structure shall comply with the requirements of the following table, which outline height restrictions and minimum setback dimensions to any lot line. These standards may not apply in certain situations where the lot is within a shoreland zoning district and where other provisions of this Code and of county codes may be applicable.

Lot Size Standards	0 to 7,500 square feet	7,501 square feet to 1.0 acre	1.01 to 3.0 acres	3.01 to 10.0 acres	10.01 acres and up
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Height	17 feet	17 feet	17 feet	21 feet	40 feet
Side lot line setback	3 feet	3 feet	3 feet	5 feet	10 feet
Rear lot line setback	3 feet	3 feet	3 feet	5 feet	10 feet
Front lot line setback	See highway setbacks				

(7) The total allowable area for square footage of accessory buildings shall not exceed 1,200 square feet in residential districts and in no case shall exceed an area of more than 25% of the rear yard. There shall be a limit of two detached accessory buildings per lot. (8) Every part of a required setback area shall be open to the sky unobstructed, except for accessory buildings in a rear setback area, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 12 inches.

(9) Open or enclosed fire escapes and fire towers may project into a required setback area not more than five feet and into a required court not more than 3½ feet, provided it is so located as not to obstruct light and ventilation.

Sec. 40-8. - New residential plats.

All new residential plats, when finally approved, shall immediately be subject to the provisions regulating residential districts as contained in this chapter.

Sec. 40-9. - Regulation of outdoor advertising.

Wis. Stats. § 84.30 and Wis. Admin. Code ch. Trans 201 are adopted herewith and made an integral part of this chapter for regulating signs along and adjacent to any system of interstate, defense, federal primary or federal secondary highways. Any existing sign that has been erected prior to the enactment of this chapter shall be considered a conforming use.

Sec. 40-10. - Junkyard or salvage yard.

(a) For purposes of this chapter, any premises or building used for or in connection with the buying, selling, gathering and accumulation of, storing or shipping of, used appliances, iron, lumber, paper, rags, tires, demolition material, electronic waste, or other waste or salvage material commonly included within the terms of junk or salvage, or the accumulating or wrecking of automobiles, trucks, tractors, snowmobiles, boats or other motor vehicles, or parts thereof, or machinery, shall be construed a junkyard or salvage yard.

(b) Every junkyard or salvage yard shall be surrounded by a sturdy, opaque fence, not less than six feet in height and having no openings more than two inches in width except for necessary entrances and exits. All junk and salvage material shall be kept within such fence, but not piled against it. Such fence shall, at all times, be kept in a proper state of repair.

- (c) Any person having any motor vehicle, truck or tractor, or trailer that is inoperable or unlicensed, including antique vehicles, shall be determined to be in the junk or salvage business if not confined within a building, except as follows:
 - (1) In commercial and industrial zoned districts, such vehicles may be stored in an open area but such storage of any vehicle shall not exceed six months.
 - (2) Vehicles that are eligible to be registered and licensed on a quarterly basis may be stored in an open area provided that such storage shall not exceed nine months.
- (d) The town board shall have the authority to regulate the necessary area or acreage needed for a junkyard or salvage yard.
- (e) Any person engaged in the junk or salvage business shall have a suitable building for an office constructed in conformity with the local building requirements as well as state requirements.

Sec. 40-11. - Regulating abandoned vehicles.

- (a) *Statutory authorization.* This chapter is adopted pursuant to the authorization contained in Wis. Stats. § 342.40.
- (b) *Abandoned motor vehicles prohibited.* No persons shall leave unattended any vehicle, trailer, semi-trailer, or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned, within the town. An abandoned motor vehicle means a motor vehicle that is inoperable and over eight years old and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours. An abandoned vehicle as heretofore defined constitutes a public nuisance.
- (c) *Authority to take possession of abandoned motor vehicles.* Any sheriff's deputy, county traffic patrolman, or town police officer who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle, the officer shall notify the sheriff of the abandonment of the vehicle and of the location of the impounded vehicle. The town, acting through one of the persons designated above, may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of removing, preserving and restoring abandoned motor vehicles.
- (d) *Notification of owner and lien holders and disposition of abandoned motor vehicles.* If the abandoned motor vehicle is determined to have a value of more than \$100.00 by the duly authorized town representative making the discovery, it shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and the lienholders of record to permit reclamation of the vehicle after payment of approved charges. Thereafter, the town may dispose of the vehicle by sale as provided in the following subsection (d)(1) of this section:
 - (1) Any abandoned vehicle which is determined by duly authorized town representatives to have a value less than \$100.00, and any abandoned vehicle not reclaimed pursuant to the preceding paragraph of this section, after due notice to the owner and the lienholders of record, may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
 - (2) Within five days after the sale or disposal of a vehicle as provided in the preceding subsection (d)(1) of this section, the town or its agent shall advise the state division of motor vehicles of the sale or disposition of such vehicles on a form supplied by the division of motor vehicles.
- (e) *Penalties.* The owner of any abandoned motor vehicle which is sold or disposed of pursuant to this chapter shall, upon conviction of being the owner thereof, reimburse the town for all costs the town shall incur for the impoundment and disposal of such motor vehicle and in addition shall forfeit the sum of not less than \$100.00 and not more than \$500.00 together with the taxable costs. Each conviction of being an owner of an abandoned motor vehicle shall constitute a separate offense.

Sec. 40-12. - Parking provisions.

In all districts and in connection with every use, there shall be provided at the time any building is erected or enlarged, or a zoning/occupancy permit is issued for a change in use, off-street parking stalls on the parcel or on contiguous parcels for all vehicles in accordance with the following:

- (1) Adequate access to a highway or other approved access shall be provided for each parking stall.
- (2) Size of each parking stall shall not be less than 180 square feet, excluding the space required for ingress and egress.
- (3) All off-street parking areas shall be an all-weather surface area which is properly drained.
- (4) Parking areas for more than five vehicles shall have parking stalls clearly marked.
- (5) Parking areas for more than five vehicles shall have curbs and barriers installed so as to prevent the parking of vehicles over any lot or property boundary line.
- (6) The minimum number of parking stalls shall follow these provisions unless otherwise approved. In the case of buildings, structures or uses which are not specified in this provision, the provisions of the most similar shall apply. A combination of any use shall provide the total of the number of stalls required for each individual use.
 - a. One-family, two-family or multiple-family dwellings shall provide two parking stalls for every dwelling unit.
 - b. Mobile home communities shall provide two parking stalls for every dwelling unit.
 - c. Hotels, motels, and bed and breakfast establishments shall provide one parking stall for each guest room plus one parking stall for every three employees.
 - d. Hospitals, clubs, lodges, dormitories, lodgishouses and boardinghouses shall provide one parking stall for each bed plus one parking stall for every three employees.
 - e. Sanitariums, institutions, rest homes or nursing homes shall provide one parking stall for every five beds plus one parking stall for every three employees.
 - f. Medical or dental clinics shall provide three parking stalls for each professional.
 - g. Faith-based buildings or structures, theatres, auditoriums, community centers, vocational schools and other places of public assembly shall provide one parking stall for every five seats.
 - h. Colleges, secondary and elementary schools shall provide one parking stall for every two employees.
 - i. Restaurants, bars, places of entertainment, repair shops, retail and service stores shall provide one parking stall for every 150 square feet of floor area.
 - j. Manufacturing and processing plants, laboratories and warehouses shall provide one parking stall for every two employees.
 - k. Financial institutions, business, governmental and professional offices shall provide one parking stall for every 300 square feet of floor area.
 - l. Funeral homes shall provide one parking stall for every four seats.
 - m. Bowling alleys shall provide five parking stalls for every alley.

