

**ORDINANCE NO: 52****AN ORDINANCE REGULATING ZONING**

The Town Board of the Town of Grand Rapids, Wisconsin, pursuant to § 60.62, 61.35 and 62.23 Wisconsin Statutes does ordain as follows with regard to its Town Ordinances:

**52.1 Introduction****A. Purpose and Interpretation**

The provisions of this ordinance shall be held to be minimum requirements, adopted to promote the health, safety, aesthetics, comfort, prosperity and general welfare of the Town of Grand Rapids.

This ordinance shall not repeal, abrogate, annul, impair or interfere with existing easements, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance 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 ordinance shall apply.

**B. Plan Commission**

- 1) **Appointment:** A Plan Commission is hereby created pursuant to section 62.23 (1) Wis. Stats. The Plan Commission shall consist of 7 town electors who shall be appointed by the town chairperson, subject to confirmation by the town board. The members of the board shall serve at such compensation to be fixed by resolution. Appointees to the Plan Commission may be removed only by a majority vote of the town board for cause upon written charges and after a public hearing.
- 2) **Membership:** The members of the commission shall be residents of the town. Town board members, including the town chairperson, may be members provided the commission shall have at least 3 citizen members who are not town officials.
- 3) **Term:** The members of the commission shall be appointed to hold office for a period of 3 years, commencing on May 1 of the year of the appointment, except for appointments to fill a vacancy which shall commence immediately.
- 4) **Officers:** By May 1 of each year, the town chairperson shall appoint a commissioner as chairperson and another commissioner as vice-chairperson of the Plan Commission, who shall fulfill the duties customary to those offices. The term of each officer shall be 1 year and each officer may be reappointed. A commissioner may be removed from an officer position during said term only upon a majority vote of the town board. The zoning administrator shall serve as secretary of the commission.
- 5) **Quorum Requirements:** If a quorum is present, the Plan Commission may take action by a majority vote of the members present.

- 6) Records: The secretary of the Plan Commission shall be responsible for drafting all records of the Plan Commission as required by state statute. The zoning administrator shall maintain records of all actions of the Plan Commission as supplied by the secretary of the body.
- 7) Rules/Meetings: The commission may adopt such rules and procedures as are necessary for the effective conduct of its business. All meetings of the commission shall be open to the public unless specifically allowed to be closed by Wis. Statutes.
- 8) Powers: The Plan Commission shall have the power and authority delegated to such bodies in Section 62.23 Wisconsin Statutes and this Ordinance, including but not limited to consideration of the following matters which shall be referred to the commission for report:
  - a) The location and architectural design of any public building.
  - b) The location of any statue or other memorial.
  - c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
    - i) street, alley or other public way;
    - ii) park or playground;
    - iii) airport;
    - iv) area for parking vehicles; or
    - v) other memorial or public grounds.
  - d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
  - e) All plats under the town's jurisdiction under ch. 236, Wis. Stats., including divisions under a town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
  - f) The location, character and extent or acquisition, leasing or sale of land for:
    - i) public or semi-public housing;
    - ii) slum clearance;
    - iii) relief of congestion; or
    - iv) vacation camps for children.
  - g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the town Plan Commission; the Town master plan or the town comprehensive plan under sec. 66.1001, Wis. Stats.; a town official map; and town zoning under village powers.
  - h) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  - i) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  - j) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the town, as a pedestrian mall under sec. 66.0905, Wis. Stats.

- k) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.
- l) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
- m) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
- n) A proposed housing project under sec. 66.1211(3), Wis. Stats.
- o) Matters relating to urban redevelopment and renewal in the town required to be referred under sub ch. XIII of ch. 66, Wis. Stats.
- p) The adoption or amendment of a town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- q) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

## 52.2 Definitions

### A. The following words, phrases and terms wherever they occur in the ordinance, shall be interpreted as herein defined:

- 1) Access, Controlled (road or facility): A controlled access road or facility is defined as a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason. Such highways or streets may be freeways open to use by all customary forms of surface transportation.
- 2) Accessory or Auxiliary Use or Structure: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.
- 3) Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture; animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- 4) Airport: Any runway, landing area, airport or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers or other necessary buildings and open spaces.
- 5) Alley or Lane: A public or private way not more than 30 feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
- 6) Apartment: See Dwelling, multi-family.

- a) Apartment, efficiency: A dwelling unit in a multi-family building consisting of not more than one habitable room, together with kitchen or kitchenette and toilet facilities.
- 7) Apartment, Hotel: An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.
- 8) Automobile Repair: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop, vehicle steam cleaning.
- 9) Automobile or Trailer Sales Area: An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- 10) Automobile Salvage Yard: Any area of land where two or more inoperative vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for the wrecking or storing of such motor vehicles and/or accumulation of parts thereof.
- 11) Basement: That portion of any structure whose floor line is below ground line and has more than half of its clear height below the adjoining finished ground line.
- 12) Board of Appeals: The Town of Grand Rapids Board of Appeals.
- 13) Boarding or Rooming House: A dwelling or part thereof consisting of a single housekeeping unit where meals and lodging are provided for three or more persons, not transients, for compensation by previous arrangement.
- 14) Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, materials or machinery. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.
  - a) Buildable lot area: That part of the lot not included within the open areas required by this ordinance.
  - b) Building, height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof.
  - c) Building or setback line: The line outside the right-of-way of a street beyond which no building or part thereof shall project, except as otherwise provided by this ordinance.
  - d) Building, floor area ratio: The floor area of the building divided by the area of the lot on which it is or will be located. The floor area of the building shall include that area of ground covered by the roof of the building. Total floor area shall include the sum of the floor areas of all buildings on the lot.

- e) Building, completion: The building shall be considered complete when roofing materials, siding materials, windows, doors and steps have been affixed to the exterior and the interior supplied with electricity, plumbing and heating fixtures in operable condition and in conformance with applicable codes.
- 15) Campgrounds: Any public or private premises, including buildings, established for temporary day and overnight habitation by persons using equipment designed for the purpose of temporary camping.
  - 16) Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.
  - 17) Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
  - 18) Clinic: A place used for the care, diagnosis and treatment of sick, ailing, and injured persons or animals and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises, except veterinarian clinics.
  - 19) Club: A non-profit association of persons who are bona-fide members, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
  - 20) Court: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides.
  - 21) Density: The number of living units per acre allowable under a schedule of district regulations.
  - 22) District: A portion of the territory of the Town within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance as specified on the Official Zoning Map as adopted by the Town Board.
  - 23) Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.
    - a) Dwelling, single family: A building designed for or used exclusively for residence purposes by one family or housekeeping unit.
    - b) Dwelling, two-family: A building designed for or used exclusively by two families or housekeeping units.
    - c) Dwelling, multi-family: A building or portion thereof designed for or used by three or more families or housekeeping units.
    - d) Dwelling group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

- e) Dwelling unit: One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having kitchen and toilet facilities.
- 24) Farm: An area which is used for the growing of the usual farm products such as vegetables, fruit trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- 25) Frontage: That boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. Where a lot abuts more than one street, the Plan Commission shall determine the frontage for purposes of this ordinance.
- 26) Fur Farm: A tract of land or buildings devoted in whole or part to the raising of fur-bearing animals.
- 27) Garage: A building or portion of a building in which one or more self-propelled vehicles can be kept.
- 28) Grade: The slope of a road, street, or other public way specified in per cent. The per cent is based upon elevation difference in 100 feet of horizontal distance. (Five feet of change in elevation in 100 feet horizontal distance would be a 5% grade.)
- 29) Hotel: Any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing guest rooms or suites where no provision for cooking is made in any individual guest room or suite. This term does not include hospitals and jails.
- 30) Household Unit: A group of persons who live together in one dwelling unit as a single housekeeping unit.
- 31) Industry: Storage, repair, manufacture, preparation or treatment of any article, substance or commodity for commercial use.
- 32) Kennel: Any structure or premises on which three or more dogs over four months of age are kept for purposes of breeding, sale or sporting or who engage commercially in boarding dogs within the Town of Grand Rapids.
- 33) Lawn Area: Any relatively low-growing, living, ground cover, typically mown, manicured and cared for, that will withstand foot traffic.
- 34) Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

- 35) Lot: A parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on an officially approved street or place.
- a) Lot area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.
  - b) Lot, corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the "corner."
  - c) Lot depth: The mean horizontal distance between the front and the rear lot lines.
  - d) Lot, interior: A lot other than a corner lot.
  - e) Lot Line: A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.
  - f) Lot of record: A lot which is part of a subdivision, the map of which has been approved by the Wood County Planning Office, as of the effective date of this ordinance, shall have the same status as if the said subdivision plat was officially recorded in the office of the Register of Deeds.
  - g) Lot, through: A lot having frontage on two parallel or approximately parallel streets.
  - h) Lot width: The mean width of the lot measured at right angles to its depth.
- 36) Manufactured Home: The definition set forth in sec. 101.91(2) (am) Wis. Stats. Is hereby adopted and is incorporated herein by reference.
- 37) Minor Structure: Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height.
- 38) Length of a Manufactured home: The distance from the exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. Width of a manufactured home means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms and not bay windows, porches, wall and roof extensions, or other attachments.
- 39) Manufactured home Lot: A parcel of land designed for the placement of a single manufactured home.

- 40) **Manufactured home Park:** A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more manufactured homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park or its facilities.
- 41) **Manufactured home Subdivision:** A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single manufactured home and its facilities.
- 42) **Motel or Motor Hotel:** A series of attached, semi-attached or detached sleeping or living units, primarily for the accommodation of automobile transient guests for compensation; said units having convenience access to off-street parking spaces for the exclusive use of the guests or occupants.
- 43) **Nonconforming Use:** The use or occupancy of a building or premises which is lawful at the time of the enactment of this ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.
- 44) **Open Fence-** A fence, including a gate, which has a percentage of open area that represents at least 75% of the fence area, with open areas uniformly distributed over the entire height and length of the fence. An open fence shall not have any solid part that is over six inches wide.
- 45) **Outdoor Wood-Burning Furnace:** a/k/a outdoor hydronic heater, a fuel-burning device designed to (1) burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g. garages); and (3) heats a building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.
- 46) **Parking Space:** A permanently surfaced area of not less than one hundred eighty (180) square feet, having a minimum width of nine feet and a minimum length of 18 feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
- 47) **Person:** Any individual, firm, trust, partnership, public or private association or corporation; or an individual, partnership, firm, company, corporation, municipality, county, town, state or federal agency, whether tenant, owner, lessee, licensee, or their agent, heir, or assignee.
- 48) **Planned Unit Development:** A land area which:
  - a) Has both individual building sites and common property such as a park, and
  - b) Is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of the common property may be either public or private.

- 49) Portable Storage Container (PSC): A portable, weather-resistant receptacle designed and customarily used for storage or shipment of household goods, wares, building materials or merchandise.
- 50) Principal Building: The building of primary importance on a parcel of land, in contrast to those which are accessory or of secondary importance. In the case of a house and attached garage, the entire structure, including the house and garage, shall be considered the principal building.
- 51) Quarrying: The removal of rock, slate, gravel, sand, topsoil or other natural material from the land by excavating, stripping, leveling or any other such process which results in creation of a pond or a pit. Removal of excess materials from the land, such as in excavating for a foundation, shall not be considered quarrying if it does not result in a pond or a pit. Drainage ditching shall not be considered quarrying.
- 52) Roadside Stand: A temporary structure, unenclosed and so designed and constructed that the structure is easily portable and can be readily moved.
- 53) Service Building: A structure housing toilet, washing and bathing facilities and such other facilities as may be required by this ordinance.
- 54) Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare, right-of-way, waterline, or prospective line to the nearest projection of a building or structure.
- 55) Shooting Range: An area designed and constructed for the discharge of firearms that is open for club members or public use.
- 56) Slaughterhouse: Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses, and the storage, freezing and curing of meat and preparation of meat products.
- 57) Story: That portion of a building included between the surface of any 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 above it.
  - a) Story, half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any half of partial story used for residence purposes shall be deemed a story; provided that a basement or cellar used purely for recreational purposes shall not be deemed the first story.
- 58) Street: A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare or any similar term.
  - a) Arterial Street: A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as highways and parkways.

- b) Collector Street: A street intended to serve and to provide access to neighborhoods or sub-neighborhoods.
- 59) Structure: Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. It includes, but is not limited to objects such as buildings, factories, sheds and cabins.
- a) Permanent: A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.
  - b) Temporary: A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short term.
  - c) Structural alteration: Any change in the component members of a building, such as walls, columns, beams or girders.
- 60) Town Board: The Board of Supervisors of the Town of Grand Rapids.
- 61) Use: The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.
- a) Use--Principal: permitted as of right: A use which is permitted outright in a district for which a Zoning Permit may be issued by the Town Board in accordance with this ordinance.
  - b) Use--Conditional: A use which is permitted in a district only if a Conditional Use Permit is expressly authorized in accordance with this ordinance.
- 62) Variance: A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.
- 63) Vision Clearance Triangle: An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.
- 64) Well, High Capacity: A well or other water supply or water system whose operating capacity singly or in the aggregate with that of other wells on a property will be in excess of 70 gallons per minute, as defined in Wis. Admin. Code NR112.03 (30m) and not intended for on-site domestic or agricultural use.
- 65) Yard: A required open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance.
- a) Front yard: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as required in the district where located.

- b) Front yard, how measured: Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way of such street as established on the Official Thoroughfare Plan or Major Street Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan or Major Street Plan.
- c) Rear yard: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required in the district where located.
- d) Side yard: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required in the district where located.
- e) Side yard, least width, how measured: Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan.

### **52.3 General Provisions**

#### **A. Compliance**

- 1) Except as may be otherwise specifically provided, the use, size, height, and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces and the use of land, shall be in compliance with the regulations established herein for the district in which such land or building is located.
- 2) The Zoning Administrator, under the general supervision of the Plan Commission, shall investigate all complaints, give notice of violations, and enforce the provisions of this ordinance.

#### **B. Permits**

- 1) Zoning Permit: The purpose of issuing Zoning Permit is to ensure compliance with provisions of the ordinance.
  - a) For newly built, moved or structurally altered one and two-family residences and accessory uses and structures, as well as permitted Agricultural uses and structures, the Zoning Permit shall be an integral part of the Building Permit and may be issued by the zoning administrator, providing the proposed structure or use meets applicable provisions of this ordinance.
  - b) For all other structures being built or structurally altered, or before any other use regulated by this ordinance is begun, altered or enlarged, a Zoning Permit must be obtained from the Town Plan Commission (in addition to and separate from any required Building Permit).

- c) The commission may issue the Zoning Permit after determining that the proposed use meets all provisions of this ordinance.
- 2) **Conditional Use Permit:** When the use being applied for is listed as a conditional use, the Town Board shall issue a Conditional Use Permit. This permit shall be issued only after recommendation by the Plan Commission, after a public hearing by the Town Board, and after provisions of the conditional use section of the ordinance have been complied with. The commission may recommend and the board may attach certain conditions that shall be met as a condition of approving the permit.
- 3) **Application Procedure:** Applications for Zoning or Conditional Use Permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation of abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.
- 4) **Expiration:** If within six months of the date of issuance of a Zoning or Conditional Use Permit the proposed construction or preparation of land for use has not commenced, said permit shall expire, except that the Town Board may grant an extension of such permit for a period not to exceed six months upon the showing of valid cause.

Two years shall be the maximum time for completion of a dwelling as defined in Sec. 52.2 of this ordinance.

### **C. Exemptions**

The following uses are exempted by this ordinance and permitted in any zoning district: Poles, wires, cables, conduits, vaults, laterals, pipe mains, valves or any other similar distributing equipment for telephone or other communications and electric power, gas, water and sewer lines.

The provisions regarding filling, grading and work in respect to waterways shall not apply to the construction and repair of public roads.

### **D. Use Regulations**

- 1) **Uses Restricted:** In any zone, no building or land shall be used and no building shall be hereafter erected, structurally altered or relocated except for one or more of the uses as hereinafter stated for that zone and in compliance with the regulations hereinafter established for that zone.
- 2) **Accessory Uses:** In any zone, accessory buildings and uses customarily incidental to the permitted uses in that zone may be permitted subject to such requirements as may be hereinafter designated for that zone in which they are located.

- 3) Temporary Uses: Temporary uses which are not otherwise permitted in a district, such as shelter for materials, and equipment being used, in the construction of a permanent structure may be permitted by the Town Board.
- 4) Unclassified Uses: In case of question as to the classification of a use, the question shall be submitted to the Plan Commission for determination.

