

TOWN OF PINE RIVER

ZONING ORDINANCES



Adopted by the Town Board: _____

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SECTION 1.00: Introduction

SECTION 1.01: Authority

These regulations are adopted under the authority granted by Section 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Pine River, Wisconsin, does ordain as follows:

SECTION 1.02: Purpose

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community while protecting property rights. It shall not be the purpose of this Ordinance to modify, change, or preclude an existing use in this Township. By way of example and without limitation, such residential users or subdivisions shall not object to agricultural practices that include spreading manure, the smell or noise of livestock, or the vibration or noise of machinery.

SECTION 1.03: Intent

The Town of Pine River will strive to preserve its quality of life and meet the broad needs of our growing community. We will promote thoughtfully planned housing and commercial development along with agricultural and recreational enterprises that meet the needs of our diverse population while minimizing their impact on our rural landscape and natural resources. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation. The Town of Pine River will not enforce private restrictive covenants.

SECTION 1.04: Abrogation and Greater Restrictions

Subject to Section 9 herein, it is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

SECTION 1.05: Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements and shall be liberally construed in favor of

the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes

SECTION 1.06: Severability

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

SECTION 1.07: Repeal

All other ordinances or parts of ordinances of the Town of Pine River inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

SECTION 1.08: Title

This Ordinance shall be known as the “TOWN OF PINE RIVER ZONING ORDINANCE.”

SECTION 1.09: Effective Date

This Ordinance shall be effective after public hearing and special town meeting, adoption by the Town Board and approval by the County Board.

SECTION 2.00: General Provisions

SECTION 2.01: Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Town of Pine River.

SECTION 2.02: Compliance

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except minor structures and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

SECTION 2.03: Zoning Permit

Applications for a zoning permit shall be made in duplicates to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following information:

- a) Name and Address of the applicant, owner of the site, and 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: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, turning areas and driveways; existing highway access restrictions; existing and proposed streets. If a new parcel is proposed of less than ten (10) acres, a survey by a registered land surveyor is required.
- d) Proposed Sewage Disposal Plan showing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county, and state board of health regulations. All lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Section Com 83 of the Wisconsin Administrative Code. Each application shall be

accompanied by a soil absorption test map unless a map for the site is already on file with the Zoning Administrator.

- e) Proposed Water Supply Plan showing that safe and adequate water supply is available.
- f) Description of possible air pollution, noise levels, vibration levels, or obnoxious odors.

Additional Information as may be required by the Town Plan Commission, Building, Zoning, or Health Administrator.

A zoning permit shall be granted or denied, in writing, by the Zoning Administrator within thirty (30) days. The permit shall expire within twelve (12) months unless substantial work has commenced. Work not completed within twenty-four (24) months shall be in violation of this Ordinance unless a new zoning permit has been granted.

The Town takes no responsibility for water or septic failures for any property owners.

Outbuildings. A zoning permit is not required for outbuildings one hundred fifty (150) square feet or less.

SECTION 2.04: 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 soil 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 it bases its 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.

All lots shall abut upon a public street or roadway or have easement access to a public street or roadway. Only one principal resident structure shall be located, erected, or moved onto a lot.

SECTION 2.05: Use Restrictions

The following use restrictions and regulation shall apply:

Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

Accessory Uses. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except home occupation businesses.

Accessory uses include: incidental repairs; storage or parking facilities; bus shelters; gardening; private swimming pools; and private emergency shelters.

Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board after recommendation by the Town Plan Commission in accordance with Section 5. Conditions necessary to meet the intent and purpose of this Zoning Ordinance may be placed on a conditional use permit.

Unclassified or Unspecified Uses may be permitted by the Town Board in accordance with Section 10 after the Town Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal use permitted in the district.

Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board.

SECTION 2.06: Trailers and Mobile Homes

The following regulations shall apply to trailers and mobile homes:

Residential Use. No person shall occupy a mobile home for living purposes unless a permit has been granted by the Town Plan Commission.

Non-residential Use. A mobile home not being used for living purposes and a trailer shall not be considered to be permissible as an accessory building. However, a trailer may be used as a temporary office on the premises during the time construction is actively underway. The parking of one unoccupied trailer (28 feet or less in length) is permitted in any garage or in a rear yard, provided that no living quarters are maintained in such trailer while so parked or stored in the R-1 districts. In R-1 and R-2 districts, a property

owner shall have no more than one storage trailer on average for each twenty (20) acres of land.

