

**CHAPTER 17**  
**TOWN OF RICHMOND, SHAWANO COUNTY**  
**ZONING CODE**

NOTE: Chapter 17 is a recodification of Ordinance #20 as amended which was previously adopted by the Richmond Town Board.

- 17.01 Introduction
- 17.02 Definitions
- 17.03 General Provisions
- 17.04 Height and Area Exceptions
- 17.05 Nonconforming Uses, Structures and Lots
- 17.06 Community Living Arrangements; Family Day Care Homes
- 17.07 Zoning Districts
- 17.08 R-1 Single-Family Residential District
- 17.09 R-2 Multi-Family Residential District
- 17.10 R-3 Mobile Home Park District
- 17.11 C1 Commercial District
- 17.12 M-1 Industrial District
- 17.13 A Agricultural District-Development Plan/Subdivision
- 17.14 CON Conservancy District
- 17.15 Conditional Uses
- 17.16 Traffic Parking and Access
- 17.17 Signs
- 17.18 Building Permit
- 17.19 Plan Commission
- 17.20 Board of Zoning Appeals
- 17.21 Changes and Amendments
- 17.22 Enforcement
- 17.30 Violation and Penalties

17.01 INTRODUCTION.

1. **AUTHORITY.** These regulations are adopted under the authority granted by §62.23(7), WI stats.
2. **SHORT TITLE.** This chapter shall be known as, referred to or cited as the “Zoning Code, Town of Richmond, WI.”
3. **PURPOSE.** The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town.
4. **INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town; and implement the Town comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
5. **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter 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 law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
6. **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be 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.

17.02 DEFINITIONS. For the purpose of this chapter, the following definitions shall be used:

- (1) **ABUTTING:** Having a common property line or district line.
- (2) **ACCESSORY BUILDING:** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or in substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.

- (3) ALLEY. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- (4) APARTMENT. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
- (5) APARTMENT HOUSE. See DWELLING, MULTI-FAMILY.
- (6) BILLBOARD. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.
- (7) BOARDING HOUSE. A building other than a hotel where lodging and meals are furnished for compensation for 3 or more persons not members of a family.
- (8) BUILDING. Any structure use, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (9) BUILDING, ALTERATIONS OF. See STRUCTURAL ALTERATIONS.
- (10) BUILDING AREA. The total living area bounded by the exterior walls of a building at the floor level, but not including a basement not qualified for living area under the State Building Code, a garage, an unfinished and unheated porch and an attic.
- (11) BUILDING, HEIGHT OF. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (12) CONDITIONAL USE. A use of a special nature so as to make impractical its predetermination as a principal use within a district.
- (13) DWELLING.
  - (a) One-Family. A detached building designed for or occupied exclusively by one family.
  - (b) Two-Family. A detached or semi-detached building designed for and occupied exclusively by 2 families.
  - (c) Multi-Family. A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.

- (14) DWELLING UNIT. A separate housekeeping unit, designed and used for occupancy by a single family.
- (15) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.
- (16) FARM. Land consisting of 5 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.
- (17) FLOOR AREA. (a) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the State Building Code, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.
  - (b) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (18) FRONTAGE. All the property abutting on one side of a street between 2 intersection streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- (19) GARAGE.
  - (a) Private. An accessory building or space not to exceed 1,200 square feet for the storage of motor-driven vehicles.
  - (b) Public. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
  - (c) Storage. Any building or premises used for the storage only of motor-driven vehicles, including one commercial vehicle only, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
- (20) HOME OCCUPATION. A gainful occupation conducted by members of the family only within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupations, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate not more than one foot square is installed and that no

person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not allowed.

- (21) HOTEL, MOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- (22) LOT. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this chapter and abutting on a public street or officially approved place.
- (23) LOT, CORNER. A lot abutting on 2 or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 135 degrees.
- (24) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.
- (25) LOT, INTERIOR. A lot other than a corner lot.
- (26) LOT LINES. The lines bounding a lot as defined herein.
- (27) LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.
- (28) MANUFACTURED DWELLING. A dwelling structure or component thereof as defined in WI Adm. Code COM 20.07(52) which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with WI Adm. Code COM 20 Subch. V.
- (29) MANUFACTURED HOME. A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.
- (30) MOBILE HOME. A nonself-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.
- (31) MOBILE HOME PARK. Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.
- (32) MOTEL. See HOTEL.
- (33) NONCONFORMING USE. A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

- (34) **NURSERY.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (35) **NURSING HOME.** Any building used for the continuous care, on commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (36) **PARKING STALL.** An off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (37) **PROFESSIONAL HOME OFFICE.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an R-1 District, a professional office shall be incidental to the residential occupation and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.
- (38) **RAILROAD RIGHT OF WAY.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (39) **SETBACK.** The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.
- (40) **SHOPPING CENTER.** A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.
- (41) **SIGN.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which it is located, as distinguished from a billboard.
- (42) **STREET.** All property dedicated for public street purposes.
- (43) **STORY.** That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and ceiling next above it. A basement or cellar having  $\frac{1}{2}$  or more of its height above grad shall be deemed a story for purposes of height regulation.

