

# ZONING ORDINANCE FOR THE TOWN OF PINE RIVER

ADOPTED BY THE TOWN BOARD:  
EFFECTIVE:

## PROPOSED ZONING ORDINANCE

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**Table of Contents**

**Article 1: INTRODUCTION** **1-1**

*Section 1.01: Title* . . . . . 1-2

*Section 1.02: Authority* . . . . . 1-2

*Section 1.03: Purpose* . . . . . 1-2

*Section 1.04: Severability & Non-Liability* . . . . . 1-2

*Section 1.05: Abrogation* . . . . . 1-2

*Section 1.06: Rules of Interpretation* . . . . . 1-3

*Section 1.07: Jurisdiction* . . . . . 1-3

*Section 1.08: Effective Date* . . . . . 1-3

*Section 1.09: Relationship to Restrictive Covenants* . . . . . 1-4

**Article 2: ESTABLISHMENT OF STANDARD ZONING DISTRICTS** **2-1**

*Section 2.01: Purpose* . . . . . 2-2

*Section 2.02: Listing & Purposes of Standard Zoning Districts* . . . . . 2-2

*Section 2.03: Map of Standard Zoning Districts* . . . . . 2-3

*Section 2.04: Interpretation of Zoning District Boundaries on Official Zoning Map* . . . . . 2-3

**Article 3: LAND USES ALLOWED IN ZONING DISTRICTS** **3-1**

*Section 3.01: Purpose* . . . . . 3-2

*Section 3.02: Allowable Uses by Zoning District* . . . . . 3-2

*Section 3.03: Standards Which Generally Applicable to Land Uses* . . . . . 3-2

*Section 3.04: Allowable Uses in All Zoning Districts* . . . . . 3-3

**Article 4: LAND USE DESCRIPTIONS & STANDARDS** **4-1**

*Section 4.01: Purpose* . . . . . 4-2

*Section 4.02: Residential Land Use Types* . . . . . 4-2

*Section 4.03: Agricultural Land Use Types* . . . . . 4-4

*Section 4.04: Institutional & Recreational Land Use Types* . . . . . 4-7

*Section 4.05: Commercial Land Use Types* . . . . . 4-8

*Section 4.06: Storage or Disposal Lan Use Types* . . . . . 4-13

<i>Section 4.07: Transportation Land Use Types . . . . .</i>	4-16
<i>Section 4.08: Industrial Land Use Types . . . . .</i>	4-16
<i>Section 4.09: Accessory &amp; Miscellaneous Land Use Types . . . . .</i>	4-23
<i>Section 4.10: Temporary Land Use Types . . . . .</i>	4-26
<b>Article 5: BUFFER YARDS</b>	<b>5-1</b>
<i>Section 5.01: Purpose . . . . .</i>	5-2
<i>Section 5.02: Buffer Yards . . . . .</i>	5-2
<b>Article 6: SIGNS</b>	<b>6-1</b>
<i>Section 6.01: Purpose . . . . .</i>	6-2
<i>Section 6.02: Sign Permits . . . . .</i>	6-2
<i>Section 6.03: General Signage Standards . . . . .</i>	6-3
<i>Section 6.04: General Signage Regulations . . . . .</i>	6-3
<i>Section 6.05: Regulations for the Rural &amp; Residential Districts . . . . .</i>	6-4
<i>Section 6.06: Regulations for the Institutional District . . . . .</i>	6-4
<i>Section 6.07: Regulations for the Mixed Use District . . . . .</i>	6-4
<i>Section 6.08: Nonconforming Signs . . . . .</i>	6-4
<b>Article 7: NONCONFORMING LOTS, USES, &amp; STRUCTURES</b>	<b>7-1</b>
<i>Section 7.01: Purpose . . . . .</i>	7-2
<i>Section 7.02: Nonconforming &amp; Substandard Lots . . . . .</i>	7-2
<i>Section 7.03: Nonconforming Uses . . . . .</i>	7-2
<i>Section 7.04: Nonconforming Structures . . . . .</i>	7-2
<b>Article 8: MOBILE TOWER SITING REGULATIONS</b>	<b>8-1</b>
<i>Section 8.01: Purpose . . . . .</i>	8-2
<i>Section 8.02: Authority . . . . .</i>	8-2
<i>Section 8.03: Siting &amp; Construction of Mobile Service Structures &amp; Facilities . . . . .</i>	8-2
<i>Section 8.04: Class I Collocation . . . . .</i>	8-3
<i>Section 8.05: Class II Collocation . . . . .</i>	8-4
<i>Section 8.06: Penalty Provision . . . . .</i>	8-5
<i>Section 8.07: Severability . . . . .</i>	8-5
<b>Article 9: PROCEDURES &amp; ADMINISTRATION</b>	<b>9-1</b>

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<i>Section 9.01: Purpose</i> . . . . .	9-2
<i>Section 9.02: Land Use Permit</i> . . . . .	9-2
<i>Section 9.03: Building Permit</i> . . . . .	9-3
<i>Section 9.04: Conditional Use Permit</i> . . . . .	9-3
<i>Section 9.05: Temporary Use Permit</i> . . . . .	9-5
<i>Section 9.06: Variance</i> . . . . .	9-5
<i>Section 9.07: Appeals</i> . . . . .	9-6
<i>Section 9.08: Zoning Administrator</i> . . . . .	9-7
<i>Section 9.09: Town Plan Commission</i> . . . . .	9-7
<i>Section 9.10: Town Board</i> . . . . .	9-8
<i>Section 9.11: Board of Appeals</i> . . . . .	9-9
<i>Section 9.12: Fees, Violations, &amp; Penalties</i> . . . . .	9-10
<b>Article 10: DEFINITIONS</b>	<b>10-1</b>
<i>Section 10.01: Purpose</i> . . . . .	10-2
<i>Section 10.02: Word Usage &amp; Measurements</i> . . . . .	10-2
<i>Section 10.03: Definitions</i> . . . . .	10-2

**Article 1: INTRODUCTION**

**Section 1.01: Title**

This Chapter shall be known, cited, and referred to as the TOWN OF PINE RIVER ZONING ORDINANCE except as referred to herein, where it shall be known as “this Chapter”.

**Section 1.02: Authority**

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes, including but not limited to §60.62, §61.35, and §62.23. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

**Section 1.03: Purpose**

This Chapter is adopted for the following purposes:

- (1) Protecting the public health, safety, morals, comfort, convenience, and general welfare;
- (2) Implementing the Comprehensive Plan to the extent possible under zoning;
- (3) Securing safety from fire and other dangers;
- (4) Preserving and enhancing property values;
- (5) Managing growth and the impacts of land development; and
- (6) Preserving and enhancing community appearance, character, and quality of life.

**Section 1.04: Severability and Non-Liability**

The provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgement shall not affect any other provisions of this Chapter not specifically included in said judgement.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, building, or structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.
- (3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

**Section 1.05: Abrogation**

It is not intended that this Chapter abrogate or interfere with any Constitutionally protected vested right or abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

**Section 1.06: Rules of Interpretation**

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, shall be liberally construed in favor of the Town, and shall not be construed to be a limitation of repeal of any other power now possessed by the Town.
- (2) Where property is affected by the regulations imposed under this Chapter and by other governmental regulations, the regulations that are more restrictive or that impose higher or greater requirements shall prevail. Where there are conflicts between regulations in this Chapter, the regulations that are more restrictive or that impose higher standards or requirements shall prevail.
- (3) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof, for which a land use or building permit has been issued before [insert effective date] and the construction of which shall have been started within one year from the date of such permit.
- (4) All plans approved under the predecessor zoning ordinance shall be valid and may be used to obtain a building permit for a period of not more than one year after the Town approval authority has provided approval, except where otherwise subject to developer's agreement provisions or approval conditions covering such matter. Where such period has elapsed without the issuance of a land use or building permit, the previous approved plans are no longer valid and must be resubmitted for approval under this Chapter.
- (5) Except as provided under provisions for substandard lots, nonconforming uses, nonconforming structures, and nonconforming sites in Article [insert number], no building, structure, development, or premises shall be hereinafter used or occupied and no permit granted that does not conform to this Chapter.
- (6) In case of mixed-occupancy or mixed-use structures or land uses, the regulation for each land use shall apply to the portion of the structure or land so occupied or so used.

**Section 1.07: Jurisdiction**

**Jurisdiction.** This Chapter is applicable to all territory located within the Town of Pine River.

**County / DNR Shoreland Zoning Regulations.** If all or a portion of a property or structure lies within one-thousand (1,000) feet of the ordinary high water mark of a lake, pond, or flowage; or three hundred (300) feet from a river, creek, or stream, then the Lincoln County / DNR Shoreland Ordinance may apply. Although the Town of Pine River does not administer any Shoreland regulations, it does reserve jurisdiction.

**Section 1.08: Effective Date**

This Chapter became effective upon passage and posting according to law, on the date of repeal and re-enactment of this Chapter. The re-enactment of this Chapter shall not adversely affect the Town's right to prosecute any violation of the predecessor zoning ordinance, provide that the violation occurred while that predecessor ordinance was in effect.



**Section 1.09: Relationship to Restrictive Covenants**

Property owners may record deed restrictions, covenants, easements, declarations, and other similar restrictions on their property. The Town will not enforce any such recorded restriction, except it may enforce such restriction if at least one of the following conditions is present:

- (1) The restriction reflects a requirement of this Chapter, using the enforcement procedures in this Chapter.
- (2) The restriction specifically provides the Town with an enforcement role and the Town Board has approved that role.

**Article 2: ESTABLISHMENT OF STANDARD ZONING DISTRICTS**

**Section 2.01: Purpose**

The jurisdiction of this Chapter is hereby divided into zoning districts of such number and location as necessary to achieve compatibility of land uses within each district and achieve the purposes of this Chapter. Article 2 addresses standard zoning districts.

**Section 2.02: Listing and Purposes of Standard Zoning Districts**

Aside from public right-of-way, each part of the Town is mapped within one of the following standard zoning districts. The purpose of each district is stated below.

**(1) Rural and Open Space Districts.**

- (a) *RR-2 Rural Residential 2 Acres.* The RR-2 district is agricultural, forested, or other open land which may include residential use. It is intended for mainly single family detached residential development on a minimum of two-acre sized rural lots provided the parcel is self-sustaining in that it can contain its own well and septic system. Allowable uses include compatible home occupations, agritourism, wedding barns, small scale institutional and recreational uses, in addition to agricultural pursuits. Animals may be raised in this district per Section 4.09(7). Development within this district is served by private on-site wastewater treatment systems (POWTS), private wells, and roadways.
- (b) *PR-Parks and Recreation.* The PR district is intended to accommodate parks, public recreation areas, public open spaces, and private lands and buildings available for public recreation. Development within this district may be served by private on-site wastewater treatment systems (POWTS), private wells, and roadways.

**(2) Residential Districts.**

- (a) *R-1 Residential.* The R-1 district consists primarily of single family detached dwellings on a minimum of one-acre sized lots, along with compatible home occupations. Animals may be raised in this district per Section 4.09(7). Development within this district may be served by private on-site wastewater treatment systems (POWTS), private wells, and roadways.
- (b) *RS Residential Subdivision.* The RS district accommodates a range of housing types and is intended for mainly single family detached residential development on lots as permitted by subdivision plat, but may also include two family or multiple family development. Included within this designation in addition to single family residences are duplex, two-flats, condominiums, townhouses, apartment buildings, and multi-plexes. Compatible home occupations, small scale institutional, and recreational uses are permitted in the RS district. Animals may be raised in this district per Section 4.09(7). Development within this district is served by private on-site wastewater treatment systems (POWTS), private wells, and roadways.
- (c) *MH Manufactured Home.* The MH district provides a safe, attractive, and functional environment for mobile home parks and subdivisions specifically intended for mobile and / or manufactured homes. Development within this district is served by private group sanitary sewer and water services along with privately owned roadways.

**(3) Non-Residential Districts.**

- (a) INT *Institutional*. The INT district enables a range of public, semi-public, educational, religious, and other “gathering” type uses generally intended for non-commercial purposes, subject to performance standards to ensure compatibility between institutional uses and surrounding uses, zoning districts, and infrastructure. Development within this district is served by private sanitary sewer and water services along with privately owned roadways.

**(4) Mixed Use Districts.**

- (a) CMU *Crossroads Mixed Use*. The CMU district accommodates planned future development consisting of commercial, office, institutional, residential, and open space uses in which community character is protected through building scale, appearance, signage, and lighting. The CMU district serves in a transitional capacity in areas planned for development along highway corridors within the Comprehensive Plan. Animals may be raised in this district per Section 4.09(7).

**Section 2.03: Map of Standard Zoning Districts**

Standard zoning districts established by this Chapter are shown on the Official Zoning Map, which together with all explanatory materials thereon, is hereby made part of this Chapter. The Zoning Administrator shall keep and maintain the Official Zoning Map; all other versions of such map(s) may not be complete or up to date.

**Section 2.04: Interpretation of Zoning District Boundaries on Official Zoning Map**

- (1) Zoning district boundaries shown on the Official Zoning Map as following or approximately following the limits of any municipal boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the nearest right-of-way line of such streets or railroad lines.
- (3) Zoning district boundaries shown as following or approximately following platted lot lines or other property lines as shown on parcel maps shall be construed to follow such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing watercourses shall be construed as following the then-current channel centerlines of such watercourses.
- (5) Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (4) above shall be construed to be at such distances there from as are shown on the Official Zoning Map.
- (6) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

**Article 3: LAND USES ALLOWED IN ZONING DISTRICTS**

**Section 3.01: Purpose**

The purpose of this Article is to indicate which types of land uses may locate in each standard zoning district.

**Section 3.02: Allowable Uses by Zoning District**

The land uses for each standard zoning district established in Article 2 are listed in the following Chart (Figure 3.04).