Temporary Permit. The Town Plan Commission may, at its option, issue special written permits to the occupants of a mobile home. The permit shall expire one (1) year from the date of issuance but may be renewed for additional periods of one (1) year.

Application for Permit. Application for the permit shall be made to the Zoning Administrator and shall state the name and address of the applicant, the location of the premises, name of the owner of the premises, explanation of the reasons why a permit is desired on this location, proposed sewage disposal plan, and proposed water supply plan.

The Zoning Administrator may approve permits in an existing mobile home park where permits have previously been approved. All other permits for mobile homes shall be approved by the Plan Commission.

SECTION 2.07: Junk Vehicles

Pursuant to Section 175.25(2), Wis. Stats., there shall be no accumulation or storage of junk vehicles within 750 feet of the center line of any county trunk, state trunk or federal highway, or within 500 feet of the center line of any Town road, except upon a permit issued by permission of the Town Board. A junk vehicle shall be defined as a vehicle that is incapable of operation or use upon a highway and which has no resale value, except as a source of parts or scrap.

SECTION 2.08: Reduction and Joint Use

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

SECTION 2.09: Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Administrator, the Town Plan Commission, or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

SECTION 2.10: Penalties

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit One Hundred Dollars (\$100.00) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs. Each day a violation exists or continues shall constitute a separate offense. In the event the penalty and costs are not paid within thirty (30) days, the Town of Pine River may assess any and all penalties, including costs to the property owner on the property tax bill by approval of the Town Board. The citation shall be issued by the Zoning Administrator or as authorized by the Town Board.

SECTION 2.11: Agritourism and Wedding Barns

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 craft 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:

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

Wedding Barns:

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:

- a) 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. No liquor license shall be applied for or issued for the premises as a Wedding Barn business.
- b) Bartenders licensed by the State of Wisconsin shall be required to obtain an annual permit to serve alcoholic beverages from the Town Clerk.
- c) Event hours shall be between 9:00 a.m. and 12:00 a.m. on Friday and Saturday with music ending by 12:00 a.m.; and 9:00 a.m. to 6:00 p.m. on Sundays. Wedding Barns may also be operated on holidays.
- d) Garbage shall be removed from the property on the next business day following the event, or at the next weekly scheduled dumpster service.
- e) 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.
- f) Adult supervision must be present at all times when facilities are in use.
- g) All outdoor event-related lighting must be shielded and directed on to the property and extinguished at the close of each day's event.
- h) Signage, if utilized, must comply with Town ordinances per Section 8.

SECTION 2.12: Vegetable Gardens and Stands

Vegetable and truck stands do not require a permit. Any signage for a vegetable and truck stand less than two feet by four feet (2'x4') shall not

require a permit under Section 8. No permit is required for a community garden.

SECTION 2.13: Solar Farms

A solar farm is defined as any solar operation designed or used for the commercial sale of solar power. A solar farm is subject to a conditional use permit under Section 5. In addition to all other requirements of a CUP, a solar farm shall post a decommission bond sufficient to decommission the solar farm when its use is completed. The applicant for a solar farm shall be responsible for all costs of the CUP and any environmental, engineering, or technical expertise needed by the Town to address the CUP and/or determine an adequate amount for the decommission bond.

SECTION 2.14: Q-1 Quarrying, Metallic and Non-Metallic Mining

Quarrying, metallic, and non-metallic mining shall be in compliance with Lincoln County and the State of Wisconsin, including any ordinances, statutes, administrative code, or rules or regulations thereof.

In addition, quarry, metallic or non-metallic mineral extraction operation, including sand and gravel mix for manufacture of concrete and asphalt products, shall require a permit from the Town of Pine River. The Town may grant a conditional use permit subject to the provisions of Section 5, further taking into consideration the access onto Town roads from an operation, odor and vibrations of the operation to the surrounding neighborhood, hours of operation, use and wear and tear of the Town roads, bridges and culverts. The Town may require a bond or line of credit for the duration of the operation to cover expenses incurred by the Town of Pine River to maintain or repair roads, bridges and culverts damaged as a result of the operation.

SECTION 2.15: Mineral Extraction

Mineral extraction operations including: washing, crushing, hot mix, asphalt production, and other processing are conditional uses and may be permitted in the Quarrying District (Q-1) provided:

- a) The Application for a conditional use permit shall include: an adequate description of the operation; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of water to be used, the time of operation; a topographical map of the site showing existing contours with minimum vertical contour interval of five (5) feet,

trees, proposed and existing access roads, and the depth of all existing and proposed excavations.

