

**TOWN OF AUBURNDALE  
WOOD COUNTY, WISCONSIN  
ZONING ORDINANCE**

**SECTION 1. INTERPRETATION AND PURPOSE**

- 1.01 Authority.** The Town Board of the town of Auburndale, Wood County, Wisconsin, being authorized to exercise the powers of a village in accordance with the provisions of Section 60.10(2)(c), Wisconsin Statutes, do ordain as follows:
- 1.02 Purpose.** An ordinance to promote the health, safety, and general welfare of the town of Auburndale, Wood County, Wisconsin.
- 1.03 Intent.** To regulate and restrict the size and use of all structures, lands, and waters; the size of yards, courts and other open spaces, the location and the use of buildings, structures and land for trade, industry, residence and other purposes; and to divide the town of Auburndale, Wood County, Wisconsin, into districts of such number, shape and area deemed best suited to carry out the purpose of the ordinance, to provide a method for its administration and enforcement and to provide penalties for its violation.
- 1.04 Interpretation.** The provisions of this ordinance 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.
- 1.05 Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, deed restrictions, or agreements between parties or with any rules, regulations, or permits previously adopted or pursuant to laws; provided, however, that where this ordinance imposes a greater restriction, the provisions of this ordinance shall govern.
- 1.06 Severability.** If any section, clause, provisions, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 1.07 Repeal.** All other ordinances or parts of ordinances of the Town, inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.
- 1.08 Effective Date.** This ordinance shall be effective after a public hearing, adoption by the Town Board, and publication.

## SECTION 2. DEFINITIONS

- 2.01.** For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory. Any words not herein defined shall be construed as defined in State statutes and codes and Town codes.
- (1) **Accessory Use or Structure.** A use or detached structure subordinate to the principle use of the structure, land or water, located on the same lot or parcel serving a purpose customarily incidental to the principal use or structure.
  - (2) **Alley.** A special public right-of-way providing only secondary access to abutting property.
  - (3) **Automobile Service Station.** A building or place of business where gasoline, oil and greases, batteries, tires, and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.
  - (4) **Basement.** That portion of any structure located partly below the average adjoining grade. If occupied for living purposes, the basement shall be counted as a story for purposes of height measurement.
  - (5) **Boarding House.** A building other than a hotel where meals or lodging and meals are furnished for compensation for five or more persons not members of a family.
  - (6) **Building.** Any structure, having a roof supported by columns or walls, used or intended to be used for the protection, shelter, or enclosure 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.
  - (7) **Building Height.** The vertical distance from the average curb level in front of the lot or the mean elevation of the finished grade at the building line, whichever is higher, to the highest point of all roofs, except those projections listed in Section 3.07 (pg.11) of this ordinance.
  - (8) **Building Inspector.** A Town official, appointed by the Town Board, charged with the administration of the zoning ordinance by reviewing applications for building permits and subsequently granting or denying them; inspecting to confirm compliance or violation; dispensing information, assistance and advice to interested citizens; and keeping appropriate records.

- (9) **Campground.** Any public or private premises, including buildings established for temporary day and overnight habitation by persons using equipment designed for the purpose of temporary camping.
- (10) **Center Line.** A line halfway between highway right-of-way lines.
- (11) **Dwelling, One Family.** A detached building designed for or occupied by one family only, of not more than four unrelated persons.
- (12) **Dwelling, Two Family.** A building designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
- (13) **Dwelling, Multiple Family.** A building designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
- (14) **Dwelling Unit.** One or more rooms which may include cooking facilities and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.
- (15) **Family.** One or more persons living together as a single housekeeping unit.
- (16) **Frontage.** All the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of the street between an intersecting street and the dead end of a street, or all of the property abutting on one side of a street between an intersecting street and a district boundary line. In all commercial and industrial zones, the front yard dimension must be taken from the right-of-way line of the principal street, as determined by the Building Inspector.
- (17) **Garage, Private.** An accessory structure for the storage only of not more than three motor-driven vehicles.
- (18) **Garage, Public.** Any garage other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (19) **Garage, Storage.** Any building or premises used for the storage only of motor-driven vehicles pursuant to previous arrangements and not to transients and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons capacity shall be stored in any storage garage.

