

Statutory Authorization, Statement of Purpose

An Ordinance under the provisions of Section 62.23 (7) to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purpose to divide the Town of Clearfield, Juneau County, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation. The Town Board of the Town of Clearfield, Juneau County, Wisconsin, having been granted village powers pursuant to Section 60.10 (2), does ordain as follows:

Section 1.0 Interpretation and Purposes

1.1 Purpose

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals comfort, prosperity and general welfare of the Town of Clearfield, Juneau County, Wisconsin.

1.2 Interpretation

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, 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 govern.

Section 2.0 Districts

2.1 Districts

For the purposes of this ordinance, the Town of Clearfield, Juneau County, Wisconsin is hereby divided into three (3) districts as follows:

1. Rural District
2. Exclusive Agricultural District
3. Business

2.2 Boundaries

The boundaries of the aforesaid districts are hereby established as shown on the map entitled AZoning Map for the Town of Clearfield, Juneau County, Wisconsin, which map is made a part of this ordinance and is on file in the office of the Clerk of said township. All notations and references shown on the district map are as much a part of this ordinance as though specifically described herein.

1. The district boundaries, unless otherwise indicated, are street or highway center lines, railroad right-of-way lines extended, lines parallel or perpendicular to such street,

highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary line.

2. The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

Section 3.0 Glossary of Terms

3.1 General Terms

For the purposes of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state building code.

3.2 Definitions

1. Airport, Public - Any airport which complies with the definition contained in Section 114.002, Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
2. Alley - A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
3. Automobile Wrecking Yard - Any premises on which three or more automotive vehicles, not in operating condition, are stored in the open.
4. Boarding House - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 5 or more persons not members of a family.
5. Boathouse - Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.
6. Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property.
7. Building, Accessory - A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
8. Building, Height of - The vertical distance from the average ground level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gable, hip or pitch roof.

9. Building, Main - A building constituting the principal use of a lot.
10. Center Line - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
11. Channel - A natural or artificial watercourse of perceptible extent, which definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.
12. Dwelling, One Family - A detached building designed for or occupied exclusively by one family.
13. Dwelling, Two Family - A detached or semidetached building designed for and occupied exclusively by two families.
14. Dwelling, Multiple - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
15. Family - (a) an individual; or (b) 2 or more persons related by blood, marriage, or adoption; or (c) maximum of 5 persons not so related maintaining common household in a dwelling unit or lodging unit.
16. Front Setback - 50 feet.
17. Frontage - All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
18. Garage, Private - An accessory building or space for the storage of motor-driven vehicles.
19. Garage, Public - Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
20. Garage, Storage - Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
21. Gross Income - The meaning given for Wisconsin adjusted gross income in s. 71.01 (13).
22. Home Occupation - A gainful occupation conducted by members of the family and up to five additional employees, within their place of residence or accessory building on the owner-s property, and that no sign other than one name plate no more than 24 feet square is installed.

23. Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
24. Junk Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale or parts therefrom.
25. Lodging House - A building other than a hotel where lodging only is provided for compensation for 3 or more persons not members of the family.
26. Lot, Zoning Lot - A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.
27. Lot, Corner - A lot located:
- a. At the junction of and abutting 2 or more intersecting streets; or
 - b. At the junction of and abutting a street and the nearest shoreline of high-water line of a storm or flood water runoff channel or basin; or
 - c. At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or
 - d. At and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.
28. Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
29. Lot, Interior - A lot other than a corner lot.
30. Lot Width - The width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street right-of-way) and the rear most points of the side lot lines in the rear, provided however that the width between the side lot lines at their foremost points in the front shall not be less than eighty (80%) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than sixty (60%) percent of the required lot width.

31. Manufactured Housing - Manufactured housing means a structure or structures certified and labeled as a manufactured home under 42 USC Sections 5401 to 5426, which, when placed on the site:
- a. Is set on an enclosed foundation in accordance with Section 70.043(1), Stats and sub-chapters III, IV and V of Chapter DILHR 21, Wis. Admin, Code, or is set on a comparable enclosed foundation system approved by the Zoning Administrator. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - b. Is installed in accordance with the manufacturer's instructions.
 - c. Is properly connected to utilities.
32. Mobile Home - That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home.
33. Mobile Home Park - Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
34. Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.
35. Nonconforming Use - A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or amendments thereto.
36. Owner - The meaning given for owner in s. 91.01(9), also including a partner in a partnership, a member in a limited liability company and a shareholder in a corporation.
37. Professional Office - The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession; and only one name plate sign not exceeding 24 square feet in area.

38. Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Natural Resources.
39. Setback - Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines means between the setback line and the highway."
40. Side Setback - 25 feet from property line.
41. Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
42. Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
43. Special Use - A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Special Use as applied is synonymous with the term special exception.
44. Street - All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21 feet or more in width.
45. Street Line - A dividing line between a lot, tractor parcel of land and a contiguous street.
46. Structure - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.
47. Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.

Section 4.0 General Provisions

4.1 General Provisions

1. The use and height of building hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
2. All dwellings shall conform to minimum floor size and be securely anchored to a permanent footed foundation or slip.
3. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.
4. In the Business District, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
5. All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least 1 car for every 5 seats provided.

4.2 Exceptions

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

1. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 35 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, micro-wave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Clearfield.

4.3 Lot area

Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on 1 lot.

