

ZONING ORDINANCE

TOWN OF SIGEL

Wood County, Wisconsin

SECTION 1

AUTHORITY, PURPOSE, AND INTERPRETATION

In accordance with the authority granted in Section 60.18(12), Wisconsin Statutes, the Town Board of the Town of Sigel, Wood County, Wisconsin, being authorized to exercise the powers of a village, does hereby ordain this Ordinance.

The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote the health, safety, aesthetics, comfort, prosperity, general welfare and the preservation of agricultural land of the Town of Sigel.

This Ordinance shall not repeal, abrogate, annul, impair or interfere with existing easements, covenants, or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Ordinance shall apply.

## SECTION 2

### DEFINITIONS OF WORDS AND PHRASES

The following words, phrases and terms, wherever they occur in the Ordinance, shall be interpreted as herein defined:

- (1) ACCESSORY OR AUXILIARY USE OR STRUCTURE: A use or structure subordinate to the principle use of a building or to the principle use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principle building or land use. In the case of a house and detached garage on the lot, the accessory building is the garage.
- (2) AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- (3) AIRPORT: Any runway, landing area, airport or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (4) ALLEY OR LANE: A public or private way not more than thirty (3) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
- (5) APARTMENT: See Dwelling, Multi-Family.
  - (A) Apartment, Efficiency: A dwelling unit in a multi-family building, consisting of not more than one habitable room, together with kitchen or kitchenette and toilet facilities.
- (6) APARTMENT HOTEL: An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.
- (7) AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop, vehicle steam cleaning.
- (8) AUTOMOBILE OR TRAILER SALES AREA: An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- (9) AUTOMOBILE SALVAGE YARD: Any area of land where two or more inoperative vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles.

- (10) AUTOMOBILE SERVICE STATION OR FILLING STATION: A building or other structure or a tract of land where gasoline or similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to a gasoline station: the dispensing of oil, greases, anti-freeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor servicing and repair to the extent of installation of the items enumerated above; washing of automobiles. All other activities shall be prohibited, including, but not limited to: upholstering work, auto glass work, painting, welding, tire recapping, auto dismantling and auto sales.
- (11) BASEMENT: A story whose floor line is below grade and having more than half of its clear height below the adjoining finished grade.
- (12) BOARD: The Town of Sigel Board of Appeals.
- (13) BOARDING OR ROOMING HOUSE: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three or more persons, not transients, for compensation by previous arrangement.
- (14) BOATHOUSE: Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.
- (15) BUILDING: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, materials or machinery. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.
- (A) Buildable Lot Area: That part of the lot not included within the open areas required by this Ordinance.
- (B) Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs
- (C) Building or Setback Line: The line outside the right-of-way of a street beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.
- (D) Building - Floor Area Ratio: The floor area of the building divided by the area of the lot on which it is or will be located. The floor area of the building shall include that area of ground covered by the roof of the building. Total floor area shall include the sum of the floor areas of all buildings on the lots.

- (E) Building, Completion: The building shall be considered complete when roofing materials, siding materials, windows, doors and steps have been affixed to the exterior and the interior supplied with electricity, plumbing and heating fixtures in operable condition and in conformance with applicable codes.
- (16) CAMPGROUNDS: Any public or private premises, including buildings, established for temporary day and overnight habitation by persons using equipment designed for the purpose of temporary camping.
- (17) CAMPING VEHICLE: A vehicle eight (8) feet or less in width, designed for intermittent human habitation, and is towed or self-propelled upon a highway.
- (18) CEMETERY: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.
- (19) CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, and injured persons or animals and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises, except veterinarian clinics.
- (20) CLUB: A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- (21) CONDITIONAL USE: A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.
- (22) CONVALESCENT HOME: A home designed for the care of patients after they leave the hospital but before they are released from observation and treatment.
- (23) COURT: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group or buildings which is enclosed on three or more sides.
- (24) DISTRICT: A portion of the territory of the Town within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance as specified on the Official Zoning Map as adopted by the Town Board of Supervisors.
- (25) DRIVE-IN ESTABLISHMENT: A place of business in which patrons can be served while remaining in their automobiles.

- (26) DWELLING: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or trailer coach, hotel or motel.
- (A) Dwelling, Single Family: A building designed for or used exclusively for residence purposes by one family or housekeeping unit.
  - (B) Dwelling, Two Family: A building designed for or used exclusively by two families or housekeeping units.
  - (C) Dwelling, Multi-Family: A building or portion thereof designed for or used by three or more families or housekeeping units.
  - (D) Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
  - (E) Dwelling Unit: One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having kitchen and toilet facilities.
- (27) FARM: An area which is used for the growing of the usual farm products such as vegetables, fruit trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (28) FLOOD: See Wood County Shoreland Zoning Ordinance.
- (29) FRONTAGE: Frontage shall be that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. Where a lot abuts more than one street, the Zoning Committee shall determine the frontage for purposes of this Ordinance.
- (A) Frontage, Where Measured: For construction purposes, minimum frontage requirements set forth in Section 4 of this Ordinance shall be met at the front building line.
- (30) FUR FARM: A tract of land or buildings devoted in whole or part to the raising of fur-bearing animals.

- (31) GARAGE, PRIVATE: A detached accessory building or a portion of the principle building used or intended for use by the occupants of the premises for the storage of self-propelled vehicles or trailers.
- (A) Garage, Public: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.
- (B) Garage, Storage: Any building or premises, used for housing only, of self-propelled vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and self-propelled vehicles are not equipped, repaired, hired or sold.
- (32) GRADE: The slope of a road, street, or other public way specified in percent. The percent is based upon elevation difference in one hundred (100) feet of horizontal distance. (Five (5) feet of change in elevation in 100 feet horizontal distance would be a 5% grade.)
- (33) HOME OCCUPATION: A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.
- (34) HOUSEBOAT: A large flat-bottomed boat with super-structure resembling a house, usually moored and used as a residence.
- (35) HOUSEHOLD UNIT: The body of persons who live together in one dwelling unit as a single housekeeping unit.
- (36) INDUSTRY: Storage, repair, manufacture, preparation or treatment of any article, substance or commodity for commercial use.
- (37) JUNK YARD: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment but not including such places where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in working condition, or salvaged materials incidental and necessary to manufacturing operations.
- (38) KENNEL: Any structure or premises on which three or more dogs over four months of age are kept.
- (39) LAUNDROMAT: A business that provides home type washing, drying and/or ironing machines for hire to be used by customers on the premises.