- (1) **Land Uses Permitted by Right.** Land uses listed as permitted uses designated by the letter “P” in the Chart are permitted by right, subject to all applicable requirements.
- (2) **Land Uses Listed as Conditional Uses.** Land uses listed as conditional uses designated by the letter “C” in the Chart are allowed only by Conditional Use Permit, subject to the procedures in Section 9.04, and any other applicable requirements.
- (3) **Temporary Land Uses.** Temporary land uses designated by the letter “T” in the Chart are allowed on a temporary basis subject to temporary use approval requirements in Section 9.05.

**Section 3.03: Standards Which Generally Apply to All Land Uses**

- (1) **Allowable Land Uses.** Allowable land uses are stated in the Chart (Figure 3.04) subject to the regulations in Article 3 and those applicable to the individual uses established in Article 4.
- (2) **Signs.** All signs shall comply with applicable provisions of Article 6.
- (3) **Nonconforming Lots, Uses, and Structures.** Shall comply with the requirements of Article 7.
- (4) **Setbacks.** The minimum setback requirement for structures is determined according to the road classification which the property abuts and shall be subject to regulations applicable in Article 4.

<u>Road Classification</u>	<u>Minimum Road Setback</u>
Town Roads	75 feet
County Roads	75 feet
State Highway	110 feet

- (a) The measurement for a minimum required setback is determined by a straight line from the center line of the road to the nearest point of a structure.
  - (b) The minimum setback for all side or rear lot lines is fifteen (15) feet and shall be subject to the regulations applicable in Article 4.
  - (c) The minimum setback between structures shall be ten (10) feet.
- (5) **Traffic Visibility.** No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2 ½) feet and ten (10) feet within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points located a minimum of fifteen (15) feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

**Section 3.04: Allowable Uses in All Zoning Districts**

**Figure 3.04** For the descriptions and standards applying to each land use type, see noted Sections.

**P = Permitted Use    C = Conditional Use    T = Temporary Use    Empty Cell = Prohibited**

Land Use Category	Zoning District (see key at end of figure)						
Land Use Type	RR-2	PR	R-1	RS	MH	INT	CMU
<b>Residential Land Uses</b>							Section 4.02
(1) Single-Family Detached Residence	P		P	P	P	C	P
(2) Two-Family Residence				P		C	P
(3) Multi-Family Residence				P		C	P
(4) Manufactured Home Community					P	C	P
<b>Agricultural Land Uses</b>							Section 4.03
(1) Agricultural Use	P						
(2) Agricultural-Related Use	P						
(3) Agritourism	P						
(4) Wedding Barn	P						
(5) Community Garden	P	P	P	P	P	P	P
<b>Institutional &amp; Recreational Uses</b>							Section 4.04
(1) Indoor / Outdoor Institutional	C	C	C				
(2) Institutional Residential				C	C	C	
(3) Public Service or Utility	C	C	C	C	C	C	C
(4) Outdoor Recreational		C					
<b>Commercial Land Uses</b>							Section 4.05
(1) Office							C
(2) Artisan Studio	P		P	P			P
(3) Group Day Care Center	C		C	C	C	C	C
(4) Personal or Professional Service	C		C	C			C
(5) Sales, Service, or Display							C
(6) Repair, Maintenance, or Service							C
(7) Commercial Entertainment							C
(8) Commercial Animal Establishment	C						C

Land Use Type	RR-2	PR	R-1	RS	MH	INT	CMU	
(9) Lodging or Motels	C						C	
(10) Campground	C	C					C	
(11) Micro-beverage Production	C		C				C	
(12) Activities Involving Nudity								
<b>Storage or Disposal Land Uses</b>							Section	4.06
(1) Storage or Wholesaling							C	
(2) Personal Storage Facility	C		C	C	C		C	
(3) Junkyard or Salvage Yard							C	
(4) Solid Waste Disposal, Composting, & Recycling							C	
<b>Transportation Land Uses</b>							Section	4.07
(1) Freight Terminal	C						C	
(2) Distribution Center							C	
<b>Industrial Land Uses</b>							Section	4.08
(1) Light Industrial							C	
(2) Communications Tower	C	C	C	C	C	C	C	
(3) Non-Metallic Mineral Extraction	C							
(4) Metallic Mineral Extraction	C							
(5) Solar Farm	C							
<b>Accessory &amp; Misc. Uses</b>							Section	4.09
(1) Accessory Structure	P	P	P	P	P	P	P	
(2) Home Occupation	P		P	P	P	P	P	
(3) Residential Business	C		C	C	C		C	
(4) Family Day Care Home	P		P	P	P		P	
(5) In-Home Suite	P		P	P			P	
(6) Accessory Dwelling Unit	C		C				C	
(7) Keeping Farm Animals	P		P	P	P		P	
(8) Animal Fancier	P		P	P	C		P	
(9) Vehicle Course or Track	C	C						



Land Use Type	RR-2	PR	R-1	RS	MH	INT	CMU
<b>Temporary Land Uses</b>							Section 4.1
(1) Manufactured Home Hunting Shack	T						
(2) Temporary Outdoor Sales	T		T				T

<p><b>Key to Zoning Districts:</b>                  RR-2 = Rural Residential                  PR = Parks &amp; Recreation                  R-1 = Residential</p>	<p>RS = Residential Subdivision                  MH = Manufactured Home                  INT = Institutional                  CMU = Crossroads Mixed Use</p>
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## **Article 4: LAND USE DESCRIPTIONS & STANDARDS**

**Section 4.01: Purpose**

Article 4 includes descriptions and performance standards for the land use types listed in Section 3.04 as Permitted, Conditional, or Temporary uses in at least one zoning district. Where provided, performance standards shall be met as part of the establishment, expansion, and operation of land uses within the corresponding land use type.

**Section 4.02: Residential Land Use Types****(1) Single-Family Detached Residence.**

A dwelling unit designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit, and which is located on an individual lot. The dwelling unit lot must be entirely self-contained having a well and septic system which shall adequately accommodate the residence. The dwelling unit must be a site built structure, or by federal law may be a modular home as permitted by the UDC, or may be a single, double, or triple wide manufactured home which is HUD compliant and has received a Federal Manufactured Housing Certificate label. Mobile homes, as defined in Article 10, shall not be allowed.

Approval by the Town Plan Commission shall be required for a proposed manufactured home located outside of an approved Manufactured Home Community prior to the issuance of a Land Use Permit by the Zoning Administrator. Each manufactured home considered for approval must be well maintained and in good repair.

**Performance Standards:** The following performance standards shall apply to each Single-Family Detached Residence constructed from the effective date of this ordinance:

1. Shall be placed on a finished, permanent foundation, such as: a poured concrete slab, crawlspace, or basement with the exception of manufactured homes which were built prior to 2005. Any manufactured home which was built in 2005 or later is required by law to be placed on a concrete foundation.
2. Any manufactured home which was built prior to 2005 may be placed on either a concrete or crushed gravel pad.
3. A single-family detached residence shall not be split into two or more dwelling units, except for "In-Home Suites" as described in Section 4.09(5).

**(2) Two-Family Residence.**

A single structure containing two (2) separate dwelling units with each unit having a private individual exterior access, and with no shared internal access within the building. Two-Family Residences may be constructed as attached side-by-side units each with a ground floor and roof (duplex), or as a two-story structure with one unit above the other (flats) on lots which are entirely self-contained having well(s) and septic system(s) which shall adequately accommodate each dwelling unit. Zero lot line development shall not be allowed.

**Performance Standards:** The following performance standards shall apply to each Two-Family Residence:

1. Shall be placed on a finished, permanent foundation, such as a poured concrete slab, crawlspace, or basement.
2. Each unit within each new Two-Family Residence shall be served by a separate driveway, or the minimum driveway width for any shared driveway shall be not less than thirty (30) feet at the front lot line.

**(3) Multi-Family Residence.**

A single structure containing three (3) or more individual attached dwelling units, including the following: rental apartments, condominium buildings with a minimum of three (3) units each, townhouses, and row houses.

Each dwelling unit may take access from a shared entrance or hallway or from private, individual exterior doorways. This classification of properties must be entirely self-contained having well and septic system(s) which shall adequately accommodate each of the dwelling units. "Institutional Residential Uses", as defined in this chapter, are regulated separately in Section 4.04(2). Zero lot line development shall not be allowed.

**Performance Standards:** The following performance standards shall apply to each Multi-Family Residence:

1. A buffer yard meeting the requirements of Article 5 shall be provided and continuously maintained along all property borders abutting residentially zoned property.

**(4) Manufactured Home Community.**

This land use is a form of residential development that is exclusively reserved for individually sold or rented pads or sites containing manufactured homes. Only single wide or double wide manufactured homes which have received a Federal Manufactured Housing Certificate label shall be allowed. Any manufactured home must be well maintained and in good repair.

**Performance Standards:** The following performance standards apply to each new Manufactured Home Community established after the effective date of the ordinance and any approved expansion of an existing Manufactured Home Community after such date:

1. No manufactured home may be split into two (2) or more residences.
2. Any manufactured home which was built in 2005 or later is required by law to be placed on a concrete foundation.
3. Any manufactured home which was built prior to 2005 may be placed on either a concrete or crushed gravel pad.
4. No manufactured home site shall be rented for a period of less than thirty (30) days.
5. A buffer yard meeting the requirements of Article 5 shall be provided and continuously maintained along all property borders abutting any residentially zoned property.

6. No manufactured home units, attachments thereto, or associated parking areas shall be located closer than forty (40) feet to an abutting public right-of-way external to the Manufactured Home Community.
7. Landscape plantings providing screening shall be provided between any external public right-of-way and a manufactured home or parking area.
8. Before any manufactured home may be located within a Manufactured Home Community, its placement shall be in accordance with Town Ordinances and approved by the Zoning Administrator with appropriate permits issued per Sections 9.02 and 9.03.
9. Each new Manufactured Home Community shall be subject to the requirements of the Town's Subdivision and Roads Ordinances. Copies of these documents are available from the Zoning Administrator.
10. Each expanded Manufactured Home Community shall be subject to a Conditional Use Permit (CUP) approval under Section 9.04 or Zoning Administrator approval, which includes the submittal of a site plan as a detailed engineering or architectural scale drawing which shall illustrate clearly delineated lots.

#### **Section 4.03: Agricultural Land Use Types**

##### **(1) Agricultural Use.**

Activities for the intended purpose of producing income, livelihood, and / or for personal use of agricultural products on a farm or hobby farm such as: animal husbandry; animal or plant natural fibers; aquaculture; crop or forage production; firewood, lumber, or wood pulp; and / or floriculture.

Examples of farming activities may include, but are not limited to: beekeeping; Christmas trees and greenery; culinary or medicinal use of herbal materials; dairy; forest management; fur-bearing animals; grains; greenhouses; livestock; maple syrup; landscape nursery; orchards; organic farming; poultry; produce; sod; or vineyards. Also includes any activity that is an integral part of, or incidental to an Agricultural Use.

##### **Performance Standards:**

1. The raising or keeping of farm animals shall be limited to Agricultural, Rural Residential, Residential, and residential portions of Mixed Use districts with a maximum density of one (1) animal unit per acre, which is the equivalent of one-thousand (1,000) lbs. of animals of any species.
2. Youth participants in 4-H and / or FFA shall be exempt from the maximum density provision of this ordinance.
3. Any area where farm animals are allowed to pasture or run shall be adequately fenced to keep them confined to such area.

4. A minimum road frontage of one hundred (100) feet is required for properties within the Agricultural district.
5. This subsection does not establish regulations for household pets such as rabbits, ferrets, fish, song birds, potbelly pigs, cats, or dogs.

**(2) Agricultural-Related Use.**

A facility, whether or not located on a farm, which has at least one of the following as a primary and not merely as an incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; small-scale slaughtering of livestock; marketing livestock to or from farms; processing agricultural by-products or wastes received directly from farms. All activities require a Conditional Use Permit, see Section 9.04.

Examples of such uses include, but are not limited to, agricultural implement sales, storage, and / or repair operations; feed and seed stores; agricultural chemical dealers and / or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; licensed farm auction operations; canning or other food packaging facilities; greenhouses and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an Agricultural Use); de-barking operations; and chipping facilities.

Not included within this land use category are facilities intended to convert agricultural products to energy on a large-scale basis; commercial slaughterhouses; sales of farm and forestry products; landscape contractors; and / or any other separately listed land use in this Section.

**Performance Standards:**

1. Adequate off-street parking is required.
2. A buffer yard meeting the requirements of Article 5 shall be provided and continuously maintained along all property borders abutting any existing residence or residentially zoned property.
3. The following activities shall require a Conditional Use Permit, see Section 9.04:
  - (a) Commercial raising and / or boarding of animals such as dogs or horses.
  - (b) Commercial raising and / or butchering of animals such as, but not limited to mink, rabbits, foxes, goats, and pigs.
  - (c) Commercial production of eggs.
  - (d) Commercial hatching, raising, fattening, and / or butchering of fowl.
  - (e) Fur farms.

**(3) Agritourism.**

Agritourism enterprises are uses which utilize farm land, farm buildings, or farm equipment for rural recreation / amusement enterprises. Agritourism uses include, but are not limited to: artisan or dance classes; arts and crafts sales; bike and hiking trails; birding; crop mazes; dairy farms; deer and elk ranches; farm-raised eggs and meats (beef, pork, poultry, etc...); farmers

markets; farm breakfasts, and / or demonstrations; fresh-cut-Christmas trees and / or wreaths; fresh produce stands; field trips; festivals; gardens and nurseries; group tours; hay rides; honey; horseback riding; maple syrup; pick-your-own produce; petting farms; pumpkin patches; roadside stands; sleigh rides; square dances; summer camps; trail rides; wagon rides; wineries; and similar uses but excluding commercial off road vehicle trails.

**Performance Standards:**

1. All activity areas and new structures shall comply with the required setbacks for principal structures within the associated zoning district.
2. Agritourism enterprises must provide sufficient off-street parking spaces to avoid parking of patron vehicles on adjacent streets. Such parking need not be paved.
3. The operation of Agritourism destination enterprises shall be allowed only upon Rural Residential-2 (RR-2) zoned land.
4. All outdoor event-related lighting must be shielded and directed on to the property and extinguished at the close of each days event.