4.4 Vision Corners

1. Vision corners for driveways must be free of all obstructions at each access point in accordance with the vision corner diagram shown at the end of this ordinance. Vision corners must be measured from a point 3.5 feet above the centerline of the proposed access, 15 feet back from the edge of pavement of the public road, to two points 4.5 feet above the centerline of the nearest oncoming lane of the public road in each direction, at a distance of "D" (as shown in the diagram) from the point where the public road meets the centerline of the proposed access. Distance shall correspond to the speed limit of the road. See diagram at end of document.
2. Vision corners for public road intersections must free of all obstructions in accordance with the vision corner diagram shown at the end of this ordinance. Vision corners must be measured from a point at distance "B" back from the edge of pavement of the major public road. The second measure point must be measured from a point at distance "A" back from the edge of pavement of the minor public road. The area toward the road from a line drawn between the points above, is the vision triangle (Exhibit A) that must be kept free of obstructions. In the case of two minor roads, the one with the higher traffic count shall be considered the major road. Distance shall correspond to the speed limit of the road. See diagram at end of document.

4.5 Non-Conforming Uses

1. The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform with the regulations for the district in which it is located.

Section 5.0 Rural District (RD)

5.1 Purpose

The purpose of the RD District is to provide areas for mixed agricultural and

residential uses and hobby farm operations. This district is generally composed of lands which are currently developed or used for non-agricultural purposes or which because of location, soils, existing development, ownership patterns or other physical characteristics are not highly suited to productive long-term crop uses.

5.2 Permitted Uses

Within the RD-Rural District, the following uses are permitted:

1. Permitted principal agricultural uses and structures in the A-1 District.
2. Single-family dwellings.
3. Two-family dwellings.
4. Manufactured housing.
5. Hobby farms and farm homes and structure remaining from any farm consolidation.
6. Public parks and playgrounds.
7. Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.
8. Home-based business.

5.3 Regulations and Standards

The following regulations and standards shall apply to all dwellings:

1. Occupancy: Residential occupancy per dwelling unit shall be limited to 1 family and not more than 2 roomers or boarders.
2. Location: Dwellings shall be located so as to abut a public highway and lots shall have a minimum of 165 feet of frontage thereon.
3. Habitable Floor Area: The minimum- habitable floor area per dwelling unit shall be 720 square feet.
4. Dimensions of Building Sites:

Minimum area and width for each family unit.

- a. The minimum lot area shall be 5 acres; on riparian lots, a minimum lot width of 75 feet at the water's edge.
 - b. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Section H62.20 and/or H65, Wisconsin Administrative Code or the Sanitary Ordinance of Juneau County, then such larger lot sizes shall be considered as required by the Zoning Ordinance.
 - c. The Zoning Administrator shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance, prior to the issuance of a building permit. No construction shall commence prior to issuance of these permits.
 - d. Building permits are good for 12 months from the date of issuance.
6. Height - 35 feet.
7. Set Back. Setback of not less than 50 feet from the center of the roadway.

Section 6.0 Exclusive Agricultural District (A-1)

6.1 Purpose

The purposes of the A-1 District are to: (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered non-farm uses; (6) pace and shape growth; (7) implement the provisions of the county agricultural plan as adopted and periodically revised if applicable; and (8) comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under s. 71.09 (11).

6.2 Lands Included Within The District

This district is generally intended to include the best agricultural lands historically exhibiting high crop yields. This district also includes other lands that are integral parts of productive farm operations.

6.3 Permitted Uses

The following are permitted uses unless regulated as special exceptions under Section 7.4.

1. Agricultural Uses: Beekeeping; dairying, egg production; floriculture; forest and game management grazing; livestock raising (less than 75 cattle or 200 hogs or sheep); orchards; plant greenhouse and nurseries; poultry raising (less than 200 fowl); raising of grain, grass, mint, and seed crops, raising of fruits, nuts, berries; sod farming and vegetable raising. Existing habitable farm dwellings and related structures that remain after farm consolidation or farm sale may be separated from the farm lot, and are not subject to the 35 acre minimum lot size but shall be subject to all RD (Rural District) standards.
2. Agriculturally-Related Residences: Except as provided in Section 7.3(3) below, the only residences, whether preexisting residences or not, that are allowed as permitted or conditional uses are those that have a use consistent with agricultural use and that are occupied by any of the following:
 - a. An owner of the parcel.
 - b. A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
 - c. A parent or child of an owner who conducts the majority of the farm operations on the parcel.
 - d. A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
3. Pre-Existing Residences and Residential Lots: Pre-existing residences located in areas subject to zoning under this section which do not conform to Section 7.3, 2. may be continued in residential use and shall not be subject to any limitations imposed or authorized under s. 59.69 (10). Such pre-existing residences may be altered, repaired or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. Residential lots of record at the date of the adoption of this ordinance may be used for new residences, which shall then be classified as pre-existing residence.
4. Other Agriculturally Related Structures and Improvements: No structure or improvement may be built unless consistent with agricultural use, or unless otherwise permitted by this ordinance.