- b) The Restoration Plan shall be provided to the Town.
- c) The Conditional Use Permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not greater than two (2) years for each renewal. Modifications of additional conditions may be imposed upon application for renewal.
- d) Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality. The Town may require a surety in a form and type approved by the Town Attorney to ensure compliance of the terms of the conditional use permit.

SECTION 2.16: Industrial Use

Zoning permits for industrial use may be granted as a conditional use in accordance with Section 5. See also Section 4.07.

In addition to all of the other requirements for a conditional use permit, in making the decision on whether or not to grant such permit, and if so, the conditions for such permit, the Town of Pine River shall give special consideration to the environmental impact, including long-term impact on ground water or wells, environmental wind pollution or odors, dust, and noise on the surrounding neighbors and neighborhood.

SECTION 2.17: Solid Waste Disposal

Any site for solid waste disposal is subject to a conditional use permit (CUP) under Section 5. In considering whether or not to grant or deny such permit with provisions, the Town of Pine River shall consider the short and long-term effect of groundwater and other environmental concerns from such site. If granted, a solid waste disposal site shall be required to have a sufficient bond to reclaim and restore the site when completed. The applicant for a solid waste disposal site shall be responsible for the CUP and any environmental, engineering, or technical expertise needed by the Town to address whether such permit is granted and to determine an adequate bond for reclamation and restoration of the site if such permit is granted.

SECTION 3.00: Mobile Tower Siting Regulations

SECTION 3.01: 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. All definitions contained in Wis. Stats. §66.0404(1) are hereby incorporated by reference.

SECTION 3.02: Authority

The Town Board has the specific authority under §60.62 and §62.23, Wis. Stats., to adopt and enforce this Ordinance.

SECTION 3.03: Siting & Construction of Mobile Service Structures & Facilities

Application Process

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.

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.

A permit application will be provided by the Town upon request to any applicant.

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.

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.

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 Section 3.03(f).

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.

The fee for the permit is Three Thousand Dollars (\$3,000.00).

SECTION 3.04: Class I Collocation

Application Process

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.

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.

A permit application will be provided by the Town upon request to any applicant.

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.

The Town shall complete all of the following within ninety (90) days of its receipt of a completed application, 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.

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 3.04(f).

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.

The fee for the permit is Three Thousand Dollars (\$3,000.00).

SECTION 3.05: Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply:

The owner of such antenna or tower, or owner(s) of the property where the tower site is located, shall remove said antenna and/or tower, including all supporting equipment and building(s), within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of the governing authority does not occur within said ninety (90) days, the governing authority may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

The applicant for a permit under this Ordinance, shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s), and supporting equipment and building(s) detailing requirements for the abandonment and subsequent removal based on the provisions of Section 3.05. Said agreement shall also identify that said agreement shall be binding on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

SECTION 3.06: Conflicting Ordinances and Effective Date

All parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect from and after its date of publication.

To the extent Wisconsin Statutes § 66.0404 conflicts with this Ordinance, Wisconsin Statutes § 66.0404 shall control.

SECTION 3.07: 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 4.00: Zoning Districts

SECTION 4.01: Establishment

In recognition of the close vicinity of the Town to the City of Merrill, and in recognition of the intent to keep the rural nature of the Town, particularly in the eastern part of the Township, for the purposes of this Ordinance, the Town of Pine River is hereby divided into the following seven zoning districts:

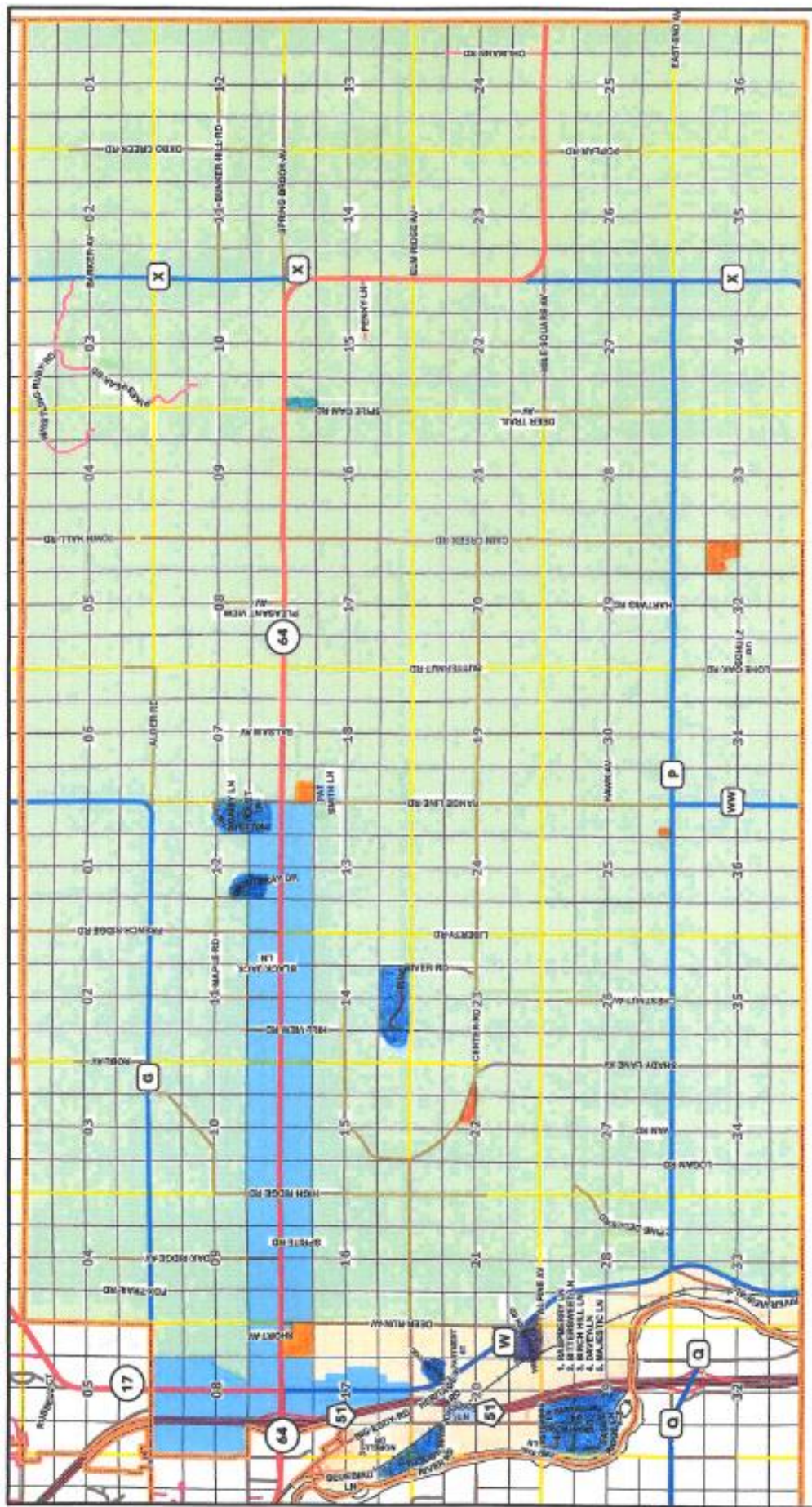
- R-1 Residential
- R-2 Rural
- S-1 Subdivision
- MH Mobile Home
- CMU Crossroads Mixed Use
- P-1 Public and Semi Public
- Q-1 Quarrying

Boundaries of these Districts are hereby established as shown on the map which accompanies and is part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; thread of streams or rivers; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended, unless otherwise noted on the Zoning Map. This copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance.

The Town reaffirms, in its entirety, its Nudity Ordinance, as if fully contained herein.

SECTION 4.02: Zoning Map

See next page.



Town of Pine River N1647 Deer Run Ave Merrill WI 54452

- Rural - R2 ■
- Residential - R1 ■
- Subdivision - S1 ■
- Mobile Homes - MH ■
- Public & Semi Public - P1 ■
- Crossroads Mixed Use - CMU ■

SECTION 4.03: R-1 Residential District:

Principal Use	One-family dwellings
Permitted Uses	Home occupation business
Conditional Uses	As provided in Section 5
Lot, Area	Minimum one acre

SECTION 4.04: R-2 Rural District:

Principal Use	One-family dwellings
Permitted Uses	Home occupation business, farming, dairying, livestock raising, poultry raising, stables, paddocks, pasturage, hatcheries, horticulture, forestry, green houses, nurseries, orchards, truck farming, and recreational uses. All animal raising must meet requirements described in Section 4.10.
Conditional Uses	As provided in Section 5
Lot, Area	Minimum two (2) acres

This provision does not preempt requirements for lands claiming the Farmland Preservation Credit.

A division of land within the R-2 Rural District shall be subject to the Subdivision/Land Division Ordinance of the Town of Pine River. Any divisions of land for use other than the principal uses stated herein shall be subject to the lot size requirements for the appropriate districts.

