

TITLE 13

Zoning

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Title 13 ► Chapter 1

Authority

- 13-1-1 Purposes Listed in WI Stats
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State Law Reference – Zoning authority if exercising village powers, WI Stats 60.62; required notice on certain approvals, WI Stats 60.625; Town construction site erosion control and storm water management zoning, WI Stats 60.627, community and other living arrangements, WI Stats 60.63; environmental protection, interstate hazard, liquid pipelines WI Stats 60.635; historic preservation, WI Stats 60.64; Board of Adjustment, WI Stats 60.65; zoning filing fees, WI Stats 59.694; zoning filing fees, WI Stats 59.69; Planning and Zoning, WI Stats 60.61; General zoning authority, WI Stats 60.66; Town park commission WI Stats 60.66.

Sec. 13-1-1 - Purpose

The Town Board does ordain and enact this zoning code, regulating and restricting the location, construction and use of buildings, structures and the use of land in the unincorporated portions of the Town and, for such purposes, dividing the Town into districts.

Sec. 13-1-2 - Interpretation.

The provisions of this title shall be held to be minimum requirements, adopted for the promotion and protection of public health, morals, safety or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted regulations, ordinances or private covenants, the most restrictive, or that imposing the higher standards, shall govern.

Sec. 13-1-3 - Shoreland provisions.

The shoreland provisions of this chapter shall not require approval or be subject to disapproval by the Town Board. All applicable Town permits are required.

Title 13 ► Chapter 2

Definitions

13-2-1 Definitions

Sec. 13-2-1 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All distances, unless otherwise specified, shall be measured horizontally.

A-Zones means those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory structure or use means a subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

Adult bookstore means an establishment having as a predominant portion of its stock in trade books, magazines and other periodicals, or videocassettes, DVDs, or other videos which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

Adult cabaret.

- (1) The term "adult cabaret" means a nightclub, bar, theater, restaurant or similar establishment which features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.
- (2) The term "adult cabaret" does not include theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

Adult motion picture theater means an enclosed building which is significantly or substantially used for presenting motion picture films, videocassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as described herein) for observation by patrons therein.

AH zone. See "Area of shallow flooding".

Airport means an area of land devoted or intended to be devoted to landing and takeoff of all aircraft, whether fixed wing or not, and whether private or commercial. The term "airport" includes such nomenclature as landing strip or field, airstrip, landing area, etc.

Allowed uses means land uses and activities that are totally permitted or allowed and that do not require a zoning permit.

Alteration means an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

AO zone. See "Area of shallow flooding".

Applicant means any person, firm, or corporation or any agent thereof seeking to build, construct, excavate, grade, install, or use the land in any manner that would require a permit as defined in this chapter.

Authorized use means those activities that involve a use of the land and that require a permit to be issued.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement means any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

Bed and breakfast. See *Boardinghouse*.

Boardinghouse means any owner-occupied dwelling where lodging and meals are furnished for compensation for three or more persons not members of the same family.

Boathouse means any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.

Building means any structure use, designed or intended for the protection, shelter or roofed enclosure of persons, animals or property.

Building envelope means and includes all fully enclosed areas of a principal structure and specifically excludes screened porches, decks, patios and similar construction.

Building, height of, means the distance from the lowest point of final grade where the structure intersects with the ground and the highest point of the structure.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to Wis. Stats. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

Campground means a parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

Camping unit means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

Certificate of compliance means a document signed by a plumber, soil tester, zoning official, or other qualified individual that verifies whether septic, soils, setbacks, or other aspects of any particular lot and its inherent development are in compliance with current administrative codes or zoning ordinances.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Comparable size means the same square footage as the existing footprint.

Conditional use means a use which is permitted by this chapter, provided that certain conditions specified in this chapter are met and that a permit is granted by the Zoning Ordinance Committee or Town Board.

Town zoning agency means that committee or commission created or designated by the Town Board under Wis. Stats. § 59.69 to act in all matters pertaining to Town planning and zoning.

Crawlway or crawlspace means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

Curtilage means the area encompassing the grounds and buildings immediately surrounding a home, school, church, nursery, day care center or park that is used in the daily activities of domestic life. A

garage, barn, smokehouse, chicken house and garden are curtilage if their locations are reasonably near to the home.

Deck means a structure which is wider than six feet, has a platform and is suspended over water or land by either posts, pilings, guidelines, guidewires or similar supports.

Department means the state department of natural resources (DNR).

Development means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

District means a specific area designated with reference by this chapter and the official zoning maps within which the regulations governing the use and erection of structures and the use of premises and land are uniformly applied.

Dock means a structure which is less than six feet wide, has a platform and is suspended over the water by either posts, pilings, guidelines, guidewires or similar supports.

Documented violations means an operational rule that has been documented by Rusk County Zoning staff or Town Zoning Ordinance Committee as not being followed. This could include reports from law enforcement officials.

Drainage system means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dryland access means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling means any building designed and used exclusively as the living quarters for one or more families. This includes site-constructed and manufactured homes designed for this purpose. This does not include mobile homes.

Dwelling, multifamily, means a dwelling or group of dwellings on one plot containing separate living units for two or more families, but which may have joint services or facilities or both.

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

Easement means authorization by a property owner for the use of his land by another person for a specific written recorded purpose.

Encroachment means any fill, structure, equipment, use or development in the floodway.

Enlargement of waterways means to construct, dredge, or do any development of a canal, channel, ditch, lagoon, pond, lake, or similar waterway. Enlargement of waterways require permits from the department of natural resources as defined in Wis. Stats. § 30.19.

Environmental damage means the harming of any wildlife or their habitat, including, but not limited to, fish, bird, animal, or plant life, or the degradation of the air, land, and waters within the state. While the definition of environmental damage is necessarily general and must be subjectively applied, it should be applied liberally in each case to protect the environment of the Town.

Environmental pollution means the contaminating or rendering unclean or impure air, land, or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life as defined by Wis. Stats. § 285.01.

Essential services means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals,

sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

Exclusive Ag means lands that meet all the requirements of the state with regard to the Farmland Preservation Program.

Expanded home occupation means a home occupation that may involve persons other than the resident family and such occupation may be carried on other than within the confines of the home.

Exploration means the on-site geologic examination of conditions of the surface of the site by drilling or excavating for purposes of searching for or defining the extent and nature of deposits of metallic or nonmetallic minerals and includes such associated activities as clearing and preparing sites or constructing roads.

Family means one or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

Farm means an area of land where animals, produce, plants, or bees may be raised, cultivated, or maintained for sale or off-premises consumption and includes places where animals that may commonly be associated with farming are maintained only for pleasure.

Farming, generally, means the production of field or truck crops or the raising of livestock and livestock products for commercial gain.

Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program.

Filling means the placement or depositing of any material such as dirt, stumps, rocks, gravel, sawdust, sod, debris or like substances. See Wis. Stats. § 30.12 for required state permits.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- (1) The overflow or rise of inland waters.
- (2) The rapid accumulation or runoff of surface waters from any source.
- (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore.
- (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature or by some similarly unusual event.

Flood frequency means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percentage chance of occurring in any given year.

Flood hazard boundary map means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood insurance rate map (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood insurance study means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood profile means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. Also see *Freeboard*.

Flood storage means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodfringe means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

Floodplain means the land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Wis. Admin. Code Ch. NR 116.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodproofing means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Floor area means the area within the outside lines of the exterior walls of a building at the first floor level or basement wall; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics and garages.

Footprint of building or structure footprint means the area within the outermost perimeter of a structure on its main floor, including attached or immediately adjacent patios, decks, screened porches and similar construction. Note: For the purpose of replacing or reconstructing a nonconforming building, the footprint shall be replaced with the same types of use (i.e. deck with deck, eave with eave).

Forest industries means the cutting and storing of forest products, the operation of portable sawmills, the production of maple syrup and sugar, and other uses related to forests.

Freeboard means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Fur farm means any property comprising land or buildings or both, used for the purpose of raising or harboring furbearing animals including those defined in Wis. Stats. § 29.001 and also other furbearing animals, if any, whether the animals are kept for breeding, slaughtering or pelting purposes.

Garage, private, means an accessory building or accessory portion used, or intended to be used, for the storage of private motor vehicles, and having a capacity of not more than three automobiles. The term "private garage" also includes carports.

Garage, public, means a building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as "gasoline stations" or "service stations."

Gasoline service station means any area of land, including any structure thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil, or other lubricating substances, or motor vehicle accessories, and which may include facilities used or designed to be used for polishing, repairing, greasing, washing, spraying, dry cleaning, or otherwise maintaining such vehicles.

Grading means filling over or removing topsoil or a combination of both. See Wis. Stats. § 30.19 for required state permits.

Gravel pit. See *Quarry*.

Government Institutional means tract, or interest therein, in which the surface estate is owned and administered by the Town of Big Bend.

Habitable structure means any structure or portion thereof used or designed for human habitation.

Hard armor stabilization means the use of rock, concrete, block, wood and similar materials in controlling erosion.

Hearing notice means publication or posting meeting the requirements of Wis. Stats. Ch. 985. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.