- (40) LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abutts upon a street, alley or other appropriate means of access.
- (41) LOT: A parcel of land occupied or intended to be occupied by a principle building or a group of such buildings and accessory buildings, or utilized for a principle use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on an officially approved street or place.
- (A) Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.
- (B) Lot, Corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".
- (C) Lot Depth: The mean horizontal distance between the front and the rear lot lines.
- (D) Lot, Interior: A lot other than a corner lot.
- (E) Lot Lines: A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.
- (F) Lot of Record: A lot which is part of a subdivision, the map of which has been approved by the Wood County Planning and Zoning Committee, as of the effective date of this Ordinance, shall have the same status as if the said subdivision plat was officially recorded in the office of the Register of Deeds; however, no building permit shall be issued for any lots in such subdivision until a final plat which includes such lots, has been officially recorded in the office of the Register of Deeds.
- (G) Lot, Through: A lot having frontage on two parallel or approximately parallel streets.
- (H) Lot Width: The mean width of the lot measured at right angles to its depth.
- (42) MINOR STRUCTURE: Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height.

- (43) 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; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer. A dependent mobile home means a mobile home which does not have complete bathroom facilities. A nondependent mobile home means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.
- (44) MOTEL OR MOTOR HOTEL: A series of attached, semi-attached or detached sleeping or living units, primarily for the accommodation of automobile transient guests for compensation; said units, having convenience access to off-street parking spaces for the exclusive use of the guests or occupants; a swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.
- (45) NONCONFORMING USE: The use or occupancy of a building or premises, which is lawful at the time of the enactment of this Ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.
- (46) NURSING HOME: A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
- (47) PARKING AREA OR LOT, PUBLIC: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- (48) PARKING SPACE: A permanently surfaced area of not less than one hundred eighty (180) square feet, having a minimum width of nine feet and a minimum length of eighteen (18) feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
- (49) PERSON: Any individual, firm, trust, partnership, public or private association or corporation; or an individual, partnership, firm, company, corporation, municipality, county, town, state or federal agency, whether tenant, owner, lessee, licensee, or their agent, heir, or assignee.
- (50) PRINCIPLE BUILDING: The building of primary importance on a parcel of land, in contrast to those which are accessory or of secondary importance.



- (51) QUARRYING: The removal of rock, slate, gravel, sand, top soil or other natural material from the land by excavating, stripping, leveling or any other such process which results in creation of a pond or a pit for barter or monetary gain. Drainage ditching shall not be considered quarrying.
- (52) RECREATIONAL AREA: Shall include park, playground, ball field, ski hill, swimming pool, grounds and buildings.
- (53) RIDING STABLES OR RIDING ACADEMIES: Shall, for the purpose of this Ordinance, include buildings or premises used for the rent or lease of horses or animals for riding.
- (54) ROADSIDE STAND: A temporary structure, unenclosed and so designed and constructed that the structure is easily portable and can be readily moved.
- (55) SANITARY LAND FILL: A site for the disposal of refuse where that refuse is compacted and covered with dirt at the end of each day.
- (56) SERVICE BUILDING: A structure housing toilet, washing and bathing facilities and such other facilities as may be required by this Ordinance.
- (57) SETBACK: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, waterline, or prospective line to the nearest vertical wall or other element of a building or structure.
- (58) SHOOTING RANGE: An area designed and constructed for the discharge of firearms that is open for club members or public use. Excluding privately owned and used target and archery ranges.
- (59) SIGN: Any outdoor medium including its component parts, which is used or intended to be used to direct attention to a business, product, subject, idea, premises, person or thing.
- (A) Advertising Sign: Any non-point-of-sale sign, usually of changeable character, such as a billboard which portrays advertisements for establishments, services, articles or products not necessarily associated with the premises upon which the sign is located.
- (B) Banner Sign: Any sign in which the characters, letters, illustrations, or ornamentations are applied to cloth, paper, fabric or other similar material, with or without frame.
- (C) Ground Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and with the bottom of the sign surface more than three (3) feet but less than eight ((8) feet above grade.
- (D) Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.
- (E) Pole Sign: A sign with an elevated surface supported by one or more vertical poles or columns placed in the ground with the sign surface a minimum of eight (8) feet above grade.

- (F) Projecting Sign: A sign which projects from and is supported by a wall or a building and extends out from the wall more than twelve (12) inches.
  - (G) Roof Sign: A sign situated upon the roof of any building.
  - (H) String Sign: Any sign in which lights, ribbons, pennants or other similar small, attention-drawing devices are attached to a rope, string, wire, pole or similar support.
  - (I) Wall Sign: A sign which is attached directly to a building wall and which does not extend out more than twelve (12) inches there from, with the exposed face of the sign in a plane parallel to the building wall.
- (60) STABLE, COMMERCIAL: A stable for horses, donkeys, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation.
  - (61) STABLE, PRIVATE: An accessory building for the keeping of horses, donkeys, mules or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.
  - (62) STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.
    - (A) Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any half of partial story used for residence purposes shall be deemed a story; provided that a basement or cellar used purely for recreational purposes shall not be deemed the first story.
  - (63) STREET: A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare or any other similar term.
    - (A) Arterial Street: A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
    - (B) Collector Street: A street intended to serve and to provide access to neighborhoods or sub-neighborhoods.
  - (64) STRUCTURE: Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. It includes, but is not limited to objects such as buildings, factories, sheds and cabins.
    - (A) Permanent Structure: A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

- (B) Temporary Structure: A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short term.
  - (C) Structural Alteration: Any change in the component members of a building, such as walls, columns, beams or girders.
- (65) TOWN: Unincorporated township of Wood County.
- (66) TOWN BOARD: The Board of Supervisors of the Town of Sigel.
- (67) USE: The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.
- (A) Use - Principle Permitted As of Right: A use which is permitted outright in a district for which a Building Permit may be issued by the Building Inspector in accordance with this Ordinance.
  - (B) Use - Principle Permitted by Conditional Permit: A use which is permitted in a district only if a Conditional Use Permit is expressly authorized in accordance with this Ordinance.
- (68) VARIANCE: A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.
- (69) VISION CLEARANCE TRIANGLE: An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

- (70) YARD: A required open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.
- (A) Front Yard: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as required in the district where located.
  - (B) Front Yard - How Measured: Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way of such street as established on the Official Thoroughfare Plan or Major Street Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan or Major Street Plan.
  - (C) Rear Yard: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required in the distance where located.
  - (D) Side Yard: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required in the district where located.
  - (E) Side Yard - Least Width, How Measured: Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line such street as established in the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured form the right-of-way of such street as designated on the Thoroughfare Plan.
- (71) ZONING COMMITTEE: A committee of town residents, appointed by the town board of supervisors to review and make recommendations concerning planning and zoning matters in the town.