SECTION 4.05: S-1 Subdivision District:

Principal Use	One-family dwellings
Permitted Uses	Home occupation business
Conditional Uses	As provided in Section 5
Lot, Area	As allowed per subdivision plat
Lot, Side	Minimum setback 25 feet accumulative. Total for both sides from the property boundary to the foundation, with a minimum of ten feet (10') one side.

SECTION 4.06: MH Mobile Home District

The MH district provides a safe, attractive, and functional environment for mobile home parks specifically intended for mobile or manufactured homes. All structures and uses within a mobile home park shall require a land use permit.

SECTION 4.07: CMU Crossroads Mixed Use District

The CMU district accommodates businesses and industrial use and 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. The size of any new lots in the CMU district shall be pursuant to a conditional use permit and a provision of such CUP if the permit is granted. Special consideration in the CMU district shall be given to providing barriers and privacy from development with existing residential use. Buffering, light deflection, hours of operation, and other provisions may be utilized as part of the provisions in a CUP.

Zoning permits for industrial use may be granted as a conditional use in accordance with Section 5. In addition to all of the other requirements for a conditional use permit, in making the decision on whether or not to grant such permit, and if so, the conditions for such permit, the Town of Pine River shall give special consideration to the environmental impact, including long-term impact on ground water or wells, environmental wind pollution or odors, dust, and noise on the surrounding neighbors and neighborhood.

SECTION 4.08: P-1 Public and Semipublic District

Principal Uses. Park, arboretums, playgrounds, golf courses, fishing, wading, swimming, beaches, boat landings, skating, sledding, snowmobile trails, sustained yield forestry, wildlife preserves, soil and water conservation, water measurement and water control facilities. This district also includes educational, safety and protective services, religious, and other gathering-type uses and is generally intended for noncommercial purposes.

Conditional use permits are required for this district and may be granted in accordance with Section 5. See also Section 5.04.

SECTION 4.09: Q-1 Quarrying District

Zoning permits for quarrying uses may be granted as conditional uses in accordance with Section 5. Zoning permits shall be required for any modification to existing or new quarrying, notwithstanding that the property may currently be zoned Q-1 Quarrying District. See Section 2.14 and 2.15.

SECTION 4.10: Animals

For all districts, animal raising is allowed. The maximum capacity of animals shall be one (1) animal unit per acre, unless a nutrient management plan is approved by the Town Plan Commission or Town Board. One (1) animal unit is the equivalent of 1,000 lbs. of animal, whatever the species. 4-H and FFA users 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 or sale to gardeners.

SECTION 4.11: Special Exception Permit

Any owner may petition the Town for relief from the lot size provisions of this Ordinance by special exception permit directly to the Town Board upon Plan Commission recommendation, with the requirements of notice to adjacent land owners. A smaller lot size may be permitted by the Town Board consistent with the purpose and intent of the provisions of this Zoning Ordinance.

SECTION 4.12: Setbacks

The minimum setback requirements for structures shall be as follows:

Town Roads	Minimum 75 ft. from road centerline
County Roads	Minimum 75 ft. from road centerline
State Highways	Minimum 110 ft. from road centerline

Side yard setbacks, minimum of 25 feet accumulative. Total for both sides from the property boundary to the foundation, with a minimum of ten feet (10') one side.

* Additional setbacks for lot lines and public roads may be required in a CUP.

SECTION 5.00: Conditional Uses

SECTION 5.01: Permits

The Town Board may authorize the Zoning Administrator to issue a conditional use permit after a recommendation from the Town Plan Commission, 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 the community. Special consideration shall be given to the impact on surrounding neighbors and neighborhoods with buffer zones and buffering available as a condition. Consideration shall also be given to parking, traffic, lighting, water drainage, and impact on neighboring wells.

SECTION 5.02: Application

Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the information requested under Section 2.03.

SECTION 5.03: Review and Approval

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.

Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Town Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 10.

SECTION 5.04: Public and Semipublic Uses

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

- a) Governmental and Cultural Uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all districts.
- b) Utilities in all districts provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- c) Public, Parochial, and Private Elementary and secondary schools and churches provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line.
- d) Cemeteries and crematories in the R-2 District provided all principal structures and uses are not less than fifty (50) feet from any lot line.

SECTION 5.05: Public Recreational Uses

The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, pools, riding academies, skating rinks, sport fields, swimming pools, and zoological and botanical gardens provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary. These examples would fit into the P-1 District category.

SECTION 6.00: Traffic, Parking, and Access

SECTION 6.01: Traffic Visibility

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2½) 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 on such lines 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 7.00: Modifications

SECTION 7.01: Height

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.