High flood damage potential means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Highway means a public or private thoroughfare which affords a primary means of access to abutting property.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Home occupation means a gainful occupation conducted by a member of the family within his place of residence, where the space used is incidental to residential use and no article is sold or offered for sale, except such as produced by such home occupation.

Hospital, unless otherwise specified, means and includes sanitarium, sanitorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of human ailments and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

Impervious surface means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, decks, walkways, driveways, parking lots and streets unless specifically designed, constructed and maintained to be pervious. Roadways or sidewalks as defined in § 340.01, Wis. Adm. Code, are not considered impervious surfaces. *Increase in regional flood height* means a calculated upward rise in the regional flood elevation, greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Installation means any campground, resort, recreational vehicle park, trailer camp or mobile home park or any combination thereof, whether designed for year-round or seasonal or permanent or temporary use or

any combination, located on public or private property, and whether fees are charged for the use thereof or not.

Junkyard. See *Salvage yard.*

Kennel means premises used for the harboring of more than three dogs or other animals which are more than six months old in age.

Land use means any nonstructural use made of unimproved or improved real estate. Also see *Development.*

Land use permit means the document that must be issued by the zoning department and that grants the applicant permission to engage in those types of activities on any given parcel or parcels of land and for which this chapter specifically states that such activities require a permit. (It is not a building permit per se; however, building is an example of a land use activity that requires a zoning or land use permit.)

Local contact person means a person who is able to respond to the facility within 15 minutes.

Lot means a parcel of land occupied or capable of being occupied by one primary building and its accessory buildings or other uses customarily incidental to it, including such open spaces as are required by this chapter, pertaining to subdivision control, and all applicable state statutes. Adjoining lands of common ownership shall be considered a contiguous parcel even if divided by a public or private road, easement, or navigable rivers or streams.

Lot area means the total area in a horizontal plane within the peripheral boundaries of a lot. No land included in a road (public or private) or street, highway or railroad right-of-way may be included when computing lot area.

Lot depth means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

Lot length. Lot length is measured from the right-of-way of any highway, road, or private easement to the opposite end of said lot and shall not exceed six times its width.

Lot lines means any line dividing one lot from another.

Lot width. The required minimum width of a lot shall be measured as the shortest distance between the lot side lines at or greater than the necessary setback distance for said lot. To the point at which the lot's minimum area and width requirement has been met no additional area of any particular lot in question need meet the minimum width requirement.

Lowest adjacent grade means elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Maintenance means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

Maintenance and repairs means and includes, but is not limited to, replacement or installation of the same size windows and doors, skylights, vents, siding, insulation, shutters, gutters, flooring and shingles, or replacing or repairing internal walls or floors of a foundation. Maintenance and repairs do not include external alterations and additions, internal improvements or replacement of existing structures.

Major recreational equipment means and includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles and snowmobile trailers, and the like.

Manufactured home means a structure constructed after June 15, 1976, that is transportable in one or more sections; which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected is 320 or more square feet; and which is built on a permanent chassis and

designed to be used as a dwelling with or without permanent foundation when connected to the required facilities.

Mine means a place where an excavation is made to obtain ores, precious stones, minerals, and other elements of value that may or may not require further refinement. For the purpose of this chapter, excavations for the removal of substances such as gravel, sand, and dirt, that require extraction by such means are defined as quarries.

Mobile/manufactured home.

- (1) The term "mobile home" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway and equipped and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction; and which has an overall length in excess of 45 feet.
- (2) The term "manufactured home" means a structure constructed after 1976 which is transportable in one or more sections; which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required facilities.

Mobile/manufactured home park means any lot on which three or more mobile/manufactured homes are parked for the purpose of year-round and seasonal habitation and including any associated service, storage, recreation, and other community service facilities designed for the exclusive use of park occupants.

Mobile/manufactured home park or subdivision means a parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

Mobile/manufactured home park or subdivision, existing means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Mobile/manufactured home park, expansion to existing means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Mobile recreational vehicle means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within this definition.

Model, corrected effective means a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

Model, duplicate effective means a copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, effective means the hydraulic engineering model that was used to produce the current effective flood insurance study.

Model, existing (pre-project) means a modification of the duplicate effective model or corrected effective model to reflect any manmade modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

Model, revised (post-project) means a modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

Motel or hotel means a building or group of buildings containing rooms which are offered for compensation and the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner or his agent or employees.

NAVD or North American Vertical Datum means elevations referenced to mean sea level datum, 1988 adjustment.

Navigable waters means all natural inland lakes within the Town of Big Bend and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this Town.

- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body. Nonconforming building or structure means any existing building or structure which existed lawfully before the current zoning ordinances were enacted or amended, but does not comply with all of the regulations of this chapter or of any amendment hereto for the zoning district in which such structure is located.

New construction, for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. *NGVD or National Geodetic Vertical Datum* means elevations referenced to mean sea level datum, 1929 adjustment.

Nonconforming building or structure means any existing building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto for the zoning district in which such structure is located.

Nonconforming use means any use of land, buildings or structures which existed lawfully before the current zoning ordinances were enacted or amended, but does not comply with all of the regulations of this chapter or any amendments thereto governing said use for the zoning district in which such use is located.

Normal high-water elevation means the line where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Nuisance means a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance or inconvenience.

Nursery means any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

Obstruction to flow means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official floodplain zoning map means that map, adopted and made part of this chapter, which has been approved by the department and FEMA.

On-site soils evaluation means when the zoning administrator or other qualified representative from the zoning office, at the request of the soil tester, plumber, or other applicant, will physically inspect the soils during daylight hours in any location within the Town. The inspection is not a soil test which must be done by a certified soil tester. It is to aid the property owner, soil tester, plumber, developer, realtor, or whomever in determining what type of sanitary waste disposal system is appropriate for their particular site and situation.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

Ordinary high-water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Outlot means parcel of land, other than a lot or block, so designated on the plat, where structures cannot meet required zoning setbacks and is a nonconforming lot according to current lot size requirements.

Parcel means a description of land that may or may not be within a recorded plat. A parcel can be a single platted lot, government lot, quarter section, or any other defined portion of land.

Permitted use means that use of the land or structures which does not require any variances, public hearings, Town Board, or zoning committee approvals, and which may be granted a permit by the zoning administrator, once the appropriate fees and applications have been properly completed, signed by the applicant, and submitted to the zoning office.

Pier. See *Dock*.

Planned unit development means a type of zoning district that has specific requirements with regard to lot sizes, total land area, number of dwellings and accessory buildings per lot, and other attributes.

POWTS means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the state department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Practicable alternatives means available and capable of being implemented after taking into consideration cost, available technology and logistics in light of overall project purposes.

Preconstruction site evaluation means when the zoning administrator or other qualified representative from the zoning office, at the request of the applicant, will physically inspect the property with regard to setbacks and other building or construction regulations that are within the jurisdiction of the Town zoning department.

Previously developed land means any land that includes a legally placed principal structure.

Principal structure means a non-portable structure which is designed for independent human habitation and includes sanitary and/or food preparation facilities whether such structure is attached to another structure(s) or stands alone. If more than one structure that meets this definition exists on a single lot, the smaller structure(s) shall be considered accessory.

Principal use, for any given parcel of land, means that use of the land or structures which is the primary or main use as distinguished from a customary or accessory use.

Private sewage system means a sewage treatment and disposal system serving a single structure with a septic tank and a soil absorption field located on the same parcel. This term also means an alternative sewage system approved by the state department of commerce including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Public utilities means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Quarry means an open excavation in the earth for removing stone, sand, gravel, dirt, rocks, or any other substance to be used in the construction of roads, driveways, landscaping, or building.

Reasonably safe from flooding means base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional flood means a flood determined to be representative of large floods known to have generally occurred in the state and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

Restaurant means a space or business establishment within a suitable building, provided with sanitary and proper kitchen and kitchen equipment approved by the state board of health, and a dining room of related capacity, having employees for preparing, cooking, and serving comestible food.

Restoration means the act of restoring the land to a usable condition upon completing, either wholly or in part, that construction which has made said land unsuitable to normal forestry, agricultural, or residential type use.

Roadway setback means not less than 30 feet from the road right-of-way line.

Salvage yard means any area, with or without buildings or structures, where significant amounts of salvageable materials (including secondhand items) are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. This definition also includes auto salvage yards, junkyards and other like and similar uses. Buildings or structures that are part of an establishment that is in the business of buying and selling such materials are required to meet the requirements of this chapter. Four or more inoperative, unlicensed or dismantled vehicles, farm machinery, construction, or other types of equipment shall constitute a salvage yard.

Salvageable material means those products or materials whose primary usefulness has changed or expired and are being stored or retained for whatever reason. Salvageable materials include, but are not limited to, scrap iron and other metals, lumber and other construction materials, paper, rags, appliances, rubber tires, or other rubber products, bottles glass, plastics, machines or machine parts, motor vehicles or equipment and other similar related materials.

Screening means a means of obscuring from view, by use of sight-obscuring fencing, tree planting, earthen berm, or other acceptable means whereby the contents are obscured from sight from any road, watercourse or other public right-of-way.

Self-contained recreational equipment/vehicle means a recreational vehicle which can operate independent of connections to sewer, water, and electric systems. Water storage and sewage holding tanks are located within the vehicle.