**(4) Wedding Barn.**

A Wedding Barn business is located in an agricultural barn which has existed for at least five (5) years with potential outdoor uses involving seasonal rentals for events such as: weddings, bridal or baby showers, birthdays, anniversaries, family reunions, graduations, retirements, company picnics, and similar events.

**Performance Standards:**

1. All food and beverages, including alcohol, shall be brought on site by the person or group renting the barn for the specific event or by a caterer and / or licensed bartender hired by the person or group renting the barn.
2. No liquor license shall be applied for or issued for the premises as a Wedding Barn business.
3. Bartenders licensed by the State of Wisconsin shall be required to obtain an annual permit to serve alcoholic beverages from the Town Clerk.
4. Event hours shall be from Friday and Saturday between 9:00 a.m. to 11:30 p.m., with music ending by 11:00 p.m., and on Sundays 9:00 a.m. to 6:00 p.m. during the months of May, June, July, August, September, and October. Wedding Barns may also be operated on holidays.
5. Garbage shall be removed from the property on the Monday or the next business day following the event, or at the next weekly scheduled dumpster service, at the latest.
6. Parking shall be made available on site during the use of the barn for events. There shall be no parking on the public or private streets. Such parking need not be paved.
7. Adult supervision must be present at all times when facilities are in use.

8. All outdoor event-related lighting must be shielded and directed on to the property and extinguished at the close of each days event.
9. Signage, if utilized, must comply with Town ordinances per Article 6.

**(1) Community Garden.**

An area for cultivation and related activities divided into one or more plots to be cultivated by more than two operators or members, as a principal land use of a property. The Community Garden may be the sole principal use of the property, or may be a second principal use on a property.

**Performance Standards:**

1. All structures shall comply with the required setbacks for principal structures within the associated zoning district.
2. There shall be no exterior lighting associated with the Community Garden use, except for standard residential yard lighting.
3. Signage, if utilized, must comply with Town ordinances per Article 6.

**Section 4.04: Institutional & Recreational Land Use Types**

All classifications within this section require a Conditional Use Permit (CUP), which may be granted in accordance with Section 9.04, with the exception of Home Occupation. All types of business activities within this section, with the exception of Institutional Residential and Recreational, are subject to the buffer yard requirements of Article 5 which shall be provided along all property borders abutting existing residential or residentially zoned property. Minimum Required Off-Street Parking: one space per each employee on the largest work shift along with additional parking space to adequately accommodate customers.

**(1) Institutional.**

Public or commercial facilities which generally serve the community and general public including: churches, funeral homes, crematoriums, cemeteries, schools, community centers, public emergency shelters, libraries, museums, country clubs, non-profit clubs, fraternal organizations, and similar land uses serving a community purpose. It does not include any hospital, jail, prison, or similar use serving the needs of the community and region.

**Performance Standards:**

1. Clubs, fraternities, lodges, and meeting places of a non-commercial nature require a minimum twenty-five (25) foot setback from all side or back lot lines.
2. Public, parochial, and private elementary and secondary schools and churches shall have a minimum of two (2) acres. The principal structures and uses shall be at least fifty (50) feet from any side or back lot line.



3. Principal structures and uses for cemeteries and crematoriums shall be at least fifty (50) feet from any side or back lot line.

**(2) Institutional Residential.**

Includes senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses.

**Performance Standards:**

1. An off-street passenger loading area shall be provided at a minimum of one location within the development.
2. A minimum side and back setback of fifty (50) feet is required from any side or back lot line.

**(3) Public Service or Utility.**

Includes all municipal, county, state, and federal facilities; emergency service facilities such as fire departments; public and / or private utility substations; utility and public service related distribution facilities; and similar land uses.

**Performance Standards:**

1. All principal structures, outdoor storage areas, and other uses shall be located a minimum of fifty (50) feet from any residentially zoned property.

**(4) Recreational.**

Includes all recreational land uses located on public property or a public easement which involves passive outdoor recreational activities such as: municipal parks, arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, swimming beach areas, boat launches, play courts (tennis, basketball, etc.), play fields (ball diamonds, football or soccer fields, etc.), golf courses open to the public, and similar land uses.

**Performance Standards:**

1. A minimum lot size of three (3) acres is required.
2. All structures shall be located a minimum of fifty (50) feet from any side or back lot lines.

**Section 4.05: Commercial Land Use Types**

All classifications of businesses require a Conditional Use Permit (CUP), which may be granted in accordance with Section 9.04 and are subject to the buffer yard requirements of Article 5 which shall be provided along all property borders abutting existing residential or residentially zoned property. Minimum Required Off-Street Parking: one space per each employee on the largest work shift along with additional parking space to adequately accommodate customers.

Home Occupations and Residential Businesses are exempt from these requirements, however, adequate off street parking is required for these types of businesses.

The Town reaffirms, in its entirety, its Nudity Ordinance, as if fully contained herein per Section 4.05(12).

**(1) Office.**

Includes businesses whose primary functions are the handling of information, administrative services, or both. Office uses which are accessory to a principal residential use are not considered Office uses, but instead are Home Occupation or Residential Business.

**(2) Artisan Studio.**

A building or portion thereof used for the creation, display, and sale of individually crafted artwork, photography, jewelry, furniture, woodworking, sculpture, pottery, ceramics, soap or candle making, leather craft, glassblowing, knife making, spinning yarn, hand woven fabrics or rugs, and related or similar handcrafted items. An Artisan Studio may be an accessory use to a principal residential use as a Home Occupation or a Residential Business.

**(3) Group Day Care.**

A land use in which licensed persons and facilities provide child care services for nine or more children, such as day care centers, pre-schools, and nursery schools. Such land uses may be operated as stand alone businesses or in conjunction with another principal land use on the same site such as a church, primary school, business, or civic organization.

**Performance Standards:**

1. No Group Day Care Center shall be located within a building which is also occupied as a residence.
2. A minimum side and back setback of fifty (50) feet is required from any side or back lot line.

**(4) Personal or Professional Service.**

Exclusive indoor land uses with a primary function of providing services directly to individuals on an appointment basis. Includes: professional services, banks, insurance or financial services, information, administrative, interior or landscape design, travel services, realty offices, medical offices and clinics, veterinary clinics, barber shops, and beauty salons. Services, other than banks or medical clinics, which are accessory to a principal residential use are not considered Personal or Professional Services uses, but instead are Home Occupations or Residential Businesses.

**(5) Sales, Service, or Display.**

Businesses which conduct or display sales or rental merchandise or equipment, or which conducts non-personal or non-professional services.

This includes a wide variety of retail stores and commercial service or land uses not otherwise listed within this Chapter, along with outdoor vehicle sales, outdoor vehicle rentals, manufactured home sales, and monument sales, self-service facilities such as coin-operated laundromats, or car washes, and also take-out delis or retail bakeries where food is generally not consumed on the premises.

Restaurants are found listed under Commercial Entertainment. This Section does not include any Commercial Animal Establishment.

**Performance Standards:**

1. Items being displayed shall not interfere with motor vehicles or traffic visibility.

**(6) Repair, Maintenance, & Service.**

Any businesses which perform services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Includes businesses with drive-in, drive-up, or drive-thru facilities, repair and maintenance services for consumer products or motor vehicles, as well as fueling and / or washing of trucks and automobiles.

Examples of drop off repair and maintenance services can also include, but are not limited to: electronics, mechanical, small engine repair, knife and / or blade sharpening as well as the repair and maintenance of motor vehicles designed for road use and brought in from off-site.

With the exclusion of motor vehicle repair and / or maintenance, these other repair and / or maintenance activities may be an accessory use to a principal residential use as Home Occupations or Residential Businesses.

**Performance Standards:**

1. All major repairs, maintenance, servicing, painting, and other operations shall occur within an enclosed building.
2. Shall only include the storage of vehicles of customers and employees of the vehicle repair or maintenance service business.
3. Shall not include the storage of three (3) or more vehicles which do not have a valid of current State registration, license plate, or both.
4. There shall be no accumulation or storage of junk vehicles within two hundred fifty (250) feet of the center line of any County road, Town road, State, or Federal highways, except with a permit issued by the Town Board. See Section 4.06(3) for further details.
5. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, and canopy supports. Said curbs shall be a minimum of six (6) inches high and be of a non-mountable design.

**(7) Commercial Entertainment.**

Any business which provides entertainment services. These types of businesses often operate with hours which extend later than many other commercial businesses. Such activities often

have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late night operating hours.

Examples include, but are not limited to the following: restaurants, brew pubs, taverns, theaters, health or fitness centers, dance or martial arts studios, bowling alleys, arcades, pool halls swimming pools, driving ranges, miniature golf, amusement parks, skating rinks, botanical gardens, zoos, drive-in theaters, go-cart tracks, racetracks, trap clubs, archery and / or shooting ranges, hunting preserve, and event or concert venues.

**Performance Standards:**

1. The minimum lot size for these commercial activities shall be three (3) acres.
2. All structures in this classification shall be a minimum of fifty (50) feet from and side or back lot lines.
3. Activity areas, including movie screens, shall not be visible from any residentially zoned property.

**(8) Commercial Animal Establishments.**

Includes uses which provide for the care, treatment, grooming, and / or boarding of animals as a principal use of the property.

Examples include, but are not limited to: commercial stables, pet shops, grooming shops, boarding kennels, doggie daycare, animal shelters, veterinarian facilities, and pet crematoriums.

**Performance Standards:**

1. Commercial stables and boarding facilities for horses or other riding animals are subject to Agricultural Use standards in Section 4.03(1) related to the keeping of farm animals.
2. Veterinarian facilities require a minimum lot size of three (3) acres. In addition, all principal structures and uses shall be at least one hundred (100) feet from any residential districts.
3. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than one hundred (100) feet from any residential zoning district.

**(9) Lodging or Motels.**

These are business establishments which provide indoor overnight lodging to tourists. Examples include the following: bed & breakfast, tourist rooming house, motel, hotel.

**Performance Standards:**

1. The dwelling unit in which a bed and breakfast takes place shall be the principal residence of the operator / owner who shall live on the premises when the establishment is active.
2. Use as a tourist rooming house must meet all performance standards associated with a Single Family Detached Residence, per Section 4.02(1).

3. A tourist rooming house is permanent structure where sleeping accommodations are offered for pay to tourists for periods of time of thirty (30) days or less.
4. No recreational vehicle may be used for living or sleeping purposes.
5. The use must be licensed by the State of Wisconsin.
6. If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate licenses and permits.

**(10) Campground.**

A parcel of land designated, maintained, intended, or used for the purpose of providing a location for two or more camping units which is designed and approved for overnight accommodation. It may be the principal use of the property or a component of another principal use such as a park, club, or other recreational facility.

**Performance Standards:**

1. The minimum lot size for these commercial activities shall be three (3) acres.
2. All structures in this classification shall be a minimum of fifty (50) feet from and side or back lot lines.
3. The application for a conditional use permit shall include the following information:
  - (a) A written description of the proposed operation including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances the campground will be developed and operated in accordance with all approved plans.
  - (b) A campground plan map drawn to scale and including the proposed layout; location of campsites; roads; parking areas; site boundaries; existing and proposed buildings and other structures; common recreational facilities; utility placement; water supplies; sanitary waste disposal systems; covered refuse storage areas; existing natural features; and any other information the Zoning Administrator shall deem necessary.
4. Any subsequent expansion beyond its approved number of sites and construction of new or expanded recreational or service facilities shall require a new conditional use permit.
5. No single camping unit shall be occupied by the same party for a period of time longer than six (6) continuous months in any twelve (12) month period.
6. There shall be no accumulation or storage of junk vehicles within two hundred fifty (250) feet of the center line of any County road, Town road, State, or Federal highways, except with a permit issued by the Town Board. See Section 4.06(3).

**(11) Micro-beverage Production.**

Describes a type of beer, wine, spirits, or coffee production facility which produces limited amounts of product per year. Often includes a tasting room and on-site purchase of products including food and gifts.

Examples are: microbreweries, microdistilleries, microwineries or small wineries, and microroasteries or small batch roasters which meet the following performance standards.

**Performance Standards:**

1. Shall not exceed the following production quantities per year: microbrewery 15,000 barrels or equivalent; microdistillery 10,000 gallons or equivalent; microwinery 15,000 gallons or equivalent; microroastery 15,000 pounds or equivalent.
2. Must provide evidence of a valid State of Wisconsin license before commencing operations or at any time upon request of the Zoning Administrator.

**(12) Entertainment or Business Activities Involving Nudity.**

In the interest of prohibiting prostitution, sexual assault, and other criminal activity; to avoid potential depreciation of property values in surrounding areas; preventing health risks associated with the spread of sexually transmitted diseases; and influx of organized crime, certain nudity shall be prohibited at licensed establishments serving alcoholic beverages.

**Performance Standards:**

1. No retail Class B licensee shall suffer or permit any person to appear on licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof; nor any female to appear on licensed premises in such manner of attire as to expose any portion of the breast below the top of the areola or any simulation thereof.
2. Any licensee in violation shall be subject to revocation, suspension, or refusal to renew the license as set forth in Wisconsin Statutes and the procedures in such shall govern.

**Section 4.06: Storage or Disposal Land Use Types**

All classifications of businesses require a Conditional Use Permit (CUP), which may be granted in accordance with Section 9.04. All types of business activities within this section are subject to the buffer yard requirements of Article 5 which shall be provided along all property borders abutting existing residential or residentially zoned property.

**(1) Storage and Wholesaling.**

The primary uses relate to receiving, shipping, and holding of packaged materials for a single business or a single group of businesses. Examples include but are not limited to the following: warehouse facilities, equipment yards, lumber yards, landscaping materials yards, or construction materials yards. Does not include the storage of inoperative vehicles, equipment, junkyard or salvage yard.

**Performance Standards:**

1. The use must not impair water quality.

2. All outdoor storage areas shall be completely enclosed by any combination of buildings, structures, walls, and / or fencing.
3. Minimum Required Off-Street Parking: one space for every 10,000 square feet of gross storage area plus one space for each employee on the largest work shift.