Special Structures, such as gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appliances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

Communication Structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.

Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

SECTION 8.00: Signs

SECTION 8.01: Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs accepted in Section 8.02 and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of the Building Code.

SECTION 8.02: Signs Accepted

All signs and banners require permits except as follows:

Private Property Signs four feet (4') high and eight feet (8') wide or less, located on private property, are allowed without a permit in all districts subject to the other regulations of Section 8. The top of any private property sign shall be no more than fifteen feet (15') above ground level. Examples of private signs include real estate, garage, yard, estate, construction, and address signs.

Official Signs, such as traffic control, parking restrictions, information, and notices.

Political signs on private property shall be allowed.

SECTION 8.03: General Requirements

No sign shall be illuminated by any source of light that 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. No sign shall contain, include, or be illuminated by a flashing or rotating beam of light.

No signs, 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.

SECTION 8.04: Signs Permitted

No sign shall be illuminated by any source of light that is not shielded. Signs and banners may be permitted in CMU districts as conditional uses in accordance with Section 5 if a Conditional Use Permit is obtained.

SECTION 8.05: Traffic

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

SECTION 8.06: Driveway Reflectors

No driveway reflectors shall be placed within fifty feet (50') of the road right-of-way unless they are two inches (2") or less in diameter.

SECTION 8.07: Regulations for R-1, R-2, S-1, P-1, and MH Districts

Maximum permitted:	Area for sign	32 square feet
	Sign height	8 feet

Minimum permitted sign setback from all property lines:
The greater of actual sign height or three feet (3')

SECTION 8.08: Regulations for the CMU District

Maximum permitted:	Area for sign	128 square feet
	Area for all signs	160 square feet
	Sign height	20 feet

Minimum permitted sign setback from all property lines:
The greater of actual sign height or three feet (3')

SECTION 8.09: Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure; and the provisions of Section 9 shall apply.

SECTION 9.00: Nonconforming Uses, Structures, and Lots

SECTION 9.01: Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued, although the use does not conform with the provisions of this Ordinance; however:

Only That Portion of the land in actual use may be continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order, or so as to comply with the provisions of this Ordinance.

SECTION 9.02: Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. The total structural repairs or alterations of a non-conforming building shall not, during its lifetime, exceed fifty percent (50%) of the assessed value of the building unless permanently changed to a conforming use. This provision is pursuant to Section 62.23(7)(h), Wis. Stats.

SECTION 9.03: Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued, although its size or location does not conform with the lot width, lot area, yard, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order, or so as to comply with the provisions of this Ordinance.

SECTION 9.04: Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Town Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Town Board.

SECTION 9.05: Restoration or Replacement of Nonconforming Structures

Pursuant to Wisconsin Statutes § 62.23(7)(hc), nothing in this Ordinance shall prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject to subsection 2, location or use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement, if all of the following apply:

- a) The nonconforming structure was damaged or destroyed on or after March 2, 2006.
- b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

For any structure restored or replaced under this provision, this Ordinance shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction, if necessary for the structure to comply with applicable state or federal requirements.

SECTION 10.00: Procedures and Administration

SECTION 10.01: Purpose

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

SECTION 10.02: Land Use Permit

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.

Applicability. No structure within the Town of Pine River shall hereafter be located, erected, moved, extended or enlarged and no other action requiring a Land Use Permit under this Section shall occur until after the owner or his agent has secured the required permit.

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

Septic permits are issued by Lincoln County.

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.

Setbacks. Adherence to the minimum setback as described in Section 4.11, subject to any applicable regulations in Section 5 shall be required.

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.

Limitation. Only one (1) principal residential structure shall be located, erected, or moved onto a lot.

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.

Staking and 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.

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.

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.

Exemption. Outbuildings one hundred fifty (150) square feet or less do not require a permit.

SECTION 10.03: Building Permit

Applicability. No inhabitable structure within the Town of Pine River shall hereafter be located, erected, moved, extended or enlarged and no other action requiring a building permit under this Section shall occur until after the owner or his agent has secured the required permit.

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 10.04: Conditional Use Permit

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.

Application and 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.

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.

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.

Conditions. Upon its findings based upon substantial evidence that certain conditions may be necessary to fulfill the purpose and intent 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.

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.

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.

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 10.12 and/or revoked for violation. Variances shall only be granted as provided in Section 10.06.

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 Section and shall be grounds for revocation of said Conditional Use Permit.