## SECTION 3

### GENERAL PROVISIONS

#### 3.01 COMPLIANCE

Except as may be otherwise specifically provided, the use, size, height, and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces, and the use of land, shall be in compliance with the regulations established herein for the district in which such land or building is located.

#### 3.02 PERMITS

- (1) Purpose of Permits: The primary purpose of issuing zoning permits is to insure compliance with provisions of the Ordinance.
- (2) Building Permit: Building over 200 square feet may not be erected, moved or structurally altered until a building permit therefore shall have been applied for from and issued by the Township Building Permit Issuer.
- (3) Conditional Use Permit: When the use permit being applied for is listed as a "conditional use", the Town Board shall issue a conditional use permit in lieu of the building permit.

This permit shall be used only after report from the Zoning Committee, after a public hearing and after provisions of the conditional use section of the Ordinance have been complied with. The Town Board may attach certain conditions that shall be met as a condition of issuing the permit.

- (4) Application Procedure: Applications for building or conditional use permits
  - (A) Permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legible and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation of abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.
  - (B) All dwellings must acquire Uniform Dwelling Code Permit issued upon receipt of Township Building Permit by ODC Building Inspector.

- (5) Expiration: If within six months of the date of issuance of a building or conditional use permit the proposed construction or preparation of land for use has not commenced, said permit shall expire, except that the Town Board may grant an extension of such permit for a period not to exceed six months upon the showing of valid cause.

No occupancy shall be permitted in the basement of an incomplete dwelling in excess of two years shall be the maximum time for completion of a dwelling as defined in Section 2 of this Ordinance.

### 3.03 EXEMPTIONS

The provisions regarding filling, grading and work in respect to waterways shall not apply to the construction and repair of public roads, flood control structures, or conservation practices such as terracing, installation of diversions, grass waterways, subsurface drainage, non-navigable drainage ditches, stream stabilization by rip rapping or vegetative cover, or non-floating docks accessory to private dwellings.

### 3.04 USE REGULATIONS

- (1) Uses Restricted: In any zone no building or land shall be used and no building shall be hereafter erected, structurally altered or relocated except for one or more of the uses as hereinafter stated for that zone and in compliance with the regulations hereinafter established for that zone.
- (2) Accessory Uses: In any zone accessory buildings and uses customarily incident to the permitted uses in that zone shall be permitted subject to such requirements as may be hereinafter designated for that zone in which they are located.
- (3) Temporary Uses: Uses such as real estate sales field office or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Township Building Permit Issuer.
- (4) Unclassified Uses: In case of question as to the classification of a use, the question shall be submitted to the Zoning Committee for determination.

### 3.05 VISUAL CLEARANCE

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

- (3) The term "centerline" in this section shall be interpreted as follows:
- A. Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
  - B. Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection C below.
  - C. Where there is a divided pavement within a right-of-way, and the distance between the centerlines of the pavements, measured along the centerline of the intersecting street or road is 60 feet or greater, the centerlines of the pavements shall be used separately to designate the clear vision triangles.

The distance specified from the point of intersection of the centerlines to the aforesaid points on the centerlines shall be as specified in the following table:

<u>Type of Road</u>	<u>Triangle Side Distance</u>
Class A (State & Federal Hwys.)	_____ 300 ft.
Class B (County Trunk Highways)	_____ 200 ft.
Class C (Town Roads)	_____ 150 ft.
Railroad Crossing	_____ 300 ft.

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

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

### 3.06 SET BACK

Class A Highway setback shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater. Class B highway setback shall be 75 feet from the centerline of the highway or 42 feet from the right-of-way line, whichever is greater. Class C highway setback shall be 75 feet from the centerline of the highway or 42 feet from the right-of-way line, whichever is greater.

### 3.07 HEIGHT REGULATION EXCEPTIONS

Heights of the following structures may exceed ordinance limits for the zone in which it is to be located: cooling towers, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed for the storage of agricultural products.

### 3.08 AIRPORT REGULATIONS

Except for field crops and fences under five feet high, the maximum height of any object located within 500 feet of either side of the centerline of a landing strip, and extended to a distance of two miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip.

### 3.09 AREA REGULATIONS

- (1) Lot Reduction: After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements specified by this Ordinance cannot be met.
- (2) Existing Lot Use: Lots existing and of record prior to adoption of this ordinance, but of substandard size, may be devoted to uses permitted in the zone in which located upon granting of a variance from the Board of Appeals except where specified within the jurisdiction of shoreline provisions of the Wood County Shore land Zoning Ordinance.
- (3) Lot Divisions: No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform with all the applicable regulations of the zone in which the property is located.



- (4) Yard and Open Space Regulations: All yards and other open spaces allocated to a building (or group of buildings comprising one principle use) shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.
  
- (5) Average Setback Determination: A setback equal to the average setback of existing principle buildings located within 500 feet of a proposed building site and on the same side of the street, shall be permitted where five of these buildings do not conform with the appropriate setback line.
  
- (6) Required Lot Grouping: If two substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance. If more than two substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, said lots shall be grouped in such manner as to provide standard size lots whenever possible.

### 3.10 NONCONFORMING USES

- (1) Existing Conditions: All uses existing at the date of adoption of this Ordinance are hereby declared to be conforming uses.
  
- (2) Building Repair: Provisions of this Ordinance shall not be construed to prevent the customary and necessary maintenance or repairs of buildings, utilities, and property.
  