Setback means the minimum horizontal distance, which is called a setback line, that is established parallel to rights-of-way, centerlines, lot lines, or water bodies for the purpose of defining limits within which structures, buildings, or other uses must be constructed, maintained or confined.

Shooting range means an area designed and constructed for the discharge of firearms that is open for club members or public use, excluding individually owned and used target and archery ranges.

Shoreland setback area means the area on a parcel that includes the minimum shoreline setback distance and the area waterward to the OHWM.

Shoreland/wetland district means the zoning district, created as a part of the shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this chapter.

Shorelands means lands within the following distances from the ordinary high-water mark of navigable waters:

- (1) 1,000 feet from a lake, pond or flowage; and
- (2) 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Sign means any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, business, institution or organization, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement.

Soft armor stabilization means the use of vegetation, geotextiles, bioengineering, rolled erosion control products and similar materials in controlling erosion.

Special exception means a use which is permitted by this chapter, provided that certain conditions specified in this chapter are met and that a permit is granted by the planning and zoning committee.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes any of the following, simulated or actual:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, anilingus.
- (3) Showing of human genitals in a state of sexual stimulation or arousal.
- (4) Excretory functions during a live performance, display or dance of any type.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 360 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steps and landings means stairways that are built within the shoreland setback area. Stairs and landings are not to exceed six feet in width.

Structure means any human made object with form, shape and utility, either permanently or temporarily attached to or placed upon the ground, riverbed, stream bed, or lake bed. In shoreland zoning, structure also means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

Subdivision has the meaning given in Ordinance Title 14.

Substantial damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Survey, certified, means a certified survey map of not more than four parcels of land on one page which shall be submitted to the Town zoning office for review prior to being recorded in the office of the register of deeds of the county and which shall meet the requirements of Title 14 of this Ordinance.

Tourist rooming house means the use of a single or two family dwelling for the purpose of providing or furnishing overnight lodging accommodations to the public for a period of less than one month to any person(s) who occupies the property on a rental basis.

Travel trailer/RV means a portable vehicle less than ten feet wide by 50 feet long designed and used for temporary living and housekeeping, office, and/or commercial purposes.

Undeveloped Land means Raw vacant land without utilities, buildings or even driveways.

Unnecessary hardship means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

Use means the purpose for which land or structures, or portions thereof, are occupied, maintained, employed or otherwise utilized.

Utilities means those services such as electric, telephone, gas, or other essential components of development that are necessary to provide fundamental usefulness to both dwellings and other structures whether private or commercial.

Variance means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this chapter.

Violation, for floodplain management purposes, means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Vision clearance means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this chapter.

Walkway means a deck that is attached to a building and that does not exceed six feet in width and its construction is primarily to provide ingress and egress from an existing structure. Walkways added to a structure built prior to February 1995 are permitted within the shoreland setback area. Permits are required for all walkways.

Water surface profile means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Watershed means the entire region contributing runoff or surface water to a watercourse or body of water.

Well means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetlands means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wharf. See Dock.

Yard means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.

Yard, front, means an open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

Yard, rear, means an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard, side, means an open unoccupied space on the same lot with the building situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

Zoning administrator means the employee of the Town officially designated to administer this chapter.

Zoning Ordinance Committee means the Town zoning and land use committee. The zoning committee may be referred to as the "planning committee."

Zoning district. See *District.*

Zoning permit means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is located.

Title 13 ► Chapter 3

Districts

- 13-3-1 Establishment of Districts
- 13-3-2 Zoning Map and District Boundaries

Sec. 13-3-1 - Establishment of districts.

For the purpose of this chapter, the unincorporated areas of the Town are hereby divided into the following types of districts:

- (1) R-1 Recreational-Residential District.
- (2) A-1 Agricultural District.
- (3) C-1 Commercial District.
- (4) I-1 Industrial District.
- (5) F-1 Forestry District.
- (6) W-1 Resource Conservation District.
- (7) SW-1 Shoreland and Shoreland-Wetland District (Overlay).
- (8) UND - Undeveloped District.
- (9) GI – Government Institutional.

Sec. 13-3-2 - Zoning map and district boundaries.

- (a) The location and boundaries of these districts are shown in a single map officially designated "Official Town of Big Bend Zoning Map, Rusk County, Wisconsin,"
- (b) These maps, together with all explanatory matter and regulations thereon, are an integral part of this chapter. In the event of a conflict between zoning district boundaries shown on the official zoning map and the detailed zoning maps, the latter shall govern and prevail. District boundaries are normally lot lines, section and quarter section lines, or centerlines of streets, highways, railroads or alleys. Questions regarding the exact location of district boundaries shall be decided by the Town Zoning Administrator. Decisions may be reviewed on appeal to the board of adjustment as provided in section 13-16-4.
- (c) The single official copies of the official zoning map and detailed zoning maps, together with a copy of this chapter, shall be kept at the Town Zoning Administrator's and Town Clerk's office and shall be available for public inspection during office hours. These maps shall be certified by the chairperson of the Town Board and attested by the Town Clerk.

Title 13 ► Chapter 4

Comprehensive Plan

13-4-1 Comprehensive Plan Adopted by Reference

Sec. 13-4-1 - Comprehensive Plan adopted by reference.

The Town adopts by reference the comprehensive plan titled "Town of Big Bend Comprehensive Plan," originally adopted by the Town on September 11, 2021, as and for the comprehensive plan for the Town. A copy of the plan is available in the office of the Town Clerk.

Title 13 ► Chapter 5

District Regulations

- 13-5-1 Application of Regulations
- 13-5-2 Standard District Regulations
- 13-5-3 Supplementary regulations

Sec. 13-5-1 - Application of regulations.

The use of any land or water; the size, shape and placement of lots; the use, size, height, type and location of structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth on the "Town of Big Bend Official Zoning Map, Rusk County, Wisconsin," and in the text of this chapter.

Sec. 13-5-2 - Standard district regulations.

(a) *Setback requirements on highways and roads.*

- (1) All state and U.S. numbered highways are hereby designated Class A highways. The setback line for Class A highways and for any other roads designated as major roads on official maps in the Town shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.
- (2) All County trunk highways not otherwise designated as Class A highways are hereby designated Class B highways. The setback for Class B highways and for roads designated as arterial roads on official maps in effect in the Town shall be 75 feet from the centerline of such highway or 42 feet from the right-of-way line, whichever is greater.
- (3) All Town roads not otherwise designated Class A or Class B highways are hereby designated Class C highways. The setback for Class C highways and for streets other than major and arterial roads designated as such on official maps in effect in the Town shall be 65 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater.
- (4) A setback equal to the average setback of existing principal buildings located within 500 feet of a proposed building site and on the same side of the street shall be permitted where five of these buildings do not conform with the appropriate setback line.
- (5) Minor, readily removable structures such as open fences or signs permitted by this chapter may be placed within setback lines. Public utility equipment without permanent foundations is also permitted. When deemed necessary by the Town Zoning Ordinance Committee in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right of compensation, any such structures erected within setback lines.

(b) *Visual clearance at intersections.* In each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the street centerlines and a line connecting them 300 feet from a Class A highway intersection, 250 feet from a Class B highway intersection and 200 feet from a Class C highway intersection. If two highways of a different class intersect, the largest distance shall apply to both centerlines. Within this triangle, no object over 2½ feet in height above the streets shall be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten feet and located a minimum of 30 feet apart.

(c) *Access driveways.*

- (1) Access driveways to highways from abutting properties shall comply with the following requirements:

- a. Minimum distance of highway frontage between access driveways for separate land uses.
 - 1. Class A highways.
 - (i) Federal aid primary highways: 600 feet.
 - (ii) Federal aid secondary highways: 500 feet.
 - 2. Class B highways: 300 feet.
 - 3. Class C highways: 75 feet.
 - b. Minimum distance access driveways may be located in the right-of-way of an intersecting highway.
 - 1. Class A highways.
 - (i) Federal aid primary highways: 300 feet
 - (ii) Federal aid secondary highways: 250 feet.
 - 2. Class B highways: 150 feet.
 - 3. Class C highways: 75 feet.
- (2) Where there is more than one lot abutting on Class A and Class B highways between access driveways, a service road of not less than 50 feet right-of-way shall be provided across the entire frontage of each lot unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway. Use of access is limited to the use authorized in the temporary access permit. This permit would be revocable when a frontage road is provided.
- (3) The maximum number and width of access driveways to highways and service roads shall be as follows:

Type of Access Driveway	Maximum Number of Access Driveways	Maximum Width of Access Driveways
Commercial and industrial land uses	2	35 feet
Other land uses	1	24 feet

- (4) Where crossovers in median strips have been provided, access driveways shall be directly opposite these crossovers.
 - (5) Outlot access.
 - a. No outlot access driveways shall be permitted for outlots on county, state or federal highways. Pedestrian access which requires fill or an alteration of road construction shall be approved by the county highway commissioner in the case of county highways and the state department of transportation in the case of state or federal highways and shall be limited to a three-foot width of surface per lot.
 - b. Town Boards shall have the authority to approve or deny outlot access driveways on town roads.
- (d) *Excessive height permitted.* Heights of the following structures may exceed limits for the district in which they are to be located with the approval of the Town Zoning Ordinance Committee: cooling

towers, stacks, penthouses, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antennae and necessary mechanical appurtenances.

