

Town of Hamburg
Vernon County, Wisconsin
Zoning Ordinance

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Revised and approved November 2016

INTRODUCTION

AUTHORITY. These regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town of Hamburg, Vernon County, Wisconsin does ordain as follows:

PURPOSE. The purpose of this ordinance is to promote the health, safety, prosperity, aesthetics and general welfare of the Town.

INTENT. It is the general intent of this ordinance to regulate development through zoning powers granted to the Town through Sections 60.62, 61.35, and 62.23 of Wisconsin Statutes so as to: lessen congestion in, and promote the safety and efficiency of the roads and highways; secure safety from fire, flooding, and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding, avoid undue population concentration; facilitate the adequate and economical provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the rural scenic nature and agricultural character and economic base of the Town. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this ordinance imposes greater restrictions, these provisions of this ordinance shall govern.

INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the town and shall not be deemed a limitation or repeal of any other power granted under Wisconsin Statutes. All reference to state statutes or administrative codes is intended to include any subsequent revisions or amendments.

SEVERABILITY. If any section, clause, provision or portion of these ordinances is adjudged unconstitutional or invalid by a court of competent jurisdiction; the remainder of this ordinance shall not be affected thereby.

REPEAL. All other ordinances or parts of ordinances of the town inconsistent or conflicting with these ordinances, or to the extent of the inconsistency only, are hereby repealed.

TITLE. This ordinance shall be known as, referred to, or cited, as the **TOWN OF HAMBURG, VERNON COUNTY, WISCONSIN, ZONING ORDINANCE.**

EFFECTIVE DATE. This ordinance shall be effective after publication or posting, and/or holding a public hearing, and adoption by the Town Board as provided by law.

GENERAL PROVISIONS

JURISDICTION: The jurisdiction of this ordinance shall include all lands and waters which are located within the limits of the Town of Hamburg.

COMPLIANCE: No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected or moved, reconstructed, extended, enlarged, converted, or structurally altered without a building/site permit application if applicable, and without full compliance with the provisions of this ordinance and all other applicable local, county and state regulations.

THE DUTY OF THE TOWN BOARD, with the aid of the Zoning Committee, shall be to: administer this ordinance, investigate all complaints and give notice of violations and to enforce the provisions of this ordinance; The Zoning Committee and duly appointed deputies may enter with a 24 hour notice onto any public or private land or waters to make a building or zoning inspection.

ZONING, BUILDING SITE, VARIANCE & CONDITIONAL USE PERMIT APPLICATION & POLICY: Applications for zoning, building sites, variances, and conditional use permits shall be made to the Town on forms furnished by the Town. Set fees and policies for permits shall be established by the Town Board. Review of a permit will not commence unless the required fee is paid. Failure to submit a required permit or pay the required fee prior to commencement of the proposed activity shall constitute as a violation of this ordinance.

The following describes the circumstances of when a building site, zoning and conditional use permit application is required. Activity that does not require a permit application shall still comply with building codes and the Town Zoning Ordinance.

1. A permit is required for ANY construction activity. Variances and Conditional Use permits may be issued with the guidance of the Zoning Committee and approval of the Town Board.
2. A Permit is required for any movement of any structure.
3. A Permit is required for any reduction or demolition of any structure.
4. A Permit is not required for routine non-structural maintenance improvements such as painting, staining, plastering, siding, roofing, and floor coverings. A building site permit is also not required when first installing or replacing household fixtures, such as furnaces, bathtubs, showers, sinks, stools, and air conditioning units.
5. A Permit application fee has been established by the Town Board. **THIS FEE IS REQUIRED TO BE PAID PRIOR TO THE REVIEW OF ANY PERMIT.** This fee structure may/will be reviewed each year by the Town Board.
6. A Permit will expire in one year unless brought back to the Town Board for discussion and extension.

If the proposed use of this site requires a Zoning District change or a Conditional Use determination by the Zoning Committee, the Zoning Committee shall arrange for the necessary public hearings and presentation of the recommendation to the Town Board as soon as practical but not to exceed 60 days. The Town Board shall act upon the matter in a timely fashion. A request for a Variance shall also be acted upon in writing by the Zoning Committee within 30 days. The site permit shall

expire in 1 year, after issuance of the permit unless substantial work has commenced. Any permit issues in conflict with the provisions of this ordinance shall be null and void.