**(2) Personal Storage Facility.**

Indoor storage of items entirely within partitioned buildings with individual access to each partitioned area. These storage areas may be provided for residents of a manufactured home community, or multi-family development, or on a rental basis.

**Performance Standards:**

1. Minimum Required Off-Street Parking: one space for every 10,000 square feet of gross storage area plus one space for each employee on the largest work shift.

**(3) Junkyard or Salvage Yard.**

Any business which includes any land or structures where the principle use is or includes the above ground storage, collection, salvage, and / or sale of waste paper, rags, scrap metal, wood, cordage, glass, and other worn-out, discarded, or second-hand materials; three or more vehicles or automobiles which do not have a valid current State registration, license plate, or both; any other waste or discarded material which has been a part, or was intended to be a part, of any vehicles, automobiles, or recreational vehicles where the volume of such parts or materials is equal to three (3) or more salvaged vehicles; and / or recycling facilities involving on-site outdoor storage of salvage materials.

This land use category does not include Waste Disposal and / or Composting Operations or accessory storage areas used exclusively to provide parts or materials to a principal use on the same lot, such as a legally operating agricultural use or vehicle repair or maintenance use.

**Performance Standards:**

1. In addition to the information normally required for Conditional Use Permit (CUP) applications, each request for a new or expanded Junkyard or Salvage Yard shall include the following information:
  - (a) A written description of the proposed operation, including type and quantities of the materials that would be stored or salvaged; where materials would be hauled to and from and over what roads; proposed hours and days of operation; and any special measures that will be used for spill prevention and control and environmental protection; and assurances that the site will be developed and operated in accordance with all approved plans.
  - (b) A site plan, drawn to scale, and including site boundaries, existing roads, driveways, and utilities, existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas, location of the proposed storage yard, proposed location and surfacing of roads, driveways, and site access points, proposed fencing of property and gating of access points, proposed locations and types of screening berms and landscaping, and existing and proposed temporary and permanent structures.

2. Shall comply with all applicable Town, County, State, and Federal regulations at all times.
3. The use must not impair water quality.
4. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of one hundred (100) feet from all lot lines.
5. A buffer yard meeting the requirements of Article 5 shall be provided along all property borders.
6. Shall not involve the on-site holding, storage, handling, processing, collection, or disposal of hazardous materials as defined by State Statutes.

**(4) Solid Waste Disposal, Composting, & Recycling.**

Includes a facility or any areas used for the final disposal of solid wastes, but not including Junkyards or Salvage Yards. Also includes any operations or land uses devoted to the collection, storage, processing, disposal of vegetation, off-site energy production, and / or recycling.

**Performance Standards:**

1. In addition to the information normally required for a Conditional Use Permit (CUP) application, each request for a new or expanded Solid Waste Disposal, composting and / or Recycling Facility shall include the following information:
  - (a) A written description of the proposed operation, including type and quantities of the materials that would be stored or salvaged; where materials would be hauled to and from and over what roads; proposed hours and days of operation; and any special measures that will be used for spill prevention and control and environmental protection; and assurances that the site will be developed and operated in accordance with all approved plans.
  - (b) A site plan, drawn to scale, and including site boundaries, existing roads, driveways, and utilities, existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas, location of the proposed storage yard, proposed location and surfacing of roads, driveways, and site access points, proposed fencing of property and garing of access points, proposed locations and types of screening berms and landscaping, and existing and proposed temporary and permanent structures.
2. Shall comply with all Town, County, State, and Federal regulations at all times.
3. The use must not impair water quality.
4. All buildings, structures, and activity areas on waste disposal sites shall be located a minimum of one hundred fifty (150) feet from all lot lines. For composting operations, this distance shall be a minimum of one hundred (100) feet.
5. A buffer yard meeting all of the requirements of Article 5 shall be provided along all property borders.



6. Shall not involve the on-site holding, storing, handling, processing, collection, or disposal of hazardous wastes as defined by State Statutes, food scraps, or other vermin-attracting materials.
7. Outdoor material stockpiles shall be limited to no more than twenty (20) feet in height.
8. The use shall be established and maintained so as to not create a fire hazard as determined by the Fire Inspector.

#### **Section 4.07: Transportation Land Use Types**

All classifications of businesses require a Conditional Use Permit (CUP), which may be granted in accordance with Section 9.04. All types of business activities within this section are subject to the buffer yard requirements of Article 5 which shall be provided along all property borders abutting existing residential or residentially zoned property. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting existing residential or residentially zoned property. All outdoor storage areas shall be completely enclosed by any combination of buildings, structures, walls, and / or fencing. Minimum Required Off-Street Parking: one space for every 10,000 square feet of gross floor area plus one space for each employee on the largest work shift.

##### **(1) Freight Terminal.**

Lands and buildings serving a truck carrier line which may include any or all of the following facilities: yards, docks, management offices, storage sheds, buildings and / or outdoor storage areas, freight stations, and truck maintenance and repair facilities.

##### **(2) Distribution Center.**

These facilities are oriented to the short-term indoor storage and possible repackaging and reshipment of the materials and products of a single user. Retail outlets associated with this use shall be considered accessory uses.

#### **Section 4.08: Industrial Land Use Types**

All classifications of businesses shall require a Conditional Use Permit (CUP), which may be granted in accordance with Section 9.04. All types of activities within this section are subject to the buffer yard requirements of Article 5 which shall be provided along all property borders abutting existing residential or residentially zoned property. Minimum Required Off-Street Parking: one space for every 10,000 square feet of building area plus one space for each employee on the largest work shift.

##### **(1) Light Industrial.**

Includes fabrication or manufacturing operations, and contractor shops at which all operations are conducted entirely within an enclosed building, with the exception of fully screened outdoor storage and loading operations. Light industrial facilities are those which are not associated with nuisances such as odor, noise, heat, vibration, and radiation which do not pose a significant safety hazard such as danger of explosion. A Light Industrial land use

may conduct retail sales activity as an accessory use in accordance with the requirements of Section 4.05(5).

**Performance Standards:**

1. All outdoor storage areas shall be completely enclosed by any combination of buildings, structures, walls, and / or fencing.
2. The use must not impair water quality.

**(2) Communications Tower.**

Includes all free-standing broadcasting, receiving, or relay structures, and similar principal land uses along with any office, studio, or other land uses directly related to the function of the tower. See Article 8 Mobile Tower Siting Regulations for requirements related to the siting and construction of any new mobile service support structures and facilities, Class I & Class II Collocations.

**(3) Non-Metallic Mineral Extraction.**

Any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

**Performance Standards:**

1. In addition to the information normally required for Conditional Use Permit (CUP) applications per Section 9.04, each request for a new or expanded Non-Metallic Mineral Extraction Operation shall include the following information:
  - (a) A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; types of materials and equipment used or stored on site; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; if washing is to be performed, estimated daily quantity of water required, its source and disposition; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection.
  - (b) A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roadways, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private wells within one-thousand (1,000) feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types

- of screening berms, fencing, and / or landscaping; and proposed temporary and permanent structures, including scales and offices.
- (c) An erosion control plan, drawn to scale by a professional engineer, meeting all applicable State and County requirements.
  - (d) A reclamation plan clearly depicting proposed stages of restoration, proposed contours following restoration, depth of topsoil and vegetative cover, and proposed land use.
2. Mining operations must not impair water quality.
  3. All mineral extraction activities and washing, crushing, and similar processing shall be at least two hundred 200 feet from any right-of-way or property line.
  4. Provisions for the upgrade, repair, and maintenance of public roads serving the use, shall depend upon the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required as part of the conditional use permit provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
  5. If any public road is damaged or destroyed as a result of any Non-Metallic Mineral Extraction operation, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof showing that the indicated damage was not the result of its operation.
  6. Expectations for any blasting, drilling, and screening shall be clearly understood, and separate acceptable hours for these activities may be established.
  7. If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures.

**(4) Metallic Mineral Extraction.**

Includes any land involving the exploration, prospecting, and mining of metallic minerals. May include on-site processing of extraction material if part of the application and conditional use permit approval and may include an open pit or underground mine constructed for the extraction of copper, gold, lead, and zinc bearing minerals.

**Performance Standards:**

1. In addition to the information normally required for Conditional Use Permit (CUP) applications per Section 9.04, each request for a new or expanded Metallic Mineral Extraction Operation shall include the following information:
  - (a) A written description of the proposed operation, including the types and quantities of the materials which would be extracted, including all mine tailings and other waste; proposed dates to begin extraction and to complete reclamation; geologic composition and depth and thickness of mineral deposit; existing use of the land and proposed use after reclamation; existing natural features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how

frequently blasting, drilling, crushing, screening, washing, refueling, or fuel storage would be performed on site; reagents to be used in processing; maximum lateral extent and minimum and maximum depth of underground workings; description and elevations of all temporary or permanent structures, including mine shaft or opening; methods and justification for sealing all shafts and other entries; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all Town, County, State, and Federal regulations, including a listing of all applicable regulations; proposed number of employees by shift; and an estimate of anticipated utility and other public service and facility requirements over the life of the operation.

- (b) A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roadways, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private wells within one-thousand 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms, fencing, and / or landscaping; and proposed temporary and permanent structures, including scales and offices.
  - (c) An erosion control plan, drawn to scale by a professional engineer meeting all applicable State and County requirements.
  - (d) Copies of all applications and any amendments to such applications for all necessary approvals, licenses, and permits from any State and Federal agency with jurisdiction, and copies of the environmental impact report under §23.11, Wis. Stats.
  - (e) A baseline conditions report and a description of how the proposed use would affect such baseline conditions.
  - (f) A reclamation plan prepared in accordance with State Statutes.
  - (g) A certificate of insurance certifying that the applicant has in force a liability insurance policy affording personal injury and property damage protection.
  - (h) An agreement to reimburse the Town for all costs incurred in the review of the Conditional Use Permit request. The applicant shall be responsible for all Town costs associated with the evaluation and review of a conditional use permit request. The applicant shall pay such costs within thirty (30) days of billing from the Town. If the applicant does not pay such bills within this period, the Town may stop the processing of the permit until such payment is received.
2. Mining operations must not impair water quality.
  3. Shall be prohibited in shoreland, wetland, and floodplain overlay districts.
  4. Shall not involve the use of cyanide in any aspect of the operation.
  5. Disposal of mining wastes from an off-site prospecting or mining site shall be prohibited.
  6. Shall comply with all applicable Town, County, State, and Federal regulations including but not limited to those related to operation and reclamation of the mine; surface water

- and groundwater protection, monitoring, and remediation; air emissions; and solid and hazardous waste disposal.
7. The nearest edge of all buildings, structures, and surface activity areas, including pit edges and shaft entrances, shall be a minimum of five hundred (500) feet from all dwellings.
  8. Provisions for the upgrade, repair, and maintenance of public roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance.
  9. If any public road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
  10. Hours or days of operation may be limited.
  11. Expectations for any blasting, drilling, and screening shall be clearly understood, and separate acceptable hours for these activities may be established.
  12. If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures.
  13. Approval may be subject to periodic review of the operation to ensure compliance with the Conditional Use Permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.
  14. The Conditional Use Permit may allow for or be conditioned upon the Town obtaining royalties which were not anticipated to be found at the time of the initial permit.
  15. In the event the permit holder wishes to transfer ownership of the site or mineral rights to an unrelated entity, the project shall be required to obtain an amendment to the Conditional Use Permit.

**(5) Solar Farm.**

A land use to allow Solar Farms in rural districts subject to setback, height, screening, maintenance, safety, and decommissioning requirements and subject to Conditional Use Permit approval.

**Performance Standards:**

1. In addition to the information normally required for Conditional Use Permit (CUP) applications per Section 9.04, each request for a new or expanded Solar Farm operation shall include the following information:
  - (a) A written description of the proposed operation, including the safety and noise characteristics of the system with the name and address of the facilities manufacturer

- and model. Identify the time frame, project life, development phases, market(s) for the generated energy, and possible future expansions.
- (b) A site or operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roadways, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all dwellings and private wells within one-thousand 1,000 feet; location of the proposed photovoltaic panels, electric equipment, power lines, and other structures; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed location and types of screening berms, fencing, and / or landscaping; and proposed temporary and permanent structures, and offices.
  - (c) Identify any solid waste and / or hazardous waste generated by the project.
  - (d) Provide lighting plans showing all lighting within the facility. No lighting may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels and light poles limited to eighteen (18) feet in height.
  - (e) For public safety, identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
  - (f) Identify electromagnetic fields and telecommunications interference generated by the project.
  - (g) A copy of the application to the utility company which will be purchasing electricity from the proposed site shall be provided.
  - (h) An affidavit or evidence of an agreement between the property owner and the facility's owner or operator to apply for the necessary permits for construction and operation of the solar energy facility.
  - (i) A written Decommissioning Plan as described in 4.07(5)9 and Section 10.
  - (j) A certificate of insurance certifying that the applicant has in force a liability insurance policy affording personal injury and property damage protection.
  - (k) An agreement to reimburse the Town for all costs incurred in the review of the Conditional Use Permit request. The applicant shall be responsible for all Town costs associated with the evaluation and review of a conditional use permit request. The applicant shall pay such costs within thirty (30) days of billing from the Town. If the applicant does not pay such bills within this period, the Town may stop the processing of the permit until such payment is received.
2. A Solar Farm shall not be constructed on lots or parcels where less than a minimum of twenty (20) acres can be dedicated to solar energy production.
  3. The use must not impair water quality.
  4. All photovoltaic panels located on a Solar Farm shall be restricted to a height of no more than fourteen (14) feet.
  5. All photovoltaic solar panels and support structures excluding perimeter security fencing, shall be a minimum of thirty (30) feet from any side or rear property line and a minimum of one hundred (100) feet from the center line of any road.
  6. A security fence shall be installed and maintained around the perimeter of the Solar Farm and the electrical equipment shall be locked. Knox boxes and keys shall be provided at

- locked gates for emergency personnel access. One or more signs shall be affixed to the fence identifying the owner and emergency contact information.
7. For purposes of emergency services, the owner or operator of a Ground Mounted Solar Energy System Solar Farm shall provide a copy of the project summary, electrical schematic, and site plan to the Town of Pine River Fire Chief. Upon request, the owner or operator shall cooperate with the Fire Department in developing an Emergency Response Plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Zoning Administrator and the Fire Chief for public inquiries throughout the life of the installation.
  8. After the plan is approved but before a permit is issued, the applicant for a Solar Farm shall submit to the Town of Pine River a Performance Guarantee and Decommissioning Bond in the amount of 150% of the applicant's estimated demolition cost of the system, subject to a review of such cost by the Town Board and Zoning Administrator. The applicant may apply to the Zoning Administrator for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Town Board.
  9. Any Ground Mounted Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a Decommissioning Plan approved by the Town of Pine River during the application process. The owner or operator shall remove physically the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Zoning Administrator by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
  10. Decommissioning shall consist of:
    - (a) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
    - (b) disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and
    - (c) stabilize or re-vegetation of the site as necessary to minimize erosion.
  11. Absent a notice of a proposed date of decommissioning, Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one (1) year. Determination of abandonment shall be made by the Zoning Administrator.
  12. If the owner or operator of a Solar Farm fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Pine River retains the right to use the Performance Guarantee and Decommissioning Bond for any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.
  13. Shall comply with all applicable Town, County, State, and Federal regulations including but not limited to those related to reclamation; surface water and groundwater protection, monitoring, and remediation; and solid and hazardous waste disposal.