5. Permitted Utility Uses: Gas and electric utility uses not requiring authorization under s. 196.491.

6.4 Conditional Uses

Subject to this section and Section 10, conditional uses within an Exclusive Ag District shall be defined as:

1. Agricultural related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of alternative locations available for such uses.
2. Standards Applicable to Special Uses: The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any special uses. In passing upon applications for special uses, the Board of Appeals shall consider the following relevant factors:
 - a. The statement of purpose of the zoning ordinance and the A-1 district.
 - b. The potential for conflict with agricultural use.
 - c. The need of the proposed use for a location in an agricultural area.
 - d. The availability of alternative locations.
 - e. Compatibility with existing or permitted use on adjacent lands.
 - f. The productivity of the lands involved.
 - g. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 - h. The need for public services created by the proposed use.
 - i. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 - j. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

3. Conditions Which May be Attached to Special Uses: Upon a consideration of information supplied at the public hearing and a review of that standards contained in Section 7.42, the following conditions may be attached to the granting of a special use: specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls, erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this ordinance. A performance bond may be required to insure compliance with such requirements. Violation of these conditions shall constitute a violation of this ordinance as provided in Section 15.
4. Before issuance of a conditional use permit, the Town shall hold a public hearing. Notice of the public hearing shall be provided as a Class I notice under Chapter 985, Wis. Stat. Applicants are responsible for paying all publication costs and shall also pay a permit fee of \$100.00 at the time of issuance. All applications for conditional uses shall include the name and address of the parcel owner, the proposed use, the signature of the parcel owner(s) and any additional information subsequently requested by the Township.

6.5 Minimum Lot Height and Yard Requirements

1. Minimum Lot Size:
 - a. The minimum lot size to establish a residence or farm operation is 35 acres exclusive of road right of way, except as provided below (Source s. 91.75 as amended).
 - b. The lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separated from a larger parcel through farm consolidation or sale shall be at least 5 acres exclusive of the road right of way.
2. Yards:
 - a. The minimum side and rear yards for farm dwellings and accessory structures shall be 25 feet from the nearest lot lines.
 - b. Highway setbacks for farm dwellings and structures shall be as specified in Section 25 of this ordinance.
3. Minimum lot size, height and yard requirements for special exceptions:

- a. The minimum lot size, height, and yard requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than 50 feet from a lot line and shall be set back at least the distance specified in Section 10 of this ordinance.

6.6 Standards for Rezoning

The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings that consider the following:

1. Adequate public facilities to serve the development are present or will be provided.
2. Provision of these facilities will not be unreasonable burden to local government.
3. The land is suitable for development.
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need of the proposed development location in an agricultural area.
7. The availability of alternative locations.
8. The productivity of the agricultural lands involved.
9. The location of the proposed development to minimize the amount of agricultural land converted.

Section 7.0 Business District (B)

7.1 Purpose

The Business District is intended to provide space for those retail, business, service business and office uses serving the area.

7.2 Permitted Uses

Within the Business District, the following uses are permitted:

1. Retail stores and shops.
2. Banks, post office, medical or dental clinics, business or professional offices.
3. Service-type-business, such as barbershop, beauty parlor, laundromat, music, dancing, art or photography studio, Servicing or repair of home appliances or farm equipment and similar uses.
4. Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked vehicles or wrecked farm equipment.
5. Hotel, motel, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted use.
6. Clubs, lodges, public meeting halls, theaters, bowling alley, and similar places of assembly or recreation.
7. Blacksmith shops, machine shops, welding shops, sheet metal shops.
8. Farm implement sales.
9. Feed mill.
10. Any non-listed business for consideration.
11. Signs
 - (a) Advertising and announcement signs which advertise the products, goods or services offered by a specific business conducted on the premises where the sign is located, not exceeding 350 square feet in area (on double faced signs, only 1 side shall be counted in determining square footage); such sign shall be set back from the

highway right-of-way line 1 foot for each additional 10 square feet in excess of 100 square feet, and shall provide a minimum of 6 feet of visual clearance above ground level; such signs if illuminated, shall not blink or be mechanically activated in whole or in part; and provided that setback requirements, except as in this paragraph set out, shall not apply to such signs.

- (b) Directional signs indicating the location of a business offering good or services conducted on premises located within the town and on a location so set up that persons traveling on the highway may conveniently locate the business, even though located off the highway on which the sign is located. Such signs shall observe setback and side yard requirements, shall not be illuminated and shall not exceed 250 square feet in area.

7.3 Non-Permitted Uses

7.4 Regulations and Standards

1. Height of Buildings. Not to exceed 35 feet.
2. Setback. Requirements as established in residential district.
3. Minimum Lot Size. One acre.
4. Off-Street Parking Space. Off-street parking spaces shall be provided as follows:
 - a. 1 off-street parking space per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit served.
 - b. 1 off-street parking space per person normally employed on the lot or tract of land.
 - c. 1 off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

Section 8.0 Highway Setback Lines

8.1 Purpose

In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the

Town of Clearfield, Juneau County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided.

Where a highway is located on a township boundary, this section is not intended to be effective on the side within the township, nor on the side within another town where the highway is located on a town boundary.

8.2 Classes of Highways and Centerlines

Highways are classified and the position of the centerline shall be determined as follows:

Class 1 Highways.

- a. Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the county or town board. The centerline is the midway point between the edges of the road surface.
- b. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The centerline is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
- c. Roads and streets in platted subdivisions not otherwise classified. The centerline is the midpoint between the edges of the road surface.
- d. Private roads. The centerline is at the mid-point between the edges of the road surface.