SITE AND LOT RESTRICTIONS: No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing aesthetics and general welfare of the Town. The Town Board, in applying the provisions of the section, shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if she/he so desires. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

1. **ALL LOTS** abutting upon a town or county road or state highway shall minimum road or highway frontage width of 100 feet and minimum depth of 88 feet.
2. **NO SITE** permit shall be issued for a lot which does not abut a public road or highway that has not been dedicated to its required width or has access through an easement to a public road. The easement shall be a minimum of 66 feet.
3. **LOT SIZE** shall be based on the standards of this ordinance.

USE RESTRICTIONS: The following use restrictions and regulations shall apply.

1. **PRINCIPAL USES:** Only those principal uses specified for a district, their essential services and the following uses shall be permitted in that district.
2. **ACCESSORY USES** and structures are permitted in any district so long as their principal structure is present or under construction within one year from the time the accessory structure was completed.
3. **CONDITIONAL USES** and their accessory uses are considered as special uses requiring review and approval by the Town Board.
4. **UNCLASSIFIED OR UNSPECIFIED** uses may be permitted by the Town Board, provided that such uses are similar in character to the principal uses permitted in the district.
5. **TEMPORARY USES** such as shelters for materials and equipment being used in the construction of a permanent structure will be permitted (subject to regulation) by the Town Board.

REDUCTION OR JOINT USE: No lot, yard or parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. In case of any violation, a Member of the Town Board, the Town Clerk, or the Zoning Committee may institute appropriate action or proceedings to enjoin a violation of this ordinance. Violators of this Ordinance shall be issued a warning setting forth the alleged violation, the corrective action to be taken and the date by which the corrective action must be completed. If corrective action is not taken within the time period specified, the Town may institute action to impose the penalties set forth in this ordinance. The Town may also institute action to obtain an injunction or other remedy where appropriate.

SURVEYS: Any new parcel of (5) or less acres shall require a certified survey.

PENALTIES: Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 per violation plus cost of correcting each violation plus the cost of prosecution for each violation and in default of payment of such forfeiture and cost, shall be imprisoned in the county jail until payment there of, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

ZONING DISTRICTS:

Established Districts: Five Zoning districts are provided as follows:

- 1 - Agricultural (A)
- 2 - Rural Residential (RR)
- 3 - Residential (R)
- 4 - Rural Commercial (RC)
- 5 - Industrial (I)

Boundaries of these Districts: are hereby established as shown on a map titled "Town of Hamburg, Vernon County, Wisconsin Zoning District Map". Such boundaries shall be construed to follow: corporate limits, US Publish Land Survey Lines, lot or property lines, centerlines of roads, highways, easements and railroad rights of way or such lines extended unless otherwise noted on the zoning map.

Vacation of a public road shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

ZONING MAP: A certified copy of the zoning map shall be adopted and approved with the text as part of this ordinance and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk.

Changes thereafter to the districts shall be entered and attested on the certified copy of the zoning map.

RULES FOR INTERPRETATION OF ZONE BOUNDARIES: Where uncertainty exists as to the boundaries of the districts shown on the zoning map, the following rules shall apply:

- 1. Boundaries indicated as approximately following the centerlines of roads, highways or alleys shall be construed to follow such centerlines.
- 2. Boundaries indicated as approximately followed platted lot lines shall be construed as following such lot lines.
- 3. Boundaries indicated as approximately following town and municipal boundaries shall be construed as following town and municipal boundaries.
- 4. Boundaries indicated as parallel to, or extensions of, features indicated in the proceeding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

ZONE REGULATIONS: No person shall use land or a building or structure or erect, construct, reconstruct, move or structurally alter a building, structure or part thereof, except in conformance with the following regulations.

Permitted uses in each zone shall be mutually exclusive i.e. only those uses identified and listed for each zone are permitted except as otherwise stated.

HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICE IN DWELLING: Home occupations and professional home offices are permitted within a single dwelling unit, but only to the person or persons maintaining the dwelling therein provided that no more than two nonresident persons shall be employed in the home occupation.

EVIDENCE OF USE: One (1) sign having an area of not more than thirty-two (32) square feet shall be permitted.

AGRICULTURAL (A) Zoning District Standards

Purpose: To preserve and protect farmlands for food and fiber production that are the greatest contributor to the Town's economy in the form of jobs, income and tax base, and to maintain the scenic woodlands and serene rural character and quality of life in the town.

Principal Permitted Uses: Single-family dwellings single family recreational dwellings
Dairy Farming plant and crop production
grazing orchards
livestock raising wildlife management
idle fields forest/woodlands mgmt meadows
wetlands/waterways public park lands
home occupations professional home office

Barns, sheds, garages & other accessory structures to serve farming operations and single-family dwellings.

Essential services such as public and private utilities commonly used to serve farming operations and single-family homes and other conditionally approved uses.

One roadside stand per farm used for the sale of products produced on the premises or adjoining premises.

Conditional Uses:

communication towers & structures	
Nonprofit/sport, recreation, and conservation facilities	
Government Buildings	Churches
Public utility buildings	Family daycare home
School Buildings	Cemeteries
Bed & Breakfast inns	Owner occupied Duplex

Agricultural product processing facilities poultry, hog & fur farms and other animal husbandry activities and feed lots of more than 100 animal units, so long as said operations are at least 600 feet from navigable waterway or State designated wetland and 1,000 feet from residence of someone other than the owner, his agent or employee.

Additional single-family dwellings or mobile homes exceeding one per farm operation for occupancy by a person or family earning a substantial part of their livelihood from the farm operation.
Additional single-family dwellings or mobile homes occupied by parents or children of the farm operator.

Residential or other form of building, driveway, or public road construction on slopes greater than 20%.

Single family dwelling where the dwelling is to be owned and/or occupied by person(s) not earning a substantial part of their livelihood from the farm operation and/or are not parents or children of the farm operation when the proposed single family dwelling is being constructed in areas with a soil capability class of I or II as described and mapped in the current SOIL SURVEY, adopted by VERNON COUNTY, WISCONSIN.

Minimum Lot Size: The minimum lot size to establish a single family dwelling, single family recreational dwelling, or farm operation is 5 acres, except as follows: the minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation or parents or children of the farm operator shall be 30,000 square feet.

Where an additional residence for persons specified in (1) above is located on a farm without creating a separate parcel the residence shall be at least 25 feet from other residences.

Minimum Lot Width: 100 feet

Minimum Yard Setback:

FRONT: For buildings to be located on State highways, the minimum setback shall be (110) feet from the centerline or (50) feet from the right-of-way whichever is greater.

For buildings to be located on all county roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way line.

For buildings to be located on Town and all other roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way.

At least (20) feet from any building.

REAR: Twenty (20) feet from the rear property line for the principal and accessory structures.

SIDE: Twenty (20) feet for principal and accessory structures.

Dwelling Unit Building Foundation: All dwelling units except those that are 16 feet or less in width shall be erected on and securely anchored to a permanent foundation with footings below the frost line or on a floating reinforced slab. The foundation shall be composed of poured concrete, cemented concrete block, or a like material that is accepted in the building trade as being permanent in nature.

Safe Uniform Dwelling Code and Sanitary Codes: All dwelling units and septic and water systems shall conform to applicable State Administrative Codes.

Residential "R" zoning District Standards

Purpose: To provide area for concentrations of residential development in or near existing developed areas to prevent inefficient urban sprawl into agricultural lands and the rural countryside. This zoning district is also intended to provide areas where pleasant residential neighborhoods can develop that provide for the healthy surroundings of community life protected from traffic congestion, and incompatible land uses and which can be economically served by public services due to higher development concentrations.

Principal Permitted Uses: single family homes one private garage per residence
home occupations & professional home offices
neighborhood park or playground
one accessory building not to exceed 144 square feet in floor area
essential services such as public & private utilities commonly used
to serve single-family homes & other conditionally approved uses.