Secs. 40-13—40-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 40-41. - Enforcement.

- (a) This chapter shall be enforced by the town board and its designee.
- (b) Town zoning official duties. The town zoning official shall have the following duties in connection with the administration of this article:
 - (1) Report all violations of the terms of this chapter to the town board or its designee; whereupon the zoning official shall consult with the town attorney to process a complaint and report the same to the district attorney to expeditiously prosecute all such violations.
 - (2) Develop a record as the information can be collected, of all buildings and structures situated within the setback lines as established by this chapter, or any amendment thereto, which shall include the distances of such buildings or structures from setback lines, their size, type of construction and use, the address where they are situated, and the names and addresses of the owners and occupant of the premises and the date on which the record is made. Such record shall be kept current and shall show any such buildings or structures that may be removed or damaged to the extent that their reconstruction will be contrary to this chapter.
 - (3) Issue zoning/occupancy permits.
 - a. No building or structure shall hereafter be erected or structurally altered until a zoning/occupancy permit therefor shall have been applied for and issued. Such application shall be made to the town zoning official on forms provided by the town. All applications shall be signed by the owner or agent and be accompanied by plans in duplicate drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and/or intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the center of the highway and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this chapter. In addition, on such plans, the existing or proposed location of any and all water, sewage and stormwater utilities and private utilities shall be provided.
 - b. If the town zoning official finds that the proposed building or structure will not be in violation of this or any other ordinance, a zoning/occupancy permit shall be issued, with one copy of the drawing and application retained and return the other upon approval of the permit; otherwise the application will be rejected and the applicant will be informed of the reasons for rejection in writing. Such permit shall be issued or the application be denied within ten days after the receipt of the application. Such zoning/occupancy permit shall be posted on the premises so as to be visible from the highway at all times until such construction has been completed. The charges for the issuance of zoning/occupancy permits shall be determined by the town board.
 - c. For buildings that are required to be served by a private water supply system or a private sewage system pursuant to Wis. Admin Code chs. SPS 325, 382 and 383, or by any other ordinance or statute, no zoning/occupancy permit may be issued prior to the issuance of a state/county well permit or a state/county sanitary permit.
 - d. Statements made in the application shall be made under oath, and any willfully false statement in the application shall subject the person making it to the penalties of this chapter, in addition to other penalties for false swearing.
 - e. The town and its agents shall be held harmless and immune from liability for any erroneous issuance of a zoning or related building permit or certificates issued under this article.
 - (4) Issue certificate of occupancy.
 - a. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of occupancy shall have been issued by the

zoning official. Such certificate shall show that the building or premises or part thereof, and the proposed use thereof, are conforming with the provisions of this chapter. Such permit shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this chapter.

- b. Under such rules and regulations as may be established by the town board, the zoning official may issue a temporary certificate of occupancy for part of a building.
- c. Upon written request from the owner, the zoning official shall issue a certificate of occupancy for any building or premises existing at the time of the adoption of the ordinance from which this article is derived, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

Sec. 40-42. - Violations and penalties.

- (a) 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 chapter, shall, upon conviction, remove the building, structure, or part thereof which violates the terms of this chapter within 30 days of such conviction. Upon failure to do so, the town board shall remove such building, structure, or part thereof which violates the terms of this chapter and the cost of such removal shall become a lien upon the property, collectively as are other taxes.
- (b) Such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$100.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of the payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 30 days. Each day that a violation continues to exist shall constitute a separate offense.
- (c) Whenever a person, firm or corporation has constructed or erected a structure or addition to an existing structure without obtaining the necessary permits required by this Code, the town may elect, in lieu of prosecution, to require the violating party to pay the fees set forth in section 40-46. This section shall only apply to such structures or additions that are fully in compliance with the provisions of this chapter or where a variance of the chapter provisions for the structure or addition has been granted by the board of adjustment.

Sec. 40-43. - Conflicting ordinances.

The provisions of this article shall prevail over any previous ordinances of the town that may be or seem to be in conflict therewith.

Sec. 40-44. - Validity.

Should any section, clause or provision of this article be declared invalid, the same shall not affect the validity of the article or any part thereof, other than the part so declared invalid.

Sec. 40-45. - Zoning amendment process.

The amendment process provides a method for making changes in the zoning text and zoning map.

(1) *Initiation.*

- a. Proposed text amendments may be initiated by: town board, plan commission, the property owner or a resident of the town.
- b. Proposed map amendments may be initiated by: town board, plan commission, the owner of, or owner's designated agent of the particular property to be rezoned.

(2) *Text amendments.*

- a. *Proposal by town board or plan commission.* Text amendments may be proposed by a majority vote of the town board or by direct initiation by the plan commission. Such motion shall include findings of how the proposed amendment will serve the general public rather than an individual or narrow interest. If the proposed amendment does not serve the interests of the general public, the amendment shall be filed by the property owner or resident.
 - b. *Application by property owner or resident.* A property owner or resident wishing to amend the text of this chapter shall meet with the zoning administrator to discuss the proposed amendment. If the owner or resident wishes to pursue an amendment, they shall file an application form with the zoning administrator accompanied by a nonrefundable application fee as set forth in the zoning fee schedule, reference this section, to cover costs of public notice and administrative review.
 - c. *Informal hearing.* The property owner or resident wishing to amend the text of this chapter may request an informal hearing before the plan commission in order to obtain preliminary feedback on the amendment.
 - d. *Public hearing.* Within 45 days of filing, the plan commission shall hold a public hearing, advertised by a Class 2 notice pursuant to Wis. Stats. ch. 985. If the proposed amendment has 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 amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the town.
 - e. *Action by plan commission.* Within 45 days of filing, the plan commission shall review and either approve, approve with modifications, deny, or postpone action (with agreement of the petitioner) on the application. The plan commission shall transmit to the town board its recommendation. The zoning administrator will be responsible for analyzing the facts regarding the petition and prepare a staff review and recommendation for consideration by the plan commission.
 - f. *Action by town board.*
 1. Within 30 days of the plan commission decision, the town board shall approve, approve with modifications, or deny the proposed amendment. Town board action to approve the amendment shall be done by ordinance.
 2. In the case where the plan commission denies the amendment, or in the case where a protest against a rezoning, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed rezoning, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the frontage of such opposite land is filed prior to the public hearing, such rezoning shall not become effective except by a favorable vote of three-fourths of the members of the town board voting on the proposed amendment.
 - g. *Action by county board.* The amendment approved by the town board becomes effective only after approval of the county board of supervisors.
- (3) *Map amendments (commonly referred to as rezoning).*
- a. *Proposal by town board or plan commission.* Map amendments may be proposed by a majority vote of the town board or by direct initiation by the plan commission. Such motion shall include findings of how the proposed amendment will serve the general public rather than an individual or narrow interest. If the proposed amendment does not serve the interests of the general public, the amendment shall be filed by the property owner or owner's agent.
 - b. *Application by owner or owner's designated agent.* An owner or owner's designated agent wishing to rezone his property shall meet with the zoning administrator to discuss the

proposed rezoning. If the owner or owner's designated agent wishes to pursue a rezoning, they shall obtain, complete and file a rezoning application form with the zoning administrator accompanied by a nonrefundable fee as set forth in the zoning fee schedule, reference this section, to cover costs of public notice and administrative review.