- (3) Continuation of Nonconforming Use: Any building, structure or use which shall become nonconforming upon amendment to this Ordinance may be continued as provided in Sections 3.11, 3.12 and 3.13.

### 3.11 NONCONFORMING STRUCTURE

- (1) Limitations: No such structure shall be expanded or enlarged in excess of 50 percent of its appraised value except in conformity with the regulations of this Ordinance.
  
- (2) Repair: When such structure is damaged to the extent of more than 50 percent of its fair market value at the time it became nonconforming, it shall not be restored except in conformity with the regulations of the zone in which it is located.

- (3) Relocation: Should such structure be moved, it shall thereafter conform to the regulations of the zone to which it is moved.
- (4) Lot Lines: The size and shape of a lot shall not be altered in any way so as to increase the degree of nonconformity of a building or use.

### 3.12 NONCONFORMING USE OF STRUCTURE

- (1) Limitations: No such use shall be expanded or enlarged. No use shall be expanded within a structure which, as of the effective date of this Ordinance, or amendment, was only partially designed for or devoted to carrying on such use.
- (2) Discontinuance: If such use is discontinued for 12 consecutive months, any future use of the structure shall conform to the regulations of the zone in which it is located.
- (3) Termination: If the building in which such use is carried on is damaged to the extent of more than 50 percent of its appraised value at the time it became nonconforming, it shall not be restored for use except in conformity with the regulations of the zone in which it is located.

### 3.13 NONCONFORMING USE OF LAND

- (1) Limitations: No such use shall be expanded or enlarged.
- (2) Discontinuance: If any nonconforming use of land is discontinued for 12 consecutive months, any further use of the land shall conform to the regulations of the zone in which it is located unless otherwise specifically stated.

### 3.14 ACCESSORY USES AND STRUCTURES

- (1) Accessory buildings, structures and uses shall be compatible with the principle uses and shall not be established prior to the establishment of the principle use unless otherwise approved by the Zoning Committee.
- (2) Location: No accessory building or structure shall be erected or altered or moved to a location within the required area of a front or side yard. An accessory building, structure or use in a rear yard shall be not less than five (5) feet from any property line, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.
- (3) Encroachment: No accessory building, structure or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon the side yard of a reversed corner lot which is adjacent to the street, upon that part of a rear yard of a through lot, which is within 35 feet from the street line abutting the rear lot line or upon a front yard, except as permitted herein for specific uses.

### 3.15 YARD REGULATIONS

The following shall not be considered to be obstructions when located in the required yards specified:

- (1) In Any Yards: Marquees and awnings adjoining the principle building overhanging roof eaves; chimneys, if they do not exceed ten percent of the depth of the yard; and ornamental light standards, flag poles, arbors, trellises, trees, shrubs, coin operated telephones, permitted signs and outdoor fuel dispensing equipment.
- (2) In Side Yards: Open accessory off-street parking spaces, except in a side yard abutting a street.
- (3) In Rear Yards: Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms or any similar structures customarily accessory to the principle use; and balconies, breezeways and open porches.

### 3.16 STATE PERMIT

A permit shall be obtained from the State agency authorized by law to issue such permits when required under Sections 30.18, 30.12, 195 and 30.20 of the Wisconsin Statutes or other applicable State regulations.

### 3.17 PROHIBITING THE STORAGE OF ABANDONED, INOPERABLE OR JUNKED MOTOR VEHICLES

The Town Board of the Town of Sigel, Wood County,

State of Wisconsin, does hereby ordain as follows:

**Section A.** Storage of Abandoned, Inoperable, or Junked Motor Vehicles Prohibited. No person shall accumulate, store, or allow any disassembled, inoperable, abandoned, junked or wrecked motor vehicle, (as defined in section B) in ordinary public view upon any public or private property within the Town of Sigel for a period of time exceeding sixty (60) days.

**Section B.** Definition. For purposes of this Ordinance, the words "abandoned, inoperable, or junked motor vehicle" shall include any motor vehicles that would normally be licensed to operate upon public streets and highways and that are in such a state of physical or mechanical ruin as to be incapable of self-propulsion or being operated upon the public streets and highways."

**Section C.** Notice of Violation and Abatement. Whenever a complaint is made to any member of the Town Board, by a resident of this township, that any abandoned or inoperable or junked motor vehicle (as defined in Section B above) is accumulated, stored, or located in ordinary public view upon any property within the town limits, a member of the town board, or a representative thereof, shall notify the owner or person legally in possession of such property, in writing, that the same constitutes a violation of this Ordinance. Such property owner, or person legally in possession of said property shall, within sixty (60) days from the date of said notice, remove said motor vehicle, (as defined in Section B above) from ordinary public view within the township. It is acceptable to do this by means of a screening fence, rapidly growing trees, shrubbery or (any other appropriate means that has been discussed with and approved, in writing, by the town board).

**Section D.** Exceptions. Any business engaged in automotive sales or repair within a Commercial district of the Town of Sigel may retain disassembled motor vehicles or vehicle parts in ordinary public view for a period not to exceed sixty (60) days. Thereafter, such vehicle or vehicle parts shall, by the owner of such business, be removed from the property or placed in an appropriate enclosure which prohibits such vehicle or vehicle parts from being in the ordinary public view. It is acceptable to do this by means of a screening fence, rapidly growing trees, shrubbery or (any other appropriate means that has been discussed with and approved, in writing, by the town board).

Any hobbyist or collector, who has registered with the state of Wisconsin, and possesses a valid hobbyist's or collector's identification number, may store no more than four (4) unlicensed, operable or inoperable, vehicles and car parts on the hobbyist's/collector's property provided the vehicles and car parts and outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view. It is acceptable to do this by means of a screening fence, rapidly growing trees, shrubbery or (any other appropriate means that has been discussed with and approved, in writing, by the town board).

**Section E.** Penalty Provisions. Any person who violates any, provision of this Ordinance, upon conviction, will be subject to a forfeiture as set forth in Section nine (9) of the Town of Sigel Zoning Ordinance, for each day the violation continues. In addition, any person who violates this Ordinance shall also reimburse the Town for any reasonable costs incurred by the Town in impounding or disposing of the abandoned, inoperable, or junked motor vehicle.