(20) **Highway.** A public roadway, dedicated or intended for public means of access to abutting property, which shall be not less than 66 feet in width. The term “street” shall include avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare, expressway, or any other similar term.

(21) **Home Occupation.** A gainful occupation conducted by members of the family only, within their place of residence, provided that no articles are sold or offered for sale on the premises except that produced by the home occupation, 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 (see “Professional Office”).

(22) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

(23) **Lot.** A buildable parcel of land abutting on a public street, occupied, or intended to be occupied by a principal structure or use and having a width and depth sufficient to providing the necessary space for the principal structure, accessory structures, sanitary sewage disposal systems, and open spaces as required by this ordinance (see Outlot).

(24) **Lot Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, where the streets or parts of the same street form an interior angle of less than 135 degrees. The point of intersection of the street lines is the “corner”.

(25) **Lot, Depth of.** The mean horizontal distance between the front and rear lot lines.

(26) **Lot, Interior.** A lot other than a corner lot.

(27) **Lot, Through.** An interior lot having frontage on two nonintersecting streets.

(28) **Nonconforming Uses or Structures.** Any structure, land, or water lawfully used, occupied, pre erected at the time of the effective date of this ordinance, or amendment thereto, which does not conform to the regulations of this ordinance or amendment thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements, shall be considered a nonconforming structure and not a nonconforming use.

(29) **Outlot.** A parcel of land, other than a lot or block, designated on the plat to be an out lot; or a remnant parcel of land not to be used for building purposes.

(30) **Parking Space.** A permanently surfaced area of not less than 180 square feet, having a minimum width of nine feet and a minimum length of 18 feet, either within a structure or in the open, exclusive of driveways, driving aisles, or access drives, for the parking of motor vehicles.

(31) **Professional Office.** The office of any recognized profession, such as, but not limited to, a doctor, dentist, minister, architect, professional engineer, lawyer, or musician. When established in a residential district or agricultural district, a professional office shall be incidental to the residence occupation, not more than 25 percent of the floor space of only one story of a dwelling unit shall be occupied by such office and only one unlighted name plate, not exceeding one foot square in area, containing the name and profession of the occupant of the premises on one side only shall be exhibited.

(32) **Principal Building.** The building of primary, or main, importance on a parcel of land, in contrast to those which are accessory or of secondary importance. In the case of a house with attached garage, the entire structure, including the house and garage, shall be considered the principal building.

(33) **Road.** As used in this ordinance, "road" shall have the same meaning as "street" or "highway". See definition of "highway."

(34) **Roadside Stand.** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall be not more than one roadside stand on any one premise.

(35) **Setback.** The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way line, lot line, waterline, or prospective line to the nearest vertical wall or other element of a building or structure. "Within" the setback means between the setback line and the line of reference. "Outside" the setback line means on the side of the setback line away from the line of reference.

(36) **Stable.** "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.

(37) **Signs.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, trade marks, by which anything is made known and which are used to advertise or promote an individual firm, association, corporation, profession, business commodity, or product and which is visible from any public street.

(38) **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 us no floor above it, then the space

between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for the purposes of height regulation.

- (39) **Story, Half.** The space under any roof, except a flat roof, which, if occupied for residential purposes, shall be counted as a full story.
- (40) **Street.** As used in this ordinance, the term “highway” shall have the same meaning as “street” or “road.” See definition of “highway.”
- (41) **Street Line.** A dividing line between a lot, tract or parcel of land, and a contiguous street.
- (42) **Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.
- (43) **Structural Alterations.** Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, girders, or substantial change in the roof of the building.
- (44) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
- (45) **Vision Clearance Triangle.** An unoccupied triangular space at the corner of a corner lot, which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.
- (46) **Yard.** A required open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.
- (47) **Yard, Front.** A yard extending the full width of the lot between the front right-of-way line and a parallel line through the nearest part of the main building, excluding uncovered steps.
- (48) **Yard, Rear.** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line, or right-of-way line in the case of through lots, and a parallel line through the nearest part of the main building, excluding uncovered steps.