- c. *Standards for map amendments.* All recommendations for official zoning map amendments shall be consistent with the adopted plans, goals and policies of the town comprehensive plan and with the intent of this chapter.
 - 1. Prior to making a recommendation on a proposed rezoning, the plan commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 - (i) The request for a zone change is in conformance with the town comprehensive plan.
 - (ii) A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the town mapped as such on the official zoning map, is inadequate to meet the demands for such development.
 - (iii) Proposed amendments cannot be accommodated by sites already zoned in the town due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
 - (iv) There is an error in the Code text or zoning map as enacted.
 - 2. Any proposed rezoning not consistent with the town comprehensive plan shall require a future land use map amendment and shall follow the process for amending the comprehensive plan prior to rezoning approval.
- d. *Informal hearing.* The property owner or resident wishing to amend the text of this chapter may request an informal hearing before the plan commission in order to obtain preliminary feedback on the amendment.
- e. *Public hearing.* Within 45 days of filing, the plan commission shall hold a public hearing, advertised by a Class 2 notice pursuant to Wis. Stats. ch. 985. If the proposed amendment has 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 amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the town. Every effort will be made to notify property owners within 300 feet of the subject property by regular mail of the map amendment proposal. Failure to send such notice will not invalidate the public hearing.
- f. *Action by plan commission.* Within 45 days of filing, the plan commission shall review and either approve, approve with modifications, deny, or postpone action (with agreement of the petitioner) on the application. The plan commission shall transmit to the town board its recommendation. The zoning administrator will be responsible for analyzing the facts regarding the petition and prepare a staff review and recommendation for consideration by the plan commission.
- g. *Action by town board.* Within 30 days of the plan commission decision, the town board shall approve, approve with modifications, or deny the proposed amendment. town board action to approve the amendment shall be done by ordinance. In the case where the plan commission denies the amendment, or in the case where a protest against a rezoning, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed rezoning, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the frontage of such opposite land is filed prior to the public hearing, such rezoning shall not become effective

except by a favorable vote of three-fourths of the members of the town board voting on the proposed amendment.

- h. *Action by county board.* The amendment approved by the town board becomes effective only after approval of the county board of supervisors.
- i. *Reapplication time period.* No application of a property owner or owner's designated agent for an amendment to the zoning map shall be considered by the plan commission within a one-year period following a denial of the same request by the town board, except that the plan commission may permit a new application if the request is for a different zoning district or for amended property boundaries.
- j. *Concurrent actions for zoning amendment, planned development overlay (PDO) and conditional use permit.*
 - 1. Applicants may submit a single petition to amend the official zoning map to change a base zoning district and designate the same map area as a PDO district.
 - 2. Applicants may submit a single petition to amend the official zoning map to change a base zoning district, designate the same map area as a PDO district and obtain approval for conditional uses within the PDO district. The procedure for considering such a request shall be the same as for a zoning map amendment.

Sec. 40-46. - Zoning department fees.

- (a) The fees are available upon request from the town clerk/treasurer.
- (b) For all permit fees, when the application is received after-the-fact, or where activities have occurred prior to permit approval, the fee is doubled

Secs. 40-47—40-65. - Reserved.

DIVISION 2. - BOARD OF ADJUSTMENT

Sec. 40-66. - Establishment; alternate members; adoption of rules; appeal procedure.

- (a) *Established.* The board of adjustment shall consist of three members appointed by the town board for terms of three years, except that of those first appointed, one shall serve for one year, one for two years, and one for three years. The members of the board of adjustment shall all reside within those areas of the town which may be under jurisdiction of this chapter. The town board may allow the same compensation for members of the board of adjustment as is allowed town board members for attendance at committee meetings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall choose its own chairperson.
- (b) *Alternates.* The town should appoint one or more substitutes or alternate members to the board of adjustment in order to ensure participation by at least three members at all times. The substitutes or alternate members could remain on a panel providing for the like number of three members to be appointed by the town board, for two-year periods, and providing such substitute or alternate member may be appointed at any time upon recommendation of the zoning committee to the town board. The town board is empowered to call upon any qualified and appointed substitute or alternate member of the board of adjustment to act on any provision of this chapter should a member of the board of adjustment disqualify him/herself from deciding on any appeal petitioned to the board, or should any board member become incapacitated or be absent from the town for a period of time.
- (c) *Proceedings.* The board shall adopt such rules for its government and procedure as will carry out the regulations of this chapter. Meetings shall be held at the call of the chairperson and at such times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact. All records of the board shall be

immediately filed in the office of the board and with the town clerk/treasurer and shall be a public record.

- (d) *Appeals.* Appeals to the board may be taken by an aggrieved person, or by any officer, department, board or bureau affected by a decision of the town board or other designated town agency. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the town clerk/treasurer and with the board a notice of appeal in writing, specifying the grounds thereof. The town clerk/treasurer shall forthwith transmit to the board all the papers constituting the records upon which the action appealed from was taken. The chairperson shall fix a date for hearing the appeal and cause notice thereof to all parties in interest as provided by the rules of the board.
- (e) *Procedure for appealing to the board of adjustment.* Any person desiring to appeal to the zoning board of adjustment from the determination of the town board or other designated town agency shall pay an application fee as determined by the town board to the town clerk/treasurer of the town at the time such appeal is filed, and failure to do so shall be grounds for rejection of such appeal. If the appeal is made for a variance after construction has commenced for the work which is the subject of the variance (i.e., after-the-fact), the fee shall be double the normal application fee.

Sec. 40-67. - Powers of the board.

- (a) The board of adjustment shall have the following powers:
 - (1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the town board or other designated town agency.
 - (2) To authorize upon appeal in specific cases, such variance from the terms of this chapter, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done. In every case where a variance from these regulations has been granted by the board, the minutes of the board or other evidence shall affirmatively show that an unnecessary hardship or practical difficulty exists and the records of the board shall clearly show in what particular and specific respects an unnecessary hardship or practical difficulty is created.
 - (3) To reverse or affirm wholly or in part or modify any order requirement, determination or decision appealed from and shall make such order, requirement, decision or determination as ought to be made in the premises and to that end shall have all the powers of the town board or its designated agency. The concurring vote of two members of the board shall be necessary to reverse any action appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.
- (b) In addition to the foregoing, the board shall have the following powers:
 - (1) To grant a permit for the erection and use of a building or premises in any location, for municipal utility purposes as are reasonably necessary for public convenience and welfare. The board may require a public hearing in the consideration of such permit if the board determines that the magnitude and impact of such utility warrants a public hearing.
 - (2) To grant a special permit, after due notice or public hearing, authorizing the location of any of the following buildings or uses in any district except the industrial district from which they are excluded by this chapter, provided that such building or use shall comply with all the other regulations of the district in which it is proposed to be located:
 - a. Hospitals.
 - b. Institutions of philanthropic or eleemosynary.
 - c. Cemeteries.
 - d. Community recreation buildings and fields.

- (3) To call on any other town department or official for assistance in the performance of its duties, and it shall be the duty of each other department and officials to render such assistance as may be reasonably required.
 - (4) To make a determination of the location of a zoning district boundary line where there is conflicting or incomplete information and where such determination has been requested by a property owner affected by the location of such district boundary line. The adjustment of a zoning district boundary line shall not have the effect of creating a new buildable lot; if such would be the case then a zoning map amendment (rezoning) would be required to set a new zoning district boundary line.
- (c) Except as specifically provided, no action of the board shall have the effect of permitting in any district land uses prohibited in that district.
- (d) In exercising any of the foregoing powers, the board of adjustment may, in appropriate cases, establish suitable conditions and safeguards in harmony with the general purpose and intent of this chapter.

Secs. 40-68—40-92. - Reserved.