**Section F.** Wisconsin Statutes Incorporated by Reference. Section 342.40 of the Wisconsin Statutes entitled "Vehicle Abandonment prohibited, removal, disposal" is hereby incorporated by reference.

**Section G.** Effective Date. This ordinance goes into effect one (1) year after acceptance and approval by the Town Board of the Town of Sigel. (Approved Oct. 2, 2002)

## SECTION 4

### ZONING DISTRICTS AND ZONING MAP

#### 4.01 ZONING MAP

The Official Zoning District Map is an integral part of this Ordinance. The single official copy of this map entitled "Town of Sigel, Wood County, Wisconsin Official Zoning District Map" together with a copy of this Ordinance, shall be made available for public inspection.

#### 4.02 ZONING DISTRICTS

(1) Six basic zoning districts are provided, as follows:

- |    |                 |       |
|----|-----------------|-------|
| A. | Residential     | (R)   |
| B. | Commercial      | (C)   |
| C. | Industrial      | (I)   |
| D. | Special Purpose | (SP)  |
| E. | Agricultural    | (A)   |
| F. | Conservancy     | (CON) |

#### 4.03 DISTRICT BOUNDARIES

- (1) Where the designation on the map indicates that the various districts are approximately bounded by a street, road or alley line, such street, road or alley line shall be interpreted to be the district boundary line, unless provisions to the contrary be expressly indicated.
- (2) Where the district boundaries are not otherwise indicated, and where the district boundaries approximately follow section lines, quarter section lines, or other logical subdivisions of sections, such section lines or other such lines shall be intended to be the district boundary line.
- (3) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be interpreted to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be interpreted to be the boundary of the district.
- (4) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.
- (5) The land uses and minimum standards set forth in the following sections of the Article apply to the districts specified as such on the Zoning District Map.

4.04 RESIDENTIAL DISTRICT (R)

- (1) The following uses of land are permitted in this district:
  - A. Single-family dwellings and two-family dwellings.
  - B. One private garage for each residential parcel.
  - C. Accessory buildings.
  - D. Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
  - E. Churches and their affiliated uses.
  - F. Cemeteries.
  
- (2) The following are permitted as conditional uses within this district:
  - A. Customary home occupations.
  - B. Libraries, museums, and art galleries.
  - C. Hospitals and clinics.
  - D. Funeral homes.
  - E. Recreational grounds and buildings.
  - F. Graded schools.
  - G. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
  - H. Water-storage facilities and their accessory uses.
  
- (3) Within the R District the following standards shall apply:
  - A. Maximum Building Height\_\_\_\_\_40 ft.
  - B. Minimum Front Yard Setback\_\_\_See Section 3.06 (Highway Setback)
  - C. Minimum Rear Yard Setback\_\_\_\_\_25 ft.

- D. Minimum Side Yard Setback\_\_\_\_\_ 25 ft.
- E. Minimum Lot Width\_\_\_\_\_ 208 ft.
- F. Minimum Lot Area per Family\_\_\_\_\_ 1 sq. acre

4.05 COMMERCIAL DISTRICT (C)

(1) The following uses of land are permitted in this district:

- A. Automobile Repair Shop
- B. Automobile Service Station
- C. Club or lodge
- D. Farm equipment sales and service
- E. Food Store
- F. Gift Shop
- G. Radio or TV Shop
- H. Taverns
- I. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this Ordinance.
- J. Trucking for hire, construction and excavating.
- K. Communication Towers

(2) Within the C District the following standards shall apply:

- A. Maximum Building Height
  - Principle Buildings\_\_\_\_\_ 45 ft. where adjacent to  
an R zone; other-wise 60 ft.
  - Accessory Buildings\_\_\_\_\_ 2 stories, but not more  
than 15 ft. where adjacent  
to an R zone.
- B. Minimum Front Yard Setback\_\_\_\_\_ 25 ft.

- C. Minimum Side Yard Setback \_\_\_\_\_ 25 ft.
- D. Minimum Rear Yard Setback \_\_\_\_\_ 25 ft.

4.06 INDUSTRIAL DISTRICT (1)

- (1) This district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas; or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.
  
- (2) All uses within the Industrial District shall be conditional uses. Those uses 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 users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.
  - A. Manufacturing establishments, in which raw materials are transformed into finished products and establishments engaged in assembling component parts of manufactured products.
  - B. Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
  - C. The outdoor storage of industrial products, machinery, equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
  - D. Railroad, railroad yards and structures normally incident to the operation of railroads, not including warehouses owned by establishments other than railroad companies.
  - E. Stockyards, or any establishment providing facilities for receiving, shipping, weighing, or feeding livestock temporarily held either pending sale or while in transit.
  - F. A dwelling unit provided for a caretaker or superintendent, in the case of an industrial use which requires constant supervision.
  - G. Uses customarily incident to, or similar to the above uses.
  - H. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this Ordinance.



(3) Within the I District the following standards shall apply:

- A. Maximum Building Height \_\_\_\_\_ 45 ft.
- B. Maximum Building Area \_\_\_\_\_ None
- C. Minimum Front Yard Setback \_\_\_\_\_ 50 ft. (75 ft. if  
parking is permitted  
in the front yard)
- D. Minimum Rear Yard Setback \_\_\_\_\_ 50 ft.
- E. Minimum Side Yard Setback \_\_\_\_\_ 25 ft.
- F. Minimum Lot Width \_\_\_\_\_ 208 ft.
- G. Minimum Parking Provided \_\_\_\_\_ 1 space per two employees
- H. Truck Unloading Area \_\_\_\_\_ Sufficient space so that no  
highways, streets or alleys  
need be blocked.

4.07 SPECIAL PURPOSE DISTRICT (SP)

(1) This district is intended to provide for uses which present special problems, hazards, or other circumstances with regard to the use of land. Included are those uses of land which require extremely large expanses of land; those which afford very severe hazards to health, safety, or other aspects of the general welfare; those for which it is inappropriate or undesirable to have more than one instance of a given land use within one community or governmental jurisdiction.

(2) All uses within the Special Purpose District shall be conditional uses. All such uses shall be subject to the consideration and approval of the Town Board with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas, the creation of hazards to health or safety, or other factors affecting the general welfare.

- A. Sanitary landfill operations.
- B. Sand or gravel quarries.