- (49) **Yard, Side.** A yard extending from the front to the rear yard, the width of which shall be the minimum horizontal distance between the side lot line and a parallel line through the nearest point of the principal structure, excluding uncovered steps.
- (50) **Zoning Committee.** A committee of town residents, appointed by the Town Board of Supervisors to review and make recommendations concerning planning and zoning matters in the town of Auburndale, as set forth in Section 9 of this ordinance.

## SECTION 3. GENERAL PROVISIONS

**3.01 Jurisdiction.** This ordinance shall be in effect in all unincorporated lands and waters in the town of Auburndale, Wood County, Wisconsin.

### **3.02 Use Restrictions.**

- 1.) The use of land and the use and height of buildings erected, converted, enlarged or structurally altered after adoption of this ordinance must comply with the regulations established in this ordinance for the district in which such land or building is located.
- 2.) No lot area shall be so reduced that the yard and open spaces become smaller than is required by this ordinance.
- 3.) No part of a yard or other open space provided about any building shall be included as a part of a yard or other open space required for another building.
- 4.) Every building erected, converted, enlarged or structurally altered after adoption of this ordinance shall be located on a lot and there shall not be more than one main building on one lot, except as allowed in the Agricultural Districts.
- 5.) No residential building shall be erected within one-quarter (1/4) mile from any boundary of any landfill site, either in current operation or abandoned.
- 6.) Construction of nuclear power facilities and disposal of radioactive wastes generated from such facilities or from medical uses shall be prohibited in the town of Auburndale.

**3.03 Sewer and Water Facilities.** All buildings intended for human habitation or occupancy shall be provided with an adequate supply of potable water and an approved sewage disposal system. Every building intended for human habitation or occupancy on lots which abut a street in which there is a public sanitary sewer shall be connected with the sewer. State-approved, on-site sewage disposal systems may be constructed where no public sanitary sewer system is available, provided that a Wood County Sanitary Permit first be obtained from the Wood County Sanitarian in the County Courthouse in Wisconsin Rapids.

**3.04 Permits Issued Prior to Ordinance.** If a building permit was issued before the effective date of this ordinance and, if construction of that project was started within three months from the date the permit was issued nothing in this ordinance requires any change in the plan, construction, size or designated use of that building.

### **3.05 Parking and Loading.**

- (1.) In any Commercial district, wherever a lot abuts upon a public or private alley, sufficient space for the loading and unloading of vehicles shall be provided on the lot so that traffic can drive through the alley without being obstructed.
- (2.) All theaters, arenas, auditoriums, churches and other places of public assembly erected after adoption of this ordinance must provide a parking lot which will accommodate at least one car for every five seats.
- (3.) Any parking lot established after adoption of this ordinance shall be located outside the setback lines as established in the zoning districts and Highway Setback section.

### **3.06 Building Permits.**

- (1.) Required. Unless otherwise provided, the use and occupation of vacant land shall be in compliance with the regulations for the district in which the land is located. No building shall be erected, structurally altered, or relocated after adoption of this ordinance until a building permit has been issued. The building permit certifies that the building meets the provisions of this chapter.
- (2.) No building permit is required for structures that have a ground area of less than 300 square feet and are not permanently fixed to the ground. This exemption does not apply to roadside stands used for the sale of farm products or other goods or services. Those structures are required to have a building permit.
- (3.) Application. Application for building permits must be made to the Building Inspector and must include the following:
  - (A) A statement by the applicant as to the intended use of the premises.
  - (B) A map of the property, drawn to a reasonable scale, showing:
    - (1.) The location of the lot within the Town, names of abutting streets, and actual shape and dimension of the lot to be built upon.
    - (2.) The exact size of the proposed, existing and accessory buildings and their location on the lot. Include measured distances between buildings on the lot and between the nearest point of the building for which the permit is being applied and lot lines and street right-of-way lines.
    - (3.) The description and location of any on-site sewage disposal systems for human wastes and measured distances between the nearest point of the disposal system and the building for which the permit is being acquired.

- (4.) The high water line of any stream within 300 feet, or lake or flowage within 1,000 feet of the nearest point of the proposed building. Include a copy of the Wood County Shoreland or Floodplain Zoning Permit if the proposed project falls within the shoreland or floodplain area using the distances described in this paragraph.
- (5.) The location of any regulated wetlands. This information can be obtained from the Wood County Zoning Office in the Courthouse or from the Wisconsin Rapids Office of the Department of Natural Resources.