Conditional Uses: Occupations conducted in accessory buildings owner occupied duplex
Single-family homes constructed on a reinforced slab foundation
Churches Schools Libraries Hospitals
Community Centers Bed & Breakfast inns Family daycare home
Elderly daycare home Group home Cell towers
Court regulated foster care homes for minor children or special adults
Additional accessory buildings or structures
Accessory buildings or structures exceeding 144 square feet
A building, driveway, and/or road constructed on slopes of 20% or greater

Minimum Lot Size: 30,000 square feet per dwelling unit if not served by a public sewer service.
12, 000 square feet per dwelling unit if public sewer service is available.

Minimum Lot Width: 100 feet

Minimum Lot Depth: 150 feet if not served by public sewer service. 120 feet if served by public sewer service.

Minimum Yard Setback:

Front: For buildings to be located on State highways, the minimum setback shall be (110) feet from the centerline or (50) feet from the right-of-way whichever is greater.
For buildings to be located on all county roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way line.
For buildings to be located on Town and all other roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way.
At least (20) feet from any building.

REAR: Twenty (20) feet from the rear property line for the principal and accessory structures.

SIDE: Twenty (20) feet for principal and accessory structures.

Residential Dwelling Unit Bldg. Foundation:

All residential units except those that are 16 feet or less in width shall be erected on and securely anchored to a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.

Maximum Impervious Surface Area:

To maintain attractive neighborhoods that blend in the rural agricultural landscape and to control excessive water run off and soil erosion within this higher development density zone no more than (45) percent of a lot may be covered by impervious surface area such as buildings and pavement.

Parking: Adequate parking areas shall be provided.

State Uniform Dwelling Code and Sanitary Codes:

All dwelling units and septic and water systems shall conform to applicable State Administrative codes.

Rural Commercial "RC" Zoning District Standards

Purpose: To provide areas for business sales and business services that are intended to primarily serve area residents and which are compatible with the rural and agricultural character of the town. This district is also designed to provide for green spaces by placing limits on impervious surfaces in order to maintain the scenic countryside and provide for a healthy rural lifestyle and surroundings protected from traffic, congestions and incompatible land uses.

Principal Permitted Uses: No uses are permitted as a matter of right within this district.

Conditional Uses: Vehicular sales and service Eating and/or drinking establishments
Rooming Houses Resort Cabins Bed & Breakfast Inns
Hotels Motels Liquor Stores Grocery Stores Gasoline Stations
Places of entertainment and/or recreation Schools
Churches Family or elderly daycare facilities Group homes
Lodges, clubs, fraternal organizations Foundations Gov. Bldgs.
Business uses with lots or utilizing land areas of more than (1.5) acres
Buildings, driveways or roads constructed on slopes of 20% or greater
Single family dwelling of business owner or business employee
Owner occupied duplex of business owner or business employee
Single-family dwelling constructed on a reinforced slab foundation

Prohibited Uses: Manufacturing Operations.

Minimum Lot Size: The minimum lot size for this zoning district is one (1) acre, more restrictive lot sizes may be established as part of the conditional use permit process.

Minimum Lot Width: 100 feet

Minimum Yard Setback:

Front: For buildings to be located on State highways, the minimum setback shall be (110) feet from the centerline or (50) feet from the right-of-way whichever is greater.

For buildings to be located on all county roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way line.

For buildings to be located on Town and all other roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way.

At least (20) feet from any building.

REAR: Twenty (20) feet from the rear property line for the principal and accessory structures.

SIDE: Twenty (20) feet for principal and accessory structures.

Building Foundation: All principal business building and residential dwelling units except those residential dwelling units that are 16 feet or less in width shall be erected on and securely anchored to a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.

Maximum Impervious Surface Area:

To maintain the rural agricultural character, the scenic countryside, and to prevent excessive water run off and soil erosion no more than (45) percent of a lot may be covered by impervious surface area such as buildings, driveways and pavement.