SECTION 10.05: Temporary Use Permit

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.

Application and Fee. An application shall be made in writing to the Zoning Administrator upon a form furnished by him or her. Payment of the appropriate fee, as set forth in the Town Board's schedule of fees, shall accompany the application.

Town Plan Commission 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 will be reviewed. Pending review, the Plan Commission may make a recommendation to the Town Board.

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 10.10(e).

SECTION 10.06: Variance

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, 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.

Application and 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.

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 three hundred feet (300') of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within one thousand feet (1,000'). The applicant may appear in person, by agent, by attorney, or remotely by phone speaker.

Review. At the public hearing, the Town Board considers the evidence presented by the property owners and whether it meets the required criteria for a Variance.

Decision. The Town Board will issue their decision in writing explaining the basis for it to the property owner. If they disagree, they may appeal the decision.

SECTION 10.07: Appeals

Appeal and 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.

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.

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.

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 affect 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.

Change of Ownership. The granting of a Variance shall run with the land.

Review by Court Record.

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.

Such court review shall proceed in accordance with Wisconsin Statutes §62.23(7)(d)3(e)10 through 15.

SECTION 10.08: Zoning Administrator

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 10.09: Town Plan Commission

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.

Membership and 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.

Removal. Appointees to the Town Plan Commission may be removed only by a majority vote of the Town Board.

Secretary. Committee members shall elect their Secretary.

Official Oaths. All members shall take an official oath in accordance with Wis. Stat. §110.01 within ten (10) days of receiving notice of their appointments.

Vacancies. Any vacancy shall be filled for the unexpired term in the same manner as appointments for the full term.

Meetings, Minutes and 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.

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 10.04.
- b) Conduct reviews and make recommendations to the Town Board for Temporary Permit requests in accordance with Section 10.05.
- c) Following a review, makes recommendations to the Town Board on requests for interpretations, substitutions, and/or unclassified uses as specified in Section 10.10(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 10 days notice to the landowner.

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 10.10: Town Board

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 applications 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 Chairperson may administer oaths and compel the attendance of witnesses.

SECTION 10.11: Board of Appeals

Establishment. There shall hereby be 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.

Membership and Chairperson. The Board of Appeals shall consist of five (5) members appointed by the Town Chairperson 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 Chairperson shall appoint one of the members as Chairperson.

Alternates. The Town Chairperson shall appoint two (2) alternate members for staggered terms of three (3) years each and designate the alternates as first and second 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 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.

Compensation. The Town Board shall designate the compensation for the members.

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.

Secretary. The Board of Appeals shall elect one of its members as Secretary.

Official Oaths. All members shall take an official oath in accordance with Wis. Stat. §110.01 and within ten (10) days of receiving notice of their appointment.

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.

Rules, Meetings, and Minutes.

The Board of Appeals shall adopt rules in accordance with the provisions of this Ordinance.

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.

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.

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

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 necessary for the public convenience and welfare.

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 a situation caused by other than his own action.
- e) The hardship justifying a Variance must apply to an 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 10.12: Fees, Violations, and Penalties

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.

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.

Remedies. In the event that the responsible person does not complete all necessary corrective measures within the time period specified above, the Town Board may take any and all steps necessary to institute appropriate legal action to enjoin, correct or abate such violation.

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) and no 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.

SECTION 11.00: Changes and Amendments

SECTION 11.01: Authority

Whenever the public necessity, convenience, and general welfare of good zoning practices require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.

Such Change or Amendment shall be subject to the review and recommendation of the Town Plan Commission.

SECTION 11.02: Initiation

A change or amendment may be initiated by the Town Board, Town Plan Commission, or by a petition of the owner of the property to be changed. No individual may petition to change property they do not own.

SECTION 11.03: Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, describing the premises to be rezoned or the regulations to be amended, listing the reasons justifying the petition, specifying the proposed use and have attached the following:

- a) Plot Plan drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within one-half mile of the area proposed to be rezoned.
- b) Owners' Names and Addresses of all properties lying within one-half mile of the area proposed to be rezoned.
- c) Additional Information required by the Town Plan Commission or Town Board.

Recommendations. The Town Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation

shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board.

SECTION 11.04: Hearings

The Town Board shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice by publication at least two (2) times during the preceding twenty (20) days, listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet and property owners within one-half mile of any land to be affected by the proposed change of amendment.

SECTION 11.05: Town Board Action

Following such hearing and after careful consideration of the Town Plan Commissions' recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

The Town Plan Commissions' Recommendations may only be overruled by majority of the full Town Board's membership.