#### **E. Height Regulations**

- 1) Height Regulations: All buildings and structures must comply with standards for regulation of height for each District under this Ordinance. Except as specifically provided in this section, no building or structure shall be erected or structurally altered to a height in excess of the standards for each District under this Ordinance.
- 2) Exceptions, No Plan Commission Approval Required: Heights of the following structures may exceed ordinance limits for the zone in which it is to be located: towers, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed and used for the storage of agricultural products.
- 3) Exceptions, Plan Commission Approval Required: No building permit shall be issued by the Zoning Administrator for any accessory structure proposed at a height which is greater than indicated under the height regulations of the applicable District, unless a grant of approval is obtained from the Plan Commission based upon consideration of the following factors:
  - a) Review any comments by the fire department;
  - b) Any public comments received after notification of all persons within a 500 ft. radius of the proposed accessory structure.
  - c) Consideration of proposed building in relationship with other buildings or structures on site;
  - d) Consideration of proposed building in relationship with the character of the neighborhood.

The Plan Commission cannot, under this procedure, approve height variations for accessory structures greater than 20% of the maximum building height in the applicable zoning district.

#### **F. Visual Clearance**

- 1) In each quadrant of every public street or road intersection, there shall be designated a clear vision triangle, bounded by the street or road centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection. (See *sketch Appendix A*)
- 2) The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.
- 3) The term "centerline" in this section shall be interpreted as follows:

- a) Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
- b) Where there is a divided pavement within a right-of-way the centerline shall be the centerline of the median strip between the pavements, except as specified below.
- c) Where there is a divided pavement within a right-of-way and the distance between the centerlines of the pavements, measured along the centerline of the intersecting street or road is 60 feet or greater, the centerlines of the pavements shall be used separately to designate the clear vision triangles.
- d) The distance from the point of intersection of the centerlines to the aforesaid points on the centerlines shall be as specified in the following table.

<i>Type of Road</i>	<i>Triangle Side Distance</i>
Railroad Crossing	300 ft
At intersection with <u>35 miles per hour or greater</u> in both directions of travel:	The vision triangle shall be determined by measuring 60 feet along the property line of any "uncontrolled traffic (not regulated by a stop sign) and 30 feet along the property line of any "controlled" traffic (regulated by a stop sign).
At intersections with speeds of <u>less than 35 miles per hour</u> in either direction of travel:	The vision triangle shall extend 15 feet along the lot line in all directions of travel.

- e) Within the clear vision triangle, no object shall be allowed above a height of 2½ feet above average elevation of the streets at the aforesaid points on their respective centerlines, if it substantially obstructs the view across the triangle.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object, such as a motor vehicle, clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to the posts and wires of wire fences, provided that they do not obstruct visibility across the clear vision triangle. Agricultural crops are also exempt from this provision.

**G. Setback: No building or structure shall be placed, in any Residential District, within the following setback areas:**

- 1) Class A (state or federal) highway setback shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater. Class B (county) highway setback shall be 63 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater. Class C (town) highway setback shall be 63 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater.

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Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

- 2) For purposes of this section, "Highway" and "Right-of-Way" shall mean any existing road, or any road that has been dedicated and accepted by the town, whether or not yet constructed, or any road right-of-way designated on the town Official Map.

NOTE: The intent of this provision is to require building setbacks to be applied to future right-of-way designated on the Official Map and to right-of-ways already dedicated and accepted, whether or not a road has actually been constructed, as well as to existing roads.

- 3) Structures Permitted within Setback Lines
  - a) Open fences.
  - b) Petroleum and gas transmission lines; telephone, telegraph and power transmission towers, poles and lines; and portable equipment both above and below ground that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner will file with the zoning administrator of the Town of Grand Rapids an agreement in writing that the owner will move or remove all new construction, additions and replacements erected after adoption of this ordinance at the owner's expense, when necessary to the public interest (i.e. highway construction, airport, sewer and water lines, etc.).
  - c) Underground structures not capable of being used as foundations for future prohibited over ground structures.
  - d) The planting and harvesting of field crops, shrubbery and trees, except that no trees, shrubbery or field crops shall be planted so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance triangle from one highway or street to another.
  - e) Access or frontage roads constructed by the public to plans approved by the governmental body with jurisdiction.
  - f) Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.
  - g) The Plan Commission is authorized to vary setback standards on corner lots, to allow for placement of a structure otherwise prohibited within a setback area, when it determines such placement is appropriate to the characteristics of a property and its neighborhood. The Plan Commission may, under this section, approve a deviation from the setback requirements on corner lots, only if no opposition from abutting property owners is received after notification by the Zoning Administrator, and a determination is made that such placement would not be seriously disruptive of neighborhood safety and aesthetic character. No variation of setback standards may be found which interferes with a vision triangle as specified in this Zoning Ordinance. The Plan Commission cannot, under this procedure, approve setback variations greater than 30% of the building setback area.
- 4) Average Setback Determination: A setback equal to the average setback of existing principal buildings located within 500 feet of a proposed building site and

on the same side of the street, shall be permitted where at least five of these buildings do not conform with the appropriate setback line.

- 5) For a swimming pool, side and rear setbacks shall meet the setbacks for an accessory structure.

## **H. Area Regulations**

- 1) **Lot Reduction:** After adoption of this ordinance, no lot area shall be so reduced that the dimensional and yard requirements specified by this ordinance cannot be met.
- 2) **Existing Nonconforming Substandard Lots:** In Accordance with Sec. 66.10015(2)(e), Wis. Stats., lots existing and of record prior to adoption of this ordinance that currently do not meet the minimum lot area requirements may be used as a building site if all of the following apply:
  - a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
  - b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
  - c) The substandard lot or parcel is developed to comply with all other Town ordinance requirements.
- 3) **Other Substandard Lots:** Except for lots which meet the requirements of Subsection H(2), or where specified within the jurisdiction of shoreline provisions of the Wood County Shoreland Zoning Ordinance, a building permit for the improvement of a lot having lesser dimensions than those required under this ordinance shall be issued only upon granting of a variance from the Board of Appeals.
- 4) **Lot Divisions:** No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all lots resulting from each such division or sale shall conform with all the applicable regulations of the zone in which the property is located.
- 5) **Yard and Open Space Regulations:** All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

## **I. Nonconforming Structures and Uses**

- 1) **Existing use permitted:** The property owner shall have the burden to prove by a preponderance of the evidence that the nonconforming use was in existence at the

time the ordinance provision became effective. Likewise, the property owner must prove that the use of the property prior to the effective date of the ordinance provision was so active and actual that it can be said he has acquired a "vested interest" in its continuance. If the specific use was not so active and actual and was but casual and occasional, or if such use was merely accessory or incidental to the principal use, then it cannot be said that the property owner has acquired a "vested interest" in the continuance of such a use and the status of the nonconforming use will be denied. Any building, structure or use which existed lawfully at the time of the adoption of this Ordinance or amendment thereto shall be allowed to continue although such building or use does not conform with the provisions of this Ordinance. The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a building or use.

- 2) Permit Required: No alteration of a nonconforming building, structure, premises, fixture or use is allowed unless a permit for the alteration has been issued by the Zoning Administrator.
  - a) Before issuing a permit for the alteration of a nonconforming use or structure, the Zoning Administrator shall review the permit application for compliance with the requirements of this section.
  - b) When nonconformity is found, the Zoning Administrator shall in writing notify all interested parties of the condition. If the nonconforming use of a building, premises, structure or fixture is discontinued for twelve (12) consecutive months, any future use of the building, premises, structure or fixture shall conform to the regulations of the district in which it is located.
  - c) Except as provided in Sec. 62.23 (7) (hb) and (hc) Wis. Stats., no such use of building, premises, structure or fixture or any part thereof shall be expanded or enlarged except in conformity with regulations of the district in which it is located.
  - d) The Plan Commission may authorize the change of one nonconforming use to another of the same classification provided that the Plan Commission shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use. Whenever a nonconforming use has been changed to a more restrictive nonconforming use or a conforming use, such use shall not thereafter be changed to a less restrictive use.
- 3) Nonconforming Limitations
  - a) Except as provided in sec. 62.23(7)(hb) and (hc), Wis. Stats., the total structural repairs or alterations in a nonconforming building, premises, structure or fixture shall not during its life exceed fifty percent (50%) of the assessed value of the building, premises, structure or fixture. For the purpose of determining whether the fifty percent (50%) value limit has been exceeded, the assessed value of the subject parcel in the year that a permit for structural repair or alteration is first issued shall be used as the base value, unless permanently changed to a conforming use.
  - b) Except as provided in sec. 62.23(7)(hc), Wis. Stats., no structure shall be restored or replaced except in conformity with the regulations of the district in

which it is located.

- c) These regulations are not to be construed to prevent the necessary and routine maintenance or repairs of buildings, utilities and property.

## **J. Accessory Uses and Structures**

- 1) Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use. In all residential districts, the principal use shall be a dwelling.
- 2) Location: No accessory building or structure, with the exception of a boathouse on the shoreline, shall be erected or altered or moved to a location within the required area of a front or side yard. Such accessory building, structure or use shall be set back from the property line adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.
- 3) Aluminum and Vinyl Storage Structures
  - a) Building/Zoning Permit required.
  - b) Property owner is required to maintain the structure. If damaged, it must within 30 days be removed or repaired with the same type/color material.
  - c) Only one aluminum or vinyl structure is allowed on a residentially-zoned parcel.
  - d) Maximum size for an aluminum or vinyl storage structure on a residentially-zoned parcel is 400 sq. ft.
- 4) Fence
  - a) Location:
    - i. Except in the Agricultural District, no fence or wall shall be erected along property lot lines with any portion closer than 12 inches to the lot line, except that a fence or wall may be erected on the property line by mutual agreement, in writing, of the adjoining property owners.
    - ii. Fences or walls located within the setback area of any lot or side yard fronting any street shall not exceed 2 ½ feet in height, except that "Open" fences such as chain link or split-rail may be erected within setback areas if they do not interfere with the vision triangle as specified the Zoning Ordinance.
    - iii. No fence may be erected within road right-of-way without Town Board approval.
  - b) Appearance: Fences and walls shall be constructed and maintained so as to be pleasing in appearance and not degrade adjoining property.
    - i. Maximum height of 6 feet from finished grade to top of fence, except in salvage yards where 7 feet high fences are required.
    - ii. If both sides of fence are not identical in appearance, the more aesthetically pleasing side must be placed toward the adjacent property.
  - c) Prohibited Fences: Barbed wire, spike or picket fences, except hose with round tops, are prohibited, except that barbed wire fences may be erected in

Agricultural and Manufacturing zones. Barbed wire fences in Agricultural Districts may be on the property line. In Manufacturing Districts, fences must be at least 12 inches from any lot line.

- d) Swimming Pool Fences: All permanent outdoor swimming pools shall be enclosed to a height of not less than five feet and guarded against accidental trespassers or frequenters. (Above ground pools are not required to be fenced if they have removable ladders.)
- e) Dog Enclosures: Kennels and dog runs shall be at least 9 feet from any lot line.
- f) Permits: A permit is required for all fences and walls including dog runs, except that no permit is required for agricultural wire fences and open wire fences erected in other districts solely to keep out animals.

#### 5) Animals

The keeping of animals is permitted subject to the regulations and limitations set forth in Ordinance #8.

#### 6) Portable Storage Container (PSC)

- a) Size Limit: The maximum dimensions for a PSC shall be twenty (20) feet in length, eight (8) feet in height and eight (8) feet in width. The maximum storage capacity shall not exceed one-thousand two-hundred eighty (1280) cubic feet.
- b) Condition and Placement: All PSCs shall be in a condition free from rust, peeling paint and other visible forms of deterioration. The portable storage container shall be placed in a location that does not cause an obstruction of traffic or vision of traffic.
- c) District Limitations: PSCs may be located in the following districts subject to the specified limitations:
  - i. Residential District
    - One (1) PSC may be placed on a lot without a permit, for no more than thirty (30) days in a calendar year.
    - Two (2) PSCs may be placed on a lot, without a permit, for up to thirty (30) days in a calendar year for the purpose of storage related to a residential move.
    - One (1) PSC may be placed on a lot for no more than ninety (90) consecutive days for non-construction purposes, subject to issuance of a permit.
    - During construction, a PSC may be placed on a lot for the purpose of storing construction tools or materials subject to issuance of a permit. The permit shall specify that the PSC must be removed within thirty (30) days of the completion of the final inspection.

- ii. Agricultural District – Up to two (2) PSCs may be placed on a lot in which bona fide agricultural activities are conducted subject to issuance of a permit(s). Provided, however, on lots on which the

principal use is other than agricultural, the Residential District requirements for PSCs shall apply.

- iii. Recreational District – The Residential District requirements for PSCs shall apply in Recreational Districts.
  - iv. Commercial and Manufacturing Districts – PSCs may be allowed upon issuance of a conditional use permit.
- d) Use: PSCs may not be used for human habitation or for housing animals.
- e) Permits: Permits, if required, shall be issued by the Zoning Administrator upon determination that all requirements for issuance have been satisfied. Permits shall be displayed on the outside of the container in such manner as to be plainly visible from the street. If a lot for which a PSC permit has been applied is not in compliance with any law, ordinance or regulation, the Zoning Administrator may deny the issuance of a permit.
- f) Fee: A fee as set in Ordinance 39 “Schedule of Fees and Forfeitures” shall be paid at the time of application for a PSC permit.
- 7) Driveway
- Driveways are not permitted within five (5) feet of any side or rear lot line.
- 8) Outdoor Wood-Burning Furnaces.
- a) An Outdoor Wood-Burning Furnace Permit must be obtained prior to installation of such a unit.
  - b) No person shall operate an outdoor wood-burning furnace in such manner as to create a public or private nuisance.
  - c) All outdoor wood-burning furnaces shall be installed, operated, and maintained in accordance with the manufacturer’s instructions, Underwriters Laboratories (UL) listings, and Environmental Protection Agency (EPA) and Wisconsin Department of Natural Resources (DNR) air quality standards in effect at the time of application for the permit.

## **K. Yard Regulations**

The following, when permitted in the applicable zoning district, shall not be considered to be encroachments when located in the yards specified.

- 1) In any yard: Marquees and awnings adjoining the principal building overhanging roof eaves; chimneys, if they do not exceed 10 per cent of the depth of the yard; and ornamental light standards, flag poles, arbors, trellises, trees, shrubs, coin operated telephones, permitted signs and outdoor fuel dispensing equipment.
- 2) In side and rear yards: Open accessory off-street parking spaces, provided such spaces are located at least five feet from the property line.

**Residential and Commercial Properties:**

- 3) In the interest of public safety & preservation of property values on the Town of Grand Rapids, lawn areas shall be maintained with lawn height not to exceed 8".
  - a) An owner in charge of the property, who fails to maintain a lawn area as required under 52.3(K)(3), and after having been provided notice and given a reasonable time period in which to correct the violation, shall be subjected to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution. Second and subsequent violations within a one (1) year period shall be considered "habitual violations" and may be charged a double fee.
- 4) All properties shall be kept free of hazards and clear of debris including, but not limited to brush, weed, broken glass, roots, obnoxious growths, garbage, trash, refuse, inoperable and/or unlicensed vehicles (except if permitted), old tires and junk. The sole exception is where said debris has been properly placed for pick up by the town's waste disposal contractor.

**L. Home Occupations in Residential Districts**

- 1) Permitted Uses: A home occupation shall be a permitted accessory use, with no zoning permit required, if:
  - a) It has no employees engaged in the activity on the premises of the residence other than family members residing on the premises.
  - b) No activity is involved which indicates from the exterior that the building is being used for any purpose other than that of a dwelling.
  - c) No sign is erected on the premises (advertising, such as telephone book or newspaper listings shall not be considered signs), unless a conditional use permit and sign permit have been issued.
  - d) The activity involves no internal or external alterations or special construction to accommodate the home occupation.
  - e) No outside storage results from the activity.
  - f) The activity is clearly incidental to the residential use of the premises.
  - g) It utilizes less than 25% of the gross area (including all floor levels) of the dwelling and less than 25% of the floor area of all attached and detached garages and accessory buildings.
  - h) It creates no offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-rays or electrical disturbance to radio or television.
  - i) It does not result in any hazard to the public such as generation of substantial volume of vehicular or pedestrian traffic or parking demand.
- 2) Conditional Uses: A home occupation may be allowed as a Conditional Use, requiring a Conditional Use Permit, if

- a) It does not comply with any of the restrictions in Sec. 52.3(L)(1); and,
  - b) It is generally compatible with the residential land use intent of the district and if such use meets or can be adjusted to meet necessary conditions or performance standards which would make it substantially compatible with residential uses allowed in the district and with the "standards" listed in this ordinance.
- 3) Not Permitted: The following are among activities which shall not be considered home occupations and shall not be allowed in a residential district:
- a) Any activity which includes mechanical, body or other repair or painting of cars, motorcycles or trucks, whether or not for remuneration, other than those owned by members of the family residing on the property.
  - b) Barbershops or beauty shops with more than one operator; mechanical repair or welding shops; antique shops; restaurants; dance studios; and uses listed as "conditional uses in a Commercial District".
  - c) Any activity which, even with conditions and limitations, is not consistent with the purpose of the residential district and has a high likelihood of creating problems in such district.