Parking:

USE	Minimum Parking Required
Single, family dwellings	2 stalls for each dwelling unit
Motels, lodging, and boarding houses	1 stall for each guest room plus 1 stall for each employee
Hospital, clubs, lodges, dormitories	1 stall for each 2 beds plus 1 stall for each 2 employees
Group homes, institutions, rest homes & nursing homes	1 stall for each 3 beds plus 1 stall for each 2 employees
Medical or dental clinics	3 stalls for each doctor plus 1 stall for each employee
Theaters, auditoriums, churches, community centers	1 stall for each three seats
Colleges, high, middle, elementary, kindergarten, and pre schools	4 stall plus 1 stall for each employee plus 2 stalls for each classroom
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of gross floor area
Financial institutions, business, government and professional services	1 stall for each 200 square feet of gross floor area
Funeral home	1 stall for each 100 square feet of gross floor area
Bowling alleys	2 stalls for each alley

Parking Stalls: All parking stalls shall be 10 feet wide by 20 feet in length (200 square feet)

State Uniform Dwelling Code and Sanitary Codes:

All commercial buildings, dwelling units and septic and water systems shall conform to applicable State Administrative codes.

Industrial "I" Zoning District Standards

Purpose: The 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 such as quarrying and mining or which could, or would create, or tend to create, conditions of public or private nuisance, hazard, or other undesirable conditions; of which for these or other reasons may require special safeguards, equipment processes, buffers, barriers, landscaping, or other forms of protection including spatial distance, in order to reduce, eliminate or shield the public from such conditions.

Principal Permitted Uses: No uses are permitted as a matter of right within this district.

Conditional Uses: No uses are permitted as a matter of right within this district. The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Town Board with regard to such matters as the creation of nuisance conditions for the public or for the user of nearby areas, the creation of traffic hazards, the creation of health and environmental hazards, or other factors.

Manufacturing establishments, usually described as factories, mills, plants, in which raw materials are transformed into finished products and establishments engaged in assembling component parts of manufactured products.

Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

The outdoor storage of industrial products, machinery equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.

Uses customarily incident to, or similar to, the above uses.

A dwelling unit provided for a business owner, caretaker or superintendent, in the case of an industrial use which requires constant supervision.

Owner occupied duplex for a business owner, caretaker, or superintendent.

Single-family dwelling unit constructed on a floating slab foundation.

Quarrying, mining, and other forms of natural resource exploitation.

Essential services such as public and private utilities necessary to serve conditional uses.

Buildings, driveways, or roads constructed on slopes of 20% or greater.

Minimum Lot Size: The following are minimum standards, more restrictive lot sizes may be established as part of the conditional use permit process. 20 acres for quarrying, mining, and other natural resource exploitation activities. Two acres for all other conditionally approved uses.

Minimum Lot Width: 100 feet

Minimum Yard Setback:

Front: For buildings to be located on State highways, the minimum setback shall be (110) feet from the centerline or (50) feet from the right-of-way whichever is greater.

For buildings to be located on all county roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way line.

For buildings to be located on Town and all other roads the minimum setback shall be (68) feet from the centerline of the road or (35) feet from the right-of-way.

At least (20) feet from any building.

REAR: Twenty (20) feet from the rear property line for the principal and accessory structures.

SIDE: Twenty (20) feet for principal and accessory structures.

Building Foundation: All principal business building and residential dwelling units except those residential dwelling units that are 16 feet or less in width shall be erected on and securely anchored to a permanent foundation with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the buildings trade as permanent in nature.

Maximum Impervious Surface Area: To maintain the rural agricultural character, the scenic countryside, no more than (75) percent of a lot shall be covered with impervious surfaces such as buildings, driveways, parking lots and pavement.

Parking Stall: (2) spaces plus (1.10) spaces per employee. Minimum parking stall size shall be (10) feet wide by (20) feet in length (200 square feet).

Sanitary Standards: All conditionally permitted uses requiring a septic system shall conform to the standards of the Wisconsin Administrative Codes.

Site Planning: When an application for a building and zoning permit is submitted, the landowner shall also submit a site plan of the proposed development showing the location and size of the building, open space, landscaping design, storm water design, walkways, signage, access points, internal traffic circulation, water and sewer service, lighting, and parking areas.