14. In the event the permit holder wishes to transfer ownership of the site to an unrelated entity, the project shall be required to obtain an amendment to the Conditional Use Permit.

#### **Section 4.09: Accessory & Miscellaneous Land Use Types**

##### **(1) Accessory Structure.**

Detached accessory structures include, but are not limited to: private garage, storage building, pole barn, mechanical building, utility shed, and other buildings clearly incidental to the approved use of the property. For an "Accessory Dwelling Unit", see Section 4.09(6).

##### **Performance Standards:**

1. Accessory structures which are greater than one hundred fifty (150) square feet in size require a Land Use Permit while those structures which are one hundred fifty (150) square feet or less in size do not. See Section 9.02.
2. New construction attached garages, sun rooms, and other additions shall be considered part of the existing principal structure, not an accessory, and subject to a Land Use Permit as an Addition.
3. Shall meet all setback requirements normally applicable to principal buildings in accordance with Section 3.03(4) and Article 4.
4. A detached accessory building shall not be closer than a minimum of ten (10) feet in distance from the principle structure.

##### **(2) Home Occupation.**

The principle use of the property is the residence of the person conducting the economic activity and is within the parameters of a Home Occupation as defined in Article 10. The operation of a roadside stand upon the owner's residential property shall be exempt.

##### **Performance Standards:**

1. A Home Occupation shall be undertaken only by one or more members of the immediate family residing on the premises.
2. There shall be no exterior alterations to the dwelling which change the character thereof as a dwelling, except for signage.
3. Signage shall be permitted for Home Occupations in compliance with Article 6.
4. No materials, goods, or equipment incidental to the Home Occupation shall be externally visible, except for one licensed car, van, truck, and enclosed trailer used for the Home Occupation, external storage normally allowed for the principal residential use, and any play equipment used for a daycare.
5. No Home Occupation shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.



6. No mechanical or electrical equipment may be used other than such as customarily incidental to domestic use or that creates any disturbance at the property line.
7. The use shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.

**(3) Residential Business.**

As defined in Article 10, the principle use of the property remains the residence of the person primarily conducting the economic activity. An employee of a Residential Business may be a non-family member and also reside off-site. A Conditional Use Permit (CUP) shall be required, see Section 9.04. The operation of a roadside stand upon the owner's residential property shall be exempt.

**Performance Standards:**

1. The Town Plan Commission may impose limitations on the percentage of the property and / or buildings which may be devoted to the occupation.
2. Signage shall be permitted for Residential Businesses in compliance with Article 6.
3. No Residential Business shall endanger the public health and safety or interfere with the enjoyment of other parcels in the neighborhood.
4. No mechanical or electrical equipment may be used other than such as customarily incidental to domestic use or that creates any disturbance at the property line.
5. Each Conditional Use Permit for a Residential Business shall run with the applicant and not with the land.

**(4) Family Day Care Home.**

Occupied residences in which a qualified person or persons provide child care for four (4) or more children, in accordance with Wisconsin law. The care of less than four (4) children is not subject to regulations.

**(5) In-Home Suite.**

An area within a Single-Family Detached Residence dwelling unit which may contain a separate kitchen, dining, living, bathroom, laundry, sleeping, and / or recreation areas. A permanent interior, non-locking access way between the habitable areas is required. Residents of the in-home suite must be related to those inhabiting the main residence by blood, marriage, or adoption.

**Performance Standards:**

1. The principal dwelling unit and the In-Home Suite shall together appear from the outside as one Single-Family Detached Residence.

2. A separate address and utility connection or meters for the In-Home Suite is not permitted.

**(6) Accessory Dwelling Unit.**

A residential dwelling unit located on the same lot as a Single-Family Detached Residence, either as part of the same building or in a detached building. Accessory Dwelling Units are sometimes referred to as “granny flats”. An Accessory Dwelling Unit is different from an In-Home Suite in that an interior physical connection is not required to the Single-Family Detached Residence. Requires a Conditional Use Permit (CUP) per Section 9.05.

**Performance Standards:**

1. The Accessory Dwelling Unit shall not be sold separately from the Single-Family Detached Residence or the land under the Accessory Dwelling Unit divided from the land occupied by the Single-Family Detached Residence.

**(7) Keeping Farm Animals.**

Keeping or raising farm animals on a residential lot where such activity is clearly accessory to the principal residential use is permissible. The animals may be kept for show, breeding, or products that are predominantly consumed or used by residents of the same lot.

The maximum capacity of animals shall be one (1) animal unit per acre, unless a nutrient management plan is approved by the County and the Town Board. One (1) animal unit is the equivalent of one-thousand (1,000) lbs of animal, whatever the species. Those participating in 4-H and / or FFA shall be exempt from this Ordinance.

A nutrient management plan is designed to properly address excess nutrients that are produced. Examples include, without limitation, obtaining permission to locate manure on neighboring property, composting, and / or sale to gardeners.

**(8) Animal Fancier.**

A person who owns or keeps dogs or cats for personal purposes which may include, but is not limited to hunting, tracking, exhibition in dog or cat shows, obedience trials, agility, field trials, hunt tests, dock dog sports, dog sledding, service dogs, therapy dogs, Schutzhund, animal foster rescue, other dog sports, or to enhance and / or to perpetuate a given breed.

**(9) Vehicle Course or Track.**

Any privately operated track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, UTVs, motorcycles, motocross bikes, dirt bikes, snowmobiles, or go-carts, where an accessory use. Such uses are occasionally operated for recreational purposes for family use.

**Performance Standards:**

1. Minimum lot size shall be five (5) acres.

2. If such use abuts residential property, all track facilities shall be located a minimum of two hundred (200) feet from such property and such use shall not be permitted to have night lighting nor operate between 8 pm and 8 am.

#### **Section 4.10: Temporary Land Use Types**

The applicant seeking a Temporary Land Use Permit shall comply with the temporary review and approval procedures in Section 9.05.

##### **(1) Manufactured Home Hunting Shack.**

Applies only to the use of a manufactured home as a hunting shack.

Any hunting shack structure which exceeds one hundred fifty (150) square feet, and is not a manufactured home, is subject to principal structure building requirements in Section 4.02(1). Any hunting shack structure which is one hundred fifty (150) square feet or less in size is exempt from the requirement of a permit.

##### **Performance Standards:**

1. The placement of a manufactured home as a hunting shack shall conform to all setback regulations for principal buildings in the associated zoning district, per Section 3.03(4).
2. The applicant shall be required to obtain a sanitary permit from Lincoln County prior to the issuance of a Manufactured Home Temporary Land Use Permit.
3. The issuance of a Manufactured Home Temporary Land Use Permit shall not allow for any residential or accessory building use.

##### **(2) Temporary Outdoor Sales.**

Includes the short-term display and / or sale of any items outside the confines of a building. Examples of this land use include but are not limited to seasonal garden shops, tent sales, and flea markets. This category does not include garage, yard, estate, and in-home sales, the seasonal sales of farm products, farmers markets, or roadside stands on rural or residential property.

##### **Performance Standards:**

1. Each use shall not exceed 120 days in any calendar year, except with Plan Commission review and recommendation plus Town Board approval.
2. Signage shall comply with the requirements of Article 6.
3. For the sale of fireworks, proof of insurance shall be required.
4. The provisions for the sales, service, or display of merchandise set forth in Section 4.05(5) shall apply.

**Article 5: BUFFER YARDS**

**Section 5.01: Purpose**

The purpose of this Article is to establish landscaping requirements for buffer yards.

**Section 5.02: Buffer Yards**

- (1) **General Requirements.** A buffer yard is a landscaped area consisting of screening trees, shrubs, and may be in combination with a berm or fence which results in a reduction of visual and other interaction with an adjoining property. A buffer yard shall be provided if required for a particular land use listed in Article 4, and where otherwise required via site plan approval.

Where required, buffer yards shall comply with the following:

- (a) The minimum width of a buffer yard shall be twenty-five (25) feet, unless reduced by the Town Plan Commission if it determines that a lesser width is adequate to separate incompatible uses and / or activities or is necessary owing to site constraints beyond the control of the owner.
- (b) No building, parking lot, loading area, motor vehicle circulation area, trash storage area, or outdoor storage area shall be permitted in a required buffer yard.
- (c) Landscaping within buffer yards shall be selected, positioned, and planted in sufficient quantities to provide an all-season screen within five (5) years of planting and have a minimum height of three (3) feet at the time of planting.
- (d) The use of a decorative opaque fence or wall, and / or a berm, in lieu of or in addition to the landscaping may be approved by the Town Plan Commission, provided the slope of any berm is less than 4:1; the berm, fence or wall does not interfere with access, utilities, or stormwater management.
- (e) A landscaped berm must be deliberately designed and contoured to provide a screen or buffer to adjoining properties.

**Article 6: SIGNS**

**Section 6.01: Purpose**

The purpose of this Article is to establish standards for signage which protects public health and safety, promotes compatible business development and activity, while ensuring effective and flexible use of signage for commercial, community, and individual expression.

**Section 6.02: Sign Permits**

- (1) **General Requirements.** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit.
  - (a) Business signs and banners may be permitted in the Crossroads Mixed Use, Rural Residential, Residential, Institutional Districts with a Conditional Use Permit obtained in accordance with Section 9.04. Exceptions as identified in Section 6.02(4) shall apply.
  - (b) The applicant may include all signs at one premise under one permit, if applied for at the same time.
  
- (2) **Application Procedure & Fee.** Each application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office and available on the Town's website prior to sign installation or modification. Payment of the appropriate fee, as set forth in the Town Board's schedule of fees, shall accompany the application.
  
- (3) **Granting and Issuance.**
  - (a) Upon the receipt of a complete application and required fee, the Zoning Administrator shall review said application and approve or deny in writing a sign permit.
  - (b) Upon the receipt of a complete application and required fee, in cases where the requested sign permit requires an approval or recommendation from another body, such as a Conditional Use Permit, the Zoning Administrator shall notify the applicant of such additional action and schedule the item on the appropriate meeting agenda(s). Following all necessary approvals, the Zoning Administrator shall then, in writing, approve or deny a sign permit.
  - (c) Denial of a sign permit shall not result in a reimbursement of permit fees paid.
  
- (4) **Signs Allowed Without Permit.** The following signs are permitted without the need for a sign permit or any fee. All signs are subject to the regulations of Section 6.05.
  - (a) **Address.** Address numerals and other sign information required to identify a location by law or governmental regulation, such as the Town's official fire number signs.
  - (b) **Community Events.** For pig roasts, fund raisers, weddings or other parties, and other one-time events.
  - (c) **Construction Signs.** One sign per construction project which shall not exceed thirty-two (32) square feet in area. It may not be erected more than ten (10) days prior to the start of construction and must be removed by five (5) days after the completion of construction.
  - (d) **Farm Field Signs.** Freestanding signs located in a farm field which identifies the crop or product used in the field, provided that no sign exceeds twelve (12) square feet in area and no more than eight (8) feet in height.
  - (e) **Garage, Yard, Estate, and In-Home Sale Signs.** For one-time events.
  - (f) **Operational Signs.** Signs designating entrances, exits, service areas, parking areas, restrooms, and other such signs relating to functional operation of a building or premises, are permitted without limitation.

- (g) **Political or Election Signs and Banners.** Candidate or referendum signs are allowed during campaigns leading up to an election and may only be erected on private property.
- (h) **Real Estate Signs.** Typically associated with the offering of property for sale, are considered temporary, and are limited to the duration of the listing contract or the period of time it is for sale. In residential districts, these signs shall be limited to nine (9) square feet and in rural or mixed use districts shall be limited to thirty-two (32) square feet.
- (i) **Regulatory and Government Information Signs.** Official signs may be related to municipal buildings or parks, traffic control, parking, restrictions, information, and other legal notices.
- (j) **Residential Signs.** Signs customarily associated with residential use, hired contractors while conducting work at residence such as a roofing or siding company, etc., farm identification, seasonal farm sales, or signs identifying a home occupation or residential business which shall not exceed a total of thirty-two (32) square feet in area and the top of the sign shall be no more than fifteen (15) feet above ground level. Minimum setback from all property lines shall be three (3) feet.

### **Section 6.03: General Signage Standards**

- (1) **Sign Configuration.**
  - (a) **Freestanding Sign.** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. It includes arm or post signs, monument signs, and pylon signs. Signs which are two (2) sided are considered one (1) sign.
  - (b) **Portable Sign.** Any sign on wheels or otherwise transportable shall be considered a structure and be subject to all regulations, prohibitions, and limitations contained herein.
- (3) **Sign Measurement.**
  - (a) **Sign Height.** The height of a freestanding sign shall be measured from the average ground level adjacent to the sign or its base to the top of the sign.
  - (b) **Sign Area.** Consists of the square footage of the actual sign, excluding any supporting structures.