**NOTE: NO TOWN BUILDING PERMIT SHALL BE ISSUED WITHOUT EVIDENCE THAT A WOOD COUNTY SANITARY PERMIT HAS BEEN ISSUED FIRST FOR ANY BUILDING THAT WILL HAVE FACILITIES FOR THE DISPOSAL OF WATER OR WASTE.**

- (C) The number of families that will live in the home.
- (D) Any other information about the lot and neighboring lots or buildings you may have to show the Building Inspector that the proposal complies with this ordinance, or that the Building Inspector may require from you.
- (E) In the case of farm buildings not intended for human habitation, the building inspector may issue a building permit without demanding that any of the above requirements be met. This is possible upon the submission of sufficient written evidence to establish that the building will comply with the safety and sanitary provisions of the state codes and with the setback requirements of this ordinance.
- (F) If the lot is less than 5 acres in size, the Wood County Land Subdivision Ordinance requires that the lot be surveyed and that a Certified Survey Map be submitted to the Wood County Zoning Office. The Building Inspector will use a copy of the map to review actual lot dimensions. The lot and the location of the proposed building shall be staked out on the ground before construction is started.
- (G) No building can be moved into or within the town of Auburndale without first being inspected by the Building Inspector or the Board of Appeals.

### **3.07 Height and Area Exceptions.**

The regulations contained in this ordinance relating to the height of buildings and the size of yards and other open spaces do not apply to the following:

- (1.) Churches, schools hospitals, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet nor five (5) stories, provided the front, side and rear yards required in the district in which the building is located are each increased at least one foot for each foot of additional height above the height limit otherwise established for the district in which the building is to be located.
- (2.) A residence in the Residential and Agricultural districts may be increased in height by up to ten (10) feet when all yard and other required open spaces are increased by one foot for each one foot by which the building exceeds the height limit of the district in which it is located.
- (3.) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, telephone telegraph, television, or broadcasting towers, masts or aerials, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance.
- (4.) The requirements for a rear yard may be waived for buildings on "through lots" that extend from street to street if an equivalent open space is furnished elsewhere on the same lot in lieu of the required rear yard. Setback requirements, however, must be provided on both streets.
- (5.) Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sill, belt courses, cornices and ornamental features projecting not more than twenty-four (24) inches.
- (6.) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet provided that they be so located as not to obstruct light and ventilation.
- (7.) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record at the time of the passage of this ordinance, the lot may be occupied by one family, subject to the setback, rear yard and side yard regulations for the district in which it is located. If public sewer is not available, however, the lot must meet the minimum lot area as required by Wisconsin Administrative Code and the Wood County Sanitary Ordinance for on-site sewage disposal systems.

(8.) Unless otherwise provided in this ordinance, accessory uses and structures are permitted in any district, but not until the principle structure is present or under construction.

(A) Accessory buildings which are detached from the main building shall not occupy more than thirty percent (30%) of the area of the required rear yard, shall not be more than fifteen (15) feet high and shall not be nearer than three (3) feet to any lot line.

(B) When accessory buildings are attached to the main building or within ten (10) feet of the main building, the side yard and rear yard regulations, applicable to the main building, shall be applied to the accessory buildings.

**3.08 Highway Setbacks and Dedication.** To promote and enhance the public safety, general welfare and convenience, highway setback lines are hereby established along all public streets and highways, at the intersections of highways with highways, and at the intersection of highways with railways.

(1.) Class A Highways. All State and Federal highways are hereby designated as Class A highways. The setback from Class A Highways shall be 110 feet from the centerline of the highway to the nearest point of the structure, or 50 feet from the right-of-way line to the nearest point of the structure, whichever is greater.

(2.) Class B Highways. All county Trunk Highways are hereby designated as Class B Highways. For the purpose of this ordinance, any road will be considered as a county trunk highway after it has been placed on the county trunk system by Wood County Board of Supervisors and approved by the Wisconsin Department of Transportation. The setback from Class B Highways shall be 75 feet from the centerline of the highway to the nearest point of the structure, or 42 feet from the right-of-way line to the nearest point of the structure, whichever is greater.