2. Class 2 Highways

- a. County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The centerline is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
- b. County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, and the County Highway Committee. The centerline is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

3. Class 3 Highways

State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board, and United States Highways. The centerline is the center of the roadbed or the center of the surfacing or

pavement of the adjacent lane if the highway is to be paved as a double-divided road.

8.3 Structures Permitted Within Setback Lines

The following kinds of structures may be placed between the setback line and the highway:

1. Open fences.
2. Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner file with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.
3. Underground structures not capable of being used as foundations for future prohibited aboveground structures.
4. Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.
5. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

8.4 Setback Distance & Interpretation

Except as otherwise provided, the distances from the center to the setback line applicable to the various classifications of highways as defined in Paragraph 11.2 of this section, shall be as provided by the following paragraphs of this subsection, respectively, unless otherwise provided for in this ordinance.

Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.

In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

8.5 At Ordinary Highway Intersections

Refer to Section 4.4 and diagram at the end of this ordinance.

8.6 At Highway Intersections with Widening

At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.

8.7 At Highway Intersections with Curve Connections

At intersections where the intersecting highway, are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.

8.8 At Railroad Grade Crossings

At railroad grade crossings there shall be vision clearance triangle in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

Section 9.0 General Conditional Uses

9.1 Definition

A "Conditional Use" is a use that is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. It is hereby declared the policy and purpose of this ordinance to employ the Conditional Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights. Additional Conditional Use standards for the Exclusive Agricultural are detailed in Section 7.0 of this ordinance.

9.2 Authorizing Special Use Permits

The Board of Appeals may authorize special use permits in accordance with the procedure set forth in Section 13.3,5. when it appears.

1. That it is reasonably necessary for the public convenience at that location.
2. That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare.
3. That it conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

4. That in the case of an existing non-conforming use will make such use more compatible with its surroundings.

Section 10.0 Subdivision and Platting

10.1 Purpose

The purpose of these regulations is to regulate and control the subdivision of land within the corporate limits and extraterritorial plat approval jurisdiction of the Town of Clearfield in order to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets and highways; to foster the orderly layout and use of land; to insure safety from fire, panic, and other dangers; to provide optimum light and air; to discourage overcrowding of land; to lessen considerations of population; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playground and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration for, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of the land in the Town.

10.2 Definitions

5. Certified Survey Map. A map of land division to create three (3) or more parcels of land regardless of size over a period of five (5) years. Certified survey maps in the plat approval jurisdiction of the Town shall, in addition to the provisions of Sec. 236.34, Wis. Stats., bear a certificate of approval of the Board, certified by the Clerk.
6. Division of Land. Any splitting up of a recorded tract of land, except as provided by Sec. 1.03(4) of this chapter.
7. Final Plat. A map of land division creating more than three (3) parcels of land regardless of size over a period of five (5) years, complete with all necessary text, certificates, and affidavits required by statute or ordinance to qualify it for recording in the office of the Register of Deeds. All plats, regardless of lot size, shall be reviewed in accordance with Chapter 236, Wis. Stats.
8. Master Plan. The comprehensive plan for guiding and shaping the growth and development of the Town including all of its component parts as adopted and certified by the Town Board.

9. Official Map. The map indicating the location, width, and/or extent of existing and proposed streets highways, parkways, parks, and playgrounds as adopted and amended by the Town Board.
10. Owner. Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of any of these.
 - a. AFrontage@ means the distance, in feet, that a lot borders on a public road, measured from one corner of a lot intersecting the right-of-way to the farthest corner of the lot which intersects the right-of-way.
 - b. ALot@ means a defined area of land or parcel of land.
 - c. ARoad@ means a path or way upon which vehicles and other modes of transportation may travel.
7. Preliminary Act. A map or sketch of a proposed subdivision or division of land.
8. Subdivision. As defined in Section 236.02(8), Wis. Stats., and as amended in Sec. 1.02(3) of this chapter.
9. Tentative Approval. An approval with or without recommended alterations given to the preliminary plat or preliminary certified survey by the Town Board. It shall constitute the necessary authority to proceed with the preparation and presentation of the final plat or final certified survey map for the consideration of the Board.

10.3 Jurisdiction and Approval

1. No land within the corporate limits of the Town of Clearfield shall be divided by a subdivision plat or certified map, nor may such documents be entitled to be recorded in the office of the Register of Deeds, nor may any streets be laid out, nor may any improvement be made to the land, until the provisions of this chapter and Chapter 236, Wis. Stats., are met, and the plat or certified survey map and the plan or plans of the subdivision shall have been approved by the County and the Town Board and certified thereto by the Town Clerk.
2. Any division of land, other than a subdivision, shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats., and this chapter. Any division of land which shall create a remaining parcel less

than five (5) acres of area shall include the remaining parcel as part of another lot in the subdivision plat or certified survey map.

3. No building permit shall be issued by the Town authorizing the building on or improvement of any parcel of land not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been met.
4. The provisions of this chapter shall not apply to:
 - a. Transfer of interest in land by will or pursuant to court order.
 - b. Leases for a term not to exceed ten (10) years, mortgages or easements.
 - c. Sale or exchange of parcels of land between owners of adjoining properties, if additional lots are not thereby created and if the resulting lots are not reduced below minimum sizes required by Chapter 236, Wis. Stats., or any ordinance of the Town.
 - d. Division of land for agricultural purposes, unless it involves any of the following: A split of a quarter-quarter section, requires new streets, easements for access or other public improvements.