### **Section 6.04: General Signage Regulations**

- (1) **Sign Prohibitions and Limitations.**
  - (a) No sign shall be illuminated by any source of light which is not shielded to prevent glare illumination of residential property other than that of the sign owner; nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.
  - (b) No sign shall contain, include, or be illuminated by a flashing or rotating beam of light.
  - (c) No sign, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way without approval in writing from the jurisdictional governmental unit.
  - (d) Signs shall not resemble, imitate, or approximate the shape size, form, or color of railroad or traffic signs, signals, or devices.
  - (e) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
  - (f) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; nor attached to a standpipe or fire escape.



- (g) No sign shall be placed so as to obstruct or interfere with traffic or pedestrian visibility.
- (h) No billboards, as defined in Section 10.03, shall be permitted in any district.
- (i) A semi-trailer designed to carry freight shall not be utilized as a structure to display an advertising sign in any district where the main purpose of the vehicle in that location is to be interpreted as a sign.

#### **Section 6.05: Regulations for the Rural and Residential Districts**

- (l) **Permitted Freestanding Signs.** All signs located within this District which are not exempted in Section 6.02.04 shall require a Conditional Use Permit, see Section 9.04.
  - (a) Maximum permitted area: 32 square feet
  - (b) Maximum permitted sign height: eight (8) feet
  - (c) Minimum permitted sign setback from all property lines: the greater of actual sign height or three (3) feet.

#### **Section 6.06: Regulations for the Institutional District**

- (l) **Permitted Freestanding Signs.** All signs in this District shall require a Conditional Use Permit, see Section 9.04.
  - (a) Maximum permitted area: 64 square feet
  - (b) Maximum permitted sign height: twelve (12) feet
  - (c) Minimum permitted sign setback from all property lines: the greater of actual sign height or three (3) feet.

#### **Section 6.07: Regulations for the Mixed Use District**

- (l) **Permitted Freestanding Signs.** All signs located within this District which are not exempted in Section 6.02(4) shall require a Conditional Use Permit, see Section 9.04.
  - (a) Maximum permitted area per sign: 128 square feet
  - (b) Maximum permitted area for all signs: 160 square feet
  - (c) Maximum permitted sign height: twenty (20) feet
  - (d) Minimum permitted sign setback from all property lines: the greater of actual sign height or three (3) feet.

#### **Section 6.08: Nonconforming Signs**

Any sign lawfully existing at the time of the adoption of amendment of this Article may be continued although the use, size, or location does not conform to the provisions of this Article. However, such signs shall be deemed a nonconforming structure, and the provisions of Section 7.04 shall apply.

**Article 7: NONCONFORMING LOTS, USES, & STRUCTURES**

**Section 7.01: Purpose**

The purpose of this Article is to establish requirements for nonconforming and substandard lots, nonconforming uses, and nonconforming structures created legally prior to the effective date of this Ordinance.

**Section 7.02: Nonconforming & Substandard Lots**

- (1) **New Lots Meet New Lot Standards.** No lot shall be created within any zoning district which does not meet the minimum required lot size in accordance with Article 2 unless a larger sized minimum lot is required in Article 4.
- (2) **Modification of a Nonconforming Lot.** The size of a lot shall not be altered so as to increase the degree of nonconformity.
- (3) **Development of Nonconforming Lots.** A non-conforming lot shall become buildable only in one of the following circumstances:
  - (a) The lot is combined with all or part of an adjoining lot(s) to meet the minimum size requirements for the zoning district,
  - (b) The owner of the lot may obtain a variance after a hearing and if granted by the Board of Appeals.

**Section 7.03: Nonconforming Uses**

- (1) **Continuance of a Nonconforming Use.** Any nonconforming use lawfully established prior to the date it became prohibited by this Article may be continued without expansion and in a manner of operation existing upon such date, except as specified for nonconforming use in this section.
- (2) **Modification of a Nonconforming Use.** A nonconforming use shall not be expanded, enlarged, extended, or reconstructed unless the use qualifies under subsection (4).
- (3) **Discontinuance of a Nonconforming Use.** When any nonconforming use of any structure or land is discontinued for a period of twelve (12) consecutive months, or is changed into different use, any future use of said structure or land shall be in complete conformity with the provisions of this Article.
- (4) **Maintenance & Repair of a Nonconforming Use.** The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations that do not exacerbate the adverse impacts of the nonconforming use in relation to the intent of this Article. Except as otherwise provided in this section, whenever a nonconforming use is damaged to the extent of more than 50% of the then current equalized assessed value of the use and associated structure, such use shall not be restored except in conformity with the regulations.

**Section 7.04: Nonconforming Structures**

- (1) **Continuance of a Nonconforming Structure.** Any structure lawfully established may be continued at the size and in a manner of operation existing upon such date, except as provided for nonconforming structures in this section.
- (2) **Modification of a Nonconforming Structure.** Any lawful nonconforming structure may be reconstructed, moved, or structurally altered, provided that said reconstruction, movement, or alteration does not create any new violation of any setback nor increase the degree of the existing nonconformity except as:
  - (a) permitted under subsection (3),
  - (b) required by law or governmental order,
  - (c) required to comply with a provision of this Article, or
  - (d) in accordance with a variance granted by the Board of Appeals.
- (3) **Damaged or Destroyed Nonconforming Structure.** A damaged or destroyed nonconforming structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of the repair, reconstruction, or improvement. The structure is considered to be damage or destroyed if caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (4) **Future Modification of a Nonconforming Structure.** When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Article, any future modification of said structure shall be in compliance with the provisions of this Article.
- (5) **Ordinary Maintenance of a Nonconforming Structure.** Ordinary maintenance, repairs, and remodeling of a nonconforming structure are permitted.

**Article 8: MOBILE TOWER SITING REGULATIONS**

**Section 8.01: Purpose**

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. All definitions contained in Wis. Stats. §66.0404(1) are hereby incorporated by reference.

**Section 8.02: Authority**

The town board has the specific authority under §60.62 and §62.23, Wis. Stats., to adopt and enforce this ordinance.

**Section 8.03: Siting & Construction of Mobile Service Structures & Facilities****Application Process**

- (1) A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.
- (2) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - (a) The name, business address, and the contact individual for the applicant.
  - (b) The location of the proposed or affected support structure.
  - (c) The location of the proposed mobile service facility.
  - (d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - (e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - (f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) A permit application will be provided by the town upon request to any applicant.
- (4) If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) days of receiving the

application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (5) Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:
  - (a) Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
  - (b) Make a final decision whether to approve or disapprove the application.
  - (c) Notify the applicant, in writing, of its final decision.
  - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 8.03(2f).
- (7) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- (8) The fee for the permit is \$3,000.

#### **Section 8.04: Class I Collocation**

##### **Application Process**

- (1) A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.
- (2) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - (a) The name and business address of, plus the contact individual for, the applicant.
  - (b) The location of the proposed or affected support structure.
  - (c) The location of the proposed mobile service facility.
  - (d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - (e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - (f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose

collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

- (3) A permit application will be provided by the town upon request to any applicant.
- (4) If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (5) Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:
  - (a) Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
  - (b) Make a final decision whether to approve or disapprove the application.
  - (c) Notify the applicant, in writing, of its final decision.
  - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 8.04(2f).
- (7) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- (8) The fee for the permit is \$3,000.

#### **Section 8.05: Class II Collocation**

##### **Application Process**

- (1) A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.
- (2) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - (a) The name, business address, plus the contact individual for the applicant.
  - (b) The location of the proposed or affected support structure.



- (c) The location of the proposed mobile service facility.
- (3) A permit application will be provided by the town upon request to any applicant.
  - (4) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
  - (5) If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - (6) Within forty-five (45) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the forty-five (45) day period:
    - (a) Make a final decision whether to approve or disapprove the application.
    - (b) Notify the applicant, in writing, of its final decision.
    - (c) If the application is approved, issue the applicant the relevant permit.
    - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - (7) The fee for the permit is \$500.

#### **Section 8.06: Penalty Provisions**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

#### **Section 8.07: Severability**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**Article 9: PROCEDURES & ADMINISTRATION**

**Section 9.01: Purpose**

The purpose of this Article is to establish the administrative and enforcement framework for the application of this Chapter in alignment with the Town's Ordinances and the furtherance of the Town's Comprehensive Plan.

**Section 9.02: Land Use Permit**

- (1) **Purpose.** A Land Use Permit is a document issued by the Zoning Administrator to verify that a proposed structure(s) or alteration of an existing structure or structures, as represented, will conform to all applicable provisions of law.
- (2) **Applicability.** No structure within the Town of Pine River shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered and no other action requiring a Land Use Permit under this Chapter shall occur until after the owner or his agent has secured the required permit.
- (3) **Application.** An application for a Land Use Permit shall be made in writing to the Zoning Administrator upon a form available on the Town's website or which can be furnished by the Zoning Administrator and shall include the following information:
  - (a) Name and address of the applicant, owner of the site, or contractor.
  - (b) Description of the site by metes and bounds, address of the site, type of structure, existing and proposed use of the structure or site, and the zoning district within which the site lies.
  - (c) Plat of survey prepared by the property owner showing the location, boundaries, dimensions, elevations, uses and size of the following:
    1. subject site
    2. existing and proposed structures
    3. existing and proposed easements, streets, and other public ways
    4. off-street parking, loading areas, turning areas and driveways
    5. existing highway access restrictions
    6. existing and proposed streets
  - (d) Septic permits are issued by Lincoln County.
- (4) **Site Restrictions.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Zoning Administrator by reason of flooding, concentrated runoff, inadequate drainage, adverse oil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he or she bases the conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Zoning Administrator may affirm, modify, or withdraw its determination of unsuitability.
- (5) **Setbacks.** Adherence to the minimum setback as described in Section 3.03(4) subject to any applicable regulations in Article 4 shall be required.

- (6) **Access or Easement.** All lots shall abut upon a public street or roadway, or have easement access to a public street or roadway. If the access is by a shared access driveway, a permanent maintenance agreement shall be required.
- (7) **Limitation.** Only one (1) principal residential structure shall be located, erected, or moved onto a lot.
- (8) **Fees.** Payment of the appropriate Land Use fee, as set forth in the Town Board's schedule of fees, shall be submitted with the application.
- (9) **Staking & Flagging.** Prior to the Zoning Administrator's inspection, the owner shall stake and flag the location of the proposed structure as well as the location of any lot lines which are less than fifty (50) feet of the proposed structure.
- (10) **Permit Granted or Denied.** A Land Use Permit shall be granted or denied in writing within thirty (30) days of receipt of a completed application. If granted, the applicant shall post such permit in a conspicuous place at the site until work is completed on the proposed building.
- (11) **Permit Expiration.** A Land Use Permit issued pursuant to this Section is valid for a period of twenty-four (24) months from date of issuance. If substantial work, as measured in terms of expenditure of labor and materials or economic value of improvements has not commenced prior to the expiration of the permit, the applicant shall be required to reapply for a new Land Use Permit. The Zoning Administrator may grant an applicant a one-time, twelve (12) month extension of a Land Use Permit if the applicant presents evidence of reasonable reasons for delay in construction or that the denial of the extension will impose unreasonable hardships upon the applicant.
- (12) **Exemption.** Outbuildings one hundred fifty (150) square feet or less do not require a permit.

#### **Section 9.03: Building Permit**

- (1) **Applicability.** No inhabitable structure within the Town of Pine River shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered and no other action requiring a Building Permit under this Chapter shall occur until after the owner or his agent has secured the required permit.
- (2) **Building Permit Application.** An approved Land Use Permit is required prior to the issuance of a Building Permit. The applicant shall contact the Town's Building Inspector for a Building Permit application, which is submitted along with the required fee. The Building Inspector's contact information is available on the Town's website.

#### **Section 9.04: Conditional Use Permit**

- (1) **Permit.** The Town Plan Commission may recommend the Town Board authorize the Zoning Administrator to issue a Conditional Use Permit (CUP) after review and a public hearing, provided that such conditional use and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community.

- (2) **Application & Fee.** An application for a Conditional Use Permit shall be made on a form furnished by the Zoning Administrator, who also receives the completed application. Payment of the appropriate fee, as set forth in the Town Board's schedule of fees, shall accompany the application.
- (3) **Public Hearing.** At least ten (10) days prior to the date of the public hearing, the Town Clerk in cooperation with the Zoning Administrator shall publish notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Wis. Stat. §985. Notice shall be sent to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet. The applicant may appear in person, by agent, by attorney, or remotely by phone speaker.
- (4) **Review.** The Town Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, turning area, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and the proposed operation.
- (5) **Conditions.** Upon its findings based upon substantial evidence that certain conditions may be necessary to fulfill the purpose and intent of of this Ordinance, the Town Plan Commission may require conditions such as landscaping, architectural design, type of construction, commencement and construction completion dates, sureties, lighting, buffer yards, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased setbacks, or parking requirements. The applicant must provide substantial evidence to demonstrate that all requirements and conditions are or shall be satisfied.
- (6) **Recommendation.** After testimony is received from the Public Hearing, the Town Plan Commission shall review all petitions for proposed change or amendments and shall recommend that the petition be granted as requested, modified, or denied. Recommendations shall be forwarded to the Town Board.
- (7) **Town Board Action.** After receiving the recommendation of the Town Plan Commission, the Town Board may grant or deny any proposed amendment in accordance with applicable statutes of the state of Wisconsin, or it may refer it back to the Plan Commission for further consideration. The decision whether to approve or deny the applicant's request for a Conditional Use Permit shall be based upon substantial evidence determined through consideration of the facts and information which was presented as opposed to personal preferences or speculation, and in accordance with Wis. Stat. §62.23(7)(4e). If the request is denied, the applicant may appeal the decision.
- (8) **Compliance.** Full compliance with all other provisions of this Ordinance shall be required of all Conditional Uses. A Conditional Use Permit may be subject to penalties as described in Section 9.04 and / or revoked for violation. Variances shall only be granted as provided in Section 9.06.
- (9) **Change of Ownership.** All requirements of the approved Conditional Use Permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by the Ordinance or by a specific condition attached to the Conditional

Use Permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Town Plan Commission shall be considered a violation of this Chapter and shall be grounds for revocation of said Conditional Use Permit.