ARTICLE III. - ZONING DISTRICTS

Sec. 40-93. - Residential District A.

- (a) *Purpose.* This residential district is intended to provide for single-family homes in a lower density living environment.
- (b) *Principal permitted uses.* In the Residential District A, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
- (1) Single-family dwellings.
 - (2) One private garage or the appropriate number of accessory buildings as specified in section 40-7(6).
 - (3) Storage garages, but only when such storage garage is an accessory building to a multiple family dwelling, provided that the capacity of such storage garage shall not be more than one car per dwelling unit in the building to which it is accessory. Not more than two commercial vehicles of not more than 1&half-ton capacity each shall be stored in any storage garage.
 - (4) Not over three boarders or lodgers not members of the family.
 - (5) Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.
 - (6) Customary residential accessory uses.
- (c) *Conditional uses.*
- (1) Home occupations.
 - (2) Professional offices.
- (d) *Height and area.* In the residential district, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- (1) *Height.* Buildings hereafter erected or structurally altered shall exceed neither 35 feet nor 2½ stories in height. See section 40-7(1), (2), and (3).
 - (2) *Side lot setback line.* There shall be a side lot setback line on each side of a building. For buildings not over 1½ stories high, the sum of the widths of the required side lot setback lines shall not be less than 20 feet and no single side lot setback shall be less than eight feet in width.

For buildings from 1½ stories to 2½ stories high, the sum of the widths of the required side lot setbacks shall not be less than 25 feet, and no single side lot setback shall be less than ten feet in width; provided, however, that on a single lot having a width of less than 60 feet and of record at the time of the passage of this chapter, the sum of the widths of the side lot setbacks shall be not less than the equivalent of four inches per foot of lot width for buildings not over 1½ stories high and five inches per foot of lot width for buildings from 1½ to 2½ stories high; provided further that the buildable width of any such lot in no case shall be reduced to less than 24 feet nor shall the width of any single side lot setback be less than 40 percent of the total required side lot setback widths.

- (3) *Setback.* See section 40-145, highway setback lines.
- (4) *Rear lot line setback.* There shall be a rear lot line setback having a minimum depth of 25 feet. See section 40-5(2), (7), (8); and 40-7(4).
- (5) *Lot area per family.* Every building hereafter erected or structurally altered for occupancy by one family shall provide a lot area of not less than 10,000 square feet per family and no such lot shall be less than 75 feet in width at the front lot setback line. See sections 40-5(2), (8); and 40-7(5).

Sec. 40-94. - Residential District B.

- (a) *Purpose.* This residential district is intended to provide a higher density and diverse housing environment than the Residential District A by the addition of two-family dwelling opportunities.
- (b) *Principal permitted uses.* In the Residential District B, no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter, except for one or more of the following uses:
 - (1) Permitted uses in the Residential District A.
 - (2) New two-family dwellings.
 - (3) Conversion into a two-family dwelling of an existing one-family dwelling
 - (4) Customary residential accessory uses.
- (c) *Height and area.* In the Residential District B the height of buildings, the minimum dimensions of setback areas and the minimum lot area per family shall be as follows:
 - (1) *Height.* As specified in Residential District A.
 - (2) *Side yard.* As specified in Residential District A.
 - (3) *Setback.* As specified in Residential District A.
 - (4) *Rear yard.* As specified in Residential District A.
 - (5) *Lot area per family.* Every building hereafter erected or structurally altered for occupancy by one family shall provide a lot area not less than 10,000 square feet and no such lot shall be less than 75 feet in width. Every building hereafter erected or structurally altered for occupancy by two families shall provide a lot area not less than 7,200 square feet per family and no such lot shall be less than 75 feet wide. See sections 40-5(3) and (8); 40-7(5).
- (d) *Conditional uses.* Those conditional uses of the Residential District A.

Sec. 40-95. - Residential District C.

- (a) *Purpose.* This residential district is intended to provide for a higher density and diverse living environment than provided in the Residential A and Residential B Districts.
- (b) *Principal permitted uses.* In Residential District C, no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter except for one or more of the following uses:

- (1) Permitted uses in Residential District B, except as otherwise specified.
- (2) New multiple family dwellings.
- (3) Conversion into three or more family dwellings of an existing one- or two-family dwelling.
- (4) Planned Unit Development

When a Planned Unit Development (PUD) is to be constructed, the Planning and Zoning Commission may provide a recommendation to the Town Board to approve a development plan, provided it complies with the regulations of this chapter and the following:

1. A map in duplicate, drawn to a minimum scale of 1" to 100' showing:
 - a. The parcel boundaries and legal description.
 - b. The parcel location.
 - c. The legal description of the proposed PUD.
 - d. The location and use of all structures.
 - e. The ordinary high-water elevation of any navigable waters within 300 feet of parcel boundaries.
 - f. Number of residential units.
 - g. Proposed off-street parking areas.
 - h. The location and style of exterior lighting and signage.
 - i. The location of all public and private utilities.
2. Any additional information deemed necessary to ensure compliance with this chapter.

In a Planned Unit Development, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved final development and implementation plan, and shall be construed to be and enforced as a part of this chapter.

- (c) *Conditional uses.* Conditional uses of Residential District B.
- (d) *Height and area.* In Residential District C, the height of buildings, the minimum dimension of yards and the minimum lot area per family shall be as follows:
 - (1) *Height.* As specified in Residential District A.
 - (2) *Side yard.* As specified in Residential District A.
 - (3) *Setback.* As specified in Residential District A.
 - (4) *Rear yard.* As specified in Residential District A.
 - (5) *Lot area per family.* Every building hereafter erected or structurally altered for occupancy by one family shall provide a lot area of not less than 10,000 square feet per family and no lot shall be less than 75 feet in width. Every building hereafter erected or structurally altered for occupancy by two or more families shall provide a lot area of not less than 5,000 square feet per family, and no such lot shall be less than 75 feet wide. See sections 40-5(2), (8) and 40-7(5).

Sec. 40-96. - Rural Residential District.

- (a) *Purpose.* This zoning district is intended to provide diversity of land usage with a more rural living environment and rural atmosphere.
- (b) *Use.* In Rural Residential District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
 - (1) Any permitted use in Residential District A.
 - (2) General farming, except farms operated for the disposal of garbage, rubbish, offal or sewage.
 - (3) Roadside stands for the sale of farm products produced on the premises.
 - (4) Signs not over eight square feet in area advertising the sale of farm products produced on the premises.
 - (5) Printed bulletin displays: Signs not to exceed 325 square feet. Placement of bulletin boards along highways: Location from center of highway and distance away from intersections regulated by state highway commission.
 - (6) Riding, training or boarding stables and paddocks.
- (c) *Conditional uses.* Microwave radio relay structures.
- (d) *Height and area.* In this section, buildings hereafter erected or structurally altered for human habitation will meet the requirements for height of buildings, the minimum dimensions of yards and the minimum lot area per family as follows:
 - (1) *Height.* As specified in Residential District A.
 - (2) *Side yards.* As specified in Residential District A.
 - (3) *Setback.* As specified in Residential District A.
 - (4) *Rear yard.* As specified in Residential District A.
 - (5) *Lot area per family.* Every building hereafter erected, or structurally altered for occupancy by one family, shall provide a lot area of not less than 10,000 square feet per family, and no such lot shall be less than 75 feet in width.

Sec. 40-97. - Conditional use provisions.