#### **M. Quarries**

- 1) **PURPOSE:** It is the purpose of this quarry subsection to establish conditional regulations and performance standards for the activity defined as quarrying in such a manner as to assure maximum protection to surrounding properties and the physical environment through siting of activities and structures, buffering, setbacks, visual screening, height limitations, access routing, noise, vibration, air quality and water quality controls. This subsection applies to new quarrying activity or the expansion or enlargement of an existing pond or quarry.

Further, the purpose of the quarrying subsection is to require that any individual, partnership, or corporation engaged in any quarrying activity develop and submit a reclamation plan and map to the Town Board for approval.

- 2) **CONDITIONAL USE:** Quarrying may be permitted in all non-residential districts, in the Town of Grand Rapids, in which the parcel of land is five (5) acres or greater, provided a conditional use permit has been obtained.

The Town Board may require any or all of the following development site standards, special regulations, or performance standards or other conditions deemed necessary as part of the conditions for granting a Conditional Use Permit. Commencing quarrying prior to obtaining a permit shall subject the property owner, his, her, or its agents, and any individual, partnership, or corporation engaged in the quarrying activity upon the subject property to the penalties as per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense. Prosecutions of violations of provisions of this ordinance shall be commenced by citation pursuant to Ordinance # 47.

- a) Development Site Standards:
  - i. Quarrying shall only be allowed if the water area created by the quarrying activity is limited to twenty (20%) of the gross area of the parcel, with a maximum water area not to exceed four acres in any one quarrying site, and the quarried area must be in minimum size of one acre.
  - ii. Setbacks: The top of the finished slope for any quarry must be in a minimum of one hundred fifty (150) feet from any street lot line and seventy-five (75) feet from any side and rear lot lines not adjacent to a road or in an amount sufficient to achieve the performance standards set in the Conditional Use Permit, whichever setback requirements are greater.
  
- b) Special Regulations:
  - i. Fencing: All quarries shall be enclosed by a fencing of a design and materials that discourage entry onto the property, unless the Town Board, after considering the public safety, the proximity to roadways, and proximity to other developments, determines that this fencing requirement can be waived. The Town Board shall specify the type of fencing in the Conditional Use Permit.
  - ii. Degree of Slope: Slopes created by quarrying must have a minimum of three (3) to one (1) ratio, horizontal to vertical, to minimize cave-in and slump, wind and water erosion, and lateral shifting of the undisturbed ground surface near the quarried area.
  - iii. Screening: Adequate planting and/or fencing shall be provided along all public roads and residential dwellings adjacent, to screen the quarry from public view as reasonably as possible and as approved by the Town Board in the Conditional Use Permit.
  - iv. Hours of Operation: The Town Board may restrict quarrying activity to only be engaged in during reasonable hours as identified by the Town Board in the Conditional Use Permit.
  
- c) Performance Standards:
  - i. Dust: Any operation shall comply with all applicable federal, state, and local air pollution control laws and regulations.
  - ii. Protect Water Table: No quarrying activity shall be conducted in such a manner as to lower the water table of surrounding inhabited properties.
  - iii. Dust Free Roads: The operator of the excavation shall maintain all haulage roads used in connection with this operation, whether under their control or ownership, a private road, or that of a municipality, as much as possible in a dust free condition.
  
- d) Performance Guideline:
  - i. Topsoil Replacement: Graded or backfilled areas or banks in the cases of excavations made to water-producing depth shall be covered equal to a depth of topsoil or percentage of organic matter that originally existed on property prior to the commencement of operation, with the exception that the nine (9) foot area extending outward from water's edge for the entire circumference of water area, the cover shall be sand or any other material a set forth in the Conditional Use Permit. No greater depth of topsoil or percentage of organic matter in the soil shall be required than originally existing on property prior to the commencement of operation.

- ii. Vegetation Replacement: Upon replacement of the topsoil; trees, shrubs, legumes, grasses, or groundcover shall be planted upon such area in order to avoid erosion.

### 3) RECLAMATION PLAN REQUIREMENTS

Reclamation shall be conducted consistent with the standards and requirements provided for in sec. 295.12 (1) Wis. Stats.

### 4) PERMIT APPLICATION: The permit application shall include:

- b) Adequate description of the operation;
- c) List of equipment, machinery and structures to be used;
- d) Topographic map of the sites, with a minimal vertical contour interval of five (5) feet; trees, access roads, depth of excavations, commencement and completion dates of excavation and restoration;
- e) Restoration plan containing proposed contours, depth and type of restored topsoil; seeding and other planting or reforestation; final slopes of pond; and expected cost of completion of restoration plan.
- f) Explanation of final destination of removed material. If the material is to be removed from the property site an explanation as to quantity of material to be removed, type of truck to be used to transport, routes of travel, and purpose for removal;
- g) Information about soil conditions, and levels of water table;
- h) Length of time needed to complete the project for which the permit is issued.

### 5) STANDARD OF REVIEW IN APPROVING CONDITIONAL USE PERMIT: The Plan Commission, in its recommendation, and the Town Board in granting or denying permits, shall consider the following factors:

- a) The effects of the proposed quarrying on streets both existing and proposed on the adopted official map;
- b) The effects on neighboring development;
- c) The effects on the adopted Future Land Use Plan;
- d) The effects on water supply, soil erosion, natural beauty, character and land value of the locality;
- e) The effect on wetlands, drainage and potential for groundwater pollution;
- f) The practicality of the proposed restoration plan for the site;
- g) The effect on town roads of hauling removed material from the subject parcel of land;
- h) Any other factors which the Plan Commission or the Town Board in each application determines are relevant.

- 6) **ISSUANCE:** In the issuance of a Conditional Use Permit, the Town Board may impose conditions that address the following areas of concern:
- a) Size of quarry;
  - b) Fencing
  - c) Screening;
  - d) Hours of operation;
  - e) Dust;
  - f) Water table;
  - g) Top soil replacement;
  - h) Vegetation replacement;
  - i) Routes of travel;
  - j) Quantity of material being removed;
  - k) Bond;
  - l) Expiration period of permit;
  - m) Any other conditions which the Plan Commission or the Town Board determines are relevant and necessary for the issuance of the Conditional Use Permit.
  - n) Hold the Town harmless from any environmental contamination.
- 7) **EXCEPTIONS:** Quarrying may be permitted in all districts, regardless of parcel size, if the removed material stays on the property site, and the quarrying is for the purpose of obtaining material for installation of a septic system or for back fill at the construction site, provided a Conditional Use Permit has been secured pursuant to the provisions of this ordinance. The Conditional Use Permit shall address the issues of ratio of quarried area to size of parcel, setbacks, fencing, degree of slope, screening, and bond.
- 8) **PERMIT FEES:** A fee, as per Ordinance 39 "Schedule of Fees and Forfeitures" is to be paid at time of filing application for obtaining a Conditional Use Permit for quarry.

#### **N. Mobile Tower Siting**

- 1) **PURPOSE:** The purpose of this section is to regulate by zoning permit: (1) The siting and construction of any new mobile service support structure and facilities; (2) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and, (3) With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

- 2) **AUTHORITY:** The town board has the specific authority under ss. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this section.
- 3) **DEFINITIONS:** All definitions contained in s. 66.0404(1) are hereby incorporated by reference.
- 4) **PERMIT ISSUANCE:** The plan commission is hereby authorized to issue zoning permits required in par. 5) herein. Authority to issue conditional use permits required in par. 6) herein is reserved by the town board.
- 5) **PERMITTED USE:** Class 2 collocation is a permitted use, subject to issuance of a zoning permit pursuant to par. 7) herein.
- 6) **CONDITIONAL USES:**
  - a) Class 1 Collocation and mobile support structures and facilities are conditional uses in every zoning district and require the issuance of a conditional use permit pursuant to par. 8) herein. In addition, the specific requirements set forth in paragraph b) that follows must be satisfied.
    - b) **Specific Requirements:**
      1. **Height:** Except as provided for in sec. 66.0404(4)(L) Wis. Stats., and pursuant to the discretion authorized in sub. (4)(u) therein, the height of a mobile service support structure shall not exceed 300 feet.
      2. **Surety:** A surety bond or other form of security may be required in an amount not to exceed \$20,000. The surety shall be for the sole purpose of ensuring repair or removal of structures or facilities that fall into disuse.
      3. **Setback:** The setbacks set forth in 52.4 H. 4) (B-1 District) shall apply to mobile service support structures.
      4. **Structural Capacity:** A collocation may not result in the structural capacity of a structure being exceeded.
      5. **Collocation:** Collocation on existing structures is encouraged to the extent dosing so if reasonably possible.
      6. **Signs:** No signs shall be attached to a mobile service support structure or facility.
      7. **Compliance with Other Laws:** All mobile service support structures and facilities shall be erected and maintained in compliance with federal law, including but not limited to Federal Communication Commission and Federal Aviation Administration rules and regulations, and applicable building codes.
      8. **Conditions:** The town may place additional conditions on the issuance of a conditional use permit granted pursuant to this section, provided that such conditions are consistent with the limitations set forth in sec. 66.0404(4) Wis. Stats.
    - c) **Exclusive Process:** Notwithstanding regulations in any other section of this ordinance regarding the issuance of conditional use permits generally, the

issuance of conditional use permits for mobile service support structures and facilities and class 1 collocations shall be governed exclusively by this section.

7) CLASS 2 COLLOCATION – APPLICATION PROCESS:

- (a) A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.
- (b) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - 1. The name and business address of, and the contact individual for, the applicant.
  - 2. The location of the proposed or affected support structure.
  - 3. The location of the proposed mobile service facility.
- (c) A class 2 collocation is subject to the same requirements for the issuance of a building permit as any other type of commercial development or land use development.
- (d) If an applicant submits to the town an application for a permit to engage in an activity described herein, which contains all of the information required under this section, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (e) Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
  - 1. Make a final decision whether to approve or disapprove the application.
  - 2. Notify the applicant, in writing, of its final decision.
  - 3. If the application is approved, issue the applicant the relevant permit.
  - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The fee for the permit shall be set in Ordinance 39 “Schedule of Fees and Forfeitures” and shall not exceed the limit set in sec. 66.0404(4)(d)1. Wis. Stats.

8) SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES AND CLASS 1 COLLOCATION – APPLICATION PROCESS

- (a) A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities and for class 1 collocation.
- (b) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility or class 1 collocation.
  4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) If an applicant submits to the town an application for a permit to engage in an activity described herein, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (d) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
1. Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in sec. 66.0404 Wis. Stats., this zoning ordinance.
  2. Make a final decision whether to approve or disapprove the application.
  3. Notify the applicant, in writing, of its final decision.
  4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (e) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described earlier herein.
- (f) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this section,

that setback does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

(g) The fee for the permit shall be set in ordinance 39 "Schedule of Fees and Forfeitures" and shall not exceed the limit set in sec. 66.0404(4)(d)2. Wis. Stats.

9) PENALTY PROVISIONS: Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture of not less than \$200 nor more than \$2,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this section. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

10) CONFLICT OF LAWS: If any provision of this section and/or if any condition imposed pursuant to par. 6) herein is in conflict with sec. 66.0404 Wis. Stats., it is hereby intended that the town-imposed provision or condition be automatically withdrawn and not enforced.

**52.4 Zoning Districts and Zoning Map**

**A. The Official Zoning District Map** is an integral part of this ordinance. The single official copy of this map entitled "Town of Grand Rapids, Wood County, Wis. Official Zoning District Map" together with a copy of this ordinance shall be made available for public inspection at the Town of Grand Rapids Municipal Building.

**B. Zoning Districts**

Eleven basic zoning districts are provided, as follows:

- 1) Residential, One- and Two-Family ..... (R-1)
- 2) Residential, One- and Two-Family ..... (R-2)
- 3) Residential, One-Family Only ..... (R-2S)
- 4) Residential, Multiple Family ..... (R-3)
- 5) General Commercial ..... (B-1)
- 6) Recreational ..... (P-1)
- 7) Manufacturing ..... (M-1)
- 8) Special Purpose ..... (SP)
- 9) Planned Unit Development ..... (PUD)
- 10) Agricultural ..... (A)
- 11) Conservancy ..... (CON)

**C. District Boundaries**

- 1) Where the designation on the map indicates that the various districts are approximately bounded by a street, road or alley line, such street, road or alley line shall be interpreted to be the district boundary line, unless provisions to the contrary be expressly indicated.
- 2) Where the district boundaries are not otherwise indicated, and where the district boundaries approximately follow section lines, quarter section lines, or other logical

subdivisions of sections, such section lines or other such lines shall be intended to be the district boundary line.

- 3) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be interpreted to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be interpreted to be the boundary of the district.
- 4) In un-subdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.
- 5) The land uses and minimum standards set forth in the following sections of this ordinance apply to the districts specified as such on the Zoning District Map.

**D. Residential, One- and Two-Family (R-1)**

- 1) The R-1 district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.
- 2) The following uses of land are permitted in this district:
  - a) One dwelling constructed to Uniform Dwelling Code standards, per lot, whether single family or duplex.
  - b) Accessory buildings, not to exceed 2, subject to sec. 52.3(J).
  - c) Home occupations, subject to standards set forth in sec. 52.3(L).
- 3) The following are permitted as conditional uses within the district:
  - a) Libraries, museums, and art galleries.
  - b) Telephone buildings, excepting service garages and storage yards.
  - c) Communication Towers
  - d) Churches and their affiliated uses.
  - e) Accessory buildings in excess of 2 per parcel.
  - f) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
- 4) Within the R-1 district the following standards shall apply:
  - a) Maximum building height:
    - Principal buildings ..... 35.ft.
    - Accessory Building ..... 18 ft.
  - b) Minimum front yard setback ..... See Highway Setback
  - c) Minimum rear yard setback:
    - Principal buildings ..... 25 ft.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

- Accessory Buildings ..... 9 ft.
- d) Minimum side yard setback:
  - Principal building ..... 9 ft.
  - Accessory building ..... 9 ft.
- e) Minimum average lot width..... 100 ft.
- f) Minimum lot area ..... 10,000 sq. ft.
- g) Off-street parking:
  - Residence ..... 1 space per dwelling unit
  - Place of public gathering ..... 1 space per 5 person capacity
- h) Maximum lot coverage
  - Principal building ..... 30%
  - Accessory building ..... 5%
- i) Minimum ground floor area per dwelling unit.....400 sq. ft.

#### **E. Residential, One- and Two-Family (R-2)**

- 1) The R-2 district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses, while allowing additional indoor storage opportunities.
- 2) The following uses of land are permitted in this district:
  - a) One dwelling constructed to the Uniform Dwelling Code Standards, per lot, whether single family or duplex.
  - b) Accessory buildings, not to exceed 2, subject to sec. 52.3(J).
  - c) One dwelling, constructed to HUD Code standards, within a manufactured home subdivision for which a conditional use permit has been issued.
  - d) Home occupations, subject to standards set forth in sec. 52.3(L).
- 3) The following are permitted as conditional uses within this district:
  - a) Libraries, museums, and art galleries.
  - b) Telephone buildings, excepting service garages and storage yards.
  - c) Communication Towers
  - d) Manufactured home subdivisions.
  - e) Churches and their affiliated uses.
  - f) Cemeteries of less than one acre located adjacent to a church.
  - g) Public buildings, except: sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
  - h) Water-storage facilities and their accessory structure.