- (44) **STREET LINE.** A dividing line between a lot, tract or parcel of land and an abutting street right of way.
- (45) **STRUCTURE.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (46) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.
- (47) **TEMPORARY STRUCTURE.** A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.
- (48) **USE.** The use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
- (49) **USE, ACCESSORY.** A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.
- (50) **USE, CONDITIONAL.** See **CONDITIONAL USE.**
- (51) **USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such districts.
- (52) **USE, PRINCIPAL.** The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.
- (53) **UTILITIES.** Public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.
- (54) **VISION CLEARANCE.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line. (See Sec. 17.03 of this chapter.)
- (55) **YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (a) Front Yard or Setback. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.
  - (b) Rear Yard. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.
  - (c) Side Yard. A yard extending from the front yard to the rear yard, being the minimum horizon distance between a building and the side lot line. See also Sections 17.03(5) and 17.04(3) of this chapter.
- (56) ZONING DISTRICT. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.
- (57) ZONING PERMIT. A permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.
- 17.03 GENERAL PROVISIONS. (1) 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 full compliance with the provisions of this chapter and all other applicable Town, County and State regulations.
- (2) PRINCIPAL USE RESTRICTIONS. The following use restrictions and regulations shall apply; only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
- (a) Accessory Uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30% of the required area for the rear yard.
  - (b) Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by the Town Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
  - (c) Temporary Uses. 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.

- (3) **YARD REDUCTION OR JOINT USE.** (a) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
  - (b) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
  - (c) No lot in the Town which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.
- (4) **LOT OCCUPANCY.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot and in no case shall there be more than one principal building on one platted lot unless approved the Town Board.
- (5) **YARDS ABUTTING DISTRICT BOUNDARIES.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths. For such yards and courts in the 2 districts which abut the district boundary line.
- (6) **VISION CLEARANCE.** No obstructions such as structures, parking or vegetation shall be permitted in any district other than the C-1 District between the height of 2 ½ and 10 feet space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines, located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.
- (7) **PARKING AND LOADING RESTRICTIONS.** See Section 17.16 of this chapter.
- (8) **SINGLE-FAMILY DWELLING STANDARDS.** No single-family dwelling, including dwellings constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or

installed in any zoning district except the R-2 Mobile Home Park District unless such dwelling meets all of the following standards:

- (a) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code. The structure shall not rest upon a metal frame where the foundation meets the sills or floor joists.
- (b) The dwelling shall have a minimum width of 24 feet and a core area of living space at least 24 feet by 24 feet.
- (c) The dwelling shall have a pitched roof with a minimum slope of 3:1 and eaves extending beyond the nearest vertical wall a minimum of 16 inches.

17.04 HEIGHT AND AREA EXCEPTIONS. The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (1) CHIMNEYS, TOWERS, LOFTS, ETC. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks scenery lofts, tanks, water towers, ornamental towers, spires wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Planning Commission.
- (2) STREET YARD MODIFICATIONS. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
  - (a) Uncovered Stair Restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and be not closer than 3 feet to any lot line.
  - (b) Cul-de Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves in R-1 Districts may be less than 75 feet provided the width at the building setback line is at least 100 feet and the street frontage is not less than 50 feet.
  - (c) Residential Fence Restrictions. Residential fences up to 8 feet in height are permitted only on the rear and side yards in the residential districts. On the side yards the fence shall not project into the principal building required setback distance and shall be in compliance with required vision clearance.
  - (d) Essential Services Exemptions. Essential services, utilities, electric power and communication transmission lines are

exempt from the yard and distance requirements of this chapter.

- (e) Street Yard Restrictions. With the approval of the Plan Commission, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and 5 feet in any business or industrial district.
- (3) **CORNER LOTS**. On corner lots the side yard facing the street shall not be less than 25 feet.
- (4) **LOTS ABUTTING DIFFERENT GRADES**. Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade plus 12 inches to the top of the basement wall.
- (5) **BUILDINGS OR THROUGH LOTS**. The requirements for a rear yard for buildings on through lots and extending from street to street may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the set-back requirements on both streets be complied with.
- (6) **ACCESSORY BUILDINGS**. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than 5 feet to any lot line nor 5 feet to any alley line, and shall not extend into a front yard beyond the required setback.
- (7) **UNOBSTRUCTED YARDS**. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard.