- (a) *Approval required.* Certain uses and situations which are of such a special nature, or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility, or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each individual situation, may be permitted as conditional uses in the residential districts and in the rural residential district, subject to such requirements as are hereinafter specified for each situation.
- (b) *Application.* Applications for conditional use permits shall be made on forms furnished by the town board, and shall include the following where pertinent and necessary for proper review by the town board:
 - (1) A map (preferably a topographic map) in triplicate, drawn to a scale of not less than 200 feet to one inch showing the land in question; its legal description and location; location and use of buildings; sanitary systems and private water supplies on such land; the high-water elevation of any navigable waters within 300 feet of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 300 feet of such land in question.
 - (2) Additional information as may be required by the town board, the county health commission or other public agencies, such as legal permits required by any state or federal agency for the operation of the proposed conditional use.

- (3) The application fee for a conditional use permit shall be determined by the town board. Costs incurred by the town board in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of conditional use applications and preparation of conditions to be imposed on such uses shall be charged to the applicant, and if required by the town board, a fee covering such costs shall accompany the application.
 - (4) The application shall bear the signature of the applicant or applicant's agent, with address and phone number. The applicant shall be the owner of the land or the lessee or agent. In all cases, the owner of the land and the operator of the proposed conditional use shall be identified on the application.
 - (5) Approved conditional uses do not go with the land, but only to the person or entity for whom the conditional use permit is issued to. Upon any change of ownership or lessee of the conditional use, an extension and reassignment of the conditional use permit shall be applied for and require the review and approval of the town board.
- (c) *Public hearing.* Upon receipt of the application, the foregoing data and fees, a public hearing will be held at a regular meeting of the town board, publication and notices thereof to be the same as that under the applicable state public hearing requirement.
- (d) *Final review and approval.* The town board shall review the proposal as submitted. Any conditions deemed necessary by the town board shall be made an integral part of the permit. These conditions shall be complied with by the applicant and any deviation or alteration of those conditions set forth in the permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this ordinance and will be subject to prosecution and penalties under the terms of this article.
- (e) *Application for change of conditional use permit.* If any holders of a conditional use permit wishes to extend or alter the terms of such permit, he must apply for such extension or alteration through the procedure of application for conditional use permits detailed herein.
- (f) *Expiration of conditional use status.*
- (1) Conditional use status will terminate when, after public hearing, the town board determines any of the following:
 - a. The conditional use has not continued in conformity with the conditions of the permit.
 - b. Upon the request of the town board, a change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.
 - c. The conditional use has been discontinued for a period of 12 consecutive or 18 cumulative months in a three-year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive.
 - (2) Upon such determination, the owner of the premises shall be required to bring all such land and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this chapter within 90 days from such determination.
- (g) *Uses authorized by conditional use permit in residential districts.* The following conditional uses may be authorized in the respective districts in addition to those conditional uses that may be specified in each of those districts:
- (1) Golf courses, except miniature courses and practice driving tees, operated for commercial purposes, including such buildings, structures and uses that are necessary for their operation, except those the chief activity of which is a service carried on as a business.
 - (2) Funeral home.
 - (3) Group home.
 - (4) Home occupations other than those provided under the definition in section 40-4.

- (5) Hospitals, clinics, medical and dental offices.
 - (6) Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child cared for there shall be provided and maintained, in addition to the required yard area, a minimum of 200 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 8,000 square feet and shall be screened from any adjoining residential lot.
 - (7) Private clubs, fraternities and lodges, except those whose chief activity is one customarily carried on as a business. Any expansion of this use involving the enlargement of buildings, structures and land areas devoted to such use, shall be subject to the granting of a conditional use permit.
 - (8) Telephone buildings, exchanges, lines and static transformer stations provided there is no service garage or storage yard; radio and television stations and microwave relay structures.
 - (9) Truck gardening; nurseries and greenhouses only for the propagation of plants, provided that greenhouse heating plants shall be not less than 60 feet from every lot line.
 - (10) Farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residence or non-farm lot. Farm buildings housing animals, barn yards or feed lots shall be at least 100 feet from any navigable water and shall be located so that manure will not drain into any watercourse, pond or stream.
- (h) *Uses authorized by conditional use permit in the Rural Residential District.*
- (1) Golf courses.
 - (2) Funeral home.
 - (3) Home occupations other than those provided under the definition in section 40-4.
 - (4) Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child cared for there shall be provided and maintained, in addition to the required yard area, a minimum of 200 square feet of outdoor play area. Such play area shall have a total minimum area of not less than 12,000 square feet and shall be screened from any adjoining residential lot.
 - (5) Private clubs, fraternities and lodges, except those whose chief activity is one customarily carried on as a business. Any expansion of this use involving enlargement of buildings, structures and land area devoted to such use shall be subject to the granting of a conditional use permit.
 - (6) Telephone buildings, static transformer stations, service garages and storage yards, radio and television stations and microwave radio relay structures.
 - (7) Sewage treatment plants.
 - (8) Aircraft landing fields.
 - (9) Contractor's storage yards, when any such yard shall be so placed, or so screened by a shrub or tree planting so as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent or employee.
 - (10) Fur farms, when located not less than 400 feet from any residential building other than that of the owner of the premises, his agent or employee and not less than 200 feet from the right-of-way line of any federal, state, or county trunk highway or town road.
 - (11) Kennels, when located not less than 600 feet from any residential building other than that of the owner of such kennels, his agent or employee.
 - (12) Animal hospitals, when any building devoted wholly or partly to such uses or accessory thereto shall be distant not less than 150 feet from any residential building not on the same premises.

- (13) Saw mills, when located on the same farm premises for more than 30 days.
- (i) *Conditions which may be attached to a conditional use permit in an Industrial District.* Upon consideration of information supplied at the public hearing, the following conditions may be attached to the granting of a conditional use permit:
- (1) Increased setbacks and yards.
 - (2) Specifications for water supply, liquid waste and solid waste disposal facilities.
 - (3) Landscaping and planting screens.
 - (4) Sureties.
 - (5) Operational controls and time of operation.
 - (6) Air pollution controls.
 - (7) Erosion prevention measures.
 - (8) Location of the use.
 - (9) Similar requirements found necessary to fulfill the purpose and intent of this chapter.
 - (10) Compliance with the county solid waste management plan and any other county comprehensive plan provided in this Code or otherwise approved by the county.
 - (11) For garbage, trash or recycling transfer stations used for the purpose of unloading and reloading garbage, trash, or recycling materials, the following conditions shall also apply:
 - a. The location is at least 500 feet from a floodplain, wetland, endangered and protected flora and fauna habitats, sites of historical, archeological or cultural significance, prime agricultural land, park land or preserves.
 - b. The location and operation complies with federal regulations for operation in proximity to airports.

Sec. 40-98. - General Agricultural District.

- (a) *Purpose.* This district is intended to provide areas within the town for non-urban uses of an agricultural nature where the land capability is conducive to such use and where the town's land use planning indicates that general agricultural is an appropriate land use within the context of total town land usage and compatibility with adjacent land use, particularly housing usage.
- (b) *Use.* In the General Agricultural District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
- (c) *Principal permitted uses.*
- (1) Forest preserves forestry and the production of forest products.
 - (2) The harvesting of any wild crops such as marsh hay, ferns, moss, berries or seeds.
 - (3) Greenhouses and nurseries.
 - (4) General farming, but not including confined animal feeding operations.
 - (5) Kennels, fur and animal farms.
 - (6) Aircraft landing fields, basins and hangers.
 - (7) Fire control structures.
 - (8) Public and private parks, playgrounds, camps, golf courses, riding and shooting clubs, amusement parks.