(e) *Lot sizes.*

- (1) After adoption of the ordinance from which this chapter is derived, no lot shall be so reduced that the dimensional and yard requirements required by this chapter cannot be met. Lots existing and of record prior to adoption of the ordinance from which this chapter is derived, but of substandard size, may be devoted to uses permitted in the district in which located.
- (2) If two or more substandard lots with continuous frontage have the same ownership as of the effective date of the ordinance from which this chapter is derived, the lots involved shall be considered to be an individual parcel for the purpose of this chapter.
- (3) Lots created after adoption of the ordinance from which this chapter is derived and which are not served by public sewer systems shall meet minimum area requirements of the county sanitary code.

(f) *Accessory uses and structures.*

- (1) Any permanent, roofed structure serving as an accessory, if attached to the principal building, shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback and other dimensional requirements of the district within which it is located.
- (2) Permit.
 - a. No permit shall be granted for any second or subsequent accessory building unless there is adequate space on the lot suitable for a replacement septic system after construction of the accessory building.
 - b. No permit shall be granted for any second or subsequent accessory building unless there is adequate space on the lot suitable to bring any noncomplying structure on the lot into compliance with setback and other zoning requirements after construction of the accessory buildings.
- (3) Any garage, as defined in this chapter, is to be considered an accessory building whether it is attached to a primary use structure or not.

(g) *Drainage, sanitation and water supply.*

- (1) No principal building shall be erected, structurally altered or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding or where the lowest floor level is less than four feet above the highest groundwater level.
- (2) No principal building intended for human use or occupancy shall be erected, structurally altered or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the County sanitary code and the appropriate requirements of the Wisconsin Administrative Code.
- (3) The Town Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the County sanitary code and a sanitary permit has been issued.
- (4) Private sewage disposal systems for dwelling units shall meet the location requirements of the County sanitary code and the applicable minimum standards of the Wisconsin Administrative Code.
- (5) Where connection is not to be made to a public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises, a permit for which has been obtained in accordance with the provisions of the County sanitary code.

Sec. 13-5-3 - Supplementary regulations.

- (a) *Airport safety zones.* 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 1/20 of the distance of the object to the landing strip.
- (b) *Off-street parking.* Any building hereafter erected or placed on a lot shall be provided with off-street parking spaces for those using such building.
 - (1) Each parking space required shall be at least 200 square feet in area.
 - (2) Residential uses shall be provided with at least one parking space for each dwelling unit.
 - (3) Commercial and industrial uses as listed and permitted in the zoning districts shall be provided, except as noted below, with one parking space for each 200 square feet of floor area. However, restaurants, taverns and similar establishments shall be provided with at least one space for each unit; drive-in eating stands offering in-car service shall be provided with at least five spaces for each person employed to serve customers.
 - (4) Public gathering uses shall be provided with at least one space for each five patrons to be accommodated on the premises.
- (c) *Off-street loading and unloading.* Any commercial or industrial building hereafter erected or placed on a lot shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities. In the Industrial District, such buildings shall be provided with a minimum of 400 square feet of off-street loading and unloading space.

Title 13 ► Chapter 6

Signs

- 13-6-1 Permits Required
- 13-6-2 R-1 and W-1 Districts
- 13-6-3 C-1, R-1, A-1, I-1 and F-1 Districts
- 13-6-4 Unlawful Signs
- 13-6-5 Nonconforming signs

Sec. 13-6-1 - Permit required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered within the Town until a land use permit has been issued by the Town Zoning Administrator, except those signs excepted below and without being in conformity with the provisions of this article.

Sec. 13-6-2 - R-1 and W-1 Districts.

All signs are prohibited in the R-1 and W-1 Districts except the following:

- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
- (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.
- (3) Name, occupation and warning signs not to exceed two square feet located on the premises.
- (4) Bulletin boards for public, charitable or religious institutions not to exceed 20 square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners when authorized by the Town Zoning Ordinance Committee.

Sec. 13-6-3 - C-1, R-1, A-1, I-1 and F-1 Districts.

Signs are permitted in the C-1, R-1, A-1, I-1 and F-1 Districts subject to the following restrictions:

- (1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises and shall not exceed 20 feet in height above the mean centerline street grade.
- (2) Projecting signs fastened to, suspended from or supported by structures shall not exceed 100 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not extend into any public right-of-way, shall not be less than ten feet from all side lot lines, shall not exceed a height of 20 feet above the mean centerline street grade and shall not be less than ten feet above the sidewalk nor 15 feet above a driveway or an alley.
- (3) Ground signs shall not exceed 20 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

- (4) Roof signs shall not exceed ten feet in height above the roof, shall meet all yard and height requirements for the district in which they are located, and shall not exceed 300 square feet on all sides for any one premises.
- (5) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
- (6) Signs or billboards which advertise a general brand of product, an area of interest, a business activity or a service available which is not in direct relation to the use of the premises on which they are located shall not exceed 300 square feet in area. Freestanding signs shall be erected outside a line parallel to and five feet from the highway right-of-way, shall not exceed 20 feet in height above the ground or be located within 300 feet of an existing residence.
- (7) Recreational directory signs indicating the direction to a cottage, resort, residence or similar use shall not exceed four square feet in area. When a common posting is provided, all such signs shall be attached thereto. Recreational directory signs may be placed at the right-of-way line of the highway provided they are not within 100 feet of an existing residence. Information on such signs may be of reflective material.
- (8) Signs advertising a business or activity conducted, area of interest or service available within 12 air miles of the premises on which they are located shall not exceed 20 square feet in area, and no more than two such signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of signs and a greater distance from the premises may be permitted by the zoning committee by a conditional use permit on a finding of necessity for directing the traveling public.
- (9) Combinations of any of the above signs shall meet all the requirements for the individual sign.

Sec. 13-6-4 - Unlawful signs.

Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility. No sign shall contain any rotating or moving parts or be illuminated by flashing light.

Sec. 13-6-5 - Nonconforming signs.

A sign lawfully existing at the time of the adoption or amendment of this article may be continued although the use, size or location does not conform with the provisions of this article. However, it shall be deemed a nonconforming use or structure and the provisions of 13-15-1 shall apply.

Title 13 ► Chapter 7

Special Uses

- 13-7-1 General Provisions
- 13-7-2 Quarries and Mines
- 13-7-3 Salvage Yards
- 13-7-4 Garbage and Refuse Disposal Sites
- 13-7-5 Mobile Home Parks
- 13-7-6 Trailer Camps
- 13-7-7 Major Recreational Equipment

Sec. 13-7-1 - General provisions.

Except as added to or altered in this article, the procedures and requirements of 13-10-1 governing conditional uses shall apply.

Sec. 13-7-2 - Quarries and mines.

- (a) *Application required.* Application requesting Town Zoning Ordinance Committee approval of a proposed quarrying or mining activity shall be accompanied by:
- (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation and, where appropriate, the estimated daily quantity of water required, its source and its disposition.
 - (2) A legal description of the proposed site.
 - (3) A topographic map (may be required by the Town Zoning Ordinance Committee at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.
 - (4) A restoration plan as hereinafter required.
- (b) *Consideration of compatibility.* In reviewing a proposal for a quarrying or mining activity, the Town Zoning Ordinance Committee shall take into consideration:
- (1) The effect of the proposed operation on drainage and water supply.
 - (2) The possibility of soil erosion as a result of the proposed operation.
 - (3) The most suitable land use for the area.
 - (4) Other considerations specified in Rusk County Ordinance Chapter 20, article III, division 2, pertaining to permitting requirements for metallic mineral mining and prospecting.
- (c) *Restoration plan and financial guarantee required.* No grant to carry on a quarrying or mining operation shall be given until the Town Zoning Ordinance Committee approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as practicable after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration. The agreement and financial guarantee shall be in a form approved the Town attorney.
- (d) *Conditions for approval.* The Town Zoning Ordinance Committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing, capping and landscaping may be required.

- (e) *Duration of conditional grant.* The initial grant to carry on a quarrying or mining operation shall not be effective for more than five years, except that the initial grant to carry on metal mining operations shall not be effective for more than 25 years. Authorization may be extended for any number of additional years, subject to conditions specified by the Town Zoning Ordinance Committee.
- (f) *Existing quarry and past mining operations.*
 - (1) Within 60 days after the effective date of the ordinance from which this chapter is derived, the owners of all existing quarrying and past mining operations shall submit to the Town Zoning Ordinance Committee the names of the quarry and mine owners and operators and information regarding such operations.
 - (2) Within one year after adoption of this chapter, the owners shall submit to the Town Zoning Ordinance Committee a plan for restoration of the quarrying and mining site in accordance with subsection (c) of this section. The restoration plan shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operations prior to enactment of the ordinance from which this chapter is derived.
 - (3) Within three years after the effective date of the ordinance from which this chapter is derived, any such existing operation shall be subject to the provisions of subsections (c) through (e) of this section.