17.05 NONCONFORMING USES, STRUCTURES AND LOTS. (1) **EXISTING NONCONFORMING USES**. (a) Continuation. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:

- 1. Only that portion of the land or water in actual use may be so 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 chapter.
- 2. The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the

time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

3. Substitution of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(b) Abolishment or Replacement of Existing Nonconforming Use. If such nonconforming use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this chapter, a current file of all nonconforming uses shall be maintained by the Town Clerk, listing the following:

1. Owner's name and address.
2. Use of the structure, land or water.
3. Assessed value at the time of its becoming a nonconforming use.

- (2) **EXISTING NONCONFORMING STRUCTURES.** Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. 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 chapter unless a variance is first obtained from the Board of Zoning Appeals.
- (3) **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.
- (4) **EXISTING VACANT SUBSTANDARD LOTS.** An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 5,000 square feet in area, may be used as a single-family building site provided

that the use is permitted in the zoning district and the lot is of record in the County Register of Deed’s office prior to the effective date of this chapter; and, further provided, that the lot is in separate ownership from abutting lands. If 2 or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after approval of a variance by the Board of Zoning Appeals.

17.06 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES.

ZONING CODE 17.06 (1) STATE LAWS ADOPTED. The provision of §§62.23(7) (i) and 66.1017, WI Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

2. PERMITTED USES; RESTRICTIONS.

COMMUNITY LIVING ARRANGEMENT (CLA);

FAMILY DAYCARE HOMES	DISTRICTS PERMITTED	STATUTORY RESTRICTIONS
a. Foster family home (domicile licensed under §48.62, WI Stats., up to 4 children	All residential districts	None
b. Other foster homes	All residential districts	§62.23(7) (i) 1. and 2., WI Stats.
c. Adult family home (domicile, as defined in §50.01 (1), WI Stats., up to 4 adults, or more if all adults are siblings	All residential districts	None
d. Other adult family homes	All residential districts	§62.23(7) (i) 1. and 2., WI Stats
e. CLA, up to 8 persons	All residential districts	§62.23(7) (i) 1., 2. and 9., WI Stats
f. CLA, 9 to 15	Multi-family districts	§62.23(7) (i) 1., 2. and 9., WI Stats
g. Family day care home licensed under §48.65, WI Stats up to 8 children	All 1- and 2-family districts and planned residential development districts	§66.1017, WI Stats

- (3) **CONDITIONAL USES.** All community living arrangements and family day care homes not permitted in sub. (2) above. See Sec. 17.15 of this chapter.

17.07 **ZONING DISTRICTS (1) ESTABLISHED.** For the purposes of this chapter, the Town is hereby divided into the following zoning districts:

- (a) R-1 Single-Family Residential District
- (b) R-2 Multi-Family Residential District
- (c) R-3 Mobile Home Park District
- (d) C-1 Commercial District
- (e) M-1 Industrial district
- (f) A Agricultural District
- (g) CON Conservancy District

2. **INCORPORATION OF ZONING MAP.** The locations and boundaries of the districts are shown on the Town Zoning Map and referred to by reference as the Official Zoning Map, Town of Richmond, WI. Such Map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Town Clerk and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the Map.
3. **DISTRICT BOUNDARY AND MAP AMENDMENTS.** Ordinance number.
4. **BOUNDARIES OF DISTRICTS.** When uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules shall apply:
- a. When width or length of boundaries are not clear, the scale of the Map shall determine the approximate dimensions.
  - b. When the Floodplain Zoning and Shore land-Wetland Codes and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.
  - c. District boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

17.08 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

(1) PERMITTED USES

- (a) One-and 2-family dwellings
- (b) Multi-family dwellings existing on the effective date of this chapter
- (c) Attached or detached garage, 15 feet in height maximum
- (d) Garden and yard equipment shed, 160 square feet maximum and 15 feet in height maximum
- (e) Truck gardening
- (f) Churches, synagogues and similar places of worship and instruction, including parsonages.

(2) CONDITIONAL USES. See also Section 17.15 of this chapter.

- (a) Public buildings
- (b) Rooming and boarding houses
- (c) Public parochial and private elementary and secondary schools
- (d) Public parks and playgrounds
- (e) Home occupations and professional offices
- (f) Small business normally conducted from a residence
- (g) Ponds over 100 square feet

(3) LOT, YARD AND BULDING REQUIREMENTS. See also Section 17.03 of this chapter.