- (9) Organized recreational camps, motels and tourist camps when such camps provide not less than 4,000 square feet of lot area for each cabin, trailer, tent or housecar, and when such camp is clearly bounded by a fence or hedge and is located not less than 1,000 feet from the boundary of any residential district; provided further, that no person or party other than the owner shall occupy such tourist camp for more than 90 days in any one year.
 - (10) Hunting, fishing and trappers cabins and boat liveries.
 - (11) The residence of the farm owner and a watchman, caretaker or supervisor employed on the premises and his family.
- (d) *Conditional uses.*
- (1) Mines, quarries and gravel pits
 - (2) Processing and manufacturing of natural resources indigenous to the county
 - (3) Hydroelectric power and flood control dams and structures
 - (4) Telephone, telegraph and power transmission lines and buildings, and microwave radio relay structures.
- (e) *Height and area.* Buildings hereafter erected or structurally altered for human habitation shall be subject to all height and area regulations established for similar buildings in the Rural Residential District.

Sec. 40-99. - Commercial District.

- (a) *Purpose.* This zoning district is intended to provide locations for general business activity for the purpose of providing commercial products and services to town residents and visitors, and in a pattern that avoids conflicts with residential uses and living environments. The district is further intended to further the town's economic development policies and promote job development and tax base growth.
- (b) *Use.* In the Commercial District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, except for the permitted uses found in the Residential A District on those lots which had single-family residences already in existence on January 22, 2013 (see appendix A to Ordinance No. 17.11, 5-17-2016), unless otherwise provided in this chapter. Any of the following specified uses are allowed:
- (1) Any use authorized in the Residential "C" District. See Section 40-95 (b). In any case where a property is used for both commercial and residential uses, it must meet the height, side yard, lot area, and lot width regulated by the principal use of the property,
 - (1) Animal hospital and pet shop.
 - (2) Art shop, gift shop, jewelry store and optical store.
 - (3) Automobile sales and service establishment, public garage, parking lot.
 - (4) Bank and financial institution, brokerage and pawn broker.
 - (5) Bakery (retail).
 - (6) Barbershop and beauty parlor.
 - (7) Book and stationery store.
 - (8) Bowling alley, pool and billiard room, gymnasium, dancing school, dance hall, skating rink, theatre, except drive-in theatre and stock car race tracks.
 - (9) Candy store, confectionery store, ice cream store, soda fountain, soft drink stand.
 - (10) Clinic.
 - (11) Convention and exhibition hall.

- (12) Cleaning and dyeing establishment.
 - (13) Department store.
 - (14) Dress shop, clothing store, dry goods store, notion shop, hosiery shop, tailor shop, shoe store.
 - (15) Drug store, pharmacy.
 - (16) Farm machinery sales and service.
 - (17) Filling stations and convenience stores.
 - (18) Food products (retail), grocery store (retail), delicatessen, meat and fish market, fruit and vegetable store, tea and coffee store, food locker plants but not slaughtering.
 - (19) Florist shop.
 - (20) Feed and flour mill.
 - (21) Hardware and paint store.
 - (22) Household appliance store, furniture store, plumbing, heating and electrical supplies, crockery store.
 - (23) Hotel.
 - (24) Lumber, fuel and supply yards.
 - (25) Music store, radio store, radio broadcast studio.
 - (26) Newsstand.
 - (27) Photography studio, photographer's supplies.
 - (28) Railroad and bus depot and truck terminal.
 - (29) Restaurant, cafeteria, lunch room, refreshment stand, caterer, tavern, bar.
 - (30) Telephone and telegraph office.
 - (31) Temporary structure.
 - (32) Tobacco and pipe store.
 - (33) Undertaking establishment.
 - (34) Warehouses not in excess of 100,000 square feet and not more than two stories high.
 - (35) Businesses whose primary function is providing services or products involving the use of computer and telecommunications related technologies, but not the production of such products.
 - (36) Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of a retail business on the premises.
 - (37) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.
 - (38) Any other use determined by the zoning board of adjustment to be of the same general character and land use impact as the above specified uses.
- (c) *Height and area.* In the commercial district, the height of the buildings and the minimum dimensions of yards are as follows:
- (1) *Height.* Buildings hereafter erected or structurally altered shall exceed neither 45 feet nor three stories in height, and as referenced in section 40-7(1) and (2).
 - (2) *Side lot line setback.* Buildings or parts of buildings hereafter erected or structurally altered shall have a minimum of 25 feet for each side lot line setback.

- (3) *Front lot line setback.* Twenty feet.
 - (4) *Rear lot line setback.* There shall be a rear lot line setback having a minimum depth of 25 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased five feet. See sections 40-5 and 40-7(4), (6), (7) and (8).
 - (5) *Lot coverage.* The total ground floor of every building or part of building hereafter erected or structurally altered shall not exceed 35 percent of the total lot area to which it is attached.
 - (6) *Vision clearance.* There shall be a vision clearance height of not less than ten feet extending from the curb level to the ceiling line of the ground floor, but in no case shall such vision clearance be less than 12 feet high. A vision corner shall be maintained in each quadrant of all intersections of streets, highways and/or railroads. The vision corner is a triangle bounded by the street, highway or railroad centerlines and a vision clearance setback line. The setback line connects points on each centerline which are located 250 feet back from the intersection of the centerline.
- (d) *Conditional uses.*
- (1) Microwave relay towers.
 - (2) New substations, towers, lines and conduits related to energy and communications utilities, but not including repair, replacement, or minor extensions of such uses.

Sec. 40-100. - Light Industrial District.

- (a) *Purpose.* The Light Industrial District is intended to provide locations for businesses that would have land use intensities, traffic, and visual impacts that would not be consistent with the purpose and development standards of the Commercial District but would be of a less intensive nature than the functional and visual impacts of the Heavy Industrial District. The district is also intended to further the town's economic development goals and benefits.
- (b) *Use.* In the Light Industrial District, no building or premises shall be used and no building hereafter be erected or structurally altered unless as permitted and regulated in the commercial district, except as otherwise provided in this chapter or for one or more of the following uses:
 - (1) Wholesale business, warehouses, truck terminals and freight houses.
 - (2) Bulk storage plants, but not including junkyards or the sale or storage of salvage materials.
 - (3) Bakeries, printing plants, laundries, cleaning and dyeing plants, mechanical repair shops, including repair garages, bottling plants, experimental and manufacturing laboratories.
 - (4) Woodworking plants, plants for the fabrication of sheet metal products and welding shops.
 - (5) Any processing or treatment clearly incidental to the conduct of a permitted business or use.
 - (6) Manufacturing, processing, assembling and/or packaging, and distribution of products when authorized by the board of adjustment, after holding a public hearing and finding that, in their opinion, the use will not be hazardous, offensive or objectionable due to odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water carried waste.
- (c) *Height and area.* In the light industrial district, the height of buildings and the minimum dimensions of yards are as follows:
 - (1) *Height.* As specified in section 40-101 Industrial District.
 - (2) *Side lot line setback.* As specified in the general Commercial District.
 - (3) *Front lot line setback.* See section 40-145 setback distances
 - (4) *Lot coverage.* As specified in the Commercial District.
 - (5) *Vision clearance.* As specified in the Commercial District.

Sec. 40-101. - Industrial District.