(3) Within the SP District, the following standards shall apply:

- A. Maximum Building Height None
- B. Minimum Front Yard Setback See Section 3.06  
(Highway Setback)
- C. Minimum Rear Yard Setback 50 ft.
- D. Minimum Side Yard 25 ft.

#### 4.08 AGRICULTURAL DISTRICT

- (1) This district provides exclusively for agricultural uses and uses compatible with agriculture. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services (such as sewer and water lines).
- (2) The following uses are permitted in this district :
  - A. Agriculture, including animal and poultry husbandry bee-keeping, dairying and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
  - B. In-season, roadside stands for the sale of farm products produced on the premises.
  - C. Farm dwellings for those resident owners and workers actually engaged in the principle permitted uses.
  - D. Uses customarily accessory to a permitted agricultural use.
  - E. Only one residence shall be permitted within 660 feet (measured at right angles to the centerline of any street) on one side of a street (5-10-2001).
  - F. Ponds used for agricultural purposes, provided the soil taken in the construction of the pond remains on the premises. If removed from the premises, the pond shall be considered to be a quarry as defined in Section 2(51) on page 10, which is allowable as a conditional use under the provisions of Section 4.07, Special Purpose District.
- (3) Only the following are permitted as conditional uses within this district
  - A. Churches, schools, cemeteries, community parks, and recreational areas.
  - B. Public and semi -public buildings, such as town hall and municipal building.
  - C. Fur farms, kennels, greenhouses, cheese factories, or dairy processing plants, grain elevators, and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.
  - D. Trap or skeet shooting facilities, target ranges, gun clubs, shooting preserves.
  - E. Riding stables, riding schools.
  - F. Airport.
  - G. Christmas tree sales.
  - H. Club or lodge.
  - I. Farm equipment sales and/or service.

- J. Fish hatchery -- commercial.
- K. Livestock feeding pens or yards (more than 500 animal capacity).
- L. Maple syrup processing plant.
- M. Communication broadcasting studio and/or tower.
- N. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.
- O. Mobile homes are considered as single family dwellings or residences and are subject to the same regulations as other single family residences.

(4) Within Agricultural District the following standards shall apply.

- A. Minimum Front Yard Setback...See Section 3.06 (Highway Setback)
  - Excavation \_\_\_\_\_ 25 ft.
- B. Minimum Rear Yard Setback
  - Principle and accessory buildings \_\_\_\_\_ 25 ft.
  - Excavation \_\_\_\_\_ 25 ft.
- C. Minimum Side Yard Setback
  - Principle Buildings \_\_\_\_\_ 25 ft.
  - Accessory Buildings \_\_\_\_\_ 25 ft.
  - Excavation \_\_\_\_\_ 25 ft.
- D. Minimum Lot Size \_\_\_\_\_ 208' x 208'
- E. Minimum Lot Area per Family
  - In areas with no public water and no public sewer.....
  - 1 sq. acre or 43,560 sq. ft.
- F. Maximum Side Slopes of Farm Ponds \_\_\_\_\_ 3:1

4.09 CONSERVANCY DISTRICT (CON)

- (1) This district is intended to preserve the natural state of scenic areas in the town and to help discourage intensive development of marginal lands so as to prevent hazards to public and private property.
- (2) The following uses of land are permitted in this district:
  - A. Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruit and tree seeds.
  - B. Forestry and the management of forests.
  - C. Wildlife preserves.
  - D. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and non-residential buildings used solely in conjunction with such activities.
  - E. Hunting, fishing, and trapping.
  - F. Public and private parks, picnic areas, and similar uses.
  - G. Hiking, snowmobile, horseback and bicycle trails.
  - H. Preservation of areas of scenic , historic, or of scientific value.
  - I. Uses similar and customarily incident to any of the above uses.
- (3) There are no setback, lot size, or other dimensional standards applicable in the CON District.

SECTION 5  
CONDITIONAL USES

5.01 GENERAL

- (1) Uses listed as permitted by conditional use permit may be authorized in the zone in which permitted upon application to the Zoning Committee and subject to the Town Board's authorization of a conditional use permit.
- (2) In all cases of proposed establishment of a conditional use specified in this Ordinance, the Zoning Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and other aspects of the proposed use and make recommendations to the Town Board.

5.02 PROCEDURE

- (1) A request for a conditional use permit shall be submitted in writing to the Town Clerk who shall promptly refer the application to the Zoning Committee. The request shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legible and accurately, the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.

5.03 STANDARDS

- (1) No permit for a conditional use shall be granted unless the Zoning Committee shall notify the Town Board that the following conditions are present:
  - A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
  - B. That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  - C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - D. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.

- E. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

#### 5.04 CONDITIONS AND GUARANTEES

- (1) Prior to granting a permit for a conditional use, the Zoning Committee shall make recommendation to the Town Board and the Town Board may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to secure compliance with the standards specified in Section 5.03. Establishment, maintenance and operation shall be construed to include, but shall not be limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Town Board shall find that conditions applying to these factors are necessary 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 guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (2) Conditional uses shall comply with all other provisions of this Ordinance such as lot width and area, yards, height, parking and loading.

#### 5.05 DETERMINATION

- (1) The Town Board shall report its decision within 90 days after the filing of the application. Its decision shall include an accurate description of the use permitted, or the property on which it is permitted, and any and all conditions made applicable thereto.
- (2) The Town Board may authorize the Town Clerk to issue a conditional use permit for conditional uses specified in this Ordinance after review by the Zoning Committee and a public hearing, provided such uses are in accordance with the purpose and intent of this Ordinance.

#### 5.06 TERMINATION

- (1) Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional permit shall be terminated by action of the Town Board and may be considered by the Town Board as a violation of this Ordinance.
- (2) No application for a conditional use which has 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.