Lot frontage.....	Minimum 200 ft.
If served by public sewer.....	Minimum 100 ft.
Cul-de-sac lots shall have a minimum frontage of 75 feet	
Setbacks in public sewer served areas 12 ½ feet	
Lot area.....	Minimum 60,000 sq. ft.
If served by public sewer.....	Minimum 20,000 sq. ft
Principal building	
Front yard.....	Minimum 25 ft.
Side Yards.....	Minimum 25 ft.
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Accessory buildings	
Front yard.....	Minimum 25 ft.
Side yard.....	..Minimum 10 ft.
Rear yard.....	Minimum 10 ft.
Garage height.....	Maximum 25 ft.
Garage.....	Maximum 1,200sq. ft.
Garden shed.....	Maximum 160 sq. ft.
Covered Roof Area.....	Maximum 1,200 sq. ft.

Off-street parking.....Minimum 2 spaces per unit  
(See also Section 17.16 of this chapter)

17.09 R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

The R-2 District is intended to provide a quiet, pleasant and relatively spacious living area for multi-family dwellings protected from traffic hazards and intrusion. Further, it is intended that multi-family dwellings be dispersed throughout the District on a conditional use basis.

(1) PERMITTED USES

- (a) Uses permitted in the R-1 District
- (b) Multi-family dwellings served by municipal sewerage not exceeding 8 units
- (c) Boarding houses, up to 4 paying guests or boarders, including bed and breakfast establishments

(2) CONDITIONAL USES

- (a) Uses permitted in the R-1 District
- (b) Funeral homes
- (c) Public hospitals and rest homes
- (d) Private clubs, fraternities and lodges, except those whose chief activity is customarily carried on as a business.
- (e) Ponds over 100 square feet

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also Section 17.03 of this chapter.

- (a) Single-Family Dwellings Same as for R-1 District
- (b) Multi-Family Dwellings
  - Lot Frontage.....Minimum 200 feet\*
  - Lot Area.....Minimum 60,000 square feet
  - Principal Building
    - Front yard..... Minimum 25 feet
    - Side yards..... Minimum 10 feet
    - Rear yard..... Minimum 25 feet
    - Building height..... Maximum 35 feet
  - Accessory Building
    - Front yard.....Minimum 25 feet
    - Side yards.....Minimum 5 feet
    - Rear yard.....Minimum 5 feet
    - Building height.....Maximum 15 feet
  - Number of stories.....Maximum 2
  - Floor area per dwelling unit
    - 1 bedroom unit..... Minimum 600 square feet
    - 2 bedroom unit..... Minimum 800 square feet
    - 3 bedroom unit..... Minimum 1,000 square feet
  - Off street parking.....2 spaces per unit See also Section 17.16 of this chapter.

Cul-de-sac lots shall have a minimum of 75 feet



17.10 R-3 MOBILE HOME PARK DISTRICT.

(1) PERMITTED USES. Mobile Home Parks.

(2) CONDITIONAL USES. None.

(3) MOBILE HOME PARK REQUIREMENTS.

(a) Park Requirements.

1. A minimum of 5 acres.
2. 25 foot minimum setbacks on all sides; 12.5 foot minimum on sewer line serviced
3. A hard surface road no less than 24 feet wide serving all mobile home spaces.
4. Electricity and public or private sewer and water servicing all mobile home spaces.
5. An on-site manager's office.

(b) Space Requirements.

Space frontage.....	Minimum 75 ft.
Space area.....	Minimum 10,000 sq. ft.
Front yard.....	Minimum 10 ft.
Side yards.....	Minimum 10 ft.
Rear yard.....	Minimum 10 ft.
Off-street parking.....	2 spaces per mobile home

17.11 C-1 COMMERCIAL DISTRICT. The C-1 District is intended to provide an area for the business and commercial needs of the Town.

(1) PERMITTED USES. (a) Post offices.

(b) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include the following:

1. Automotive sales, servicing and repairs
2. Cleaning, dyeing and pressing establishments
3. Department stores and discount stores
4. Drive-in banks
5. Drive-in establishments serving food or beverage
6. Feed and seed stores
7. Gasoline and service stations, providing all gas pumps are not less than 30 feet from any existing or proposed street line
8. Laundromats
9. Lumber and contractor's yards
10. Motels
11. Plumbing and heating shops

12. Printing and related trades
13. Recreational and entertainment establishments
14. Restaurants
15. Shopping centers
16. Supermarkets
17. Taverns
18. Veterinary clinics
19. Farm machinery and equipment sales, repair and storage
20. Apartment on second floor
21. Garages for vehicles used for business
22. Business offices

(2) **CONDITIONAL USES.** (a) Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.

(b) Amusement parks, including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving ranges, miniature golf courses or similar establishments.