- i) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
- 4) Within the R-2 District the following standards shall apply:
- a) Maximum building height:
    - Principal building ..... 35 ft.
    - Accessory building ..... 18 ft.
  - b) Minimum front yard setback ..... See Highway Setback
  - c) Minimum rear yard setback:
    - Principal buildings ..... 25 ft.
    - Accessory buildings ..... 9 ft.
  - d) Minimum side yard setback:
    - Principal buildings ..... 9 ft.
    - Accessory buildings ..... 9 ft.
  - e) Minimum average lot width ..... 100 ft.
  - f) Minimum lot area:
    - One-family dwelling ..... 20,000 sq. ft.
    - Two-family dwelling ..... 30,000 sq. ft.
  - g) Off-street parking:
    - Residence ..... 1 space per dwelling unit
    - Place of public gathering ..... 1 space per 5 person capacity
  - h) Maximum lot coverage:
    - Principal buildings ..... 30%
    - Accessory buildings ..... 5%
  - i) Minimum ground floor area per dwelling unit ..... 400 sq. ft.
  - j) Density requirement:
    - Minimum distance between any two-family dwelling lot lines shall be 300 ft.

#### **F. Residential, One-Family (R-2S)**

- 1) The R-2S district is intended to provide a quiet, pleasant and relatively spacious living area. For single-family residences, protected from traffic hazards and the intrusion of incompatible land uses.
- 2) The following uses of land are permitted in this district:
  - a) One single-family dwelling constructed to Uniform Dwelling Code Standards, per lot.
  - b) Accessory buildings, not to exceed 2, subject to the standards set forth in sec. 52.3(J).
- 3) Within the R-2S District the following standards shall apply:

- a) Maximum building height:
  - Principal building ..... 35 ft.
  - Accessory building ..... 18 ft
- b) Minimum front yard setback ..... See Highway Setback
- c) Minimum rear yard setback:
  - Principal building ..... 25 ft.
  - Accessory building ..... 9 ft.
- d) Minimum side yard setback:
  - Principal buildings ..... 9 ft.
  - Accessory buildings ..... 9 ft.
- e) Minimum average lot width..... 100 ft.
- f) Minimum lot area ..... 20,000 sq. ft.
- g) Minimum off-street parking..... 1 space per dwelling
- h) Maximum lot coverage:
  - Principal buildings ..... 30%
  - Accessory buildings ..... 5%
- i) Minimum ground floor area per dwelling unit.....400 sq. ft.

### **G. Residential, Multiple Family (R-3)**

- 1) The R-3 district is intended to provide a living area with a greater density than the R-1 and R-2 districts, but so designed to be spacious and protected from noise, traffic and encroachment of incompatible land uses.
- 2) The following uses of land are permitted in this district:
  - a) Multiple-family residential buildings.
  - b) Rooming and boarding houses.
  - c) Garages or parking spaces incident to the above uses, provided that garages incident to multiple-family residences must be at least 75 feet away from the front lot line and 30 feet away from the side lot lines, and provided that there must be at least 2,000 square feet of lot area for each vehicle space.
  - d) Customary home occupations, subject to standards set forth in sec. 52.3(L).
- 3) The following are permitted as conditional uses within this district:
  - a) Single-family dwellings.
  - b) Churches and their affiliated uses.
  - c) Libraries, museums and art galleries.
  - d) Public buildings, except: sewage plants, incinerators, warehouses, garages, shops and storage yards.

- e) Water storage facilities.
  - f) Telephone buildings, exchanges, lines and transformers.
  - g) Communication Towers.
  - h) Manufactured home parks as defined in this ordinance. This use shall be subject to the condition that it shall conform to all ordinances of the Town, County, and State.
  - i) Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the aged, homes for the care of the indigent, and other similar institutions.
  - j) Accessory buildings.
  - k) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
- 4) Within the R-3 District the following standards shall apply except within manufactured home parks. Within manufactured home parks the standards set forth in this ordinance, in other ordinances of the Town of Grand Rapids or Wood County regulating manufactured homes and manufactured home parks, whichever restrictions are greater, and provisions of the Wis. Administrative Code regulating manufactured home and manufactured home parks shall apply.
- a) Maximum building height:
    - Principal Building ..... 45 ft.
    - Accessory Building..... 18 ft.
  - b) Minimum front yard setback ..... See Highway Setback
  - c) Minimum rear yard setback:
    - Principal buildings ..... 30 ft.
    - Accessory buildings ..... 9 ft.
  - d) Minimum side yard setback:
    - Principal buildings ..... 15 ft. on each side
    - Accessory buildings ..... 9 ft. on each side
  - e) Minimum average lot width..... 100 ft.
  - f) Minimum lot area per family:
    - No public sewer or water..... 20,000 sq. ft.
    - No public sewer ..... 20,000 sq. ft.
    - Public water and sewer ..... 10,000 sq. ft.
  - g) Off-street parking:
    - Single-family residence ..... 1 space per dwelling unit
    - Place of public gathering ..... 1 space per 5 person capacity
  - h. Minimum ground floor area per dwelling unit.....400 sq. ft.

## H. General Commercial (B-1)

- 1) The B-1 District is intended to provide an area for the business and commercial needs of the community.
- 2) The following uses of land are permitted in this district:
  - a) Department, variety and specialty merchandise stores, (retail and wholesale).
  - b) General grocery and specialty foods establishments.
  - c) Restaurants.
  - d) Business and professional offices and studios.
  - e) Personal service establishments (i.e. barbershops, beauty shops, shoe repair shops, tailor shops, etc.).
  - f) Retail laundry and dry cleaning outlets.
  - g) Hotels and motels.
  - h) Public transportation stations except storage lots or garage.
  - i) Semi-public buildings (i.e. fire stations, police stations, administrative buildings, etc.).
  - j) Liquor stores, taverns and bars.
  - k) Banks and financial institutions.
  - l) Automobile service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least 30 feet from any existing or officially proposed street line.
  - m) Automobile repair shops, including shops for general mechanical repairs, automobile body repair, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles.
  - n) Carwashes.
  - o) Dealers in new and used passenger automobiles and trucks.
  - p) Establishments engaged in the retail sale of automobile passenger trailers, manufactured homes, or campers.
  - q) Establishments engaged in daily or extended term rental or leasing of passenger automobiles, limousines, or trucks, without drivers, or of truck trailers or utility trailers.
  - r) Establishments engaged in the daily or extended term rental or leasing of house trailers, manufactured homes, or campers.
  - s) Establishments for the sale or storage of lumber or other building materials.
  - t) Greenhouses and nurseries.
  - u) Bowling alleys and skating rinks.

- 3) The following are permitted as conditional uses in the district, provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances. If operations which are necessary or incidental to the proper performance of these services or occupations would tend to afford such nuisances, then area, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the discretion of the Town Board.
- a) The sale, service, repair, testing, demonstration or other use of piston-type engines or motors, or any type of device, appliance, or equipment operated by such engines or motors; but not including passenger automobiles, trucks, or other motor vehicles.
  - b) Parking lots, parking garages or parking structures.
  - c) Establishments engaged in the publishing and printing of newspapers, periodicals or books.
  - d) Seasonal roadside stands for the sale of food products.
  - e) Warehouses.
  - f) Circuses, carnivals, musical or theatrical performances, public lectures, religious or evangelistic meetings, or any other similar public functions which customarily are held in temporary structures or in the open air, and for which an admission charge is required or there is a collection in lieu of an admission charge.
  - g) Veterinarians' offices and facilities and boarding facilities for domestic animals.
  - h) Riding stables.
  - i) Establishments primarily engaged in renting locker space for the storage of food products, including those establishments which provide services or facilities for processing, preparing, or packaging goods for such storage.
  - j) One- and two-family dwellings or multiple family residential buildings.
  - k) Portable Storage Containers (Limit: 2)
  - l) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
  - m) Kennels, as defined in this ordinance.
- 4) Within the B-1 District the following standards shall apply:
- a) Maximum building height ..... 45 ft.
  - b) Minimum front yard setback ..... 30 ft. from the right-of-way line.
  - c) Minimum side yard setback:

- Where adjacent to street..... 15ft.  
 Where adjacent to commercial property...15ft.
- d) Minimum rear yard Setback:  
 Principal buildings ..... 25 ft.  
 Accessory buildings ..... 12 ft.
- e) Minimum side yard setback, where adjacent to R-Zone:  
 Fireproof construction ..... 25 ft.  
 Non-fireproof construction ..... 45 ft.
- f) Off-street parking:  
 General ..... 1 space for every 325 sq. ft. of floor area  
 Places of public gathering ..... 1 space per 5 person capacity
- Off-street parking may be provided on site or on an adjacent lot or the equivalent improved space may be donated to the Town for a public parking lot subject to approval by the Town Board.
- g) Truck unloading area ..... Sufficient space so that no streets or alleys need be blocked.
- h) Planting of natural growth of conifers which are at least 6 feet high, staggered and spaced 6 feet apart when planted and for a minimum width of 12 feet along the property line adjacent to a residential zone shall be provided. All plantings shall be maintained to promote growth, if plantings do not meet this standard, they should be replanted.

#### **I. Recreational (P-1)**

- 1) The P-1 District is intended to provide area for recreational use and to protect this area from the intrusion of incompatible land use.
- 2) The following uses of land are permitted in this district:
  - a) Golf courses.
  - b) Water recreation.
  - c) Travel trailer parks, specifically for transient dwelling purposes. This use shall be subject to the condition that it shall conform to all ordinances of the Town, County, and State.
  - d) Commercial sports, clubs, athletic fields, arenas and similar facilities.
  - e) Golf or baseball driving ranges, archery ranges, miniature golf courses and similar facilities.
  - f) Amusement parks.
  - g) Summer and winter resorts, tourist cottages or cabins, commercial camping areas, ski lodges, dude ranches, vacation farms, hunting and fishing camps, children's camps, and similar establishments.
  - h) Parks and playgrounds.

- i) Zoological and botanical gardens.
- 3) The following are permitted as conditional uses within this District. Such use shall be subject to the consideration of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.
- a) Related commercial uses.
  - b) Firearms range.
  - c) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
- 4) Within the P-1 District the following standards shall apply:
- a) Minimum front yard setback ..... 30 ft. from the right-of-way line
  - b) Minimum rear yard setback ..... 9 ft.
  - c) Minimum side yard setback ..... 9 ft.

#### **J. Manufacturing (M-1)**

- 1) This district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas; or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions; or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.
- 2) The following uses of land are permitted in this district
- a) Any use permitted in the B-1 District.
- 3) The following are permitted as conditional uses within this district. These uses shall be subject to discretion of the Town Board with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of health hazards, or other factors:
- a) Manufacturing establishments, in which raw materials are transformed into finished products and establishments engaged in assembling component parts of manufactured products.
  - b) Other manufacturing, industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
  - c) The outdoor storage of industrial or manufacturing products, machinery, equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.

- d) Railroads, railroad yards and structures normally incident to the operation of railroads, not including warehouses owned by establishments other than railroad companies.
  - e) Stockyards, or any establishment providing facilities for receiving, shipping, weighing, or feeding livestock temporarily held either pending sale or while in transit.
  - f) A dwelling unit provided for a caretaker or superintendent, in the case of an industrial or manufacturing use which requires constant supervision.
  - g) Uses customarily incident to, or similar to the above uses.
  - h) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt or other paving or road surfacing materials
  - i) Portable Storage Containers (Limit: 2)
  - j) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
- 4) Within the M-1 District the following standards shall apply:
- a) Maximum building height ..... 45 ft.
  - b) Maximum building area ..... None
  - c) Minimum front yard setback ..... 50 ft. (75 ft. if parking is permitted) from the right-of-way line.
  - d) Minimum rear yard setback ..... 50 ft.
  - e) Minimum side yard setback ..... 20 ft.
  - f) Minimum average lot width ..... 100 ft.
  - g) Minimum parking provided ..... 1 space per two employees
  - h) Truck unloading area ..... Sufficient space so that no streets or alleys need be blocked.

#### **K. Special Purpose (SP)**

- 1) This district is intended to provide for uses which present special challenges, concerns, hazards or other circumstances with regard to the use of land. Included are those uses of land which require extremely large expanses of land; those which afford very severe hazards to health, safety, or other aspects of the general welfare; those for which it is inappropriate or undesirable to have more than one instance of a given land use within one community or governmental jurisdiction.
- 2) The following uses of land are permitted in this district:
  - b) Publicly-owned parks.

- 3) The following are permitted as conditional uses within this district. All such uses shall be subject to
  - a) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards, or other harmful conditions.
  - b) Aircraft landing fields, hangars, or accessory structures.
  - c) Incinerator, public.
  - d) Race tracks.
  - e) High capacity wells and water storage facilities.
  - f) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
  
- 4) Within the SP District the following standards shall apply:
  - a) Maximum building height ..... None
  - c) Minimum front yard setback ..... 50 ft. (75 ft. if parking is permitted) from the right-of-way line.
  - d) Minimum rear yard setback ..... 50 ft.
  - e) Minimum side yard setback:
    - Principal buildings ..... 20 ft. on each side
    - Accessory buildings ..... 9 ft. on each side

#### **L. Planned Unit Development Overlay District (PUD)**

- 1) **PURPOSE:** The PUD District is intended to provide for large-scale combined use development. It is especially applicable to a development in which a number of different land uses (residential, commercial, public, and semi-public, etc.) are combined in a design which provides for desirable and convenient living conditions which minimize conflicts between the various land uses involved.

The PUD District is intended to permit developments that will, over a period of time, be enhanced by coordinated area-site planning, diversified location of structures, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning.

The PUD District under this Section will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements as set forth in the basic zoning districts.

The PUD District shall be in conformity with the adopted comprehensive land use plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

- 2) PERMITTED USES: Any use identified as a permitted use in the Project Plan approved by the Town Board for the PUD.
- 3) CONDITIONAL USES: Any use not identified as a permitted use in the Project Plan may be permitted as a conditional use pursuant to the provisions contained herein.
- 4) STANDARDS: The Town Plan Commission may recommend and the Town Board may authorize that there be in part of the area of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Town Board shall find:
  - a) That the use permitted by such exception is necessary or desirable and is appropriate with respect to the primary purpose of the development; and
  - b) That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
  - c) A PUD is of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the Town Plan Commission and the action of the Town Board.
  - d) That the project area shall have a minimum area of 5 acres.
- 5) PROCEDURE
  - a) Prepetition conference. Prior to official submittal of a petition for a PUD District, the petitioner shall meet with the Zoning Administrator for a preliminary discussion as to the scope and proposed nature of the contemplated development, especially as it relates to the petitioner's intentions to submit a general or detailed application.
  - b) Petition. Following the prepetition conference, petition may be made to the Zoning Administrator by the owners or agents of properties proposed for such development, to amend the zoning map by the overlaying of a PUD district in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee established by the Town Board and subject to change periodically, and the following information in appropriate detail as to the type of approval, general or detailed, desired.
    - i. A statement describing the general character of the intended development and the desirability of applying the requirements of this Section and the PUD district rather than those ordinarily applicable through basic underlying zoning. This statement should at a minimum include:
      - a. Statistical data on total size of the project area, area of open space,

- residential density computation and proposed number of dwelling units, population analysis, market analysis, economic analysis, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- b. A financial factors general summary, including the value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.
  - c. Organizational and service structure general outline related to intended property owner's association, deed restrictions, and provision of private services.
- ii. A general development plan and related maps and plans, including descriptive statements of objectives, principles and standards used on its formulation of the project, showing at a minimum the following information as may be required by the Plan Commission and Town Board to apply the following criteria for approval:
    - a. An accurate map of the project area, including its relationship to surrounding properties.
    - b. The pattern of public and private roads, driveways and parking facilities and intended design standards.
    - c. The size, arrangement and location of lots or of proposed building groups.
    - d. The location of recreational and natural open space areas and areas reserved or dedicated for public uses such as school, park, nature preserve, etc.
    - e. The type, size and location of all structures.
    - f. General landscape treatment.
    - g. Architectural drawings and sketches or photos of similar developments illustrating the design and character of proposed structures.
    - h. The location of present and proposed sanitary system and other utility facilities.
    - i. Existing topography and storm drainage pattern and proposed storm drainage system, showing basic topography changes.
- c) Referral to Plan Commission. Such petition shall be referred to the Plan Commission and processed as a zoning change. Upon completion of the necessary study and investigation, the Plan Commission shall make its recommendation to the Town Board as to the appropriateness and desirability of the application of the PUD District as relates to the suitability of the building, site and development plans and any additional conditions which the Plan Commission determines necessary or appropriate.
  - d) Standards: The Plan Commission in making its recommendation, and the Board, in making its determination, shall give consideration and satisfy themselves as to the following:
    - i. Public Hearing. The Town Board, before taking action to approve of such petition, shall hold a public hearing pursuant to statutory provisions for zoning amendments. Notice for such hearing shall include reference to the consideration of the proposed project development plans coincident with the requested zoning change to PUD.
    - ii. Construction schedule. That the proponents of the proposed development have demonstrated that they intend to start construction within a

- reasonable period following the approval of the project and requested overlay of the PUD district, and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
- iii. Adequate professional assistance. That the project plan has been prepared with adequate professional assistance, especially as it relates to justifying deviation from standards as set forth in the underlying basic zoning districts or from other development standards set forth herein.
  - iv. Conformity to the Town's comprehensive plan. That the project plan serves to implement the spirit and intent of the plan, especially as relates to preservation of conservation areas and creation of common open spaces, and to creation of a more diversified and interesting use pattern than might otherwise result from application of underlying zoning patterns.
  - v. Achievement of purposes and benefits. That the project plan achieves the purposes in view for zoning as set forth in Wis. Stats. Sec. 62.23(7) (c) and sec. 10.01(2) herein, as well as the benefits of planned development projects as set forth in Wis. Stats. Sec. 62.23(7) (b) and sec. 10.19(1) herein.
  - vi. Preservation and care of open space.
    - a. That the resultant common open space is suitable for its use as relates to location, access, size and shape, proposed degree of improvement for recreational use, or proposed degree of protection from damage if a natural area.
    - b. That there is adequate guarantee for retention of proposed private open spaces in their proposed uses and against building or other development, including the provision of public access to streams and bodies of water.
    - c. That in the case of a private open space proposal, the care and maintenance of such open space shall be ensured either by establishment of an appropriate management organization or property owner's association for the project or by agreement with the Town for establishment of a special service district for the project area on the basis of which the Town shall provide the necessary maintenance service and levy the cost as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance which it determines is necessary if it is not otherwise taken care of to the satisfaction of the Town.
    - d. That ownership and tax liability of private open space areas shall be established in a manner acceptable to the Town, and made a part of the conditions of the plan approval.
    - e. That adequate financial guarantees that such common open space will be developed or protected as proposed is made by the owners or developers in the form of bonds, sureties, or letters of credit acceptable to the Town pursuant to the procedures used in the building and platting of public streets.
  - vii. Proposed Residential Developments
    - a. That such development will create an attractive residential environment of sustained desirability and economic stability, including placement of structures in relation to terrain and soils, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.