State Uniform Dwelling Code and Sanitary Codes: All commercial buildings, dwelling units and septic and water systems shall conform to applicable State Administrative codes.

Parking:

USE	Minimum Parking Required
Single, family dwellings	2 stalls for each dwelling unit
Motels, lodging, and boarding houses	1 stall for each guest room plus 1 stall for each employee
Hospital, clubs, lodges, dormitories	1 stall for each 2 beds plus 1 stall for each 2 employees
Group homes, institutions, rest homes & nursing homes	1 stall for each 3 beds plus 1 stall for each 2 employees
Medical or dental clinics	3 stalls for each doctor plus 1 stall for each employee
Theaters, auditoriums, churches, community centers	1 stall for each three seats
Colleges, high, middle, elementary, kindergarten, and pre schools	4 stall plus 1 stall for each employee plus 2 stalls for each classroom
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of gross floor area
Financial institutions, business, government and professional services	1 stall for each 200 square feet of gross floor area
Funeral home	1 stall for each 100 square feet of gross floor area
Bowling alleys	2 stalls for each alley

CONDITIONAL USES

Application: Application for conditional use permits shall be submitted to the Town Clerk or Zoning Committee on forms provided and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and any proposed structures and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the Town Board.

Review: In all cases of proposed establishment of a conditional use specified in this ordinance, the Town shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area. To aid in the review of the proposed project against the above criteria, the Town Board shall evaluate the following applicable criteria, but shall not be limited thereto.

1. Whether the proposed project will adversely affect property values in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Provision of an approved sanitary waste disposal system.
4. Provision for a potable water supply.
5. Provisions for solid waste disposal.
6. Whether the proposed use creates substantial noise, odor or dust.
7. Provision of safe vehicular and pedestrian access.
8. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
9. Adequacy of emergency services and their ability to service the site.
10. Provision for proper surface water drainage.
11. Whether proposed building contributes to visual harmony with the existing rural character or existing buildings in the neighborhood or area, particularly as related to scale, design, location and color.
12. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
13. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.

The applicant's failure to satisfy the criteria listed above or other applicable requirement in the ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of those criteria remains with the applicant.

Conditions and GUARANTEES: 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 promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified above. Establishment, maintenance and operation shall be construed to include but shall not be limited to, such factors as landscaping, architectural design, type of construction, construction commencement and completion and completion date, 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 applying to these factors are necessary or desirable to fulfill the purpose and intent of this ordinance. In all cases in which a permit for conditional use is granted, the Town Board shall require such evidence and guarantee as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

CONDITIONAL USES SHALL COMPLY: with all other provisions of the ordinance such as lot width and area, yard, height, building size, parking and loading area. The Town Board may also impose more restrictive requirements if it deems it necessary to promote the public health, safety and general welfare of the community.

The Town Board may authorize the Town Clerk or Zoning Committee to issue a conditional use permit for conditional uses specified in this ordinance after review, and/or a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.

No application for a conditional Use: which had been denied wholly or in part by the Town Board 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.

NON-CONFORMING USES AND STRUCTURES

Existing Non Conforming Uses: The lawful use of a building or premises or activity existing at the time of the adoption or amendment of this zoning ordinance may be continued although such use does not conform with the provisions of the zoning ordinance. Such nonconforming use may not be extended or increased.

Discontinued Use: If a nonconforming use of a building or premises or activity is discontinued for a period of 12 months any future use of the building and premise or activity shall conform to the regulations for the district in which it is located.

Existing Nonconforming Structures: The total structural repairs or alterations in a nonconforming building shall not, during its life, exceed (50) percent of the assessed value of the building at the time of it becoming a nonconforming use unless permanently changed to a conforming use.

Changes & Substitutions: Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

Nonconforming Lots: A one family detached dwelling and its accessory structures may be erected on any legal lot or parcel which has been recorded in the county Register of Deeds office prior to the effective date or future amendment of this ordinance.

PERFORMANCE STANDARDS

Compliance: The ordinance permits specific uses in specific districts and the performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or districts. No structure, land or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

Sound: The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.