SECTION 11.06: Procedure

The procedure for all changes to the Zoning Ordinance and Zoning map shall comply with Wisconsin Statute § 62.23(7)(d) and Wisconsin Statute § 60.62.

SECTION 12.00: Definitions

SECTION 12.01: Purpose

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

SECTION 12.02: Word Usage and Measurements

Word Usage & Measurements in the construction of this Ordinance, the following words, rules, and definitions contained within this Section shall be observed and applied, except when the context clearly indicates otherwise:

Words used or defined in one tense or form shall include other tenses and derivative forms.

Words in the singular number shall include the plural number, and words in the plural number shall include the single number.

The masculine gender shall include the feminine, and vice versa.

The words “shall”, “must”, and “will” are mandatory.

The words “may”, “can”, “should”, and “might” are permissive.

The word “lot” shall also include the words “piece”, “parcel”, and “plots”.

The word “building” includes all other structures of every kind regardless of their lack of similarity to buildings.

The phrase “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

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.

If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

SECTION 12.03: Word Definitions

The following words, terms, and phrases, wherever they occur in this Ordinance, shall have the meanings ascribed to them by this Section. All terms not specifically defined herein shall be as defined in the most recent edition of Webster's dictionary.

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 a 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.

ALLEY. A special public right-of-way affording only secondary access to abutting properties.

ANIMAL UNIT. Town of Pine River Ordinances use the animal unit definition as defined in NR 243. With the maximum capacity of animals being one (1) animal unit per acre, unless a nutrient management plan is approved by the Town Plan Commission or Town Board. One (1) animal unit is the equivalent of 1,000 lbs. of animal, whatever the species.

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 10.07.

ARTERIAL STREET. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

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 Sections 8 and 9.

BOARD OF APPEALS. The body established under §62.23(7)(e), Wis. Stats., for Towns and designated Boards of Appeal. Board of Appeals is not the same as the Town Board. See Section 10.11.

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 Sections 5.01 and 10.04.

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.”

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.

CEMETERY. Land use for the burial of the dead and dedicated for cemetery purposes.

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 lease 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 Section 3.04.

CONDITIONAL USE. The land uses which are of a special nature and shall be approved by the Town Plan Commission or Town Board and authorized by the issuance of a Conditional Use Permit.

CONDITIONAL USE PERMIT. A discretionary permit, granted by the Town Planning Commission or Town Board, under the notice and hearing procedures of this Ordinance, upon application by the owner, and to which various conditions of use are attached by the Town Planning Commission or Town Board.

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.

DISTRICT. Any section of area covered by this chapter within which the zoning regulations are uniform.

DRAINAGE SYSTEM. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

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 less than fifty percent (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 Section 8. Any use above a home occupation requires a CUP unless exempted.

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.

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. 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.

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 Sections.

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 4.12.

MOBILE HOME. A detached single-family dwelling unit designed for long term occupancy and containing sleeping accommodations; flush toilet, a tub or shower bath; and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, wheels removed and placed on a permanent-type foundation.

MOBILE 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.

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. See Section 9.03.

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 9.01.

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.

PERMIT, LAND USE. A permit issued for the placement of any permanent structure on a parcel, or to authorize the use of land. “Zoning permit” and “land use permit” are used interchangeably.

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.

PERMITTED USE. 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.

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.

PRINCIPAL USE. 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.

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.

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.

SETBACK. The distance of a structure or other feature from the property line.

SETBACK FROM HIGHWAY. The minimum horizontal distance from the centerline of a highway or its right-of-way line to the nearest part of the structure, measured at right angles to the centerline or the right-of-way line.

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 Section 8 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, semi trailers, 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 is attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building or any substantial change in the roof structure or in exterior walls.

SUBDIVISION. Any property subdivided pursuant to the State of Wisconsin Subdivision Rules and regulations. 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.

TEMPORARY USE. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. See Section 10.05.

TOWER. The monopole or freestanding structure on which a cellular communication device, wind turbine, and accessory equipment are mounted. See Section 3.

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.

TRAILER. A unit designed for towing and transportation of goods by a semi. A trailer does not include camper or fifth wheel units designed for camping and seasonal use.

UNNECESSARY HARDSHIP. Circumstances 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. See also “Accessory Building or Use,” “Conditional Use,” “Nonconforming Use,” “Permitted Use,” “Principal Use,” and/or “Temporary Use.”

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 10.06 are met.

VEHICLE. Every device in, upon or by which any person or property is or may be transported.

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 is different from other portions.