- b. That the population composition of the development will not result in adverse effects from that anticipated in the Town's Comprehensive Plan upon the Town's capacity to provide needed school or other municipal service facilities.
  - c. That adequate guarantee is provided for permanent retention of open land area resulting from the application of these regulations either by dedication to the public or by private reservation.
- viii. Proposed Commercial Developments
- a. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship, and demonstrated tenant interest.
  - b. That the proposed development will be adequately served by off-street parking and truck service facilities.
  - c. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect on the general traffic pattern of the area.
  - d. That the architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the aesthetics, enjoyment or property values of the surrounding neighborhood.
- ix. Proposed Manufacturing or Industrial Developments:
- a. That the operational character, physical plant arrangement and architectural design of building will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.
  - b. That the proposed development will have adequate provision for off-street parking and truck service areas and will be adequately served by rail or highway facilities.
  - c. That the proposed development is properly related to the total transportation system of the Town and will not result in adverse effect on the safety and efficiency of the public streets.
- x. Proposed Mixed Use Developments:
- a. That the proposed mixture of uses produces a unified composite which is compatible within itself and which, as a total development entity, is compatible with the surrounding neighborhood and consistent with the general objectives of the Town's Comprehensive Plan.
  - b. That the various types of uses conform to the general requirements as set forth in this section, applicable to projects of such use character.
- xi. Determination:
- a. Denial or approval. The Town Board after due consideration, upon recommendation of the Plan Commission, may deny or approve the petition as submitted or approve the petition subject to changes or additional conditions.
  - b. Representations and conditions incorporated. The general or detailed approval of a petition and consequent amending of the zoning map by overlay of the PUD District shall be based upon, and

thereby incorporate, all the representations contained in the petition and its accompanying written and other exhibits offered by the petitioner, as modified by the Town as part of the review and approval process.

- c. General approval. Plans submitted for such an approval need not necessarily be completely detailed at the time of overlay zoning, provided they are of sufficient detail to satisfy the Plan Commission and the Town Board as to the general character, scope and appearance of the proposed development. Such preliminary plan shall at a minimum designate the pattern of proposed streets, and size and arrangement of lots as in the preliminary platting process which may indeed also be involved, the basic pattern of land use, with an illustration of a typical example of the development proposed. The approval of such preliminary plan shall be conditional upon the subsequent submittal and approval of more specific and detailed plans as the development progresses, so that all detailed approvals are complete before work on the project commences.
- d. Hearing and recommendations. When a petition is filed to terminate a project plan in whole or in part, the commission shall hold an informational hearing, notifying all affected parties, so that the Plan Commission may learn what form of project plan termination would best serve the interest of all affected parties. The Plan Commission shall then recommend to the Town Board such project plan modifications or termination as it deems appropriate.
- e. Determination. In the manner set forth in this subsection, the Town Board shall act upon the petition. The project file and zoning map shall be appropriately modified with the changes adopted by the Town Board, and as necessary, any land covenants, plats or other recorded documents amended as required to conform with the revised regulations, with the costs apportioned as directed by the Town Board.

#### **M. Agricultural (A)**

- 1) This district provides exclusively for agricultural uses and uses compatible with agriculture. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services (such as sewer and water lines).
- 2) The following uses are permitted in this district:
  - a) Agriculture, including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
  - b) In-season roadside stands for the sale of farm products produced on the premises.
  - c) One dwelling, constructed to Uniform Dwelling Code Standards.
  - d) Uses customarily accessory to a permitted agricultural use.

- 3) The following are permitted as conditional uses within this district:
  - a) Churches, schools, cemeteries.
  - b) Public and semi-public buildings.
  - c) Water storage facilities and power stations (provided they are enclosed by an eight-foot or more protective fence).
  - d) Fur farms, kennels, cheese factories or dairy processing plants, grain elevators and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.
  - e) Trap or skeet shooting facilities, target ranges, gun clubs, shooting preserves.
  - f) Riding stables, riding schools.
  - g) Club or lodge.
  - h) Fish hatchery--commercial.
  - i) Additional dwellings, constructed to Uniform Dwelling Code Standards, for those resident owners and workers actually engaged in the principal permitted use.
  - j) Livestock feeding pens or yards (more than 500 animal capacity).
  - k) Maple syrup processing plant.
  - l) Hot mix plants, crushing operations, and similar activities if temporary for road construction purposes.
  - m) Radio or TV broadcasting studio and/or tower.
  - n) Other similar and compatible uses which are determined to be in accord with the purpose of this district.
  
- 4) Within the A District the following standards shall apply:
  - a) Maximum building height:
    - Residential ..... 35 ft.
    - Agricultural..... None
  - b) Minimum front yard setback ..... 50 ft from the right-of-way line.
  - c) Minimum side yard ..... 20 ft.
  - d) Minimum rear yard ..... 25 ft.
  - e) Minimum water setback ..... 75 ft.
  - f) Minimum lot size ..... 5 acres
  - g) Minimum lot width ..... 150 ft.
  - h) Minimum ground floor area per dwelling unit.....400 sq. ft.

**N. Conservancy (CON)**

- 1) This district is intended to preserve the natural state of scenic areas in the town and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help discourage intensive development of marginal lands so as to prevent hazards to public and private property.
- 2) The following uses of land are permitted in this district:
  - a) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruit and tree seeds.
  - b) Forestry and the management of forests.
  - c) Wildlife preserves.
  - d) The management of wildlife, including waterfowl, fish and other similar lowland animals, and non-residential buildings used solely in conjunction with such activities.
  - e) Hunting, fishing, and trapping.
  - f) Public and private parks, picnic areas, and similar uses.
  - g) Hiking, snowmobile, horseback and bicycle trails.
  - h) Preservation of areas of scenic, historic, or scientific value.
  - i) Uses similar and customarily incident to any of the above uses.
- 5) The following are permitted as conditional uses within this district:
  - a) Dams, flowages, and ponds.
  - b) Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
  - c) Utilities such as, but not restricted to, telephone, telegraph, power, or other transmission lines.
  - d) Piers, docks, and boathouses.
  - e) Relocation of any watercourse.
  - f) Filling, drainage or dredging of wetlands, provided that this shall conform to the Wood County Shoreland Zoning Ordinance as well as state and federal regulations.
  - g) Removal of topsoil or peat.
  - h) Cranberry bogs.
  - i) Camping grounds.
  - j) Other similar and compatible uses which are determined to be in accord with the purpose of this district.

- 6) There are no setbacks, lot size, or other dimensional standards applicable in the CON District.

#### **O. Highway 54 Corridor Overlay Zoning District (Hy)**

- 1) Purpose of the Highway 54 Overlay Zoning District is to provide development guidelines and standards for those activities that affect the physical appearance of the corridor and impact the natural resources of the area and to:
  - a) protect the public investment in the highway;
  - b) maintain the highway's function;
  - c) ensure maximum safety to motorists;
  - d) maintain and protect the land, air and water within and adjacent to the highway corridor;
  - e) promote optimum use of land improvements;
  - f) promote the aesthetic quality of development;
  - g) maintain and improve property values in the highway corridor;
  - h) protect landowners from adverse impacts of adjoining development;
  - i) provide an aesthetically attractive travel experience and first impression for visitors to our community;
  - j) preserve the natural beauty;
  - k) protect present and future businesses in the corridor from elements which would tend to detract from or de-emphasize the local businesses.
- 2) District boundaries: The Overlay District boundaries shall extend 300' from the right-of-way line on both sides of Highway 54, or to the commercial zoning district boundary of properties, whichever is greater.
- 3) Regulations of underlying Zoning Districts, where more restrictive than provisions of this section, shall remain in effect.
- 4) Minimum frontage of all proposed developments shall be 100 feet, (including parcels served by frontage roads, rather than directly on the highway).
- 5) Building setback of all buildings shall be 50' from the right-of-way line.
- 6) Parking area surfacing: Paving with blacktop or concrete shall be required consistent with the approved parking plan.
- 7) Landscaping:
  - a) A landscaping plan shall be included with building and plot plans submitted with applications for Zoning and Conditional Use Permits. Modifications may be required during the site plan review to comply with the intent of this ordinance.

- b) Natural vegetation shall be retained as far as practical where it enhances the appearance of the site.
  - c) Building foundation plantings and yard landscaping are to be aesthetically pleasing, shall be consistent with that of other properties in the area and compatible with the property's use. Planting of lawn, shrubs and trees may be required.
  - d) Maintenance of lawn, shrub and tree areas is required.
- 8) Screening:
- a) Garbage and recycling materials shall not be in front of principal buildings and shall be enclosed with a minimum six-foot high opaque screen.
  - b) Materials and equipment storage outside of buildings is discouraged, and is only allowed where such storage is not in front of principal buildings and is approved in the site plan review and only where adequately screened from Highway 54 view by such materials (vegetation or closed fencing) approved on the site plan. Products may be displayed in defined areas per the approved site plan.
- 9) Building design: Street façade shall be of design and materials which are aesthetically pleasing, as determined in the building-site plan review.
- 10) Site plan review: Site and landscaping plans are required and are to be submitted at least 7 days prior to the Plan Commission meeting at which they are to be reviewed. Modification may be required by the Plan Commission in granting Zoning Permits and by the Town Board in granting Conditional Use Permits where deemed necessary to meet the intent of this ordinance.
- 11) Frontage roads:
- a) Where serving more than one parcel, must be dedicated, town roads (shared private driveways and access easements across other parcels are prohibited);
  - b) Must allow for extension for development of adjacent parcels or to Highway 54;
  - c) May not dead end except in cul-de-sacs or to Highway 54;
  - d) Must be constructed by the developer, including blacktopping, as provided in the Town Road Ordinance for all new roads.
- 12) Existing developments and structures:
- a) Dwellings in existence prior to adoption of this section may only be converted to commercial use if in compliance with all requirements of this section and of the underlying zoning district.
  - b) Parcels with less than 100 feet of frontage which existed prior to adoption of this section may not be developed.

## 52.5 Conditional Uses

## **A. Procedure**

A request for a Conditional Use Permit shall be submitted in writing to the Zoning Administrator who shall promptly refer the application to the Plan Commission, which shall make a recommendation to the Town Board. The request shall be accompanied by scale maps or drawings, showing legibly and accurately, the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.

## **B. Standards**

- 1) No permit for a conditional use shall be granted unless the Town Board shall find that the following conditions are present:
  - a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
  - b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor possess the likelihood to diminish or impair property values within the neighborhood.
  - c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
  - e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - f) That the conditional use shall, in all other respects, conform to the regulations of the district in which it is located.
  - g) A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six (6) months for any reason.

## **C. Conditions and Guarantees**

- 1) Prior to granting a permit for a conditional use, the Town Board may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to secure compliance with the standards herein. Establishment, maintenance and operation shall be construed to include, but shall not be limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Town Board shall find that conditions apply to these factors are necessary to fulfill the purpose and intent of this ordinance. In all cases in which a Conditional Use Permit is

granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- 2) Conditional uses shall comply with all other provisions of this ordinance such as lot width and area, yards, height, parking and loading.
- 3) The Town Board may set a limit on the term of the Conditional Use Permit and the Town Board may renew said term.

#### **D. Determination**

The Town Board shall report its decision within 90 days after the filing of the application. Its decision shall include an accurate description of the use approved, of the property on which it is approved, and any and all conditions made applicable thereto. The permitted uses shall be in accordance with the purpose and intent of this ordinance.

#### **E. Termination**

- 1) Where an approved conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the Town Board and may be considered by the Town Board as a violation of this ordinance, subject to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution.
- 2) No application for a conditional use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

### **52.6 Reasonable Accommodations for Handicapped Persons**

**A.** The Town Zoning Administrator will use a zoning permit that waives specified zoning ordinance requirements, if the Zoning Administrator determines that both of the following conditions have been met:

- 1) The requested accommodation (requested waiver of zoning restrictions) or another less extensive accommodation, is:
  - a) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
  - b) The minimum accommodation will not unreasonably undermine the basic purposes the zoning ordinance seeks to achieve.
- 2) If the Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a zoning permit waiving compliance with specified zoning requirements, the permit must:
  - a) State the issuance of the permit required by the Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them, and
  - b) Include the condition that the building addition or other structure (such as entrance ramps) authorized by the permit must be constructed to make it easily

removable when the handicapped or disabled person no longer occupies the property, unless the Zoning Administrator specifies in writing the reason for not including the condition. If the permit includes this condition, the property owner must notify the Zoning Administrator not more than 30 days after the handicapped or disabled person vacates the property

- 3) In cases where the Zoning Administrator issues a handicapped or disabled person a permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the permit will not become effective until the property owner:
  - a) Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the permit is authorized for only the ADA period a handicapped or disabled person who requires the structure occupies the property, and
  - b) Records the affidavit in the office of the Register of Deeds

## 52.7 Signs

### A. Purpose and Applicability

- 1) The purpose of this section is to regulate outdoor sign advertising and display, recognizing the need to protect the safety and welfare of the public and the need for well maintained and attractive sign displays, as well as the need for adequate business identifications, advertising and communication while ensuring that the constitutionally guaranteed right of free speech is protected.
- 2) This ordinance authorizes and regulates the use of signs visible from public right-of-ways to ensure that the signs are:
  - a) Compatible with zoning regulations.
  - b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
  - c) Legible, readable and visible in the circumstances in which they are used.
  - d) Respectful of the reasonable rights of other advertisers whose messages are displayed.
- 3) All signs hereafter located, erected, moved, constructed, enlarged, or structurally modified shall be in conformity with the provisions of this ordinance.
- 4) Besides complying with this section, signs along state highways shall also comply with provisions of State Stat. 84.30 and Wis. Administrative Code Trans 201, wherever applicable. Where either state sign regulations or this ordinance are more or less restrictive, the more restrictive regulations shall apply.
- 5) This ordinance shall not be applicable to government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

**B. Definitions**

- 1) **Abandoned Sign:** A sign which no longer correctly advertises a bona-fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed or elsewhere.
- 2) **Area of Copy:** The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising messages, announcement, or decoration of a wall sign.
- 3) **Area of a Sign Face:** Shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which encompasses a single face including border and trim but excluding supports. If the sign consists of more than one section or module, all areas will be totaled. (In the case of wall signs, the area of copy will be used.)