(3.) Class C Highways. All town roads, public streets and highways not otherwise classified are hereby designated Class C highways. The setback from Class C Highways shall be 63 feet from the centerline of the highway to the nearest point of the structure, or 30 feet from the right-of-way line to the nearest point of the structure, whichever is greater.

(4.) Boundary Streets. Where the highway is located on a city or village boundary, this section is not intended to be effective on the side within the city or village, nor on the side within another county or town where the highway is located on a county or town boundary.

- (5.) Railroad Right-of-Way. The setback from the railroads shall be 100 feet from the centerline of the railroad centerline, measured from the point midway between the rails to the nearest point of the structure, or 67 feet from the right-of-way line to the nearest point of the structure, whichever is greater.
- (6.) Exceptions. Where structures are to be erected between buildings existing at the adoption of this ordinance, which are located not more than 150 feet apart and having setback lines less than are established by this section, the Board of Appeals may vary this regulation, provided that the Board of Appeals shall establish such conditions as will hold the Town harmless from additional improvement damages which might accrue when and if the highway is improved and, provided further, that no such variation will permit a setback less than the average setback of the adjacent buildings.
- (7.) Structures Prohibited Within Setback Lines. No new buildings, signs, or other new structure, or part thereof, shall be placed between the setback line established by this ordinance and the highway, except as provided in this ordinance, and no building, sign, or structure, or part thereof, existing within the setback lines on the effective date of this ordinance, shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original location after having been destroyed by fire, storm or other catastrophe to the extent of 60 percent or more of its assessed value.
- (8.) Objects Permitted Within Setback Lines. The following kinds of structures may be placed between the setback line and the highway or railroad:
- (A) Open fences.
  - (B) Roadside stands for the sale of products produced on the premises.
  - (C) Telephone, telegraph and power transmission poles and lines, and microwave radio relay structures may be constructed within the setback lines and additions and replacements of existing structures may be made, provided the owner will file an agreement, in writing, to the stating that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense when necessary for improvement of the highway.
  - (D) Underground structures not capable of being used as foundations for future prohibited overground structures.
  - (E) Access or service highways constructed according to plans as approved by the Town Board. In giving their approval, the Town Board shall give due consideration to highway safety and maximum sight distances.

This subsection shall not be interpreted so as to prohibit the planting and harvesting of fields crops, shrubbery or trees. However, no building or structure, trees or shrubbery shall be located, maintained or permitted to grow so that the view across the visual clearance triangles, as provided in Subsection (11) shall be obstructed.

(9.) Required Dedications. All divisions of land or building sites shall allow for and dedicate, for public purposes, a strip of land at least 66 feet wide, every 1,350 feet for street purposes, except that the Town Board, in its discretion, may allow for streets at greater distances or along varying courses. Land dedicated for street purposes must be surveyed and included in survey maps of adjoining surveyed parcels and, where platting is required, streets shall be surveyed and included in the plat and submitting to the Town Board for approval and acceptance.

### **3.09 Surveys Required.**

(1.) When Required. Any sale or division of land or building sites, which creates five (5) or more parcels or building sites, or where five (5) or more parcels or building sites are created by successive divisions within a period of five (5) years shall be surveyed and platted, such surveying and platting shall be governed by the provisions of the Wood County Land Subdivision Ordinance and Chapter 236 of the Wisconsin Statutes.

(2.) Necessary Reviews. When any land to be sold or divided lies within the extraterritorial jurisdiction of a municipality, the approval of the extraterritorial review agency must be obtained as provided in Section 236.10, Wisconsin Statutes. Platting requirements for certified surveys and subdivision plats must be in accordance with the Wood County Land Subdivision Ordinance.

**3.10 Parking.** Unless otherwise specified, the parking requirements in the following table must be provided for the listed uses.