- (d) Motels
- (e) Outdoor theaters
- (f) Rooming and boarding houses
- (g) Transportation terminals
- (h) Used car sales
- (i) Auto salvage yards, provided license is issued under Chapter 12 of this Code; a solid painted fence is required on all sides visible to the public.
- (j) Wholesaling establishments
- (k) Other uses commercial in nature, but not listed as permitted or conditional uses.

(3) **ADDITIONAL RESTRICTIONS**

Uses permitted in the C1 District are subject to the following conditions:

- (a) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (b) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

(4) LOT, YARD AND BULDING REQUIREMENTS

Lot frontage.....	Minimum 100 feet
Lot area.....	Minimum one acre
Front yard.....	Minimum 40 feet
Parking lot setback.....	Minimum 15 feet
Side yards:	
Principal building.....	Minimum 20 feet
Accessory building.....	Minimum 5 feet
Rear Yard.....	Minimum 25 feet
Building height.....	Maximum 35 feet

(5) OFF-STREET PARKING AND LOADING REQUIREMENT

See Section 17.16 of this chapter.

17.12 M-1 INDUSTRIAL DISTRICT The M-1 District is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the town as whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect.

(1) PERMITTED USES.

- (a) Automotive repair, service and storage of automobile accessories, except the wrecking of motor vehicles.
- (b) Blacksmithing, tinsmithing and sheet metal work.
- (c) Bottling plants.
- (d) Enameling and painting.
- (e) Knitting mills and the manufacture of products from finished fabrics.
- (f) Manufacturer, fabrication, packing and packaging and assembly of products from furs, glass, leather (but not tanning of hides or manufacture of leather), metals, paper (but not the manufacture of paper or pulp), plaster, plastic (but not the manufacture of plastic), textiles and wood (but not the manufacture of paper or pulp).
- (g) Manufacture, fabrication, processing, packaging and packing and confections, cosmetics, electrical appliances, electronic devices, food (except meat rendering plants, slaughtering and first processing of meat and fowl, first processing of fish, cabbage processing and the vining of peas.
- (h) Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, pharmaceuticals, sporting goods, tobacco products and toiletries.
- (i) Laboratories
- (j) Warehousing
- (k) Welding shops
- (l) Wholesaling
- (m) Saw mills

(2) **CONDITIONAL USES.** See also Sub. 17.15 of this chapter.

- (a) Storage and warehousing of fuel and materials, but not the storage of wrecked or dismantled vehicles and junk or the storage of explosives.
- (b) Salvage and junk yards licensed under Chapter 12 of this Code.
- (c) Other uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.

(3) **LOT, YARD AND BUILDING REQUIREMENTS**

Lot frontage.....	Minimum 100 feet
Lot area.....	Minimum 80,000 square feet
Front yard.....	Minimum 40 feet
Parking lot setback.....	Minimum 15 feet
Side yards:	
Principal building.....	Minimum 20 feet
Accessory building.....	Minimum 5 feet
Rear yard.....	Minimum 25 feet
Building height.....	Maximum 35 feet

(4) **OFF-STREET PARKING AND LOADING REQUIREMENTS.**  
See Section 17.16 of this chapter.

**17.13 AGRICULTURAL DISTRICT**

The A Agricultural District provides for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services.

(1) **PERMITTED USES**

- (a) Single-family residences
- (b) Churches, schools parks and municipal buildings
- (c) Farming
- (d) In-season roadside stands for the sale of farm products produced on the premises.
- (e) Nurseries, greenhouses and other agricultural uses
- (f) Uses customarily incident to any of the above uses, including residential uses incident to any of the above uses.
- (g) Farm barns and storage facilities for agricultural use only.

(2) **CONDITIONAL USES.** See also Section 17.15 of this chapter.

- (a) Airports
- (b) Amusement parks, baseball batting ranges, baseball diamonds, skating rinks, go cart tracks, golf driving ranges, golf courses and similar establishments
- (c) Trap and skeet shooting ranges
- (d) Rifle and target ranges
- (e) Snowmobile trails and associated activities
- (f) Club houses
- (g) Game farms and shoot preserves
- (h) Fish ponds and wild life areas
- (i) Winter sports
- (j) Refreshment stands
- (k) Other recreation type facilities associated with permitted uses not listed
- (l) Animal hospitals or pounds
- (m) Cemeteries
- (n) Christmas tree sales
- (o) Churches, club and lodges
- (p) Dwellings associated with conditional uses
- (q) Farm equipment sales and/or services
- (r) Fur farms
- (s) Fish hatcheries (commercial)
- (t) Garden and nursery stores
- (u) Grain elevators (commercial)
- (v) Public incinerators
- (w) Livestock yards (sales or holding)
- (x) Maple syrup processing plants
- (y) Quarries (all kinds)
- (z) Radio and RV broadcasting studios and towers
- (aa) Roadside stands

(3) **LOT, YARD AND BUILDING REQUIREMENTS**

Setback requirements for New Livestock Facilities and animal Waste Storage Facilities 50 animal units and over.