10.4 Procedure

1. Pre-Application Procedure. Prior to the filing of an application for approval of a plat or a certified survey map, a subdivider may consult the town Board for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or date which may affect the proposed development. Fees for plat and certified survey review are \$35 plus \$2 per lot plus actual costs for Township Engineer and Attorney.
2. Compliance. Any owner of land, or his agent, who wishes to divide a parcel of land shall comply with the general principles of design and minimum layout requirements as set forth in Sec. 1.06 through 1.11 of this chapter, and the procedure shall in every case be as follows.
3. Preliminary Plat or Preliminary Certified Survey Map.
 - a. The owner of land, or his agent, shall provided a preliminary plat or preliminary certified survey map when any final plat or certified

survey map will require the dedication of streets, parks or the extension of public services such as sanitary and storm sewer, water and street improvements.

b. The owner of land, or his agent, shall provide a certified plat or preliminary survey map, if the Board, after review of the application, determines a preliminary plat preliminary survey map is necessary, before the final plat or map may be submitted for approval. The plat or map shall be filed within twenty-one (21) days after the Board make its demand, with the Town Clerk who shall distribute the plat or map to all agencies, commissions, and individuals who must approve the final plat.

c. A preliminary plat, or preliminary certified survey map, shall be a legible print made from a drawing at scale not greater than one hundred (100') feet per one (1") inch that shall show correctly the following:

- (1) Proposed name of the subdivision, if a plat.
- (2) Name and post office address of the owner or his agent.
- (3) Date, scale and North point.
- (4) Small scale drawing showing the location of the land to be divided, major streets referenced by the U.S. Public Land Survey.
- (5) Exterior boundaries of the land to be divided reference to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (6) Location and names of adjoining subdivision and the owner of undivided lands.
- (7) Present zoning of the land to be divided and adjoining lands; proposed zoning.
- (8) Location, width, and names of all existing and platted streets, alleys, or other public ways and easements; railroad and public utility rights-of-way; parks; cemeteries; watercourses; drainage ditches; permanent buildings; bridges; size, grade and invert elevations of all existing sanitary and storm sewers and water mains; and other pertinent data within, adjacent to, or affecting the proposed division of land or of property owned or controlled by the owner.
- (9) Water elevations of adjoining lakes or streams at the date of survey and the approximate high and low water levels thereof. All elevations shall be referred to USGS Datum.

- (10) Contour lines at a vertical interval of not more than two (2') feet where the ground slope is less than ten percent (10%) or five (5') feet in other areas. Reference shall be to USGS Datum.
 - (11) Layout, width, approximate radii of all curves, and approximate grade of all streets and rights-of-way, easements for sewers, water mains, and other public utilities, provision for storm water drainage.
 - (12) Direction, distance and invert elevation of nearest water mains, sanitary and storm sewers.
 - (13) Approximate dimensions and area of all lots and other parcels.
 - (14) Proposed building setback line, if different from that required by the Board or extraterritorial zoning ordinance.
 - (15) Location and approximate dimensions and acreage of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use of which are to be used for church sites, schools, or other similar uses.
 - (16) Affidavit of the registered land surveyor affixed to the plat or map certifying that it is a correct representation of all existing divisions and features and that he has complied with all applicable statutes and regulations.
- d. The preliminary plat or map shall be checked and reviewed as to its conformity with the Master Plan, the official map and the principal standards and requirements set forth in this chapter. The Board's designated engineer shall examine the plat or map for technical details and shall certify in writing to the Board, objection or non-objection to the plat or map. Copies shall be referenced by the owner for review and recommendations to the State, County or Town agencies as required by Sec. 236.122, Wis. Stats.
 - e. After review of the preliminary plat or map, consideration of comments received from reviewing agencies and individuals, and conferences with the owner on any changes deemed advisable and the kind and extent of public improvements which will be required, the Board shall approve, conditionally approve, or reject the plat or map with a written statement setting forth the reasons for rejection.
 - f. If the Board rejects the plat or map, it shall return it to the owner.
 - g. The Board shall take final action on the plat or map within forty (40) days of the filing of said plat or map with the Town Clerk, and

thereafter instruct the Town Clerk of its approval or rejection, who shall notify the owner of the action taken by the Board.

4. Final Plat or Final Certified Survey Map

- a. Final plats or final certified survey maps shall be submitted for approval within six (6) months of the filing or, if within six (6) months after the approval of the preliminary plat, whichever time is greater, unless otherwise extended. The Board shall act within sixty (60) days of submission of a completed or proper final plat unless extended by mutual agreement.
- b. Simultaneously with the filing of the final plat or map, the owner shall file with the Town Clerk, four (4) copies of such plat or map and evidence of compliance with Section 1.05 of this chapter.
- c. The Town Clerk shall forward the plat or map to the Board.
- d. The Board shall refer the final plat or map to the Town's Engineer for review. The Town engineer shall examine the plat or map for technical details, and shall certify in writing to the Board his objection or acquiescence to the plat or map.
- e. If the plat or map is satisfactory to the Board, it shall so certify in writing. If it is not satisfactory to the Board, it shall be rejected and returned to the owner with a written statement setting forth the reasons for rejection.
- f. If the Board approves the plat or map and the owner has complied with Sec. 1.05 of this chapter, it shall signify its action by motion or resolution. If they are rejected, the Clerk shall so advise the owner in writing; if approved, the Clerk shall endorse the plat or map as required by Chapter 236, Wis. Stats., and return it to the owner for recording.
- g. The approval of the final plat or map by the Board shall constitute acceptance of the dedication of any public street, open space, or other public area within the corporate limits of the Town.
- h. A final plat or final certified survey map shall comply with all applicable regulations of Chapter 236, Wis. Stats.