5.07 FILLING & GRADING

- (1) Filling and Grading operations in shore land and floodplain areas shall conform to standards as set forth in the Wood County Shore Land Zoning Ordinance.
- (2) Filling may be permitted in areas not under the jurisdiction of the Wood County Shore Land Zoning Ordinance, provided that the fill material:
  - A. Shall be suitable for its intended use; no fill intended for supporting buildings shall consist of junk, wood, paper, mulch, peat or any similar materials which could cause subsidence.
  - B. Is protected from erosion so as to not cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch basins or diversion terraces may be required in order to prevent erosion.
  - C. Shall rest on a firm bottom and is stabilized according to accepted engineering standards.
  - D. Shall not impede the drainage from adjacent lands as to create significant harm without the adjacent landowner's written consent.
  - E. Shall not in any manner alter the course of a waterway on property belonging to other than the applicant.
- (3) Grading of an area greater than the specified area may be permitted, provided that:
  - A. The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical.
  - B. Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces or similar practices used individually or in combination where circumstances warrant such.
  - C. It shall conform to Section 6 of the Wood County Shore Land Zoning Ordinance.

## SECTION 6

### SIGNS

#### 6.01 ENACTMENT

- (1) All signs hereafter located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, shall be in conformity with the provisions of this Ordinance and the Wisconsin Administrative Code, Chapter HY-19 (REV).
- (2) The size, type and location of signs shall be as provided by this section as affecting each zoning district, except that this Ordinance is not intended to prohibit "no hunting", "no trespassing", "for sale", "for rent", or similar signs not larger than six square feet in gross area.
- (3) Existing signs of non-conforming businesses or industries announcing only the name and occupation of the business or the proprietor are permitted by this Ordinance.

#### 6.02 SIGN PERMIT FEE AND NUMBER

- (1) Sign permits shall be issued by the Township Building Permit Issuer. The fee for each sign permit shall be \$10.00.

#### 6.03 SPECIAL SIGNS

##### (1) HOME OCCUPATION NAMEPLATE

One nameplate advertising a legal home occupation shall be permitted upon the property on which the home occupation is located, provided that it is not in violation with the other provisions of this Ordinance, and that it does not exceed six square feet in gross area.

##### (2) TEMPORARY SIGNS

Temporary signs announcing construction, remodeling or rebuilding, sale, lease, or rental shall be permitted for each lot frontage. Such signs shall be kept in good repair and removed when construction, sale, lease or other indicated purpose is completed. One temporary sign not exceeding sixty-four (64) square feet shall be permitted for each lot frontage of one hundred fifty (150) feet or less.

Temporary signs not exceeding one hundred sixty (160) square feet shall be permitted for each lot frontage of more than one hundred fifty (150) feet, provided however, that no two signs shall be located closer than three hundred (300) feet on any one lot.

Where lot frontage is sufficient to permit two signs, one sign may be used in substitution, provided the total area does not exceed two hundred forty (240) square feet. Only one side of a double-faced sign shall count toward total temporary sign area permitted.

##### (3) INCIDENTAL SIGNS

- A. The number of incidental signs shall be unlimited; provided, however, that the surface area of such sign shall not exceed six (6) square feet.



- B. Incidental signs, except those accessory to parking and loading areas, shall be set back in accordance with the building setback lines required by the industrial zoning district for the lot.
- C. Signs accessory to parking and loading areas shall be subject to the following requirements:
  - 1. Directional signs for traffic, pedestrian or other control, or designating entrances or exits to or from a parking or loading area, shall not exceed nine (9) square feet in surface area per sign.
  - 2. One sign, maximum surface area of sixteen (16) square feet, identifying a parking or loading area shall be permitted for each street frontage of such parking area. Said sign may include the name of the owner and/or name of the use for which it is provided.
  - 3. Signs accessory to parking or loading areas shall be set back a minimum of two (2) feet from any lot line unless attached flat to a building wall.

(4) INTEGRATED CENTERS, INDUSTRIAL PARKS & COMMERCIAL ACTIVITIES

- A. Content: Such sign shall be limited to the name of the park or center, trademark, product, activity, or service or each industry and directional guide to the location of each industrial unit in the integrated center or industrial park. It may be illuminated, but shall be neither flashing nor animated.
- B. Area: The maximum surface area of such sign shall be one (1) square foot for each lineal foot of frontage of the lot, but not to exceed six hundred (600) square feet.
- C. Height: The sign structure shall not project higher than forty (40) feet above grade level (at base of sign structure).

6.04 GENERAL SIGN PROVISIONS

- (1) All signs and sign structures shall be kept in good repair and in proper state of preservation.
- (2) Off-premise advertising signs shall conform to Chapter 197, HY-19 Revised, Wisconsin Administrative Code, with the exception of permit fees, which shall conform to the provisions as set forth in this Ordinance.
- (3) Except as otherwise provided in this Ordinance, sign sizes and setbacks shall conform to applicable state codes.

SECTION 7  
AMENDMENTS

7.01 AUTHORITY

The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time in accordance with Section 60.01, Wisconsin Statutes. An amendment shall be granted or denied by the Town Board only after a public hearing before the Town Zoning Committee, and a report of its findings and recommendations has been submitted to the Town Board.

7.02 INITIATION

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

7.03 PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk and shall describe the premises to be rezoned (including legal descriptions) or the regulations to be amended, list the reasons justifying the petition specify the proposed use and list the owner's names and addresses of all properties lying within (1,000) feet of the area proposed to be rezoned. The petitioner will provide additional information as may be required by the Zoning Committee or Town Board.

7.04 FEE

The following fee shall be paid to the Town Clerk by the petitioner to defray the cost of administration, investigation, advertising, and processing of the petition:

- |     |   |                         |
|-----|---|-------------------------|
| 1.  | Any use of Commercial- or Industrial-zoned property_____  | \$100.00                |
| 2.  | New single or two family residence_____   | \$75.00                 |
|     | and Building Inspectors actual cost   |                         |
| 3.  | Any building or structure needing a building number and not used for commercial business_____                           | \$50.00                 |
| 4.  | Any outbuilding or additional structure not requiring a building number or improvements of 201 square feet or more_____ | \$30.00                 |
| 5.  | Any change to the existing building floor plans_____  | \$15.00                 |
| 6.  | Communication Tower Permit_____   | \$1000.00               |
| 7.  | CONDITIONAL USE PERMIT_____   | \$150.00                |
| 8.  | VARIANCE OR AMENDMENT_____  | \$150.00                |
| 9.  | APPEALS TO BOARD OF APPEALS_____  | \$150.00                |
| 10. | CULVERTS_____   | PERMIT REQUIRED; NO FEE |
| 11. | NEW BARN_____   | NO FEE                  |

7.05 PROCESSING

A petition for amendment shall be filed with the Town Clerk. Such petition shall be forwarded from the Town Clerk to the Zoning Committee with a request to hold a public hearing in accordance with Section 60.61, Wisconsin Statutes.