<u>Category</u>	<u>Setback Required</u>
Public Parks	1000 feet
Right of way/property lines of New operation	100 feet
Expansion or replacement of existing facilities	
Requires variance and will be exempt from Section 17.05, Nonconforming use.	100 feet
Wetlands	300 feet
Navigable stream or river	300 feet
Lakes	300 feet

100 year Flood Plain	Not permitted
20% slopes or greater (over 50 ft. in length)	50 feet
Public or private drainage ditch	100 feet
Water wells (waste storage facilities)	
Liquid tight, fabricated facilities	100 feet
Earthen facilities	250 feet
Feed Lots	50 feet

Lot frontage.....Minimum 200 feet  
 Lot area.....Minimum 5 acres

Residence:

Yard and building requirements.....Same as R-1 District

(4) OFF-STREET PARKING AND LOADING

No off-street parking and loading permitted.

(5) DEVELOPMENT PLAN

When a housing project consisting of a group of two or more buildings is to be constructed on a site not subdivided into customary lots and streets, the Town Board of the Town of Richmond may approve a development plan provided it complies with the regulations of this Ordinance as applied to the whole plot.

1. Chapter 236 Wisconsin Statutes provides that approval and recording of a Final Plot and Certified Survey Maps transfers all streets, drainage ways, detention facilities, park lands or other public dedications to become the property of the Town. The sub-divider owner and/or developer are required to assure the Town that all dedications are free from environmental problems as follows:

(a) The owner/sub-divider has no knowledge or notice of any environmental problems (the existence of hazardous or toxic substances) of any sort on the property being transferred. The owner/sub-divider understands that it will pay for any costs to remediate any environmental problems encountered during construction of any of the public improvements required by the Town on the plat or in the developers agreement. The owner/sub-divider understands that they shall be individually responsible for any environmental problems found on the land, transferred to the town of the Plat of Survey or Certified Survey Map during the construction of roads or other dedications and agree to hold the town harmless until construction, installation or grading is complete.

(b) A filing fee is required at time of application.

(c) The sub-divider shall have an initial consultation with the Planning and Zoning Committee before proceeding with the Platting

procedures in order to obtain the advice and assistance and so that the sub-divider is familiar with the necessary requirements.

1. A preliminary Plat shall be presented at this time
2. Fees set by the Town Board

(d) The sub-divider will prepare a final Plat which will be brought to the Planning and Zoning Committee at a public hearing for recommendation by the Committee to Town Board.

(e) Each lot requires a driveway to a public road.

17.14 CON CONSERVANCY DISTRICT. The CON District is intended to preserve scenic and natural areas in the town and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property.

(1) PERMITTED USES. (a) Public parks and playgrounds

(b) Management of forestry, wildlife and fish

(c) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.

(d) Fishing and trapping.

(e) Dams, power stations and transmission lines.

(f) Upon written permission from the Town Board, based on the purposes of this chapter and on the recommendation of the Plan Commission following a public hearing, sewage disposal plants and water pumping or storage facilities, amusement parks, golf courses and driving ranges, and public camping grounds.

(g) Uses customarily incident to any of the above uses.

(2) LOT, YARD AND BUILDING REQUIREMENTS. NONE.

17.15 CONDITIONAL USES. (1) GENERAL USES APPLICABLE TO ONE OR MORE DISTRICTS. The following 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, museums and historical landmarks of restorations may be permitted in all residential and commercial districts.

(b) Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential lot line.

(c) Incinerators, sewerage disposal plants and earth or sanitary landfill operations may be permitted in the A-1 Agricultural District.

(d.) Golf courses may be permitted in any residential or agricultural district

(e) Cemeteries may be permitted in any residential or commercial district.

(f) Skating rinks, sports fields, swimming pools and tennis courts may be permitted in any district.

(g) Commercial recreational facilities such as bowling alleys, dance halls, driving ranges, miniature golf, amusement parks, gymnasiums, physical culture facilities, roller rinks and outdoor theaters may be permitted in any district.

(h) Boat launches may be permitted in the R-1 and CON Districts.

(2) APPLICATION. Applications for conditional use permits shall be made in duplicate to the Town Clerk on forms furnished by the Inspector and shall include the following:

(a) Names and address of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(b) Description of the subject site by lot, block and recorded subdivision, or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, if any; and the zoning district within which the subject site lies.