Sec. 13-7-3 - Salvage yards.

- (a) *Purpose.* The purpose of this section is to control and govern the location, size, setbacks, and dimensions of salvage yards in the Town. The objective is not to remove or require relocation of existing salvage yards, but rather to regulate those that will begin after the effective date of the ordinance from which this section is derived. This section does not supersede any license or permit required by other state or federal agencies to legally operate a salvage yard. Junkyards and like uses are considered to be a salvage yard.
- (b) *Classification of salvage yards.* The following classifies salvage yards in the Town:
 - (1) *Class A.* For the purpose of this article, a Class A salvage yard is defined as an operation licensed by the department of transportation that is in the business of buying and selling salvageable vehicles and equipment.
 - (2) *Class B.* For the purpose of this article, a Class B salvage yard is defined as an operation which stores or keeps for the purpose of buying, selling or processing salvageable metals, plastics, paper, wood, appliances, machinery and other salvage materials, excluding vehicles as per Class A classification.
- (c) *Prohibited locations.*
 - (1) No salvage yard shall be allowed on any parcel of land less than one acre in size.
 - (2) No salvage yard will be permitted in any of the following zoning districts: RR-1 Recreational-Residential, -1 Forestry, W-1 Resource Conservation, SW-1 Shoreland and Shoreland-Wetland, and UND Undeveloped. UD Undeveloped.
 - (3) Within 2,000 feet of any incorporated city or village.
 - (4) Within 1,000 feet of any lake or pond or 500 feet of any named river or stream.
 - (5) Within 250 feet of any residential dwelling or potable well. Salvage yard property owner's residence and well are exempt from this requirement.
 - (6) Within any established floodplain of the Town as shown on current FEMA maps.
- (d) *Exemptions.* The following are exempt from the requirements of this section:
 - (1) Approved recycling centers which are designated by the county, state, village, city, or town to receive and temporarily store materials for recycling.

- (2) Those uses and activities as herein defined when entirely established within an enclosed building, provided that the use and activity is allowed within the zoning district.
 - (3) Materials that are stored by the property owner, for his own use, on his own land, when such person is engaged in farming.
- (e) *Screening.*
- (1) Those salvage yards that are located on a state or federal highway shall be screened according to the provisions of this article.
 - (2) Screening will be required when there is an existing development within 500 feet of the proposed salvage yard even if such development is located across the road.
 - (3) Screening is required so materials are not noticeably visible from other currently developed property in the vicinity of the salvage yard, nor from public rights-of-way such as roads, streets, highways and waterways. The screening shall be a minimum of eight feet in height and shall be kept in good repair.
- (f) *Permit application is required.* A conditional use permit for a salvage yard is required. Application requesting Town Zoning Ordinance Committee approval of a proposed salvage yard activity shall be accompanied by the following:
- (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation.
 - (2) A legal description of the proposed location.
 - (3) A legible, detailed map showing the location and distance to development, land use and all wells within 250 feet of the proposed location.
 - (4) The contemplated size and location of all proposed structures that will be part of the operation.
 - (5) The location and separation distances of all driveways being proposed.
- (g) *Standards.* The following standards shall apply to salvage yards: It is recommended that for fire protection, an unobstructed fire break be maintained one rod in width and completely surround the salvage yard operation.
- (h) *Setbacks.* Setbacks, other than those already listed or described, shall be as follows:
- (1) Whichever of the following is greater: ten feet from right-of-way or 60 feet from centerline of a highway when no fence is proposed.
 - (2) One foot from side yard property line when there is screening and no current development on the adjoining land.

Sec. 13-7-4 - Garbage and refuse disposal sites.

- (a) No garbage or refuse disposal sites shall be permitted in the Town except in conformance with the rules and regulations of Wis. Admin. Code Ch. NR 51.
- (b) All such disposal sites shall have minimum front, side and rear yards of 100 feet each.
- (c) Garbage and refuse disposal sites shall be screened so that the materials are not visible from other property in the vicinity, nor from public rights-of-way such as roads, streets, highways and waterways.

Sec. 13-7-5 - Mobile home parks.

Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located within the Town except in a mobile home park, the plan of which has been approved by the zoning committee. Such parks shall meet the following requirements:

- (1) Minimum size: five acres.

- (2) Maximum number of mobile home sites: six per acre.
- (3) Minimum width of a mobile home site: 40 feet.
- (4) Maximum height of a mobile home trailer: 15 feet.
- (5) Minimum distance between mobile home trailers: 20 feet.
- (6) Minimum distance between mobile home and service road: ten feet.
- (7) Each mobile home site shall be connected to a public or common water supply system and a public or common sewage disposal system.
- (8) All drives, parking areas and walkways shall be hard surfaced. There shall be one parking space for each mobile home and additional parking spaces for automotive vehicles within the park, totaling not less than 1¼ parking spaces for each mobile home space.
- (9) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office are permitted.
- (10) Minimum side yard setback: 40 feet at all front, side and rear lot lines of the mobile home park.
- (11) Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by:
 - a. A temporary planting of fast growing material, capable of reaching a height of 15 feet or more; and
 - b. A permanent evergreen planting, the individual tree to be such a number and so arranged that within ten years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
- (12) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.
- (13) Mobile home parks shall comply with the sanitation regulations of the County sanitary code and the appropriate requirements of the Wisconsin Administrative Code.

Sec. 13-7-6 - Major recreational equipment.

- (a) A property owner may store their own major recreational equipment on their own property without being subject to any time limit, as long as there is a residence on the same parcel and the equipment is not used for living or housekeeping purposes when parked or stored on the parcel.
- (b) A single motor home/RV/camper shall be allowed to be used or stored on the owner's property where there is either no residence or one single family residence, for up to 90 days in one calendar year. Adequate sanitary facilities must be installed if pressurized water is available on site and for park models. If water is brought in, proof of wastewater pumping must be provided.
- (c) More than one recreational vehicle on a parcel for more than 30 days per calendar year must meet trailer camp/campground requirements.
- (d) Recreational vehicles must meet all setback requirements of a residence.

Title 13 ► Chapter 8

Adult Bookstore, Adult Cabaret, Adult Theater

13-8-1 Adult bookstore, Adult Cabaret, Adult Motion Picture Theater Regulations

Sec. 13-8-1 - Adult bookstore, adult cabaret or adult motion picture theater regulations.

- (a) *Purpose.* It is the purpose of this section to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- (b) *Findings.*
- (1) The Board finds that adult-oriented establishments, as defined in this chapter, require special zoning in order to protect and preserve the health, safety, and welfare of the Town.
 - (2) Based on its review of studies conducted in Phoenix, AZ; Garden Grove, CA; Los Angeles, CA; Whittier, CA; Indianapolis, IN; Minneapolis, MN; St. Paul, MN; Cleveland, OH; Oklahoma City, OK; Amarillo, TX; Austin, TX; Beaumont, TX; Dallas, TX; Houston, TX; Newport News, VA; Bellevue, WA; New York, NY; Seattle, WA; and St. Croix County, WI; and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention; and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Colman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), *East of the River Enterprises II v. City of Hudson*, 2000 Wisc. App. Lexis 734 (Ct. App. Aug. 1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702, 2003 WL 132541 (7th Cir. 2003); the board finds that there is convincing evidence that the secondary effects of adult-oriented establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
 - (3) The Town intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
 - (4) It is not the intent of the Board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult-oriented establishments while providing an outlet for First Amendment protected activities.
 - (5) In order to minimize and control the secondary effects of adult-oriented establishments upon the Town, it is the intent of the Board to prevent the concentration of adult-oriented establishments within a certain distance of each other and within certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of adult-oriented establishments.
- (c) *Standards.* The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult-oriented establishments are entitled to certain protections. Therefore, an adult bookstore, an adult motion picture theater, and an adult cabaret are permitted as a conditional use permit in the I-1 Industrial zoning district and shall be

prohibited use in any other zoning district. The adult-oriented establishment may locate in the specified district only if applicable zoning district regulations are met:

- (1) Such use shall not be located within 1,000 feet of any residence.
- (2) Such use shall not be located within 1,000 feet of a public or private school, church, day care center, or park.
- (3) Such use shall not be located within 1,000 feet of another adult bookstore, adult motion picture theater, or adult cabaret.
- (4) The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the building which the proposed use is to be located, to the nearest point of the curtilage of the residence, school, church, day care center or park.
- (5) Such use shall not be located in a structure that has a door, window, or opening that is constructed in such a way that the public can view the interior contents or activities without entering the structure.
- (6) Such use shall display a two-foot by two-foot sign located within three feet of the structure entrance in such a position that any person approaching to enter will be able to read the following: "Must be 18 years old to enter" and "Material beyond this door may be offensive."
- (7) Violation of these provisions is declared to be a public nuisance Title 13 – 3.
- (8) Nothing in this subsection is intended to authorize, legalize or permit the establishment, operation, or maintenance of any business, building, or use which violates any county ordinances or statute of the state regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