Total area of a sign shall be the total of all sign faces, such as total of front and back of two faced or V-sign.

- 4) **Banner Sign:** Any sign in which the characters, letters, illustrations, or ornamentations are applied to cloth, paper, fabric or other similar materials, with or without frame.
- 5) **Billboard:** See ("Off-premise signs").
- 6) **Building Facia:** That portion of a building which is parallel or nearly parallel to the abutting roadway.
- 7) **Business Identification Sign:** Any sign which promotes the name and type of business only, on the premises where it is located.
- 8) **Canopy Sign:** Any sign attached to or constructed in, on or under a canopy or marquee. For the purpose of this ordinance, canopy signs shall be controlled by the rules governing projecting signs.
- 9) **Changeable Message Sign:** A sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.
- 10) **Deteriorated or Dilapidated Sign:** Any sign which is in such a state of deterioration or disrepair so as to make it hazardous to the safety and welfare of the public.
- 11) **Directional Sign:** (See incidental sign).
- 12) **Double-faced Sign:** A sign with copy on two parallel faces that are back to back, facing in opposite directions.
- 13) **Election Campaign Period:** An election campaign period for any political office begins the first day for circulation of nomination papers by candidates or the first day for which candidates would circulate nomination papers where papers are to be required and ends fifteen (15) days following close of polls on Election Day. An

election period for a referendum begins on the day on which the question to be voted upon is submitted to the electorate and ending fifteen (15) days following the date on which the referendum is held.

- 14) Electric Sign: Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.
- 15) Electronic Variable Message Display: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
- 16) Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source, not including changeable message signs.
- 17) Frontage: The length of the property line of any one premise parallel to and along one public right-of-way may be known as a frontage road.
- 18) Grade: The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
- 19) Ground Sign: A sign erected on one or more freestanding supports or uprights and not attached to any building.
- 20) Height of Sign: The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
- 21) Incidental Sign: A non-electric sign located on a property to which its message pertains, designating accessory uses, directions to parking or loading areas, restrooms, telephones, entrances and exits, or pedestrian or traffic control. Such signs shall not exceed six square feet each.
- 22) Off-premise Sign: A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.
- 23) On-premise Sign: Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.
- 24) Portable Sign: Any sign not permanently attached to the ground or a building and which is designed to be moved intact on its own trailer or carriage.
- 25) Projecting Sign: A sign, normally double-faced, which is attached to and projects from a structure or building facia. The area of projecting signs is calculated on one face only.
- 26) Roof Sign: A sign erected upon, against or above a roof.
- 27) Sandwich Sign: A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the roadway.

- 28) Sign: Any emblem, painting, banner, pennant, placard, design identification, description, illustration, or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structure. All parts or modules on the same plane or exposure and connected as a single structure shall be considered as one sign in applying limitations on number of signs and area of a sign.
- 29) Sign Structure: Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers
- 30) String Sign: Any sign in which lights, ribbons, pennants or other similar small, attention-drawing devices are attached to a rope, string, wire, pole or similar support
- 31) Swinging Sign: A sign installed on an arm, mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- 32) Wall Sign: A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall.
- 33) Window Sign: A sign installed on a window for purposes of viewing from outside the premises.

### **C. Permits Required**

- 1) It shall be unlawful for any person to locate, erect, move, construct, enlarge or structurally modify a sign without first obtaining a sign permit for each such sign from the zoning administrator. Permits shall not be required for a change of copy on any sign; for the repainting, cleaning, and other normal maintenance and repair of a sign and sign structure; nor for erecting or modifying signs specified in sec. 52.7(D).
- 2) Permit fees shall be set in Ordinance 39. A permit fee is doubled if the sign is erected or altered without a permit.
- 3) Permit Issuance and Denial: The zoning administrator shall issue the sign permit when the fees have been paid and the application is properly made indicating the sign will comply with Town regulations.
  - a) If the zoning administrator is unable to determine whether the proposed sign meets the regulations, he may refer the application to the Plan Commission for a determination as to whether or not to issue the permit.
  - b) Upon referral from the zoning administrator, the Plan Commission is empowered to interpret this section and to order that sign permits be issued which it determines meet the intent of this ordinance.
  - c) If a sign permit is denied, the zoning administrator shall give written notice of the denial to the applicant, along with a statement of the reasons for denial.

## **D. Signs Not Requiring Permits**

Signs listed in this sub-section may be erected or modified in any zoning district, unless specifically noted otherwise in this section, but must comply with all construction specifications and general design provisions. Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs are allowed in every zoning district which form the expression of this government when erected and maintained and include the signs described and regulated in 52.7(A)(5) when erected and maintained pursuant to law.

- 1) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
- 2) Public Notices: Official notices posted by public officers or employers in the performance of their duties
- 3) Public Signs: Signs required as specifically authorized for a public purpose by any law, statute, ordinance
- 4) Incidental Signs: (unlimited in number).
- 5) House Numbers and Nameplates for Residences: Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street and shall comply with the Town's Ordinance relating to the Display of House Numbers (Ordinance No. 25) as to size, type, location and readability.
- 6) Memorial Signs and Plaques: Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other non-combustible material not more than four square feet in area.
- 7) Vehicular Signs: Truck or bus, trailer or other vehicle while operating in the normal course of business, which is not primarily the display of signs.
- 8) Awnings: Awnings with signs consisting of one line of copy upon the valance of the awnings which are non-illuminated, (allowed in commercial and manufacturing districts only).
- 9) Signs on Public Property: Signs placed on public property, other than signs placed by agencies of the government, shall not exceed four square feet in size, and may be placed for not more than 30 consecutive days. No sign shall be placed on any utility pole except for utility identification or similar purposes.
- 10) Temporary Signs, Generally:
  - a) Notwithstanding any other provision of this Ordinance, each parcel of real property shall be allowed, without permit, an additional sixteen (16) square feet of temporary noncommercial signage, not to exceed two (2) signs at any

one time, for a period not to exceed ninety (90) days per calendar year.

- b) In commercial and manufacturing districts, the inside surface of any ground floor window may be used for attachment of temporary signs; such signs shall not be placed on door windows or other windows in such a way as to endanger pedestrian safety.
  - c) For purposes of this Section the lessor of residential property is considered the property owner as to the property the lessor holds a right to use, exclusive of others (or the sole right to occupy). If there are multiple lessors of a property, each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy, and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.
  - d) A person exercising the right to place additional temporary signs on a property as described in the following provisions under this Section must limit the number of signs on the property per 0.46 acre at any one time to four (4) plus a sign allowed in 52.7(D)(10)b, if applicable, or if the property is smaller than 0.46 acres then no more than 2 signs plus a sign allowed in 52.7(D)(10)b, if applicable, per principal building on the property.
- 11) One temporary sign per 0.46 acre of land may be located on the owner's property during an election campaign period involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate. Where the size of the property is smaller than 0.46 acres these signs may be posted on the property for each principal building lawfully existing on the property. For pedestrian and public safety, no such sign shall be located within the right of way of a public road.
- 12) One non-illuminated temporary sign may be located on a property when the owner consents and that property is being offered for sale or rental through a licensed real estate agent or if not offered for sale or rental through a real estate agent when the sign is owned by the property owner and that property is offered for sale or rental by the owner through advertising in a local newspaper of general circulation. Signs located on property under this provision shall be removed within thirty (30) days after sale, rental, or conveyance and is limited in area to six (6) square feet each for residential lots and thirty-two (32) square feet each for non-residential parcels or residential parcels over four (4) acres. In addition, one off-premise directional sign may be erected for each lot or parcel that is for sale. The off-premise sign must be removed within thirty (30) days after sale or rental and may not exceed four square feet in size. Additional off-premise signs may only be placed upon issuance of a permit by the Zoning Administrator. The permit shall specify the number, sizes, content, locations and dates of placement of such signs. The size of each sign may not exceed four (4) square feet.
- 13) A maximum of two (2) signs per trade may be placed at a construction site upon which construction activities of any types are being actively performed. Sign size shall not exceed a maximum of one hundred (100) square feet in area each and shall be removed within thirty (30) days after completion of final inspection at the

location.

- 14) One temporary sign with a maximum size of eight (8) square feet, may be located on the owner's property when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than five consecutive days per event, and may not use this type of sign in any Commercial District for more than 14 consecutive days per event. Such signs may not be placed on any public right of way or on utility poles or placed on private property without the owner's permission.
- 15) One temporary sign not to exceed eight (8) square feet, may be located no more than 500 feet off of property on which an advertised public event is held. Such sign may be placed not more than two (2) weeks prior to and no more than two (2) days following such registered event.
- 16) Temporary Off-Premise Signs: No more than six off-premise signs per event may be placed in the Town for not more than sixty (60) consecutive days, and not more than ninety (90) days per calendar year. The size of each sign may not exceed four (4) square feet. Additional off-premise signs may only be placed upon issuance of a permit by the Zoning Administrator. The permit shall specify the number, sizes, locations and dates of placement of such signs.

#### **E. Prohibited Signs**

- 1) Flashing, Rotating or Moving Signs: Signs animated by means of flashing, blinking, or traveling lights; or signs with physically moving components visible from the public right-of-way.
- 2) Signs which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.
- 3) Advertising vehicle, defined as a car, truck or bus with a sign or advertising device attached thereto and which vehicle's primary purpose is to advertise products or direct people to a business.
- 4) No painted wall signs will be allowed in any district. No signs shall be attached to trees or painted on rocks.

#### **F. Electronic Variable Message Displays**

- 1) In general. In addition to regulations imposed by this chapter, on-site electronic variable message displays shall be permitted in Commercial and Manufacturing zoning districts only with a conditional use permit per the requirements of Town Ordinance section 52.5, and are subject to the following restrictions and minimum standards set by Outdoor Advertising Regulations under Wis. Stat. 84.30(4)(bm), whichever is more restrictive.
- 2) Standards for Electronic Variable Message Displays:
  - a) Electronic Portion Size. The electronic portion of the sign fronting the road shall not exceed fifty (50) square feet per side and a total of one hundred (100) square feet on both sides. Sign characters must have a minimum height of ten

(10) inches and maximum height of sixteen (16) inches. No such sign shall exceed the area or height regulations specified for District Sign Regulations under 52.7(P).

- b) Length of Messages. Each message shall remain in a fixed position for a minimum of six (6) seconds.
  - c) Transition of Message. The transition time, or the time it take to change the message shall be accomplished in one (1) second or less. Only frame effects of fading and dissolving shall be allowed. Any change of pictures or information shall not produce the illusion of blinking, flashing, expanding or contracting shapes.
  - d) Brightness. No electronic message unit shall be illuminated to a degree of brightness greater than necessary for adequate visibility or a maximum of 500 nits (candelas per square meter) between dusk and dawn, 5,000 nits during daylight hours, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive. All electronic message units shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. Signs found to be too bright will be adjusted to meet these standards after notification by the Town.
    - i. Spill-over light exceeding 0.2 foot candles as measured at a residential property line is prohibited.
  - e) Electrical Regulations. All on-premise electric signs shall be manufactured and installed in compliance with NFPA 70, the National Electric Code (NEC).
  - f) Freeze of Display When Malfunction Occurs. Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.
  - g) Prior to issuance of a Conditional Use Permit, the applicant shall submit a signed letter from the manufacturer or retailer certifying that the sign has the ability to be programmed to comply with the above requirements to the satisfaction of the Plan Commission.
- 3) Permitted Locations for Electronic Variable Message Displays:
- a) Maximum Number of Electronic Variable Message Signs per site. No more than one (1) electronic message units is allowed per site. Two (2) sides of such sign are considered one (1) electronic message unit.
  - b) Distance Between Electronic Message Signs. The distance between electronic message signs shall be a minimum of 200 feet throughout the street frontage, unless the street frontage is under 200 feet, where one (1) electronic message unit sign shall be allowed.
  - c) Granting a Conditional Use Permit for an electronic variable message sign under this chapter may be subject, but not limited to, consideration of traffic volume, speed limit of the area, or accidents in the requested area of placement, through reference to traffic counts, if available, or police reports.

- d) Sign messages must be directed to a state or federal highway, or a designated connecting highway, as mapped by the Wisconsin Department of Transportation in accordance with Wis. Stats. Ch. 84.02(12).
- 4) Hazard Abatement:
- a) If the Public Works Department or designee finds that an electronic variable message sign is causing interference with the visibility or effectiveness of a traffic signal or control, the sign shall be turned off without delay.
    - i. The electronic variable message sign shall not attempt, or appear to attempt, to direct the movement of traffic or contain wording, color shapes or likenesses to official traffic control devices.
  - b) If the Public Works Department or designee finds that an electronic variable message sign is malfunctioning in a fashion that creates a hazardous glare or other traffic hazard, the sign shall be turned off without delay.
  - c) The Public Works Department shall be provided with the means to turn off a electronic variable message display in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or control, or other traffic hazard caused by the sign.
    - i. In such situations, the owner of the sign must then meet with Town staff to determine how to rectify the situation, and the sign shall not be turned back on without written approval by the Town Chairperson or designee.

#### **G. Signs Requiring Permit**

- 1) In general. A sign permit is required prior to the display and erection of any signs except as provided in section 52.7(D).
- 2) Subdivision Development Signs: A special permit for a temporary unlighted sign in any district in connection with the marketing of lots or structures in a subdivision may be issued for a two-year period, renewable for additional two-year periods.
  - a) Such signs must be located on the property developed.
  - b) One sign is allowed for each major street adjacent to the subdivision.
  - c) Such signs may not exceed 32 square feet each.
- 3) Neighborhood Identification Signs: Subject to the issuance of a permit, in any district, a sign, masonry wall, landscaping or other similar material and features may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name. No such sign may be in public right-of-way. The owners of the property on which the sign is located shall be responsible for maintenance of the sign.
- 4) Banners, pennants, searchlights or balloons shall not be used on a permanent basis. They may be permitted as special promotion in a commercial or manufacturing establishment for a total period not to exceed 30 days subject to a renewal of 30 days. Such signs will be allowed in residential zones in conjunction

with an open house or model home demonstration conducted by a Realtor for up to five days before and five days after and not to exceed a total period of 30 days.

- 5) Over the Street Banners: Unlighted special event banners not exceeding 75 square feet in area are permissible over a street carriageway by special permit after presentation of proof of insurance along with installation specifications.
- 6) Portable and trailer signs are allowed in Commercial and Manufacturing Districts, but are limited to not more than one year after the date of issuance of the permit. After the one year period, such signs may be displayed for not more than 30 consecutive days of usage and not more than 3 times per year. A permit is required for each time a sign is set up at a location.

Such signs may not project over the right-of-way, nor include flashing lights or lights that might be confused with traffic or emergency lights. Projector lamps or inside silvered lamps or exterior exposed lamps are not allowed. Such signs shall, if illuminated, include a ground fault interrupter (GFI) device.

#### **H. Off-Premise Signs**

- 1) Except as provided for in sec. 52.7(D)(9), (12) and (16), all off-premise signs shall be conditional uses, requiring a Conditional Use Permit issued by the Town Board following a public hearing and Plan Commission recommendation, in addition to a sign permit.
- 2) Off-premise signs are limited to 300 sq. ft. in area and 35 feet in height. The maximum area intends to include all sign faces, e.g. a double-face or V-shaped sign may not have more than two 150 sq. ft. faces.
- 3) In the Highway 54 Corridor Overlay Zoning District, off-premises signs are limited to 360 square feet in area and 35 feet in height. The maximum area intends to include all sign faces, e.g. a double face or V-shaped sign may not have more than two 180 sq. ft. faces.
- 4) No off-premise sign may be erected less than 300 feet from any other off-premise sign. The 300 feet shall be measured in all directions including across a highway. The off-premise sign may be closer than 300 feet to an on-premise sign.
- 5) Each off-premise sign structure shall have a plate attached identifying the name and address of the owner.