10.5 Construction of Public Improvements

1. Construction by Owner. All of the public improvements required by the Board to be constructed by owner shall be constructed in accordance with the provision of this ordinance prior to the filing of the final plat with the Town Clerk for approval by the board. The owner shall provide a surety bond running to the Town for a period of one (1) year after completion of construction in the amount of twenty percent (20%) of the costs of the improvements to guarantee workmanship and materials of construction and to save the Board from any cost to repair or replace improvements.

Prior to construction the owner shall provide a surety bond running to the Town in the amount of twenty percent (20%) of the estimated cost of construction (as determined by the Town's engineer) which shall not be released until the work is completed as required by this ordinance.

2. Performance. Construction of all required improvements shall be completed within two (2) years of the approval of the final plat by the Board unless good cause can be shown for granting an extension of time by the Board.
3. Plans, Specifications and Inspection. Construction plans and specifications for improvements required to be installed shall be furnished in accordance with the Township and County standards and specifications established by the officials having jurisdiction and shall received approval of these officials before improvements are installed. The following plans shall be required where applicable:
 - a. Street plans and profiles showing existing and proposed grades, including extension for a reasonable distance beyond the subdivision. Plans and profiles for curb, gutter and sidewalk installation or if in a rural area, typical cross sections showing shoulders, ditches and side banks.
 - b. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials.
 - c. Storm sewer plans and profiles showing the locations, grades, sizes, elevations and materials or methods of storm water disposal in lieu of sewers.
 - d. Water main plans and profiles showing locations, sizes, elevations and materials.

- e. Such additional plans and specifications as required. The owner shall be responsible for obtaining any state or county agency approval that may be required. The Town Engineer or other designated representative shall inspect the construction or all required improvements at owner-s expense.
4. Ownership of Improvements. All public improvements required to be constructed herein, such as streets, curb, gutter, sidewalk, sanitary and storm sewer, water mains, etc., shall become the property of the Township, if an extraterritorial area.
5. Where it shall appear to the satisfaction of the board that the whole of the plat and its subdivision cannot immediately be fully improved with respect to the installation of all storm and sanitary sewers and related facilities and street improvements by reason of unavoidable delay in the acquisition of land necessary for such improvements or by reason or an unavoidable delay in obtaining necessary engineering data and information or for any other good reason or cause, the Board may authorize the owner to proceed with the installation of improvements required under this chapter on a portion or part of such subdivision and, in such events, the requirements of this chapter shall apply to that portion or part thereof authorized for immediate improvement. Only that portion of the approved preliminary plat for which a final plat is being prepared need comply with this section.
6. Undeveloped Parcels. Whenever street improvements or utilities transverse an undeveloped parcel of land, the costs of installing said improvements, utilities, public services, streets, curb and sidewalk will be borne by the subdivider requiring installation of such improvement or utilities. If the undeveloped parcel is developed within ten (10) years of the installation of said street improvements or utility installation and if the development utilizes the street improvement and utilities previously installed, then the developer of said previously undeveloped parcel shall be assessed the proportionate share of the actual cost incurred during the original installation and said amount shall be reimbursed to the original owner and sub-divider who was required to construct and finance said improvements. There shall be no consideration for interest or inflation.

10.6 Streets

1. Streets shall be provided for convenient access to all parcels of land to be created by the subdivisions. The subdivision layout shall be such as to provide each lot, by means of a public street, satisfactory access to an existing public street. All streets shall be dedicated to the public, unless in areas

outside the corporate limits were the Town Board may permit private streets. The design of private streets shall be in full conformity with this ordinance.

2. The layout of the streets shall conform to the official map.
3. In areas not covered by the official map, the layout of the streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. The streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, efficient provision for drainage, sanitary sewer, water and other utilities, streams and lake and existing tree growth, public convenience and safety, and in their appropriate relation to the proposed used of the land to be served by such streets. Minor streets shall be designed to discourage use by through traffic.
4. Road Access Required. No lot may be created unless the lot has a minimum frontage on a public road of 165 feet.
5. Road Standards. All new public roads constructed in the Township shall meet the following minimum standards. Nothing herein obligates the reconstruction or repair of any existing public road.
 - a. Right of way. The road shall have at least four rods (66 feet) of right of way dedicated to the public.
 - b. Road surface. The road shall have at least 20 feet of paved surface with three foot shoulders on each side. Shoulders may be grass, aggregate surface or gravel depending on soil conditions prevailing in the area.
 - c. Grade. The maximum grade of a road shall be 11 percent.
 - d. Construction. The road shall have an eight (8) inch gravel base, compacted and stabilized, and a two (2) inch double seal coat paved surface. In lieu of seal coating, bituminous asphalt may be used. Hard surface may be delayed one year from time gravel base is laid down.
 - e. Roads should be laid out to be through streets if possible. If cul-de-sacs are used, the cul-de-sac shall have a radius of least 40 feet.