#### **Section 9.05: Temporary Use Permit**

- (1) **Purpose.** The Temporary Use Permit is a document issued by the Zoning Administrator to regulate the size, location, and placement of a structure and / or uses not intended to become permanent. See Section 4.10.
- (2) **Application & Fee.** An application shall be made in writing to the Zoning Administrator upon a form furnished by him or her. If the proposed use is in conformity with the provisions of this Ordinance, the Temporary Use Permit shall be issued by the Zoning Administrator within ten (10) days from the date the application was received. Payment of the appropriate fee, as set forth in the Town Board's schedule of fees, shall accompany the application.
- (3) **Town Plan Commission Review.** Shall review applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. Pending review, the Plan Commission may make a recommendation to the Town Board.
- (4) **Town Board Action.** Considering the Town Plan Commission's recommendation, the Town Board may approve or deny the Temporary Use Permit application, in accordance with Section 9.10(1)e.

#### **Section 9.06: Variance**

- (1) **Purpose.** A Variance is a request to deviate from zoning ordinance requirements limited to the area (such as size, setback, etc..) or the use of a property. If granted, it is not a change to the ordinance, but rather it is a waiver of specific zoning ordinance requirements. Use variances are prohibited within a designation of Shoreland Zoning. The criteria required to be eligible for a variance are the following:
  - (a) The variance will not be contrary to the public interest;
  - (b) Unique property limitations exist;
  - (c) Due to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship which must be specific to the land, not people; and
  - (d) The variance would not diminish the value of surrounding properties.
- (2) **Application & Fee.** An application for a Variance shall be made on a form furnished by the Zoning Administrator, who receives the completed application. Payment of the appropriate fee, as set forth in the Town Board's schedule of fees, shall accompany the application.
- (3) **Public Hearing.** At least ten (10) days prior to the date of the public hearing, the Town Clerk in cooperation with the Zoning Administrator shall publish notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Wis. Stat. §985. Notice shall be sent to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any

municipality whose boundaries are within 1,000 feet. The applicant may appear in person, by agent, by attorney, or remotely by phone speaker.

- (4) **Review.** At the public hearing, the Board of Appeals considers the evidence presented by the property owners and whether it meets the required criteria for a Variance.
- (5) **Decision.** The Board of Appeals will issue their decision in writing explaining the basis for it to the property owner. If they disagree, they may appeal the decision.

### Section 9.07: Appeals

- (1) **Appeal & Application.** Appeals from the decision of the Town Board, Building Inspector, Zoning Administrator, the Town Plan Commission, or by any officer, department, board, or bureau of the Town concerning the literal enforcement of this Ordinance may be made by any person aggrieved. Such appeal shall be taken within thirty (30) calendar days after the date of written notice of the decision or order appealed from, by filing, with the Zoning Administrator or with the Secretary of the Board of Appeals, a written notice of appeal specifying the grounds of the appeal. The Zoning Administrator shall, at his or her earliest convenience, transmit to the Board, all the papers constituting the records upon which the action appealed from was taken. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall include the following:
  - (a) Name and Address of the appellant or applicant and all adjacent property owners.
  - (b) Additional information required by the Town Board of Appeals or Zoning Administrator.
  - (c) The cost of the appeal shall be paid by the person requesting the appeal. The cost of such hearing shall be determined and set by the Town Board.
- (2) **Hearing.** The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior, and shall give due notice to the parties in interest, to all adjacent property owners abutting the subject property, to the Zoning Administrator, and to the Town Board. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
- (3) **Findings.** No conditional use permit shall be granted by the Town Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
  - (a) **Preservation of Property Rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
  - (b) **Absence of Detriment.** That the permit will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (4) **Decision.** The concurring vote of a majority of the Board of Appeals, provided a quorum is present, shall be necessary to reverse any order, requirement, decision, or determination; or to decide in favor of the applicant on any matter; or to effect any variation in an ordinance. The grounds of every such determination shall be stated.
  - (a) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

- (b) The Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, Zoning Administrator, Town Clerk, and Town Board.
- (c) Variances. Substitutions. or Use Permits granted by the Board shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant.

(5) **Change of Ownership.** The granting of a variance shall run with the land.

(6) **Review by Court Record.**

- (a) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the Board of Appeals.
- (b) Such court review shall proceed in accordance with Wisconsin Statutes §62.23(7)(d)3(e)10 through 15.

#### **Section 9.08: Zoning Administrator**

- (1) **Administrative Duties.** The Zoning Administrator is appointed by the Town Board and shall issue zoning applications and permits, investigate complaints, give notice of violations, maintain records of this Ordinance and the Zoning Map, provide a public information service, as well as meet with and make recommendations to the Town Plan Commission.

#### **Section 9.09: Town Plan Commission**

- (1) **Establishment.** Pursuant to Wis. Stat. §60.62(4), the Town of Pine River shall have a Town Plan Commission for the purpose of developing and maintaining a comprehensive plan, promoting compatible development, aesthetics, stability of property values, and to prevent impairment or depreciation of existing developments. The existing Town Plan Commission shall be given the powers as stated herein.
- (2) **Membership & Chairperson.** The Town Plan Commission shall consist of five (5) members of the township appointed by the Town Board Chairperson subject to the confirmation of the Town Board for a three (3) year term. The Town Board Chairperson may appoint himself or herself, or another Town elected or appointed officials to the Committee, except that the commission shall always have at least one citizen who is not a town official.
- (3) **Removal.** Appointees to the Town Plan Commission may be removed only by a majority vote of the Town Board.
- (4) **Secretary.** Committee members shall elect their Secretary.
- (5) **Official Oaths.** All members shall take an official oath in accordance with Wis. Stat. §19.01 within ten (10) days of receiving notice of their appointments.



- (6) **Vacancies.** Any vacancy shall be filled for the unexpired term in the same manner as appointments for the full term.
- (7) **Meetings, Minutes, & Quorum.** All meetings shall be held at the call of the Chairperson or when requested by the Zoning Administrator and shall be open to the public. The Secretary shall record the minutes with all actions taken and to serve as a public record. A quorum shall be three (3) members and all actions shall require the concurring vote of a quorum.
- (8) **Powers.** The Town Plan Commission shall have the following powers:
- (a) Make recommendations to the Town Board on Conditional Use Permit requests in accordance with Section 9.04.
  - (b) Conducts reviews and make recommendations to the Town Board for Temporary Permit requests in accordance with Section 9.05.
  - (c) Following a review, makes recommendations to the Town Board on requests for Interpretations, Substitutions, and / or Unclassified Uses as specified in Section 9.10(d).
  - (d) Make recommendations to the Town Board on Subdivisions as provided in Wis. Stat. §14.0.
  - (e) Request of the applicant to furnish additional information.
  - (f) Access all areas within the jurisdiction of the Town of Pine River, subject to reasonable advance notice to the landowner.
- (9) **Appeals.** Any person or persons aggrieved by any decisions of the Town Plan Commission may appeal the decision to the Board of Appeals. Such appeal shall be filed with the Board of Appeals Secretary within thirty (30) days after filing of the decision with the Zoning Administrator.

#### **Section 9.10: Town Board**

- (1) **Powers.** The Town Board shall have all of the following powers regarding the Zoning Ordinance:
- (a) **Fees.** All fees shall be set by the Town Board and may be amended from time to time as deemed necessary.
  - (b) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Plan Commission has made a review and recommendation.
  - (c) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses, provided no structural alterations are to be made and the Town Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
  - (d) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Town Plan Commission has made a review and recommendation.
  - (e) **Temporary Uses.** To hear and grant applications for temporary uses upon a recommendation from the Town Plan Commission. The permit shall be temporary, and subject to any conditions required by the Town Board. Compliance with all other provisions of this Ordinance shall be required.
  - (f) **Conditional Use Permits.** To hear and grant applications for Conditional Use Permits upon a recommendation from the Town Plan Commission.

- (g) Assistance. The Board may request assistance from other Town officers, departments, administrators, and committees.
- (h) Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

### **Section 9.11: Board of Appeals**

- (1) **Establishment**. There shall be hereby established a Board of Appeals, pursuant to Wis. Stats. §60.62, §61.35, and §62.23(7)(d)3(e) for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, of hearing appeals regarding granting the purposes and intent of the Zoning Ordinances in harmony with its general purpose and intent.
- (2) **Membership & Chair**. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board for a three (3) year term, except that of those first appointed one shall serve for one (1) year, two (2) shall serve for two (2) years, and two (2) for three (3) years. The Town Chairman shall appoint one of the members as Chairperson.
- (3) **Alternates**. The Town Chairperson shall appoint two (2) alternate members for staggered terms of three (3) years each and designate the alternates as first (1st) and second (2nd) alternates. The first alternate shall act, with full power, only when a member of the board is absent or refuses to vote because of interest. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one (1) member of the board so refuses or is absent.
- (4) **Compensation**. The Town Board shall designate the compensation for the members.
- (5) **Removal**. Members of the Board of Appeals and / or the alternates shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.
- (6) **Secretary**. The Board of Appeals shall elect one of its members as Secretary.
- (7) **Official Oaths**. All members shall take an official oath in accordance with Wis. Stat. §19.01 and within ten (10) days of receiving notice of their appointment.
- (8) **Vacancies**. Any vacancy of the board or for an alternate shall be filled for the unexpired term in the same manner as appointments for the full term.
- (9) **Rules, Meetings, & Minutes**.
  - (a) The Board of Appeals shall adopt rules in accordance with the provisions of this ordinance.
  - (b) Public hearings of the Board of Appeals shall be held at the call of the Chairperson. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.
  - (c) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, including the board's findings of facts and the reasons for its determination, all of which shall be maintained and filed with the Board of Appeals Secretary and Town Clerk and shall be a public record.

- (d) If a quorum is present, the Board of Appeals may take action by a majority vote of the members present.

**(10) Powers.** The Board of Appeals shall have the following powers:

- (a) To hear and decide appeals from any aggrieved person where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
- (b) To hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance.
- (c) To authorize, in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (d) The board may, in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

**(11) Principles Guiding Decisions.** The following are principles that shall guide the Board of Appeals:

- (a) The burden is upon the appellant to prove the need for a variance.
- (b) Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for granting a variance.
- (c) The Board is bound to accept the Zoning Ordinance and map as being correct.
- (d) The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than his own action.
- (e) The hardship justifying a variance must apply to individual appellant's parcel or structure and not generally to other properties in the same district.
- (f) The variance must not be detrimental to adjacent properties.

**Section 9.12: Fees, Violations, & Penalties**

- (1) **Fee Schedule.** Fees for permits, licenses, and other Town services shall be as established from time to time by resolution or ordinance of the Town Board and set forth in a fee schedule, adopted, and maintained by the town, as required by law. A copy of the fee schedule is available, by request, for inspection and copying in the office of the Town Clerk.
- (2) **Notice of Violation.** Whenever it comes to the attention of the Zoning Administrator that a building or structure is or is proposed to be erected, constructed, reconstructed, altered or converted, or any use established in violation of the provisions of this ordinance, the Zoning Administrator shall issue a stop-work order or other order requiring the correction of all conditions found to be in violation of the provisions of this ordinance. The order shall notify the responsible person that he or she shall commence correction of all violations within seven (7) days of the date of the order, and shall correct all violations within thirty (30) days of the order. If corrections are not commenced within seven (7) days or concluded within thirty (30) days of said order, each day that a violation continues shall be considered a separate offense.

- (3) **Remedies.** In the event that the responsible person does not complete all necessary corrective measures within the time period specified in Section 9.12(2) above, the Town Board may take any and all steps necessary to institute appropriate legal action to enjoin, correct or abate such violation.
- (4) **Penalties.** Any person, firm, or corporation who is convicted of violating any provision of this ordinance, or any order rule or regulation made hereunder, shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each offense, together with the costs of enforcement. Each day the violation exists will constitute a separate offense.

**Article 10: DEFINITIONS**

**Section 10.01: Purpose**

The purpose of this Article is to define words, terms, and phrases contained in this Article which are essential to the understanding, administration, and enforcement of the Ordinances.

**Section 10.02: Word Usage & Measurements**

In the construction of this Ordinance, the following words, rules, and definitions contained within this Article shall be observed and applied, except when the context clearly indicates otherwise:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words “shall”, “must”, and “will” are mandatory.
- (5) The words “may”, “can”, “should”, and “might” are permissive.
- (6) The word “lot” shall also include the words “piece”, “parcel”, and “plots”.
- (7) The word “building” includes all other structures of every kind regardless of their lack of similarity to buildings.
- (8) The phrase “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- (9) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (10) All measured distances shall be to the nearest “integral foot”. If a fraction is one half foot ( $\frac{1}{2}$ ) or less, the next below shall be taken.
- (11) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

**Section 10.03: Definitions**

The following words, terms, and phrases, wherever they occur in this Ordinance, shall have the meanings ascribed to them by this Section.

**ABANDONMENT.** To give up, discontinue, or withdraw from. Any Solar Farm which ceases to produce energy on a continuous basis for twelve (12) months shall be considered abandoned.

**ABUTS, ABUTTING.** Having a common border with, or being separated from such common border by an alley or easement.

**ACCESSORY BUILDING OR USE.** An accessory building or use is one which:

- (a) is subordinate and incidental to, and serves a principal building or use
- (b) is subordinate in area, extent, and purpose to the principal building or principal use served
- (c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served
- (d) is located on the same lot as the principal building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**ACRE.** 43,560 square feet.

**ADDITION.** Any walled and roofed expansion to the perimeter and / or height of a building in which the addition is connected by a common wall.

**AGRICULTURAL PRODUCT.** Any plant or part of a plant, animal, or animal product produced by a person primarily for sale, consumption, propagation, or other use by humans or animals.