Title 13 ► Chapter 9

Tourist Rooming House

13-9-1 Tourist Rooming House

13-9-1 - Tourist Rooming House

- (a) The approval for a tourist rooming house shall be for a period of one year of operation. The one year shall commence from the date the permit is issued, however, a land use permit shall not be issued prior to the property owner obtaining a lodging license from the Rusk County Public Health Department. The permit shall remain in effect provided annual reviews by the Zoning Administrator discloses that a lodging license has been obtained and is current, the conditions and all requirements of this chapter are adhered to.
- (b) Operational rules shall be provided that establish guidelines that the tenants must comply with regarding, but not limited to; off-street parking, garbage collection, occupancy limits, fireworks, and excessive noise.
 - (1) The maximum number of tenants allowed to reside shall not exceed two persons per bedroom, plus two persons or maximum number of occupants based upon the capacity of septic system; whichever is less.
 - (2) A local contact person shall be identified that will be responsible to manage the property. The property owner may be the contact person.
 - (3) Contact information shall be posted on an exterior wall near the main entrance of the residence with a minimum display area of eight inches by ten inches. The following must be provided:
 - a. Address of property.
 - b. Emergency contact information for police, fire, ambulance.
 - c. Owner's and local contact person's phone number, and phone number for the Town Clerks Office.
 - d. Maximum number of occupants allowed.
 - (4) One business sign may be placed on the property with a maximum display of 12 square feet.
 - (5) The use of any additional sleeping quarters, such as, recreational vehicles and/or tents is prohibited.
 - (6) Upon occurrence of two documented and validated violations of the operational rules within a calendar year, the owner shall be subject to revocation of the permit.

Title 13 ► Chapter 10

Conditional Uses

13-10-1 General Provisions

13-10-2 Procedure

Sec. 13-10-1 - General provisions.

One of the purposes of this chapter is to divide the unincorporated portions of the Town into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible and substantially uniform. There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location thereon or without restrictions or conditions being imposed by reason of unique problems that use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land or public facilities, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to their location, development and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified in this article.

- (1) *Approvals required.*
 - a. Any conditional uses listed in this chapter shall be permitted only after receiving the appropriate Town Zoning Ordinance Committee and then Town Board approval.
 - b. Any person must make a request to the Town Clerk for a conditional use permit. The Town Clerk shall promptly send the application to the Town Zoning Administrator with any or all data the applicant deems pertinent to the situation. The Town Zoning Administrator shall make a determination and send such determination to the Town Zoning Ordinance Committee. The Zoning Ordinance Committee will then follow the procedures specified in this article to consider the conditional use application. The conditional use permit shall be then presented to the Town Board. (See Appendix A – Flow Chart)
 - c. In those areas where the appropriate Town Board and the Zoning Ordinance Committee disagree, the Town Board will make the final determination,
 - d. Upon such approvals, issuance of a conditional use permit will be granted.
- (2) *Basis of approval.* The Town Zoning Ordinance Committee shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the Town and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetation cover, the prevention and control of water pollution, the location with respect to floodplains and floodways, the movement of traffic and the relationship to existing or proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke or odor and other factors.
- (3) *Conditions which may be required.* Upon consideration of the factors listed above, the Town Zoning Ordinance Committee may attach such conditions, in addition to those required elsewhere in this chapter, that it deems necessary to further the purposes of this chapter. Violation of any of these conditions shall be deemed a violation of this chapter. Such conditions may include, without limitations because of specific enumeration, increased setbacks and yards, specified waste disposal and water supply facilities, landscaping and planting screens, operational controls, sureties and deed restrictions.

Sec. 13-10-2 - Procedure.

- (a) *Application.* Application for a conditional use permit shall be made to the Town Clerk who shall promptly refer the application to the Town Zoning Administrator, forwarding immediately to the Town Zoning Ordinance Committee. Town Zoning Ordinance Committee may require the applicant to submit other pertinent data and information necessary to properly evaluate the request. The Zoning Ordinance Committee may further request information it deems necessary from the appropriate party to further evaluate the request.
- (b) *Fees.* The fee for filing of application for the conditional use permits shall be established by the Town Zoning Ordinance Committee and Town Board. A copy of the current fee schedule shall be kept on file in the office of the Town Clerk.
- (c) *Hearing.* The Town Zoning Ordinance Committee shall schedule a public hearing on the application within 30 days after it is filed or in a special situation, which shall be written into the minutes of the committee, may waive the public hearing requirements.
- (d) *Determination.* The Zoning Ordinance Committee shall report its decision within 90 days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto.
- (e) *Mapping and recording.* When a conditional use permit is granted, an appropriate record shall be made of the land use and building permits, and such grant shall be applicable solely to the structures, use and property so described.
- (f) *Termination.* Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit may be suspended by the Zoning Administrator or Zoning Ordinance Committee or terminated by action of the Town Board.

Title 13 ► Chapter 11

Zoning Districts

If the intended use of this property is not specifically authorized under the districts below it is prohibited unless a variance is granted by the Town. See “Permitted Use” under definitions.

- 13-11-1 R-1 Residential District
- 13-11-2 A-1 Agricultural Districts
- 13-11-3 C-1 Commercial
- 13-11-4 I-1 Industrial District
- 13-11-5 F-1 Forestry District
- 13-11-6 W-1 Resource Conservation District
- 13-11-7 Shoreland and Shoreland–Wetland District (Overlay)
- 13-11-8 UMD – Undeveloped District
- 13-11-9 GI Government Institutional

Sec. 13-11-1 - Residential District – R-1

The Residential District provide for one- and two-family year around and seasonal residential and recreational development and essential recreation-oriented services in areas of high residential and recreational value protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential and recreational areas where soil conditions and physical features will support and are suitable for such development without depleting or destroying natural resources. It is also intended that these areas are economically able to be provided with and readily served by utilities, roads, and other essential facilities and services.

- (1) *Allowed uses.*
 - a. Private horticulture and gardening.
 - b. Essential services and utilities intended to serve the principal permitted use.
 - c. Remodeling of existing conforming structures provided such remodeling does not change the use, overall volume, or substantially alter the exterior dimensions of said structure.
 - d. Tool sheds, doghouses, school bus stop shelters, and other like structures less than 13 feet in height and 100 square feet in dimensional size, provided they are not located within a required setback area.
 - e. Forest management programs.
- (2) *Uses authorized by a land use permit.*
 - a. One- and two-family individual year around and seasonal dwellings.
 - b. Private garages, carports, accessory buildings, and other land uses clearly incidental to the customary principal use.
 - c. All structures, additions, and other construction improvements such as decks and patios, not to include remodeling, new roofing, siding, or other structural changes that do not increase the dimensional characteristics of existing buildings.
 - d. All access roads, driveways, and entrances require a permit.

- e. Signs, subject to the provisions of 13-6-1.
 - f. Customary home occupation.
 - g. Recreational trails, including, but not limited to, hiking, snowmobiling, skiing, all-terrain vehicles (ATVs), and horseback riding.
 - h. Satellite dishes, outside wood burning devices and other similar incidental equipment that serves a principal or accessory permitted use.
- (3) *Uses authorized by Town Board and Zoning Ordinance Committee approval.*
- a. Commercial horticulture and gardening.
 - b. Customary accessory uses, provided such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public or private nuisance.
 - c. The replacement of a mobile home or primary housing unit with another provided the initial installation had been granted a new conditional use permit and meets the current requirements.
- (4) *Uses authorized by a conditional use permit.*
- a. Multifamily (three or more) dwelling units.
 - b. Rooming houses and boarding houses (bed and breakfasts).
 - c. Travel trailers, recreational vehicles (RVs) and primary housing units intended for primary occupancy.
 - d. Mobile home parks and travel trailer-RV campgrounds.
 - e. Public and semi-public uses, including, but not limited to, public and private schools, churches, public parks and recreational areas, hospitals, rest homes and homes for the aged, fire and police stations, and historic sites. Sewage disposal plants, garbage incinerators, and commercial maintenance, repair, and storage buildings shall not be permitted.
 - f. Commercial telephone, telegraph, and power transmission and communication towers, substations, relay and repeater stations and accompanying towers, equipment housing and other necessary appurtenant equipment and structures.
 - g. Commercial home occupations or professional offices, provided no such use occupies more than 25 percent of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding area.
 - h. Recreational service-oriented uses, such as resorts and motels, tourist rooming houses, restaurants and cocktail lounges, marinas, sport shops and bait sales, and other recreational services which in the opinion of the Town Zoning Ordinance Committee are of the same general character or clearly incidental to a permitted use or use authorized by a conditional permit.
 - i. Storage rental units.
 - j. Private garages, carports, and accessory building where no principal structure exists on the property and the owner does not live within five miles of the property.

Sec. 13-11-2 - A-1 Agricultural District.

The A-1 Agricultural District is intended to provide for the continuation of general farming and related activities in those areas best suited for such development and to prevent the untimely and uneconomical scattering of residential, commercial or industrial development into such areas.