(c) Site plan showing the location of any buildings and all proposed provisions for off-street parking and loading.

(d) Additional information, as may be required by the Plan Commission.

(e) The fee is \$250 (See Fee Schedule) per use application and shall accompany such application.

(3) NOTICE. Notice of such application and the subsequent hearing thereon before the Plan Commission shall be published as a Class I notice.

(4) APPEARANCES AT HEARINGS. Either the applicant or his agent or attorney shall attend the public hearing of the Plan Commission at which such application is to be considered unless such attendance has been excused by the Plan Commission.

(5) REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The Plan Commission shall hold a hearing and thereafter shall recommend approval, denial or condition of approval to the Town Board. The Town Board shall accept, reject or modify the Plan Commission's recommendation.

(6) ISSUANCE OF PERMIT. If such permit is issued, the Town Board may attach conditions thereto such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion date, hours of operation, traffic circulation or parking requirements, highway access restrictions, or increased yards.



(7) USES ADJACENT TO CONTROLLED ACCESS HIGHWAYS. Any development within 500 feet of the existing or proposed right of way of any freeway, expressway or other controlled access traffic way, and within 1,500 feet of their existing or proposed interchange or turning lane right of way, shall be deemed to be a conditional use which shall require the issuance of a permit.

17.16 TRAFFIC, PARKING AND ACCESS. (1) LOADING REQUIREMENTS. In all business and industrial districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(2) PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarge, extended or increased off-street parking stalls for all vehicles in accordance with the following:

(a) Access. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings and a minimum of 24 feet for all other uses.

(b) Size. The size of each parking space shall be not less than 10 feet by 20 feet, exclusive of the space required for ingress and egress.

(c) Location. The location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot lint or a street line opposite a residential district.

(d) Number of Parking Stalls Required.

1. Single-and 2-family dwellings and mobile homes	2 stalls/dwelling unit
2. Multi-family dwellings	2 stalls/dwelling unit
3. Hotels and motels	1 stall/guest room plus 1 stall/3 employees
4. Hospitals, clubs, lodges, sororities, dormitories, lodging & boarding houses	1 stall/2 beds plus 1 stall/3 employees
5. Sanitariums, institutions, rest and nursing homes	1 stall/5 beds plus 1 stall/3 employees
6. Medical and dental clinics	3 stalls/doctor plus 1 stall/employee
7. Churches, theaters, auditoriums,	1 stall/5 seats

community centers, vocational and night schools and other places of public assembly.

- |   |   |
|---|---|
| 8. Colleges, secondary and elementary plus schools  | 1 stall/2employees<br>1 stall/student auto permitted              |
| 9. Restaurants, bars, places of feet entertainment, repair shops, retail and service stores | 1 stall/150 square of floor area                                  |
| 10. Manufacturing and processing plants, laboratories and warehouses                        | 1 stall/2 employees   |
| 11. Financial institutions and businesses, governmental and professional offices            | 1 stall/200 square feet of floor area plus<br>1 stall/2 employees |
| 12. Funeral homes   | 1 stall/4 seats plus<br>1 stall/vehicle used in the business      |
| 13. Bowling alleys  | 5 stalls/alley  |

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

Parking stalls are not required to be provided in the C-1 District, but when they are provided, they shall conform to requirements of size, access, surfacing and barriers, but not number of stalls or location as specified above.

(3) DRIVEWAYS. All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

(a) Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway. This requirement shall not apply in the following zoning districts:

1. C-1 Commercial District.
2. M-1 Industrial District
3. A Agricultural District

(b) Vehicular entrances and exits to drive-in banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 100 feet from any pedestrian entrance or exit to a school, church, hospital, park, playground, library or public emergency shelter.

(4). HIGHWAY ACCESS. No direct private access shall be permitted to the existing or proposed rights of way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

17.17 SIGNS (1) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit, except those signs excepted below, and without being in conformity with the provisions of this section. The sign shall also meet all the structural requirements of the Building Code.

(2) All signs are prohibited in the R-1, R-2 and CON Districts, except the following:

(a) Signs over show windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.

(b) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(c) Name, occupation and warning signs not to exceed 2 square feet located on the premises.

(d) Bulletin boards for public, charitable or religious institutions not to exceed 20 square feet in area, located on the premises

(e) Memorial signs tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(f) Official signs such as traffic control, parking restrictions, information and notices.

(g) Temporary signs or banners when authorized by the Plan Commission.

(3) Signs are permitted in the C-1 and M-1 Districts ,subject to the following restrictions:

(a) Wall signs placed against the exterior walls of building shall not extend more than 15 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean center line street grade.