**ANIMAL UNIT.** Town of Pine River ordinances use the animal unit definition as defined in NR 243.

**ANTENNA.** Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electro-magnetic waves, digital signals, radio frequencies, wireless telecommunication signals, including, but not limited to, directional antennas such as panels, microwave, satellite dishes, and omni-directional antennas, such as whip antennas.

**APARTMENT.** A building containing accommodations for more than two (2) families living independently of each other.

**APPEAL.** Means for obtaining a review of a decision, determination, interpretation, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by provisions of Section 9.07.

**BED & BREAKFAST LODGING.** A building in which lodging, with or without meals, is offered to transient guests for compensation, having no more than five (5) sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment.

**BILLBOARD.** For the purposes of this Ordinance, a billboard is a type of sign which is an outdoor advertising structure larger than 128 square feet for the purpose of but not limited to the promotion of events, to advertise products, services, or speech not related to the premises on which the sign is located and it is located adjacent to any Town road, County road, State or Interstate highway. A billboard which was erected prior to the effective date of these Ordinances is considered to be a non-conforming structure and, as such, is subject to the provisions in Section 6.08 and Section 7.04.

**BOARD OF APPEALS.** The body established under §62.23(7)(e), Wis. Stats., for towns and designated Boards of Appeal. Not the same as the Town Board. See Section 9.11.

**BUFFER YARD.** Any permitted combination of distance, vegetation, fencing, and / or berming that results in a reduction of visual and other interaction with an adjoining property, as required for certain land uses and activities as is specified in Article 5.

**BUILDING.** Any structure used, designed, or intended for a roofed shelter, enclosure or protection of persons, machinery, animals, or materials, and permanently affixed to the land. Also see "Structure".

**BUILDING, PRINCIPAL.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

**BUSINESS.** Any establishment, occupation, employment or enterprise wherein merchandise is manufactured, repaired, exhibited, stored, or sold or where services are offered for compensation. Also see "Home Occupation" and "Residential Business".

**CAMPGROUND.** Any premises established for overnight habitation by persons using equipment designed for the purposes of temporary camping and for which a fee is charged.

**CENTER LINE.** Is the center point of any road or highway equidistant from the right-of-way lines.

**CERTIFIED SURVEY MAP.** A map of a division of land prepared in accordance with Section §236.34 of the Wis. Stats. and in full compliance with the applicable provisions of this Ordinance.

**CHURCH.** A building where persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

**CLUB.** A private non-profit association for a common purpose consisting of persons who are dues paying members which own or leases a building, or portion thereof. The use of such premises being restricted to members and their guests. This designation shall not include a group organized for, or

which is engaged in, rendering a service customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

**COLLOCATION.** The location of multiple antennas of more than one (1) commercial wireless communication service provider or government entity on a single tower or alternative tower structure. See Sections 8.04 and 8.05.

**CUL-DE-SAC.** A minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

**DAY CARE OR CHILD CARE FACILITY.** For the purpose of this code, a day care or child care facility shall have the same definition as contained in §48.65(1), Wis. Stats.

**DECOMMISSIONING PLAN.** A document which details the planned shut down or removal of a solar farm from operation or usage, including abandonment, as defined in this Ordinance.

**DEVELOPER.** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**DRIVEWAY.** Any area of land that provides access from a road to an abutting area on the land.

**DWELLING.** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings.

**EASEMENT.** Written authorization recorded in the Register of Deeds' office from a property owner for the use by another and for a specific purpose of any designated part of his property.

**FARM.** Land under common ownership which is primarily devoted to agricultural pursuits.

**FARM OPERATOR.** An owner occupant of a parcel of land as defined in §91.01 (6), Wis. Stats.

**FINAL PLAT.** A map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and the Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.

**FRONTAGE.** The dimension of a lot abutting a public street measured between side lot lines.

**GLARE.** The brightness of a light source that causes eye discomfort.

**GRADE.** The average level of a finished surface of the ground adjacent to the exterior walls of a building, structure, or center line gradient of a road, street, or other public way, specified in percent.

**GRANDFATHER RIGHTS.** The right to continue nonconforming lots, buildings, structures, or uses of lands or buildings which were lawful before the enactment of this Ordinance, or amendments to it, subject to the limitations of §62.23(7)(h), Wis. Stats.

**GROUND MOUNTED SOLAR ENERGY SYSTEM.** A solar energy system which is structurally mounted to the ground, has a physical size based on total airspace projected over the ground greater than 20,000 square feet, and is not directly connected to a residential structure.

**HEARING NOTICE.** A publication or posting which meets the requirements of Ch. §985, Wis. Stats.

**HOME OCCUPATION.** A gainful occupation or profession conducted by a member or members of the family only, residing on the premises, and comprising of less than 50% use. No mechanical or electrical equipment shall be used which produces noise or other nuisance beyond typical equipment used for domestic or household purposes. A professional person or other individual who is able to conduct their business activities from their home may use his or her residence for the general practice of their profession. Music lessons or other tutoring involving no more than three (3) students



at one time on site, or daycare / babysitting for four (4) or less children, are hereby declared home occupations even though clients always come to the premises. Signage must adhere to the regulations stated in Article 6. Provisions of Section 4.09(2) shall apply. Also see "Residential Business".

**HOTEL.** A building in which lodging is provided to the transient public for compensation.

**HUD Code.** Regulations established by the U.S. Department of Housing and Urban Development (HUD) requiring all manufactured homes built after July 1, 1976, to meet minimum requirements.

**JUNK YARD.** A "junk yard" is a business use in an open or enclosed area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, or disassembled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and glass. See Section 4.06(3).

**LAND USE.** The type of use, development, and / or activity occurring on a piece of property.

**LOT.** A parcel of land which is created in accordance with Town Ordinance by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.

**LOT, DEPTH.** The mean horizontal distance between the front lot line and the rear lot line.

**LOT LINE.** The property line bordering a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the proposed ultimate line of such public right-of-way shall be the lot line for purposes of this Ordinance.

**LOT, WIDTH.** The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the rear of the required front yard.

**MANUFACTURED HOME.** Is a factory-built home built after July 1, 1976, which meets all the HUD regulations set forth that year and subsequent updates. It has a permanent steel chassis attached which helps with transporting to the site. It bears a HUD label certifying it is built in compliance with Federal Manufacturing Construction Standards.

**MANUFACTURED HOME PARK.** Any park, court, site, lot, parcel, or tract of land designed, maintained, intended, or used for the purpose of supplying a location or accommodations for two (2) or more mobile homes, and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park and its facilities. Manufactured Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

**MANUFACTURING.** The processing and converting of raw, unfinished, or finished materials or products, or any of these, into an article or substance of different character or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**MINIMUM SETBACK.** The narrowest distance permitted from a front street, side or rear property line to a building or structure as specified in the Ordinance. Adherence to the minimum setback as described in Section 3.03(4) subject to any applicable regulations in Article 4.

**MOBILE HOME.** A factory-built house built before July 1, 1976, prior to the HUD code becoming law and does not meet standards for fire, safety, insulation, and construction regulations.

**MODULAR HOME.** A factory-built home built to the same UDC state building requirements as any site-built home. It leaves the factory in sections which are assembled on site.

**MOTEL OR TOURIST CABIN.** An establishment consisting of a group of attached or detached living and / or sleeping accommodations with bathrooms on a single lot designed for use primarily for transient occupancy, and have individual outside entrances.

**NONCONFORMING LOT.** A lot which does not conform to the lot size regulations of the district in which it is located.

**NONCONFORMING STRUCTURE.** A structure which does not conform to the building location, height, building size, floor area, or other regulations of the district in which it is located. Section 7.04.

**NONCONFORMING USE.** An active and actual use of land, building(s), or structure(s) that was lawfully established prior to the effective date of these Ordinances or any subsequent amendments thereto, that has continued as the same use to the present, and that does not comply with all the applicable use regulations of this Chapter. See Section 7.03.

**NONMETALLIC MINING.** Operations or activities for the extraction from the earth of mineral aggregates, such as stone, decomposed granite, sand and gravel; nonmetallic minerals including, but not limited to asbestos, beryl, clay, feldspar, peat, talc, and topsoil; related operations or activities including, but not limited to excavation, grading and dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as stockpiling, crushing, screening, scalping, dewatering and blending.

**NOXIOUS MATTER.** Materials capable of causing injury to living organisms by chemical reaction, or are capable of causing detrimental effects upon the physical or economic well-being of individuals.

**NUISANCE.** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**OCCUPANCY.** Is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

**OCCUPANCY PERMIT.** A required permit allowing occupancy of a building or structure after it has been determined the building meets all of the requirements of applicable ordinances and statutes.

**OFFICIAL ZONING MAP.** The map adopted and designated by the Town as being the “Official Zoning Map” that includes all lands within the Town of Pine River that visually represents the location of zoning districts under this Chapter.

**OWNER.** A person, persons, or other legal entity having right of legal title to a lot or parcel of land.

**PERMITTED BY RIGHT, USE.** A particular type of land use that is allowed as a matter of right within an associated zoning district, provided that all other requirements of this Chapter are met.

**PORTABLE SIGN.** Any sign on a trailer, truck, vehicle, on wheels, or which is transportable where the main purpose of the vehicle at the location is not the place of business identified on the vehicle or the owner’s home is to be interpreted as a sign. See Section 6.03(b).

**PRELIMINARY PLAT.** A map showing the salient features for a proposed subdivision submitted to the Town Plan Commission as well as to the Town Board for purpose of a preliminary consideration.

**PRIVATE ON-SITE WASTE TREATMENT SYSTEM (POWTS).** For the purpose of this code, a private sewage system shall have the same definition as contained in §145.01(12), Wis. Stats.

**PUBLIC UTILITIES.** Those essential utilities using underground or overhead transmission lines, such as, but not limited to, electric, telephone, gas, and distribution and collection systems such as water, sanitary sewer and storm sewer, whether publicly or privately owned.

**RESIDENTIAL BUSINESS.** A business endeavor conducted principally by members of a family but may permit employees who are not residents on the premises nor related to the family. The principal use of the property shall remain the residence of the person(s) primarily conducting the economic activity. Presence of the customer / client may be on site where service is performed. Products

produced off-site may be sold. Signage must adhere to regulations as stated in Article 6. A Conditional Use Permit is required in accordance with Section 9.04 and provisions of Section 4.09(3) shall apply.

**RESIDENTIAL ZONING.** A district having residential lot sizes which are a minimum of one (1) acre.

**RIDING STABLE.** A building or premises used for the rent or lease of horses or animals for hire.

**RIGHT-OF-WAY LINE.** The dividing line between a highway or private utility corridor and the abutting lots or other divisions of land.

**ROADSIDE STAND.** A structure having a ground area of not more than three hundred (300) square feet, readily removable in its entirety, and to be used solely for the sale of farm products.

**SIGN.** Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land, or on any other structure produced by painting on, posting, or placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface. The provisions of Article 6 shall apply.

**SOLAR ENERGY SYSTEM.** A facility whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**SOLAR FARM.** Land designated or used for the purpose of producing solar or photovoltaic electricity. The power generated is sold or transferred to electric companies or other third parties for distribution through a power grid. A solar farm is comprised of solar panels, photovoltaic cells, or similar facilities which comprise or occupy twenty (20) acres or more on a given parcel or lot.

**STORAGE UNITS.** Portable (unsecured by nature) units such as truck boxes, semitrailers, cargo bins, truck campers, travel trailers, boats, motor homes, and the like.

**STREET.** A public right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

**STRUCTURE.** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

**SUBDIVISION.** The division of a lot, parcel, or tract of land by the owner thereof, or his agent or successors, for the purpose or transfer of ownership for building development or use, where the act of division creates four or more parcels or building sites of less than ten (10) acres by successive division within a ten-year period.

**SUBSTANTIAL EVIDENCE.** Credible, relevant, and probable evidence upon which reasonable persons could rely to reach a decision.

**TOWER.** The monopole or freestanding structure on which a cellular communication device, wind turbine, and accessory equipment are mounted. See Article 8.

**TOWER SITE.** The area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

**TOWN.** Reference to Town shall mean the Town of Pine River including the Town Board, Town Clerk, or any other designated Town Committee.

**TOWN BOARD.** The Board of Supervisors for the Town of Pine River, Wisconsin.

**TOWN PLAN COMMISSION.** The Town Plan Commission for the Town of Pine River, Wisconsin, as authorized by § 62.23(1), Wis. Stats.

**UNNECESSARY HARDSHIP.** Circumstance where special conditions not self-created, affect a particular property and make conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

**USE.** The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

**USE, ACCESSORY.** A use subordinate to and customarily incidental to the permitted principal use of the property or buildings, and located upon the same lot as the principal use.

**USE, CONDITIONAL.** A Conditional Use is a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such Conditional Use may or may not be granted, subject to the terms of this Ordinance. See Section 9.04.

**USE, NONCONFORMING.** Any building or land lawfully occupied by a use at the effective date of this Ordinance or amendment thereto, which does not conform after the passage of this Ordinance or amendment with the use requirements of the district in which it is situated. See Section 7.03.

**USE, PERMITTED.** A public or private use which, of itself, conforms to the purposes and objectives of a particular district with all requirements, regulations, and performance standards of such district.

**USE, PRINCIPAL.** The main use of land or buildings as distinguished from accessory uses. A "principal use" may be either permitted by right or permitted by conditional grant.

**USE, TEMPORARY.** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. See Section 9.05.

**UTILITIES.** Any public or private water supply, waste collection, including, but not limited to septic systems, private and public wells, public sewage collection systems, and treatment facilities.

**VARIANCE.** The granting of a permit in cases where special conditions are found to exist impacting the area or use of a property, and where the standards and findings of Section 9.06 are met.

**VISION SETBACK AREA.** An unoccupied triangular space at the street or alley corner of a lot as established by Section 3.03(5).

**WAREHOUSE.** A structure or part of a structure used for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

**WETLANDS.** 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.

**ZONING ADMINISTRATOR.** The person authorized and charged by the Town with the administration of this Ordinance.

**ZONING DISTRICT.** A portion of the community designated for certain types of land uses and / or with certain standards for land development that are different than other portions.

**ZONING MAP.** See "Official Zoning Map."