#### **I. Status of Existing Signs**

- 1) Legal signs are those which have been issued a town sign permit and which meet the requirements of this ordinance.
- 2) Non-conforming signs are those erected prior to January 1, 2011 which do not conform with all provisions of this ordinance, but are determined by the Plan Commission to substantially meet requirements in effect at the time they were erected, so as to remain as erected. Such Signs:

- a) May not be structurally altered in any way which tends to or makes the sign less in compliance with these regulations.
  - b) May not be relocated, except in compliance with this ordinance.
  - c) Must meet requirements for maintenance and repair.
  - d) When in the determination of the Plan Commission a sign is substantially damaged so that it is illegible or dangerous, or contrary to the health and welfare of the town, it shall not be restored except in conformance with this section
- 3) Illegal Signs: Are those not in compliance with regulations in effect when erected and determined by the Plan Commission to not meet the intent of this section as it pertains to the general safety and welfare of the community.
- a) The Plan Commission shall notify the owner of what changes in the sign are required to make it eligible for "legal" or non-conforming" status.
  - b) All signs determined by the commission to be "illegal" shall within a reasonable time set by the commission either be altered so as to be classified as "legal," or be determined to be non-conforming by the Plan Commission.

#### **J. Abandoned Signs**

All signs and sign messages shall be removed by the owner of the sign or of the premises on which they are located within six months of the time the business they advertise is no longer conducted.

#### **K. Removal of Signs**

- 1) Any sign determined by the Town Board, after recommendation from the Plan Commission, to be "illegal," "deteriorated or dilapidated," or "abandoned," and which has not been brought into compliance or removed within the time specified by the Town Board, may be ordered by the Town Board to be removed. If a sign is not removed within the time period set by the Town Board, it may authorize an injunctive action in circuit court or the removal and all costs of removal may be recovered as a special charge pursuant to Sec. 66.06 and 66.07 Wis. Stats.
- 2) The owner of any sign classified as illegal, deteriorated or dilapidated, or abandoned may appeal such determination to the Board of Appeals.

#### **L. Indemnification for Sign Installation and Maintenance**

All persons engaged in the business of the erection, alteration, relocation, maintenance of signs or other sign work for signs that are in, over, or immediately adjacent to a public right-of-way or if public property is used or encroached upon by the sign, shall agree to hold harmless and indemnify the town, its officers, agents, employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of the sign or any other sign work.

#### **M. Maintenance and Repair**

- 1) Every sign, including signs for which permits are not required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), cleaning and other acts required for the maintenance of said sign.
- 2) Signs which have become unsafe or unsightly shall be repaired or removed by the sign owner or the owner of the property upon which the sign stands upon notice of the zoning administrator.
- 3) Owners of property on which signs are located shall keep the property clear of brush and debris.

#### **N. Construction Specifications**

(Applicable to all signs; whether or not a permit is required.)

- 1) All signs shall comply with the provisions of the Town Building ordinance and the National Electrical Code, as amended, and the additional construction standards hereinafter set forth.
- 2) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- 3) Electrical service to ground signs shall be concealed wherever possible.
- 4) All signs, except those attached flat against the wall of a building, shall be constructed to withstand a 30 pound per square foot wind load, with correct engineering adjustments for the height of the sign and design, such as whether solid or skeleton.
- 5) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action unless anchored or protected to prevent any lateral movement that could cause wear on supporting members or connections.
- 6) Supports and braces shall be an integral part of the sign design. Angle irons, chains or wires used for support or braces shall be hidden from public view to the extent technically feasible.

#### **O. General Design Requirements**

(Applies to all signs; whether or not a permit is required).

- 1) No sign may be located on or extend over public right-of-way or across a property line. Right-of-way in this section is intended to mean the width as shown on the adopted Official map, whether or not such entire width has actually been dedicated.
- 2) Written permission of the property owner or agent shall be obtained before any sign is placed on private property.

- 3) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection or of any railroad grade crossing. All signs shall comply with visual clearance requirements.
- 4) The light for any sign shall be shaded or concealed so that it will not interfere with the vision of motorists or shine directly upon any residential property.
- 5) No sign or sign structure shall be located so as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination connection with any sign display.
- 6) Any ground or projecting sign, any part of which is closer than 15 feet to the paved or traveled portion of a right-of-way or within 15 feet of a driveway, shall have a minimum vertical distance of 10 feet between the bottom of the sign and the grade at the right-of-way line, or shall be not more than 2½ feet in height.
- 7) Any sign location accessible to vehicles shall have a minimum vertical clearance of 16 feet.
- 8) Projecting signs may extend no further than eight feet from building to which they are attached.
- 9) Projecting and canopy signs in a location not accessible to vehicles shall have a minimum vertical distance between the bottom of the sign and the grade of 8 feet.
- 10) No sign structure except a projecting sign structure attached to the wall of a building shall extend more than 18 inches horizontally from each wall
- 11) A roof sign may not extend more than six feet above the highest point of the roof on which it is installed, or the maximum height allowed for ground signs, whichever is less.

#### **P. District Sign Regulations**

- 1) Conservancy and Special Purpose Districts: All signs shall require a Conditional Use Permit.
- 2) Planned Unit Development (PUD): Signs in a PUD shall be controlled by the provisions in the plan for the development as approved by the Town Board, but shall not exceed the sign restrictions for the surrounding geographical area.
- 3) Agricultural District:
  - a) Lighted signs are not allowed in this district.
  - b) One sign per road frontage is allowed, pertaining only to activities or items on the premises; maximum size allowed is 32 square feet; maximum height 20 feet.
  - c) All ground signs must be at least 30 feet from interior side and rear lot lines.
  - d) In addition to the above, a maximum of two temporary signs are allowed, of a maximum size of 32 square feet each, pertaining to, and located only on, the

premises where the items are located. Such signs may be displayed for a maximum 90 days in any calendar year with a permit being required each year the sign is to be displayed.

- 4) Residential District Requirements: The following signs are allowed in residential districts, requiring Conditional Use Permits as well as sign permits.
  - a) One business or professional nameplate of up to three sq. ft. for a permitted home occupation, provided a Conditional Use Permit has been granted for such use. (A larger sign may be permitted if the Town Board specifies such size as part of the Conditional Use Permit.)
  - b) For Conditional Uses other than home occupations, one lighted or unlighted wall, window, marquee, canopy, or ground sign per street frontage, limited to 32 sq. ft. per sign and a height of 15 feet.
- 5) Commercial, Manufacturing & Recreational Districts:
  - a) The total area of all signs (excluding incidental) allowed is two sq. ft. per lineal foot of lot frontage.
  - b) Ground-mounted signs shall be spaced no closer than 300 feet from any other ground-mounted signs, except that:
    - i. when a property has frontage of less than 300 feet one ground sign is permitted for each property; and
    - ii. on corner lots, ground signs may be located along each street, provided other sign regulations are followed.
  - c) No sign may exceed 300 square feet in area (including all faces, such as two 150 sq. ft. faces of a double faced or V-sign).
  - d) Maximum height of any sign from grade to the top of sign is 35 feet.
  - e) Projecting signs may be spaced no closer than 25 feet from any other projecting sign, with a maximum of one projecting sign per business, per frontage and a maximum of 240 square feet for any one side of a projecting sign.
  - f) Exposed backs of signs or sign structures shall be painted and maintained in a neutral color or one that blends with the surrounding environment.
  - g) No sign shall be placed within 20 feet of a residential district boundary line.

## **Q. Violations**

Violations or failure to comply with the provisions of this ordinance shall be and hereby are declared to be unlawful and subject to the citation procedure under Ordinance #47 and be subjected to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution.

- 1) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of provisions of this ordinance shall be removed at the owner's expense or brought into compliance within thirty (30) days of written notification by the zoning administrator.

- 2) This section shall not preclude the town from maintaining any appropriate action to prevent or remove a violation of this ordinance.

## **52.8 Manufactured homes**

(Manufactured home Parks, Subdivisions, and Campgrounds)

### **A. General Provisions**

- 1) Manufactured homes or travel trailers may be placed, located or parked on any privately owned parcel of land as provided hereunder. All the permitted uses listed hereunder shall be subject to the restrictions set forth in this ordinance applying to conditional use, including those specifying consideration and recommendation by the Plan Commission, and public hearing and granting of a permit by the Town Board.
  - a) It shall be lawful to locate one manufactured home only on each parcel of land within an area designated as a manufactured home subdivision by the Town Board.
  - b) It shall be lawful to locate manufactured homes on a parcel of land as delineated by this ordinance, provided that it is within a manufactured home park licensed by the Town Board.
  - c) It shall be lawful to locate a travel trailer, camping trailer or motor home on a parcel of land as delineated by this ordinance, provided that it is within a campground licensed by the Town Board.
  - d) It shall be lawful to locate unoccupied manufactured homes or travel trailers on the premises of business establishments which are engaged in the sale, rental, leasing, manufacture, or repair of manufactured homes or travel trailers.
- 2) Applicability
  - a) The provisions of this ordinance shall apply to all manufactured homes as defined in this ordinance, whether or not such manufactured homes are occupied.
  - b) Provisions of this ordinance shall not apply to camping trailers, motor homes or travel trailers which are not occupied and are being parked/stored while not in use.
- 3) "Dependent" manufactured homes, those which do not have complete bathroom facilities, shall not be allowed in the town.
- 4) No manufactured home may be parked in the town for the purposes of occupancy as a dwelling unit which is not in compliance with federal Housing & Urban Development (HUD) requirements in effect for the structural, wind load and insulation zones which include Grand Rapids at the time it was constructed and which does not have affixed to the exterior of the manufactured home the permanent certification label, and affixed to the interior of the manufactured home the data plate required by HUD Manufactured Home Standards.

5) Installations and Requirements:

- a) Anchors or tie-downs shall be provided and shall be sufficient for anticipated wind conditions.
- b) At least two exits shall have exterior stairs which conform to COMM 21.04 regulating landings, handrails, guardrails and stair details.

**B. Manufactured home Subdivisions**

- 1) A manufactured home subdivision may be established as a conditional use within a Residential, One and Two-Family (R-1) or (R-2) District as delineated by this ordinance, subject to all the provisions thereof.
  - a) Parcels of land within an area designated as a manufactured home subdivision shall be utilized for single-family residential housing on individual lots.
  - b) The subdivision of land and the use of land within a manufactured home subdivision shall be in accordance with the Grand Rapids and Wood County Subdivision Ordinances, the Shoreland Zoning Ordinance of Wood County, the Private Sewage System Ordinance of Wood County, and all other ordinances of the County and Town of Grand Rapids, applying to the subdivision use and occupancy of land including conditional use requirements of this ordinance. Specifically, the development standards of the Residential, One and Two-Family (R-1) or (R-2) District of this Zoning Ordinance, including, but not limited to, yard setbacks, average lot width and lot area per family, shall apply.

**C. Manufactured home Parks - General Provisions**

- 1) A manufactured home park may be established as a conditional use within a Multiple Family Residential (R-3) District, as delineated by this ordinance, subject to all the provisions thereof.
- 2) Construction, alteration or extension of a manufactured home park shall be subject to the issuance of a permit as set forth in this ordinance.
- 3) Operation of a manufactured home park shall be subject to the issuance of a license as set forth in this ordinance.
- 4) All manufactured home parks shall comply with the requirements set forth hereunder.
- 5) Must comply with COMM 95 Manufactured home Parks (Wis. Administrative Code), Wood County Ordinances, and with the following provisions, whichever is more restrictive.

**D. Manufactured home Parks - Design, Installation and Maintenance Requirements**

- 1) Environmental Requirements
  - a) Density: The maximum allowable density in a manufactured home park development shall be six units or lots per gross acre.

- b) **Minimum Site Size:** Individual sites within manufactured home parks must contain an area of not less than 3,000 square feet. Each site shall be clearly defined or delineated. The basic unit shall not occupy in excess of one-fourth of the area of the site, and the complete unit including all accessory structures shall not occupy more than one-half of the area of the site. Manufactured home parks, which at the time of the adoption of these regulations existed lawfully, with manufactured home sites that do not comply with the foregoing minimum area requirements, may continue to operate. Expansion and modification of such manufactured home parks shall, however, be in accord with current regulations.
- c) **Required separation between manufactured homes:** Manufactured homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, storage cabinet, carport, windbreak, patio, or porch, or extension attached to the manufactured home, shall for purposes of separation requirements, be considered a part of the manufactured home.
- d) **Setback and buffer strips:** Each manufactured home shall be located at least 10 feet from any manufactured home lot line. There shall be a minimum distance of 10 feet between the manufactured home stand and abutting park street right-of-way.
  - i. The manufactured home stand shall be set back a minimum of 30 feet from public streets.
  - ii. No manufactured home shall be located outside of a site or space designated on the approved park plan.
  - iii. All manufactured homes shall be located at least 40 feet from any manufactured home park property boundary line, except where the adjoining property is also a manufactured home park.
- e) **Planting:** All manufactured home parks located adjacent to other districts shall be provided with planting of natural growth along the property boundary line separating the park and such adjacent districts. The planting area shall have a minimum width of 12 feet.
  - i. A temporary planting of fast-growing materials such as a Lombardy poplar is recommended.
  - ii. A permanent planting, such as White or Norway Pine, so arranged that within 10 years they will have formed a screen equivalent in capacity to a solid fence or wall, shall be planted.
- f) **Recreation Areas:** Each park shall contain a recreation area. A minimum of one-half acre of area for such use shall be provided for each 100 sites or portion thereof. The minimum area in a park shall be one-half acre. Recreation areas shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located.
- g) **Allowable Uses:** Approved accessory structures, parks, playgrounds and open space shall be allowed, as well as the following commercial use when they are for the use of the park residents:
  - i. Manufactured home park office.
  - ii. Laundromat.
  - iii. Clubhouse and facilities for private social and recreational clubs.

- iv. Signs pertaining to the lease, hire or sale of individual manufactured homes and one manufactured home park identification sign shall be allowed as provided in Sec. 6 of this ordinance.

## 2) Access Requirements

- a) General Requirements: In all manufactured home parks, safe and convenient vehicular access shall be provided. Except that those manufactured home parks in which grouping of parking spaces or other such design features are employed, direct access need not be provided to every lot. In all cases access adequate for fire protection vehicles and other emergency vehicles shall be provided.
- b) Park Entrance: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements.

For a two-way street, the width must be at least 32 feet if parking is to be permitted on both sides of the street; 25 feet in width if parking is to be permitted on only one side, or 18 feet in width if parking on street is prohibited. A one-way street must be at least 14 feet in width. One-way streets shall be no longer than 500 feet and parking is prohibited unless the width is appropriately increased.

## 3) Street Construction and Design Standards

- a) Pavements: All streets shall be provided with a smooth, hard and dense surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of pavement base.
- b) Grades: Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent.
- c) Intersections: Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.
- d) Parking Requirements: The following provisions shall be met for parking in all manufactured home parks:
  - i. Occupant Parking: Off-street parking is required for manufactured home park occupants. A minimum of two parking spaces shall be provided for occupant parking purposes. Such spaces shall be within 150 feet of the manufactured home to be served.
  - ii. Visitor Parking: A minimum of one space for every four manufactured home lots shall be provided for visitor parking.
  - iii. Parking space: Each parking space shall contain a minimum of 180 square feet. The space shall be paved with a smooth, hard and dense surface.
  - iv. Use of right-of-way for parking: Street widths shall conform to the Wis. Administrative Code wherever street right-of-ways are used for parking purposes.

- v. Parking restrictions: Parking of boats, trailers, campers, snowmobiles, or other motorized vehicles may be restricted to a centralized area.
  - vi. Driveways shall be graveled or paved, maintained in good condition, have adequate drainage and be lighted at night.
- e) Walkways: All parks shall be provided with safe, convenient walkways.
- i. Common walk system: A common walk system shall be provided where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 3½ feet.
  - ii. Individual walks: All manufactured home stands shall be connected to common walks, to streets, or to driveways. Such individual walks shall have a minimum width of 2 feet.
- 4) Installation and Maintenance Requirements
- a) Precautionary measures shall be taken to prevent heaving, shifting or uneven settling under the weight of the manufactured home due to frost action, inadequate drainage, vibration of other forces acting on the structure.
  - b) Site suitability and storm water drainage: A manufactured home park shall be located only upon a site where the condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. Exposed ground surfaces in the manufactured home park shall be protected with a vegetative growth.
  - c) Water supply and distribution system: An adequate, safe and potable supply of water shall be provided in each manufactured home park. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the Department of Natural Resources.
    - i. A separate valved water service shall extend to each site.
    - ii. All plumbing shall meet the requirements of the Wis. Administrative Code.
  - d) Sewage disposal system: An adequate and safe sewer system shall be provided with all manufactured home parks for conveying all sewage. The manufactured home park sewer system shall be constructed and maintained according to applicable state and county regulations.
  - e) Garbage and refuse storage and collection system: The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
    - i. All garbage which is not disposed of through garbage disposal unit connected with the sewage system shall be kept in separate, leak proof, non-absorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects, located within 100 feet on any site, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.
    - ii. Garbage cans should be washed each time they are emptied unless provided with a single-service sanitary, removable waterproof liner.