(b) Projecting signs fastened to, suspended from or supported by structures shall not:

1. Exceed 100 square feet in area for any one premises
2. Extend more than 6 feet into any required yard.
3. Extend into any public right of way.
4. Be less than 10 feet from all side lot lines.
5. Exceed a height of 20 feet above the mean center line street grade.
6. Be less than 9 feet above the sidewalk or 15 feet above a driveway or an alley.

(c) Ground signs shall not exceed 40 feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premise.

(d) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.

(e) Window signs shall be placed only on the inside of business buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

(f) Combinations of any of the above signs shall meet all the requirements for the individual sign.

(4) 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.

(5) Signs lawfully existing at the time of the adoption or amendment of this section may be continued although the use, size or location does not conform with the provisions of this section. However, it shall be deemed a nonconforming use or structure and the provisions of Section 17.05 of this chapter shall apply.

17.18 BUILDING PERMIT (1) REQUIRED. No building or structure, or any part thereof, shall hereafter be built within the town unless a permit therefore shall first be obtained by the owner or his agent from the Building Inspector. No construction shall be commenced prior to the issuance of such permit. Commencement of construction shall

include such acts as beginning excavation or constructing forms for cement work. See Chapter 14 of this Code.

(2) SANITARY DISTRICT APPROVAL REGULATED. No habitable building shall be constructed within a sanitary district without the approval of such district.

17.19 PLAN COMMISSION. See Chapter 1 of this Code.

17.20 BOARD OF ZONING APPEALS. (1) MEMBERSHIP. (a) See Chapter 1 of this Code.

(b) Officers. The Board of Zoning Appeals shall annually elect a chairperson and vice chairperson. The Town Clerk shall serve as secretary to the Board.

(2) APPEALS TO BOARD. (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the administrative officers. Such appeal shall be taken within 30 days from either the date of actual notice of said decision to the person aggrieved or from the date of the mailing of a copy of said decision to him, whichever is earlier, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. Filing with the Board shall be accomplished by filing with the Town clerk,

(b) The officers from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(c) The Board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication once in the town's official newspaper, said publication to be not less than 5 days before said hearing nor more than 15 days before said hearing and shall give notice to the parties in interest and shall decide the same within a reasonable time.

(d) A filing fee of \$250 (See Fee Schedule) shall accompany each such appeal and no such appeal shall be deemed properly filed unless said fee is paid.

(3) POWERS OF BOARD. The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official.

(b) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to consider.

- (c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty of unnecessary hardship so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (d) Permit the erection and use of building or remises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this chapter for such public utility purposes which are reasonably necessary for public convenience and welfare.
- (e) The Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the owners of the administrative official. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.

(4) OTHER POWERS. In addition to the foregoing, the board shall have the following specific powers:

- (a) To grant a permit for a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than 6 months.
- (b) To grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of the adoption of this chapter.
- (c) To permit the temporary storage, as defined herein, of an item otherwise prohibited under Section 17.03 of this chapter.
- (d) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the official Map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.
- (e) The Board shall have the power to call on any other Town department for assistance in the performance of its duties and it shall be the

duty of such other department to render such assistance as may be reasonably required.

(5) **POWERS LIMITED.** Except as specifically provided, no action of the board shall have the effect of permitting in any district uses prohibited in such district; nor shall such Board be permitted to take any action which would, in effect, create a buildable lot smaller than the minimum lot size or area otherwise required by the town.

17.21 **CHANGES AND AMENDMENTS.** (1) **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by the chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) **INITIATION.** A change or amendment may be initiated by the town Board, the Plan Commission or by a petition of one or more of the owners or lessees of property within the areas proposed to be changed.

(3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- (a) A plot plan 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 200 feet of the area proposed to be rezoned.
- (b) The owners; names and addresses of all properties lying within 200 feet of the areas proposed to be rezoned.
- (c) Additional information required by the Plan Commission.
- (d) A fee of \$250. See Fee Schedule.

(4) **RECOMMENDATIONS.** The Plan Commission shall hold a public hearing as provided for in §62.23(7) (d), WI Stats. And 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.

(5) **TOWN BOARD ACTION.** After careful consideration of the Plan Commission recommendations, the town Board shall vote on the passage of the proposed change or amendment. If the Town Board denies the proposed change or amendment, a

similar petition for such change or amendment may not be submitted for a period of one year.

(6) PROTEST. In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of  $\frac{3}{4}$  of the members of the Town board voting on the proposed change.

17.22 ENFORCEMENT. It shall be the duty of the building Inspector to enforce the provisions of this chapter.

17.30 VIOLATION AND PENALTIES. Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall forfeit a sum of not less than \$10 nor more than \$200, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute a separate offense.