- f. Roads shall have ditches and culverts sized and designed to carry surface water in a manner consistent with the natural flow of the water.
 - g. Utility services, including electrical, natural gas, water, sewer, telephone, cable, telecommunications, and other common carrier media, shall be run underground within the right of way to the extent reasonably possible.
6. Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to thirty (30) times the algebraic difference in the rate of the grade for major streets and equivalent to twenty (20) times this difference for all other streets.
7. Tangents. A tangent of at least one hundred (100') feet shall be introduced between reverse curves on major and collecting streets.
8. Street Names. New street names shall not duplicate names of existing streets within the County but streets that are continuous or other already in existence shall bear the names of existing streets.
9. Reserve Strips. Reserve strips controlling access to streets shall be encouraged where their control is definitely placed with the Town under conditions approved by the Board.
10. Half Streets. Where a half street is adjacent to the subdivision, the other half of the street shall be dedicated by the subdivider.
11. Intersection.
- a. Property lines at street intersections (street row line) shall be rounded where the Town considers it necessary.
 - b. Streets jogs with centerline offsets of less than one hundred twenty-five (125') feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.
 - c. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - d. The number of streets converging at one (1) intersection shall be reduced to a minimum. Wherever practicable, the distance between

intersections shall not be less than one thousand two hundred (1200') feet.

10.7 Alleys

1. Alleys shall be provided in all commercial and industrial districts except that the Board may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.
2. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
3. The width of alleys shall not be less than twenty-four (24') feet.
4. Dead end alleys are prohibited.

10.8 Block and Lot Layouts

1. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and type of development contemplated, but block length in residential area shall generally be at least four hundred (400') feet in length and shall not exceed one thousand two hundred (1200') feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines, except where otherwise designed to separate residential development from major streets.
2. Pedestrian crosswalks, not less than ten (10') feet wide, may be required by the Board through the center of blocks more than nine hundred (900') feet long where deemed essential or provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

10.9 Lots: General Considerations

1. Size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated, provided no lot shall contain less than the area required by the applicable zoning code.
2. Lot dimensions shall conform to the requirements of the Zoning Ordinance.
3. Depth and width of properties reserve or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and

parking facilities required by the type of use and development contemplated as required by the Zoning Ordinance.

4. Residential lots fronting on major streets and highways should be platted with extra depth or designed with reverse frontage with screen planting contained in a non-access street shall be provided to alleviate the effect of major street traffic on residential occupancy.
5. Corner lots for residential use shall have extra width to permit full building setback from both streets as required by the Zoning Ordinance.
6. Every lot in the corporate area of the Town shall abut or face a public street. Lots outside the corporate limits may abut or face a private street if permitted by the adjoining municipality.
7. Side lot lines shall be substantially at right angles or radial to abutting street lines.
8. In case a tract is divided into larger lots, consideration shall be given to designing such lots to permit re-dividing into parcels in accordance with this chapter and the Zoning Ordinance.
9. Lots shall not be divided by municipal or town boundary lines.
10. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation or residential development from traffic arteries or to overcome specific disadvantages or topography or orientation.

10.10 Easements

1. Utility easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easement shall be at least ten (10') feet wide and normally centered upon the interior side lot lines and placed to the inside of the exterior side and rear lot lines. Evidence shall be furnished to the Board prior to approval of the final plat or final certified survey map that easements and any easement provisions to be incorporated on the plat or in deeds have been reviewed by the individual utility companies or the organizations responsible for furnishing the service involved.
2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - a. There shall be provided a storm water easement or drainage right-of-way conforming substantially to the liens of such watercourse and such further width or construction or both as will be adequate for the purpose and may be necessary to comply with this section; or
 - b. The watercourse, drainage way, channel or stream may be relocated to such a manner that maintenance of adequate drainage right-of-way conforming to the lines of the relocated watercourse and such further width or construction or both will be adequate for the purpose and may be necessary to comply with this section; or
 - c. The Board may require an area to be set aside for storm water detention if necessary to provide for an efficient provisions for storm water drainage.

10.11 Variances

1. The Board may authorize a variance from the requirements of this chapter when, in its judgment, strict application of this chapter would result in unnecessary hardship or practical difficulty. The Board may, in conjunction with the granting of a variance, impose conditions, if those conditions gear a real and substantial relation to the public health, safety, or general welfare, and comply with applicable laws.
2. a. All applications for variance shall be submitted in writing by the subdivider at the time when the preliminary survey is filed for consideration by the Board. The application shall state fully and clearly the specific ordinance provisions from which the variance is sought, the details of the variance sought, a description of the land for

which the variance is sought, the grounds for the application, and all facts relied on by the applicant. The application may be accompanied by maps, plans or other additional material which may aid the Board in making its determination.

- b. The Board shall not act on an application for variance unless proper notice has been given. Proper notice shall include notice of the meeting at which the Board intends to act on the application, published once in a newspaper meeting the requirements of Wis. Stats., Sec. 985.06, at least one week prior to the proposed hearing date; as well as a written notice mailed to the applicant or his or her agent and to adjoining property owner or their agents at least ten (10) days prior to the proposed hearing date.
- c. In making its determination with respect to unnecessary hardship or practical difficulty the Board shall take into account the nature of the proposed use of the land, the nature of existing land use in the vicinity, and the consideration set forth in Section _____ of _____. No variance shall be granted unless the Board finds:

That there are special circumstances uniquely affecting the property such that strict application of the requirements of this chapter would deprive the applicant of the reasonable use of his or her land.