- iii. Restriction: The use of wooden or paper containers for garbage is prohibited.
  - iv. Rubbish: Fly tight containers with covers are required for cans, bottles and other rubbish. The contents shall be disposed of as often as necessary to prevent overflow. If local regulations require separation of garbage and rubbish, such requirements shall be followed
  - v. All refuse containing garbage shall be collected at required intervals. Where suitable collection service is not available, the manufactured home park operator shall provide this service.
  - vi. In no instance may disposal of the waste be carried on through incineration on the manufactured home park site.
- f) Public utility system: All utility service systems shall be installed and maintained in accordance with applicable codes and regulations governing service systems and shall be located underground within the manufactured home park.
- g) Street and public walkway illumination: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.
- i. All parts of the park street system: a minimum of .4 average maintained footcandles;
  - ii. All parts of the public walkway system: a minimum of .4 average maintained footcandles;
  - iii. Potentially hazardous locations, such as street intersections and steps or stepped ramps shall be lighted directly with luminary.
  - iv. All parts of parking lots: A minimum of .5 average maintained footcandles.
- h) Fire protection: Manufactured home parks shall be kept free of litter, rubbish and other flammable materials.
- i. Portable fire extinguishers shall be kept in service buildings and shall be maintained in good operating condition. Their capacity shall not be less than 2½ pounds.
  - ii. Fires shall be made only in barbecue pits, fireplaces, stoves or other equipment intended for such purposes. These items shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances.

#### **E. Miscellaneous requirements for manufactured home parks:**

- 1) Responsibilities of the Park Management:
  - a) The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park in good repair and in a clean and sanitary condition.
  - b) The park management shall supervise the placement of each manufactured home on its manufactured home stand which includes securing its stability and installing all utility connections.

- c) The park management shall maintain a register containing the names of all park occupants identified by lot number or street address.
  - d) The park management shall locate an office for the attendant or person in charge of said park. A copy of the park license and this ordinance shall be posted therein, and the park register shall at all times be kept in said office.
  - e) The park management shall collect the monthly parking permit fee provided for in this ordinance. An account shall be kept showing the names of persons paying said service charges and the amount paid.
  - f) All licensees of manufactured home parks shall furnish information to the Town Clerk and Assessor on any manufactured home removed, replaced or added to the park within five days after the arrival or departure of such manufactured home.
- 2) Responsibilities of Park Occupants:
- a) The park occupant shall comply with all applicable requirements of this ordinance and shall maintain his manufactured home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
  - b) The park occupant shall be responsible for proper placement of his manufactured home on its manufactured home stand and proper installation of all utility connections in accordance with the instructions of the park management.
  - c) Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of any manufactured home lot.
  - d) The undercarriage, supports and stabilizing devices of the manufactured home shall be skirted to maintain an attractive community appearance.

## **F. Campgrounds**

- 1) A campground may be established as a principal use in a Recreational (P-1) District as delineated by this ordinance, subject to the provisions thereof.
- 2) A campground so established shall conform to all state regulations and standards.
- 3) The provisions of this ordinance setting forth the responsibilities of the management of manufactured home parks and the responsibilities of the occupants of manufactured home parks respectively, shall apply in a corresponding manner to travel trailer parks.

## **G. Manufactured home Park Permits**

- 1) It shall be unlawful for any person to construct, alter or extend any manufactured home park or campground within the Town of Grand Rapids, unless he holds a valid permit issued by the Town Board in the name of such person for the specific construction, alteration or extension proposed.

- 2) All applications to the Town Board for permits shall be filed with the zoning administrator, reviewed by the Plan Commission for recommendation to the Town Board and shall contain the following:
  - a) Name and address of applicant;
  - b) Location and legal description of the manufactured home park or travel trailer park;
  - c) Complete engineering plans and specifications of the proposed park showing but not limited to the following:
    - i. The area and dimensions of the tract of land;
    - ii. The numbers, location and size of all mobile lots or travel trailer spaces, and the location of common areas;
    - iii. The location and width of roadways and walkways;
    - iv. The location of the manufactured home stand within each manufactured home lot;
    - v. Plans and specifications of all utilities including, sewage collections and disposal, storm water drainage, water distribution and supply, refuse storage and collection, lighting, electrical, telephone, and TV antenna system;
    - vi. Landscaping plans for the entire park, including planting plan for the buffer strip;
    - vii. Plans and specifications of all buildings to be located within the park;
    - viii. Such other plans and specifications and information as may reasonably be required by the governing body.
    - ix. Adequate proof of compliance with all of the requirements set forth in this Section (52.7).
- 3) No permit shall be issued for the construction of a manufactured home park unless said development shall contain a minimum number of 20 manufactured home lots, except in the case of an addition to, or extension of, a contiguous manufactured home park.
- 4) All application applications for a permit shall be accompanied by the deposit as per Ordinance 39 "Schedule of Fees and Forfeitures" for each manufactured home lot or camping trailer space proposed, plus normal construction permit fees for any buildings to be included in the park.
- 5) When, upon review of the application and the Plan Commission is satisfied that the proposed plan meets the requirements of this ordinance, a permit shall be issued by the Town Board.
- 6) Any person whose application for a permit under this ordinance has been denied may request and shall be granted a hearing on the matter before the Board of Appeals.

## H. Licenses

- 1) It shall be unlawful for any person to operate any manufactured home park or campground within the Town of Grand Rapids unless he holds a valid license issued annually by Wood County in the name of such person for the specific park.

- 2) Every person holding a license shall give notice in writing to the Town Clerk within three days after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured home park or travel trailer park.
- 3) The licensee or the owner of every manufactured home park shall pay a monthly parking permit fee to the municipality. The determination of the amount of such fee, the review thereof, and the enforcement of the payment and the disposition of such fee shall be in accordance with Wisconsin Statutes.

#### **I. Monthly Parking Permit Fee**

The monthly parking permit fee for manufactured homes located in a Manufactured home parks shall be established in Ordinance 39. In the case of a manufactured home located outside of a manufactured home park, such fee as provided for in Wisconsin Statutes shall be paid by the occupant, manufactured home owner or real estate owner of each occupied manufactured home. Such fees are to be paid on or before the 10th day of the month following the month for which the parking permit is due. Failure to timely pay the monthly parking permit fees shall be treated in all respects like a default in payment of personal property taxes and shall be subject to all procedures and penalties applicable to delinquent personal property taxes under Chapters 70 and 74 of Wis. Statutes.

#### **J. Building Moving Permits**

- 1) Before any manufactured home is located in a manufactured home park or subdivision, a building permit under SPS 321 shall be obtained from the building inspector.
- 2) Building, heating, electrical, heating and plumbing permits shall be required as specified in the Building Code, prior to altering or enlarging any manufactured home, appurtenances thereto or any other structures on a manufactured home site or stand.

#### **K. Inspection of Manufactured Home Parks and Campgrounds**

- 1) The zoning administrator and his authorized agents are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance.
- 2) The zoning administrator and his authorized agents shall have the power to enter at reasonable times and with reasonable notice to the owner, upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.
- 3) The zoning administrator and his authorized agents shall have the power to inspect the register containing a record of all residents of each manufactured home park and campground.
- 4) It shall be the duty of the park management to give the zoning administrator and his authorized agents, free access to all areas at reasonable times and with reasonable notice, for the purpose of inspection.

- 5) It shall be the duty of every occupant of a manufactured home park or campground to give the owner thereof or his agent or employee, access to any part of such park at reasonable times and with reasonable notice for the purpose of making such repairs and alterations as are necessary to effect compliance with this ordinance.

## **52.9 Amendments**

### **A. Authority**

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time in accordance with Wisconsin Statutes. An amendment petition shall be granted or denied by the Town Board.

### **B. Initiation**

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the Town Board, or by the Plan Commission.

### **C. Petitions**

Petitions for any change to the district boundaries or amendments to the regulations shall describe the premises to be rezoned (including legal descriptions) or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and list the owners' names and addresses of all properties lying within 500 feet of the area proposed to be rezoned. The petitioner will provide additional information as may be required by the Plan Commission or Town Board.

### **D. Fees**

All fees shall be as specified in Ordinance 39 "Schedule of Fees and Forfeitures".

### **E. Processing**

A petition for amendment shall be filed with the Zoning Administrator. Such petition shall be forwarded by the Zoning Administrator to the Plan Commission.

### **F. Recommendations**

The Plan Commission shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in writing to the Town Board before a public hearing is held.

### **G. Public Hearing**

A public hearing shall be held by the Town Board prior to adoption or denial of any alteration, amendment or change in this ordinance. A Class 2 notice, under Wisconsin Statutes, shall be published prior to the hearing.

### **H. Town Board Action**

- 1) The Town Board, after receiving the recommendation of the Plan Commission, and after said public hearing, may grant or deny any proposed amendment in accordance with Wisconsin Statutes, or it may refer it back to the Plan Commission for further consideration.
- 2) If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed granted.
- 3) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such change or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Town Board membership. In the event of protest against amendment to the text of the regulations of this Ordinance, duly signed and acknowledge by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Town Board membership to adopt such amendment.

## **52.10 Board of Appeals**

### **A. Establishment**

Pursuant to sec. 62.23(7)(e) Wis. Stats., there is hereby created a board of appeals.

### **B. Membership**

The board of appeals shall consist of 5 town electors appointed by the town chairperson, subject to confirmation by the town board, for staggered terms of 3 years. One member of the board of appeals shall be a town board supervisor.

### **C. Alternates**

The town chairperson shall also appoint, subject to confirmation of the Town Board, 2 alternate members of the board of appeals for staggered terms of 3 years. Annually, the town chairperson shall designate one of the alternates as 1<sup>st</sup> alternate and the other as 2<sup>nd</sup> alternate. The 1<sup>st</sup> alternate shall act, with full power, only when a member of the board of appeals abstains or when a member is absent. The 2<sup>nd</sup> alternate shall act only when the 1<sup>st</sup> alternate abstains or is absent or when more than one member of the board of appeals abstains or is absent.

### **D. Removal**

A member of the board of appeals, including an alternate, shall be removable by a majority vote of the Town Board for cause upon written charges and after public hearing.

### **E. Vacancies**

Vacancies for the unexpired terms of members or alternates whose terms become

vacant shall be filled by appointment by the town chairperson, subject to confirmation of the Town Board.

#### **F. Officers**

The town chairperson shall appoint one of the members as chairperson and another member as vice-chairperson who shall act as such officers for one year and may be reappointed to such positions. The board of appeals shall appoint one of its members as secretary. The Town Board may authorize by resolution the use of an administrative support staff member to assist the secretary in the fulfillment of his or her duties.

#### **G. Compensation**

The members of the board of appeals shall serve at such compensation to be fixed by the Town Board by resolution.

#### **H. Quorum Requirements**

If a quorum is present, the board of appeals may take action by a majority vote of the members present.

#### **I. Powers of the Board**

The board of appeals shall have the following powers:

- 1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator or other administrative official in the enforcement of this ordinance.
- 2) To authorize in specific cases such variances from the term of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, and so that the spirit of the ordinance shall be observed public safety and welfare secured and substantial justice done.

#### **J. Rules/Records**

The board of appeals may adopt rules consistent with the provisions of this Ordinance and the Wisconsin Statutes. The secretary of the board of appeals shall be responsible for drafting all records of the board of appeals as required by state statute. The zoning administrator shall maintain records of all actions of the board as supplied by the secretary of the body.

#### **K. Fees**

The fees for all matters appealed to the board of appeals shall be as set forth in Ordinance 39.

#### **L. Procedure**

- 1) Appeals/Applications

- a) Appeals to the board of appeals may be taken by any persons aggrieved or by any officer, department or board of the town affected by any decision of the building inspector or other administrative officer. Such appeal shall be taken within 30 calendar days after the date of written notice of the decision or order appealed from, by filing with the officer from whom the appeal is taken and with the secretary of the board of appeals a written notice of appeal specifying the grounds thereof.
- b) The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the records upon which the action appealed from was taken.
- c) All appeals and petitions shall include the name and address of the appellant or petitioner and all abutting and opposite property owners of record.

## 2) Stays

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board of appeals after the notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life or property.

In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application on notice to the officer from whom the appeal is taken on due cause shown.

## 3) Hearings

The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and shall give due notice to the parties in interest, including publication of a hearing notice and mailing notice thereof to abutting and opposite property owners of record and to the zoning administrator, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

## 4) Orders/Decisions

In exercising the above mentioned powers the board of appeals may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

## 5) Judicial Review

Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. sec. 62.23(7)(e) 10. Wis. Stats. shall govern such an action.

## 52.11 VARIANCES

The law governing variances is an amalgam of statutes, case law and local ordinance. The standards set for herein are based on the governing standards existing at the time of adoption. It is the intent of the Town of Grand Rapids, however, to apply the governing standards applicable at the time of the consideration of the requested variance.

- A.** Application for a variance shall be submitted to the zoning administrator on the prescribed form.
- B.** The board of appeals may authorize, in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of zoning shall be observed and substantial justice done. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements. There are two types of variances:
- Use variance - allows property to be used in a manner otherwise prohibited by this zoning ordinance.
  - Area variance – allows an exception to a dimensional restriction for area, density, height, frontage, or setback for a use that is permitted in the applicable zoning district.
- 1) A variance may not be granted unless the following four conditions have been proven by the applicant:
- a) A literal enforcement of the zoning requirement will result in unnecessary hardship.
    - i. Use variance: For the purpose of determining whether to grant a use variance, an unnecessary hardship shall be defined as a condition that, without the granting of the variance, would render the property without any reasonable or feasible use.
    - ii. Area variance: For the purpose of determining whether to grant an area variance, the term unnecessary hardship shall be interpreted according to the following standard: whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
  - b ) The hardship is based on a physical limitation unique to the property and not shared by other properties, as distinguished from a mere inconvenience.
  - c) The hardship is not self-created.
  - d) The variance is not contrary to the public interest.
- 2) A property owner is not entitled to a variance simply to increase the value of the property or for economic gain.

- 3) A variance will not be granted if it would impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, or endanger the public safety, or possess the likelihood to diminish or impair property values within the neighborhood.

**C. Conditions and Guarantees:** The board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Ordinance.

**D. Authorized Variances:** Variances from the regulations of this Ordinance shall be granted by the board of appeals only in accordance with the standards established in this section, and may be granted only in the following instances and in no others:

- 1) To permit a setback less than a setback required by the applicable regulations;
- 2) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width;
- 3) To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- 4) To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater;
- 5) To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served;
- 6) To increase or decrease by not more than ten percent (10%) the required gross floor area of any use so limited by the applicable regulations;
- 7) To permit a reasonable variance in the height restrictions on fences.
- 8) To permit a reasonable variance in the height restrictions on Accessory Buildings.

E. In determining whether to grant or deny a requested variance, the board of appeals shall prepare written finding of fact setting forth the criteria it considered in reaching its decision and what facts it considered in relation to the criteria.

## 52.12 Penalties

Any person or persons who shall violate any of the provisions of this ordinance or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, shall, upon conviction, be subjected to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense. Prosecutions of violations of provisions of this ordinance shall be commenced by citation pursuant to Ordinance #47 and Chapter 800 Wis. Stats.

A double fee may be charged by the zoning administrator for any act requiring issuance of a permit should the act commence prior to issuance of the permit.

### 52.13 Fee Schedule

A fee as per Ordinance 39 "Schedule of Fees and Forfeitures" shall be paid by the person requesting the permit or variance to the building inspector or authorized deputy at the time of filing.

This ordinance shall take effect from and after the date of its passage and publication as provided by law.

### HISTORY

Declaration/Ordinance/Resolution No	Dated
<b>RESOLUTION NO:</b>	25-May-1978
	<i>Updated to include amendments through February 2, 2006.</i>
2006-07	23-May-2006
2006-12	26-September-2006
2008-11	22-April-2008
2009-33	25-August-2009
2010-32	15-September-2010
2011-31	14-June-2011
2012-31	9-October-2012
2014-08	13-May-2014
2014-26	12-August-2014
2016-08	27-January-2016
2016-18, 19	12-July-2016
2017-10, 11	14-March-2017
2018-11, 12, 13	10-April-2018
2018-18	12-June-2018
2019-07	9-April-2019
2019-17	8-October 2019
2020-05	10-March-2020
2020-19	14-July-2020