- (1) *Permitted uses.*

- a. One-family and two-family farm residences and a single mobile home, but only when occupied by owners or persons engaged in farming activities on the premises.
 - b. All agricultural land uses, buildings and activities, except farms for disposal of garbage or offal.
 - c. Roadside stands for the sale of products grown on the premises, if sufficient off-street parking space for customers is provided.
 - d. Agricultural processing industries and warehouses, except slaughterhouses, and rendering and fertilizer plants.
 - e. Farm recreational uses, such as riding stables, winter sports activities.
 - f. Essential services and utilities intended to serve a permitted principal use on the premises.
 - g. Woodlots and tree farms.
 - h. Customary uses, provided such uses are clearly incidental to a principal permitted use.
 - i. Signs subject to the provisions of 13-6.
 - j. Residential dwellings and accessory structures on parcels that have an existing allowed residential use.
- (2) *Uses authorized by conditional use permit.*
- a. One-family and two-family year around dwellings.
 - b. Mobile home parks and trailer parks.
 - c. A primary housing unit provided the lot area and setback requirements of this district are met and the owner provides an accessory building or garage for storage purposes.
 - d. Public and semi-public uses, including, but not limited to, public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites. Sewage disposal plants and garbage incinerators shall not be permitted.
 - e. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
 - f. Airports
 - g. Quarrying, mining and processing of products from these activities are subject to the provisions of 13-7-2.
 - h. Home-based businesses.
 - i. Storage rental units.
 - j. Private garages, carports, and accessory building where no principal structure exists on the property and the owner does not live within five miles of the property.
 - k. Tourist rooming houses.

Sec. 13-11-3 - C-1 Commercial District.

The C-1 Commercial District is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices and similar commercial establishments.

- (1) *Permitted uses.* Facilities such as, but not limited to, the following:
- a. Retail stores and shops offering convenience goods and services.
 - b. Business and professional offices and studios.

- c. Banks and savings and loan offices.
 - d. Public and semi-public buildings and institutions.
 - e. Commercial entertainment facilities.
 - f. Laundromats.
 - g. Restaurants.
 - h. Taverns.
 - i. Medical and dental clinics.
 - j. Auto service stations and maintenance facilities.
 - k. Public and private marinas.
 - l. Recreation service-oriented facilities as stated in the R-1 district.
 - m. Motels and tourist homes.
 - n. Rooming houses and boarding houses.
 - o. Customary accessory uses, provided such uses are clearly incidental to the principal permitted use.
- (2) *Uses authorized by conditional use permit.*
- a. Public and semi-public conditional uses as stated in the R-1 district.
 - b. New and used car sales establishments.
 - c. Wholesaling establishments.
 - d. Transportation terminals.
 - e. Farm implement sales firms.
 - f. Outdoor theaters.
 - g. Miniature golf, go-carts and amusement parks.
 - h. Drive-in establishments offering in-car service to customers.
 - i. Single-family dwellings and primary housing units, but only when occupied by owners or persons engaged in commercial activities on the premises.
 - j. Home-based businesses.
 - k. Storage rental units.

Sec. 13-11-4 - I-1 Industrial District.

The I-1 Industrial District is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare and safety. Those industries requiring outdoor storage for raw materials or finished products may be required to provide a fence or screen in accordance with the provisions of section 13-7-1.

- (1) *Permitted uses.*
- a. Manufacturing, assembly, fabricating and processing plants and similar type industrial operations consistent with the purposes of this district.
 - b. General warehousing.
 - c. Accessory uses clearly incidental to a permitted use.
- (2) *Uses authorized by conditional use permit.*

- a. Salvage yards, subject to the provisions of section 13-7-3.
- b. Quarrying, mining and processing of products from these activities, subject to the provisions of section 13-7-2.
- c. Adult book store, adult cabaret or adult motion picture theater subject to 13-8-1.
- d. Any use determined to be objectionable by the Town Zoning Ordinance Committee and/or the Town Board on the basis of pollution, noise, dust, smoke, vibration, odor, flashing lights or danger of explosion may be permitted only upon the issuance of a conditional use permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use.

Sec. 13-11-5 - F-1 Forestry District.

The F-1 Forestry District provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also to recognize the value of the forest as a recreational resource by permitting as a conditional use certain recreational activities, which, when adequately developed, are not incompatible to the forest.

(1) *Permitted uses.*

- a. Production of forest crops, including tree plantations.
- b. Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- c. Hiking trails, snowmobile trails and wildlife refuges.
- d. Signs, subject to the provisions of 13-6-1.
- e. Hunting and fishing cabins.
- f. Seasonal dwellings and customary accessory buildings, such as private garages and carports on the same lot as the seasonal dwelling unit.
- g. A primary housing unit, provided the lot area and setback requirements of this district are met and the owner provides an accessory building or garage for storage purposes.
- h. One-family and two-family year around dwelling units and accessory buildings.

(2) *Uses authorized by a conditional use permit.*

- a. Public and private parks, playgrounds and winter sports areas.
- b. Dams, plants for production of electric power and flowage areas.
- c. Trailer camps subject to the provision of 13-7-6
- d. Forest-connected industries, such as sawmills, debarking operations, chipping facilities and similar operations.
- e. Recreation and youth camps.
- f. Riding stables.
- g. Shooting ranges.
- h. Quarrying and mining operations are subject to the provisions of section 13-7-2.
- i. Year around residence for caretakers of recreational areas.
- j. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers, and microwave relay towers.
- k. Airports, subject to the provisions of 13-5-3.

- l. Garbage and refuse disposal sites are subject to the provisions of section 13-7-4.
- m. Resorts/motels, tourist rooming houses and other similar business operations as approved by the zoning committee.
- n. Private garages, carports, and accessory building where no principal structure exists on the property and the owner does not live within five miles of the property.

Sec. 13-11-6 - W-1 Resource Conservation District.

The W-1 Resource Conservation District is intended to be used to prevent destruction of natural or manmade resources and to protect watercourses, including where developments would result in hazards to health or safety, would deplete or destroy resources or be otherwise incompatible with the public welfare. The provisions of this district shall not apply to, nor override, the shoreland wetland regulations set forth in NR115, State and County regulations.

(1) *Permitted uses.*

- a. Public fish hatcheries.
- b. Soil and water conservation programs.
- c. Forest management programs.
- d. Wildlife preserves.

(2) *Uses authorized by conditional use permit.*

- a. Drainage where such activity will not be in conflict with the stated purposes of this district.
- b. Public and private parks.
- c. Grazing where such activities will not be in conflict with the stated purposes of this district.
- d. Accessory structures, such as hunting and fishing lodges.
- e. Orchards and wild crop harvesting.
- f. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and microwave relay towers.
- g. Trailer camps, subject to the provision of section 13-7-6.
- h. Signs, subject to the provisions of 13-6.
- i. Recreation trails, where such activities would not be in conflict with the stated purpose of this district.
- j. No use shall involve dumping or filling of mineral soil or peat removal or any other use that would disturb the natural fauna, flora, watercourses, water regimen or topography.

13-11-7 Shoreland and Shoreland–Wetland District (Overlay)

Reference Title 13-12

13-11-8 UND – Undeveloped District

Reserved for future.

13-11-9 GI Government Institutional

Reserved for future.

Title 13 ► Chapter 12

Shoreland/Wetland Districts

The governing office for Shoreland/Wetland Zoning is Rusk County Zoning.

Title 13 ► Chapter 13

Planned Unit Development District

13-13-1 Intent

13-13-2 Submission of plans for proposed development

Sec. 13-13-1 - Intent.

This district is intended to provide for large-scale residential or residential/recreational development. This district shall have no definite boundaries until such are approved by the Town Board on the recommendation of the Zoning Ordinance Committee in accordance with procedures prescribed for zoning amendments by Wis. Stats. § 59.69.

Sec. 13-13-2 - Submission of plans for proposed development.

Plans for the proposed development shall be submitted in duplicate and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multifamily development as well as related commercial uses, provided that the plans indicate that:

- (1) A single area of at least five acres is involved.
- (2) Each residential building and lot in the district will conform to the R-1 district requirements and each commercial building and lot will conform to the C-1 district requirements.
- (3) Adequate streets and sidewalks as determined to serve the needs of the area involved will be provided.
- (4) Adequate access to public streets and proper internal circulation will be provided.
- (5) Adequate sewer and water facilities will be provided.
- (6) The development will constitute a reasonable extension of the living areas in the county and will be compatible with surrounding land uses.

Title 13 ► Chapter 14

Dimensional Requirements

13-14-1 Dimensional Requirements

Sec. 13-14-1 - Dimensional requirements.

The following table represents the dimensional requirements for the Town:

	R-1	A-1	C-1	I-1	F-1	W-1
<i>Building Height Limit</i>	35 feet*	35 feet**	35 feet*	60 feet*	35 feet*	35 feet*
<i>Required Lot Area – Square Feet</i>						
With public sewer	87,120	87,120	87,120	87,120	87,120	87,120
Without public sewer	87,120	87,120	87,120	217,800	87,120	87,120
Within shorelands – Unsewered	20,000	20,000	20,000	217,800	87,120	20,000
Within shoreland – Sewered	10,000					10,000
<i>Buildable Lot Width</i>						
With public sewer	200	200	200	200	100	200
Without public sewer	200	150	200	200	200	200
<i>Yard Required</i>						
Front	30	50	10	50	30	30
Side, principal building	10	20	10	20	10	10
Within shoreland	10	20	10	20	10	10
Side, accessory building	5	10	5	10	5	5

	R-1	A-1	C-1	I-1	F-1	W-1
Rear	25	50	20	50	40	25
<i>Floor Area - Square Feet</i>						
Principal residence						
3 bedrooms	700	700	700	700	700	700
2 bedrooms	600	600	600	600	600	600
1 bedroom	500	500	500	500	500	500
<i>Seasonal Cabins and Mobile Homes</i>						
3 bedrooms	440	440			440	440
2 bedrooms	340	340			340	340
1 bedroom	240	240			240	240
*Except Towers						
**Except silos and farm structures						

Title 13 ► Chapter 15

Nonconforming Uses

13-15-1 Defined and Regulated

Sec. 13-15-1 - Defined and regulated.