- (a) *Purpose.* This district has the same general purposes as for the Light Industrial District, except that the uses identified in the Industrial District have much greater visual, environmental, and neighborhood impacts that require more intensive development standards and greater review by the town government.
- (b) *Use.* In the Industrial District, unless otherwise provided in this chapter, buildings or land may be used for any purpose except the following:
 - (1) Residential, educational or institutional uses, except a dwelling for a watchman or caretaker employed on the premises and members of his family.
 - (2) Uses in conflict with any laws of the state or any ordinances of the county governing nuisances.
- (c) *Conditional uses.* Any of the following uses shall not be allowed unless or until the location of such use has been approved in writing as a conditional use by the town zoning agency after investigation and public hearing pursuant to section 40-97:
 - (1) Abattoirs, except for slaughter of poultry.
 - (2) Acid manufacture.
 - (3) Cement, lime, gypsum or plaster of Paris manufacture.
 - (4) Distillation of bones.
 - (5) Explosives manufacture or storage.
 - (6) Fat rendering.
 - (7) Fertilizer manufacture.
 - (8) Garbage, rubbish, offal or dead animal reduction or dumping.
 - (9) Glue manufacture.
 - (10) Junkyard.
 - (11) Petroleum refining.
 - (12) Smelting of tin, copper, zinc or iron ores.
 - (13) Stockyards.
 - (14) Garbage, trash or recycling transfer facilities.
 - (15) Terminals and storage of explosive and flammable substance.
- (d) *Height and area.* In the Industrial District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
 - (1) *Height.* Buildings hereafter erected or structurally altered shall exceed neither 60 feet nor five stories in height. See section 40-7(2).
 - (2) *Side lot line setback.* Twenty-five feet.
 - (3) *Front lot line setback.* See section 40-145 setback distances.
 - (4) *Rear lot line setback.* There shall be a rear lot line setback having a minimum depth of 25 feet for a building three stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased three feet.
 - (5) *Vision clearance.* There shall be a vision clearance of not less than ten feet extending from the curb level to the ceiling line of the ground floor, but in no case shall such vision clearance be less than 12 feet high.

Sec. 40-102. - Manufactured Home Community District.

- (a) *Placement.* Mobile home parks shall only be permitted in the Manufactured Home Community District.
- (b) *Use.* In the Manufactured Home Community District, no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter, except mobile homes, as defined in Wis. Stats. § 66.0435(1)(d). The term "residences," as used herein, means places of human habitation. Nothing herein shall be construed to restrict the erection and use of a permanent structure for an office for an operator of a mobile home park or for accessory building. The term "accessory buildings," as used herein, means a building used for housing washing machines and dryers for the use of inhabitants of a mobile home park, or any building used for the mobile home operator for storage or repair of equipment incidental to the operation of a mobile home park.
- (c) *Restrictions and regulations.*
 - (1) There shall be no mobile home sales, except occasional sales by individual owners of mobile homes. The term "occasional sales," as used herein, is defined to mean sales on a non-regular basis by persons not engaged in the business of mobile home sales.
 - (2) Mobile homes and mobile home parks (as defined by Wis. Stats. 66.0435(1)(cg)) shall comply with the following regulations:
 - a. Mobile home parks shall contain a minimum area of five acres.
 - b. The minimum space (as defined in Wis. Stats. § 66.0435(1)(i)) shall be 4,000 square feet.
 - c. The minimum width of each space shall be 40 feet.
 - d. The top of a mobile home (excluding the chimney) shall not be more than 15 feet from the ground.
 - e. Mobile homes shall not be closer than 20 feet from each other.
 - f. Each mobile home shall be no less than 15 feet from any roadway in the park. The term "roadway" is defined as any road in the park used for the driving of a motor vehicle, but does not include a driveway used only by the inhabitant of a mobile home, for the parking of his motor vehicle.
 - g. No mobile home shall be closer than 50 feet to the right-of-way line of any federal, state or county highway.
 - h. Each mobile home park shall be well drained, properly graded and free from stagnant pools of water. The drainage and grade of such parks shall be based upon reasonable regulations adopted by the town board.
 - i. Each mobile home park shall have a drinking water and sanitary waste disposal system connection for each mobile home, and such system shall conform to any statute, rule or regulation of the department of natural resources or any county ordinance regulating them.
 - j. Each mobile home park shall contain an area of not less than five percent of its total area for the recreational use of its inhabitants.
 - k. Any roadway within a mobile home park shall be at least 40 feet wide. This restriction shall not apply to a driveway or parking area.
 - l. Each space shall have a parking area or driveway sufficient to provide parking for at least one automobile, and no parking shall be permitted on any roadway within a park.
 - m. Each mobile home park shall be clearly bounded by a hedge of trees.

Sec. 40-103. - Community-based residential facilities.

Community-based residential facilities may be located in any residential district, the Commercial District and in the General Agriculture District upon petition and approval of a conditional use permit being

granted pursuant to section 40-97. Community-based residential facilities are prohibited in all other districts.

Sec. 40-104. - Public Facilities and Institutional District.

In the Public Facilities And Institutional District, no building or premises shall be used and no building hereafter shall be erected or structurally altered unless as provided in this chapter.

(1) *Authorized uses.*

- a. Faith-based buildings or structures.
- b. Schools.
- c. Libraries.
- d. Colleges and dormitories.
- e. Municipal buildings, structures, and parking facilities.
- f. Recreational and community centers.
- g. Cemeteries.
- h. Public airports.

(2) *Conditional uses.*

- a. Sewage treatment facilities.
- b. Municipal solid waste facilities.
- c. Garbage, trash or recycling transfer stations or facilities.
- d. Correctional facilities.
- e. Telecommunications facilities.
- f. Private aircraft landing fields, basins or hangers.

(3) *Dimensional standards.* The following dimensional standards shall apply to buildings and structures:

- a. *Height.* There shall be a maximum height of 60 feet.
- b. *Setback.* Highway setback lines are provided in section 40-145 or as established on a recorded subdivision plat or right-of-way plat.
- c. *Side yard.* There shall be a minimum side yard on both sides of the structure of 25 feet.
- d. *Rear yard.* There shall be a rear yard having a minimum depth of 25 feet.
- e. *Lot coverage.* The total ground floor of every building or part of a building hereafter erected or structurally altered shall not exceed 35 percent of the total lot area.

Secs. 40-1—40-121. - Reserved.

ARTICLE IV. - REQUIREMENTS FOR SPECIFIC USES

Sec. 40-122. - Boathouses and houseboats.

- (a) No person shall build, anchor, keep or maintain, or use for dwelling or business purposes any houseboat, on or near the Mississippi River and all tributaries thereto, excepting the area west of a line running through the center of Sections 1, 12, 13, 24 and 25, Township 16 North, Range 8 West, and also excepting the Crosse River within the unincorporated area of Crosse County lying between

the north and south lines of Township 16 North for a period of time longer than 24 hours. The term "houseboat" is defined as any floating structure designed or used for dwelling or business purposes.

- (b) No person shall build, anchor, keep or maintain any boathouse on or near the Mississippi River and all tributaries thereto, excepting the area west of a line running through the center of Sections 1, 12, 13, 24 and 25, Township 16 North, Range 8 West, and also excepting the Crosse River within the unincorporated area of Crosse County lying between the north and south lines of Township 16 North, excepting in areas zoned commercial or industrial, provided such permitted area is not within 600 feet of a highway bridge or causeway crossing the Mississippi River or any tributary thereto. The term "boathouse" is defined as any structure either floating or secured to the ground designed or used to store boats or marine equipment.
- (c) The owner or occupant of any floating houseboat located in an improper area by reason of this article shall have a period of six months from the date of publication of the ordinance from which this article is derived to remove such houseboat or boathouse therefrom.

Secs. 40-123—40-142. - Reserved.

ARTICLE V. - HIGHWAY SETBACKS

Sec. 40-143. - Structures prohibited within setback lines.