Vibration: An operation which creates vibrations that can be measured or readily detected without instruments: e.g. heavy drop forges, heavy hydraulic surges; shall be set back, in the Rural Commercial (RC) district & the Industrial (I) district, a distance not less than (500) feet from lot lines.

Radioactivity & Electrical Disturbances: No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Odors: No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises.

Toxic or Noxious Matter: No discharge of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business shall be permitted.

Glare & Heat: No activity shall emit glare or heat that is visible or measurable outside its premises except in the "I" district which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be sheltered so as not to be visible outside their premises.

Wisconsin State Statute 823.08, "Right to Farm Law" This statute purpose is to protect agricultural production & use of modern agricultural technology to the extent possible with good public policy. Any of the above activities occurring from agricultural use are subject to this law.

Town Zoning (Planning) Committee

Town Zoning (Planning) Committee:

The Town Zoning Committee shall operate in accordance with Wisconsin State Statutes. The Zoning Committee shall have function to research, report and recommend to the Town Board on matters pertaining to conservation, land use planning, zoning, and physical development of the purpose of promoting health, safety, prosperity, aesthetics and the general welfare of the Town. The Town Zoning Committee shall also hear and recommend, conditional use and/or variance permits as specified by the terms of this ordinance.

Initial terms of the (5) members shall be as follows: They will have alternating years. After that they will be reappointed for 3-year terms. These will all be reviewed each year during the Annual Meeting. The Town Clerk will advise who is up for re-nomination.

A term of a citizen member on the Town Zoning (Planning) Commission is April to April for the time period that each term begins and ends respectively. Appointments to the Town Zoning (Planning) Committee shall be made each April.

The Town Board will choose a Town Zoning (Committee) chairman to handle the initial review of the Site Permits, Variances, Conditional Use Permits and Driveway Permits.

Standards for Variances: No variance in the strict application of the provisions of this ordinance shall be recommended by the Zoning Chairman or the Zoning Committee unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of these ordinances shall be sparingly exercised. It is the intent of this ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the zoning ordinance. Any variation granted shall be the minimum adjustment necessary for the reasonable use of the land.

1. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this ordinance on the neighborhood in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
2. The granting of the variance will not permit the establishment of any use which is not permitted in the zoning district that it is within.
3. There must be proof of unique circumstances: there must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood and which circumstances or conditions are such that strict applications of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.
4. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.
5. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Town Board is the minimum variance that will accomplish this purpose. The report of the Town Board and/or Zoning committee shall fully set forth the circumstances by which this ordinance would deprive the applicant

of any reasonable use of land. Mere less in value shall not justify a variation; there must be a deprivation of beneficial use of land.

6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public roads and highway, increased danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
7. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district. The Town Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies
8. A public hearing may, or in very minor cases may not be required.

The minutes of proceedings and hearings before the Zoning Committee and all variances and conditional uses recommended by it shall be filed promptly at the office of the Town Clerk and shall be open for public inspection during office hours.

Zoning Board of Appeals

Wisconsin State Statutes require that the Zoning Board of Appeals consist of five regular members appointed by the Town Chairman. The appointments are subject to approval by the Town Board. The term of Board of Appeals members is two years, except that those first appointed serve staggered terms of one for one year, two for two years and two for three years. The Town Chairman may appoint two alternate Board members. Annually, the Town Chairman designates one of the alternates as the first alternate, the other as the second alternate. The alternates act and vote in a designated order when a regular member is absent or refuses to vote because of personal interest.

Members shall serve with or without compensation and shall be removable by the Town Chairman for cause upon written charges but only after a public hearing. The Board of Appeals may make and file in the office of the Town Chairman its own rules of procedure consistent with the State Statutes. It shall have the following power:

To hear and decide appeals where it is alleged that the Zoning Committee or the Town Board has made an erroneous finding or order.

The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a change. The ground of every such determination shall be stated and recorded. A public hearing may be required.

NO ACTION OF THE BOARD OF APPEALS Shall have the effect of permitting in any district uses prohibited in such district by this ordinance. The minutes of proceedings and hearings before the Board of Appeals and all changes granted by it shall be filed promptly at the office of the Town Clerk and shall be open for public inspection during office hours.