Present uses of buildings, signs and premises may be continued even though they do not conform to the restriction of this chapter. Ordinary maintenance and repair is unlimited. No structural alterations, addition or repair to any building or structure with a nonconforming use or any nonconforming building or structure, over the life of the building or structure, shall exceed 50 percent of its existing square footage, unless it is permanently changed to conform to the requirements of this article. Any nonconforming use or building that is abandoned for one year shall be discontinued permanently.

Definitions:

Structural alterations: External alterations or additions to a structure which does not include ordinary maintenance and repair.

Title 13 ► Chapter 16

Administration

- 13-16-1 Town Zoning Administrator
- 13-16-2 Land use permits
- 13-16-3 Violations
- 13-16-4 Board of adjustment
- 13-16-5 Amendments
- 13-16-6 Public hearings
- 13-16-7 Zoning fee schedule

Sec. 13-16-1 - Town zoning administrator.

- (a) *Designation.* The Town Board shall appoint a zoning administrator for the administration and enforcement of the provisions of this chapter. The Town Board may also authorize the designation of deputy zoning administrators to assist in the enforcement and administration of this chapter.
- (b) *Duties.* In administering and enforcing this chapter, the zoning administrator and any of his deputies shall perform the following duties:
 - (1) Provide necessary forms and applications for use permits.
 - (2) Issue land use permits where the provisions of this chapter have been complied with.
 - (3) Issue conditional use permits when authorized by the zoning committee.
 - (4) Survey the Town, upon adoption of this chapter and when necessary upon the passage of amendments, identify and record information relative to nonconforming uses and structures.
 - (5) Maintain files of applications, permits and other relevant information.
 - (6) Make an annual report of the activities to the zoning committee.
- (c) *Powers.* The zoning administrator and his appointed deputies shall have powers and authority including, but not limited to:
 - (1) Access to any structure or premises for the purpose of performing his duties between 8:00 a.m. and 6:00 p.m. by the permission of the owner or upon issuance of a special inspection warrant.
 - (2) Upon reasonable cause or question as to proper compliance, revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter.
 - (3) Citation authority pursuant to Town resolutions.

Sec. 13-16-2 - Land use permits.

- (a) *Permit required.* No structure shall be built, moved or structurally altered, and no land use shall be substantially altered until a land use permit has been issued by the zoning administrator. He shall not issue a permit for a structure or a use not in conformity with the requirements of this chapter. The fee for filing of applications for land use permits shall be established by the zoning committee. A copy of the current fee schedule shall be kept on file in the office of the Zoning Administrator, office of the Town Clerk and posted on the Town website.
- (b) *Application procedure.* Applications for land use permits shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lots involved and of any proposed structures, including the relation to abutting streets or lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated.

- (c) *Expiration.* Land use permits for construction, alteration or removal of structures shall expire 24 months from their date of issuance if no building activity has begun within such time.
- (d) *Exceptions.* A land use permit is not required for farm buildings or school bus stop shelters, provided such structures meet the dimensional and setback requirements of this chapter.

Sec. 13-16-3 - Violations.

Except as otherwise provided, any person who violates this chapter shall forfeit an amount as provided in the Town fine and forfeiture schedule, plus costs of prosecution, for each day of violation. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated, including, but not limited to, requirements that the property be restored to its condition prior to such violation.

Sec. 13-16-4 - Board of adjustment.

The Town board of adjustment shall have the following powers:

- (1) Grant a variance from only the dimensional standards of this chapter.
- (2) Hear and decide appeals from a conditional use permit decision of the Town Zoning Ordinance Committee pursuant to Section 13-12-16 or Section 13-12-19(d), and from the denial by the Town Zoning Ordinance Committee to issue a conditional use permit. See Sections 13-10-1 and 13-10-2.

Sec. 13-16-5 - Amendments.

- (a) *Procedure.* The Town Board may amend this chapter.
- (b) *Fee.* Any petition for amendment submitted by other than a governmental body shall be accompanied by a fee to defray the cost of advertising, investigation and processing.

Sec. 13-16-6 - Public hearings.

- (a) *Notice.* Adequate notice shall be given of any public hearing required by the provisions of this chapter, stating the time and place of such hearing and the purpose for which it is being held.
- (b) *Procedure.*
 - (1) *Posting and publishing.* Notice of public hearing shall be given.
 - (2) *Notice of proposed change.* In addition, when the hearing involved a proposed change in the zoning district classification of any property, or the granting of a conditional use, copy of the notice shall be posted in the vicinity of the proposed change or conditional use, where practical, and notice of the public hearing shall be mailed to the owners of all lands within 300 feet of any part of the land included in such proposed change or conditional use at least ten days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance or grant of a conditional use.

Sec. 13-16-7 - Zoning fee schedule.

A Town zoning fee schedule is available in the office of the Town Clerk, Town Zoning Administrator and is posted on the Town website.

Title 13 ► Chapter 17

Public or Private Campgrounds

- (1) Private or public campgrounds NOT IN shoreland/wetland or flood plain areas are governed by the Town of Big Bend Ordinance, Title 7-7-7.
- (2) The governing office for private or public campgrounds within shoreland/wetland or flood plain areas is the Rusk County Zoning Department.

Title 13 ► Chapter 18

Oversight – Variance - Enforcement

- 13-18-1 Zoning Oversight
- 13-18-2 Board of adjustment/appeals
- 13-18-3 Variance
- 13-18-4 Enforcement and penalties

Sec. 13-18-1 - Zoning Oversight.

- (a) The Town Zoning Ordinance Committee shall:
 - (1) Oversee the functions of the office of the Zoning Administrator; and
 - (2) Review and advise the Town Board on all proposed amendments to this article, maps and text.
- (b) The Town Zoning Ordinance Committee shall not:
 - (1) Grant variances to the terms of this article in place of action by the Board of Adjustment/Appeals; or
 - (2) Amend the text or zoning maps in place of official action by the Town Board.

Sec. 13-18-2 - Board of adjustment/appeals.

- (a) *Generally.* The Board of Adjustment/Appeals, created under Wisconsin law, is hereby authorized or shall be appointed to act for the purposes of this article. The board shall exercise the powers conferred by state law and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the board.
- (b) *Powers and duties.* The Board of Adjustment/Appeals shall:
 - (1) *Appeals.* Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this article.
 - (2) *Boundary disputes.* Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - (3) *Variances.* Hear and decide, upon appeal, variances from the article standards.
- (c) *Appeals to the Board.* Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
- (d) *Notice and hearing for appeals, including variances.*
 - (1) *Notice.* The board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to state statutes, specifying the date, time, place and subject of the hearing;
 - c. Assure that notice shall be mailed to the parties in interest and the department regional office at least ten days in advance of the hearing.

- (2) *Hearing.* Any party may appear in person or by agent or attorney with the Zoning Ordinance Committee. The board shall:
 - a. Resolve boundary disputes according to subsection (e) of this section.
 - b. Decide variance applications according to section 13-18-3.
 - c. Decide appeals of permit denials.
- (3) *Decision.* The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be a written determination signed by the chairperson or secretary of the board;
 - c. State the specific facts which are the basis for the board's decision;
 - d. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 - e. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.
- (e) *Boundary disputes.* The following procedure shall be used by the board in hearing disputes.
 - (1) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.
 - (2) If the boundary is incorrectly mapped, the board should inform the Zoning Ordinance Committee, or the person contesting the boundary location should petition the Town Board for a survey amendment.

Sec. 13-18-3 - Variance.

- (a) The board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:
 - (1) Literal enforcement of the article provisions will cause unnecessary hardship;
 - (2) In such case, the survey must be changed at the owner's expense.
 - (3) The variance is not contrary to the public interest; and
 - (4) The variance is consistent with the purpose of this article in section 13-12-2.
- (b) A variance shall not:
 - (1) Grant, extend or increase any use prohibited in the zoning district.
 - (2) Be granted for a hardship based solely on an economic gain or loss.
 - (3) Be granted for a hardship which is self-created.
 - (4) Damage the rights or property values of other persons in the area.
 - (5) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (c) For appeals of all denied permits, the board shall:
 - (1) Follow the procedures of section 13-18-2;
 - (2) Consider Zoning Ordinance Committee recommendations; and
 - (3) Either uphold the denial or grant the appeal.

Sec. 13-18-4 - Enforcement and penalties.

Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the Town attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Town a penalty as stated in Section 1-1-6 (a) of the Town of Big Bend Ordinances. Each day of continued violation shall constitute a separate offense. Every violation of this article is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wisconsin law.