No new building, new sign or other new structure or part thereof shall be placed between the setback lines established by this article and the highway except as provided by this article, and no building, sign or structure or part thereof existing within such setback lines on September 20, 1979, shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 60 percent or more of its last assessed value.

Sec. 40-144. - Structures permitted within the front lot line setback.

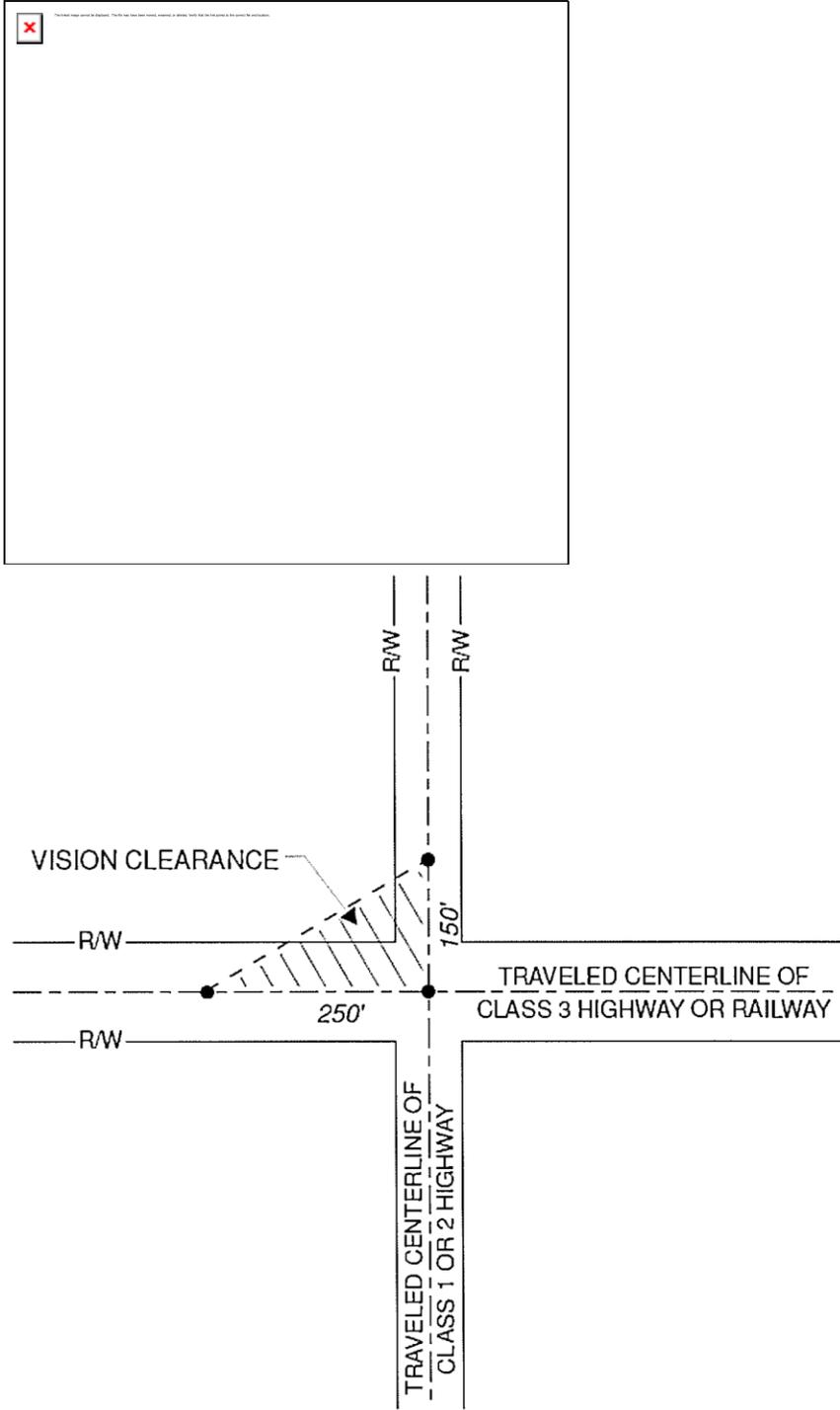
The following kinds of structures may be placed between the setback lines and the street or highway right-of-way line:

- (1) Open fences not to exceed four feet above the ground surface.
- (2) Telephone, telegraph and power transmission poles.
- (3) Underground structures not capable of being used as foundations for future prohibited overground structures.
- (4) Access or service highways constructed according to plans as approved by the town board and/or the county highway committee as may be applicable. In giving such approval, the town board and the county highway committee shall give due consideration to highway safety and maximum sight distances.
- (5) This section shall not be interpreted so as to prohibit the planting and harvesting of shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the required vision clearance triangle shall not be obstructed.
- (6) Flag poles.
- (7) Temporary property sale signs as provided for in chapter 26.

Sec. 40-145. - Setback distances.

- (a) *Setback lines established.* In order to promote the public safety, general welfare and convenience, it is necessary that highway setback lines be established in the county outside the limits of incorporated cities and villages.

- (1) Setback lines are hereby established along all public highways, at the intersections of highways with highways and highways with railways as hereafter provided.
 - (2) Where a highway is located on a city or village boundary, this section is not intended to be effective on the side within the city or village.
 - (3) Where a highway is located along the boundary with another county, this section is not intended to be effective on the side within the adjacent county.
- (b) *Classes of highways.*
- (1) *Class 1 highway.* Improved or unimproved town roads or other public roads not identified as a Class 2 or 3 highway.
 - (2) *Class 2 highway.* Improved or unimproved county roads.
 - (3) *Class 3 highway.* Improved or unimproved state or federal roads.
- (c) *Delineation and enforcement of setback distances.*
- (1) Whenever a highway is improved to a classification requiring a greater setback distance than what is required by this section prior to such improvement, the setback distance of the latter classification shall be applicable.
 - (2) Recorded subdivision plats or right-of-way plans may require a different setback than what is listed in this section. The setback lines established by such plat or plan will be enforced even if such setback is less restrictive than this section.
 - (3) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall be enforced.
 - (4) The setback distances for the respective highway classes shall be as follows:
 - a. Class 1 highway: Not less than 25 feet from the highway right-of-way line.
 - b. Class 2 and 3 highway: 80 feet from the centerline but not less than 50 feet from the highway right-of-way line.
 - c. Other: For a parcel which does not abut a Class 1, 2, or 3 highway, a 25-foot front yard setback shall apply.
- (d) *Vision clearance.* There shall be an area of vision clearance at all highway and railway intersections. The vision clearance shall be an area calculated by connecting the endpoints of line segments which begin at the vertex of an intersection thence along the traveled centerlines away from the vertex for a measured distance of:
- (1) 150 feet along the traveled centerline of a Class 1 and 2 highway.
 - (2) 250 feet along the traveled centerline of a Class 3 highway and the centerline of a railway.
 - (3) Typical vision clearance diagram:



Secs. 40-146—40-173. - Reserved.

ARTICLE VI. - SIGN REGULATION

Sec. 40-174. - Sign ordinance.

The town sign ordinance as incorporated in chapter 26 of this Code and any amendments thereto are adopted by reference and made a part of this chapter.

This ordinance shall not be effective until approved by the La Crosse County Board of Supervisors.

Dated this 8th Day of September, 2020

Terry Schaller, Town Chairman

Cassandra Hanan, Town Clerk

Planning & Zoning Commission Hearing Date: 09/01/2020

Approved by the Town of Campbell Board of Supervisors: 09/08/2020

Published/Posted: 09/09/2020