That the variance is necessary to preserve a substantial property right of the applicant.

That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area.

Every decision of the Board shall be filed in the office of the Town Clerk together with all documents pertaining to it.

Section 11.0 Zoning Board of Appeals

Under the provisions of Section 62.23 (7)(e) Wisconsin Statutes, there is hereby established a board of appeals.

11.1 Organization of Board of Appeals

The Board of Appeals shall consist of five citizen members (who may also be elected or appointed officials of the Township) appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 3 years. The members of the board shall serve at such compensation to be fixed by resolution. The Town Chairman shall designate one of the

members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

11.2 Meetings of the Board of Appeals

The board shall adopt rules in accordance with the provisions of this section. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

11.3 Power of the Board of Appeals

The Board of Appeals shall have the following powers:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.

- a. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the town affected by any decision of the Zoning Administrator. Such appeal shall be taken within 20 days of filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appeals was taken.
 - b. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class I notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
2. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 3. To interpret the provisions of this ordinance where the street layout on the ground differs from Official Zoning Map.

4. To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. The board shall not grant variations for uses. A variance for the purpose of this ordinance shall not be granted unless:

A written application for a variance is submitted demonstrating:

- a. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
- b. That literal enforcement or provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.

No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.

The application is in proper form and a fee as specified in Section 14.2 has been paid. The board shall hold a public hearing on such matter in accordance with the provisions of Section 13.3,1.,b. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare; may be imposed by the board if it grants the application for variance.

5. To grant a Special Use in certain instances. An application for one of the Special Uses of Land specified in Section 12.3 shall be made by filing a written application or petition to the Board. Such applications shall:
 - a. State the name and address of applicant and owner.
 - b. State the location of property for which the Special Use Permit is sought.
 - c. State the specific Special Use desired.

- d. State the facts sufficient and demonstrate that the conditions prescribed in Section 12.2 exist and support such statement with any plans and/or data as are required by the board.
- e. If the application for Special Use is in proper form and a fee as determined by Section 15.2 has been paid, the board shall hold a public hearing on such matter and give notice as provided in Section 13.3,1.,a. and b. Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the board if it grants the application for Special Use.
- f. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the district map; such power and authority being reserved to the Town Board.
- g. No Special Use Permit shall be issued unless the board shall find that the specially permitted use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare and that such building or use shall comply with all other regulations in the district in which it is proposed to be located.

11.4 Exercise of Power

- 1. In exercising the above mentioned powers such board may, in conformity with the provisions of such 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 sought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
- 2. The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

Section 12.0 Enforcement

12.1 Zoning Administrator

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance.

12.2 Building Permits

No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefor shall have been applied for and issued. No permit shall be issued until the Zoning Administrator has satisfactory proof that the premises are in full compliance with the Juneau County Subdivision Shoreland Zoning, and Flood Plain Zoning Ordinances, and that a Juneau County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.

12.3 Building Plans

All applications for a building permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.

12.4 Lot Surveys

All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

12.5 Certificate of Compliance

1. No Vacant land shall be occupied or used, and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this ordinance.

2. Under such rules and regulations as may be established by the Town Board, the Zoning Administrator may issue a temporary certificate of compliance for part of a dwelling.

Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

Section 13.0 Fees

13.1 Building Permit Fees

A fee in an amount determined by the Town Board is required to be paid by the applicant for a building permit, or for a certificate of occupancy where no building permit was required. The fee shall be paid to the Town Treasurer. A building permit must be secured prior to any construction or building site preparation.

13.2 Board of Appeals Fees

A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefor filed with the application. This fee shall not be required of any township officers acting in his official capacity.

13.3 Zoning Amendment Fee

A fee in an Amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to the Town Treasurer and receipt therefor filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Town Board.

Section 14.0 Violations and Penalties

14.1 Violations

Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed as unlawful building, structure, or mobile home or use. The Zoning Administrator shall promptly report all such violations to the Town Board, which shall instruct the attorney for the town to bring an action to prohibit the erection, enlargement, alteration, repair or moving of such building, structure or mobile home or the establishment of such use, or to cause such building, structure, mobile home or use to be removed.

14.2 Penalties

At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$100 nor more than \$500 for each offense. Each day that a violation continues to exist shall constitute a separate offense.

Section 15.0 Changes and Amendments

15.1 Draft Amendments & Notices

When any amendment of the district boundaries or of the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Town Board, the Town Board shall formulate a tentative draft of such amendment. Before adoption of such amendment by the Town Board, the Town Board shall give a Class 2 notice of a public hearing on such amendment, specifying the time and place of such hearing.

Section 16.0 Validity, Conflicts and Effective Date

16.1 Severability

Should any section, clause or provisions of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

16.2 Conflicting Provisions Repealed

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

16.3 Date

This ordinance shall be in force from and after its passage, approval, publication and recording according to law.

16.4 Repeal

Interim zoning and land use control ordinances heretofore adopted are hereby repealed on the date on which this ordinance becomes effective.

Ron Bailey, Chairman

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Supervisor

Kathleen Davis, Town Clerk

—

Supervisor

PASSED AND ADOPTED: _____

AMENDED: _____

PUBLISHED: _____