7.06 RECOMMENDATIONS

The Zoning Committee shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in a written statement to the Town Board.

7.07 PUBLIC HEARINGS

A public hearing shall be held prior to adoption or denial of any alteration, amendment or change in this Ordinance. A Class 2 notice, under Chapter 985, Wisconsin Statutes, shall be published in the town prior to the hearing.

7.08 TOWN BOARD ACTION

The Town Board, after receiving the recommendation of the Zoning Committee, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Wisconsin, or it may refer it back to the Zoning Committee for further consideration.

7.09 EFFECTIVE DATE OF AMENDMENT AND THE ORDINANCE

Any alteration, change or amendment of this Ordinance shall become effective immediately upon action by the Town Board.

SECTION 8  
BOARD OF APPEALS

8.01 ESTABLISHMENT

There is hereby established a Board of Appeals for the Town of Sigel for the purpose of hearing appeals and applications, and granting variances from the provisions of this Ordinance in harmony with the general purpose and intent of this Ordinance.

8.02 MEMBERSHIP

- (1) The Board of Appeals shall consist of five (5) members appointed by the Chairman of the Town Board and confirmed by the Town Board. No more than one town supervisor shall be a member of the Board.
- (2) The members of the Board of Appeals shall all reside within the Town of Sigel. Terms shall be staggered for three-year periods. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases. An alternate member may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (3) The Chairman of the Board of Appeals shall be designated by members of the Board of Appeals.
- (4) The members of the Board of Appeals shall receive such compensation as shall be determined by the Town Board, and shall be removable by the Town Board upon written charges and after public hearing.

8.03 DUTIES

The Board of Appeals is hereby delegated the following duties and responsibilities:

- (1) To correct errors or abuses in the administration of the Ordinance by the Township Building Permit Issuer;
- (2) To grant relief when hardship results from strict application of the provisions of the Ordinance;
- (3) To consider applications for exceptions and variances from the Ordinance;
- (4) To grant or deny applications for variances from the Ordinance;
- (5) To interpret the zoning regulations or the zoning district map.

#### 8.04 PRINCIPLES GUIDING BOARD DECISIONS

The following are principles that shall guide the Board of Appeals:

- (1) The burden is upon the appellant to prove the need for a variance.
- (2) Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for granting a variance.
- (3) The Board is bound to accept the zoning ordinance and map, as being correct.
- (4) The plight of the appellant must be unique, such as shallow or steep parcel of land, or situation caused by other than his own action.
- (5) The hardship justifying a variance must apply to individual appellant's parcel or structure and not generally to other properties in the same district.
- (6) The variance must not be detrimental to adjacent properties.
- (7) The Board of Appeals in fulfilling its duties may modify, alter, or change any application.

#### 8.05 RULES, MEETINGS, MINUTES

- (1) The Town Board shall adopt rules of procedure in accordance with the provisions of this Ordinance.
- (2) Meetings of the Board of Appeals 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.
- (3) The Board of Appeals 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.

#### 8.06 APPEALS TO BOARD AND APPEAL FEES

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department or board of the town affected by any decision of the Township Building Permit Issuer or other administrative officer. Such appeal shall be taken within ten (10) calendar days, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. This fee shall be paid to the Town Clerk at the time of the appeal.

#### 8.07 STAYS

An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

#### 8.08 HEARING APPEALS

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and publish a Class 2 notice thereof under Chapter 985 of the Wisconsin Statutes, as well as notify parties of interest and adjoining property owners by certified mail, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent, or by attorney.

#### 8.09 POWERS OF THE BOARD

The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Township Building Permit Issuer.
- (2) To hear and decide special exceptions to the terms of the Ordinance upon which such board is required to pass under such Ordinance.
- (3) To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

#### 8.10 ORDER ON APPEAL

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

#### 8.11 CONCURRING VOTE

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 any such Ordinance, or to effect any variation in such Ordinance. The grounds of every such determination shall be stated.

#### 8.12 COURT REVIEW

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the Board of Appeals.

#### 8.13 CERTIORARI

Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the Board of Appeals, and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.

#### 8.14 RETURN TO WRIT

The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.

#### 8.15 COURT DECISION

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and to report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

#### 8.16 COSTS

Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice, in making the decision appealed from. All issues in any proceeding under this section shall have preference over all civil action and proceedings.

SECTION 9  
PENALTIES



SECTION 10  
ENFORCEMENT

10.01 TOWNSHIP BUILDING PERMIT ISSUER

The Town Board shall appoint a Township Building Permit Issuer, who shall receive such compensation as the Town Board shall determine. It shall be the duty of the Township Building Permit Issuer, with the aid of the town constable, to enforce the provisions of this Ordinance.

- (1) Duties: The Township Building Permit Issuer shall prepare a record of all buildings and structures situated within the setback lines as established by this Ordinance, or any amendment thereto, which shall include the distances of such buildings or structures from the centerline, their size, type of construction and use, the quarter section in which they are situated, and the names and addresses of the owner and occupant of the premises and the date on which the record is made. Such record shall be kept current, and shall show any such buildings or structures that may be removed or damaged to the extent that their reconstruction will be contrary to this Ordinance.

10.02 BUILDING PERMIT

- (1) No building shall hereafter be erected or moved until a Township building permit has been applied for from and issued by the Township Building Permit Issuer.
- (2) 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 buildings, 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.
- (3) All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. If needed, the lot and the location of the building thereon shall be staked out on the ground before construction is started.

SECTION 11  
SEPARABILITY

Invalidation of any part of this Ordinance by a court shall not invalidate the rest of the Ordinance.

SECTION 12  
CONFLICTING PROVISIONS REPEALED

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 13  
EFFECTIVE DATE

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

**AS PROVIDED BY STATUTE**

**ADOPTED** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

**ATTESTED** \_\_\_\_\_  
(Town Board Chairman)

\_\_\_\_\_  
(Town Clerk)

TOWN OF SIGEL ZONING ORDINANCE

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