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

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

**See Table on Following Page:**

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Use	Minimum Parking Required
-Single-family dwellings mobile homes	2 Stalls for each dwelling Unit
-Multiple-family Dwellings	1.5 Stalls for each dwelling Unit (2.0 recommended)
-Hotels, motels	1 Stall for each guest room plus 1 Stall for each 3 employees
-Hospitals, sororities, dormitories, lodging, and boarding houses	1 Stall for each 2 beds (1.5 recommended) plus 1 Stall for each 3 employees (2 recommended)
-Sanitariums, institutions, rest and nursing homes	1 Stall for each 5 beds plus 1 Stall for each 3 employees (1.5 recommended)
-Medical and dental clinics	3 Stalls for each doctor (5 recommended)
-Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 Stall for each 5 Seats
-Colleges, secondary and elementary schools	1 Stall for each 2 employees plus 1 stall for each 10 students at 16 years of age or more (5 recommended)
-Restaurants, Clubs, Lodges, bars, place of entertainment, repair shops, retail and service stores	1 Stall for each 150 square feet of floor area
-Manufacturing and Processing Plants, laboratories, and warehouses	1 Stall for each 2 Employees
-Financial Institutions, business, government, and professional offices	1 Stall for each 300 square feet of floor area
-Funeral Homes	1 Stall for each 4 Seats
-Bowling Alleys	5 Stalls for each Alley

## **SECTION 4. NONCONFORMING USES, STRUCTURE AND SUBSTANDARD LOTS**

### **4.01 Existing Nonconforming Structures and Uses.**

(1.) The lawful nonconforming structure, existing at the time of adoption or amendment of this ordinance, 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 ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this ordinance.

(2.) The lawful use of a building, 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.

(A) 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 ordinance.

(B) Total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the assessed value of the structure unless it is permanently changed to conform to the use provisions of this ordinance.

### **4.02 Changes and Substitutions.**

(1.) Once a nonconforming use of structure has been changed to a more restricted nonconforming use, it shall not revert back to a less restrictive nonconforming use or structure or, when changed to a conforming use, it shall not revert to any form of nonconforming use.

(2.) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification, except that this may not be done until the Zoning Committee has reviewed the proposed change, made a recommendation to the Town Board and the Town Board has authorized the change.

### **4.03 Abolishment or Replacement**

(1.) If a nonconforming use of a building, land or water is discontinued for a period of twelve (12) months, any future use of the building, land or water shall conform to the regulations for the district in which it is located.

- (2.) When a nonconforming use or structure is damaged by fire, explosion, flood, wind or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except as to comply with the use provision of this ordinance.

#### **4.04 Substandard Lots.**

- (1.) Existing Substandard Lots. Lots existing and of record prior to adoption of this ordinance, but that do not meet the minimum are requirements for the zoning district in which they are located, may be used for those uses permitted in the zoning district if the Town Board grants a variance, except when the lot is within the jurisdiction of shoreline provisions.
- (2.) Lot Divisions. No lot which has been built upon can be divided into two or more lots and no portion of any lot which has been built upon can be sold unless all of these lots can meet the minimum requirements of the zone in which they are located.
- (3.) Lots, How Measured. For the Purpose of calculating lot size in the town of Auburndale, the area within property lines shall constitute the lot. Area between the road right-of-way line and the road is not part of the lot and, consequently, shall not be used in calculating lot area for purposes of determining minimum lot sizes.

## SECTION 5. ZONING DISTRICTS AND DISTRICT REGULATIONS

**5.01 Establishment of Districts.** There are hereby established five (5) district classifications: Single-Family residential, Multiple-family residential, agricultural, commercial and industrial.

- (1.) Single-Family Residential (R-1)
- (2.) Multiple-Family Residential (R-2)
- (3.) Agricultural District (A)
- (4.) Commercial District (C)
- (5.) Industrial District (I)

### **5.02 District Boundaries.**

- (1.) Established. The boundaries of the zoning districts are hereby established as shown on the map entitled, "Zoning Map, Town of Auburndale, Wood County, Wisconsin", as adopted as part this ordinance and amended subsequent to adoption of this ordinance. All notations and references shown on the zoning map are as much a part of this ordinance as though specifically described herein.
- (2.) The district boundaries are highway, road or street center lines, railroad right-of-way lines, section, quarter section, or quarter-quarter section lines, or other such lines as may be indicated on the map, and, where the designation on the district map indicates that the various districts are approximately bounded by a highway, road, or street center line, railroad right-of-way or section, quarter section, or quarter-quarter section line, such line shall be construed to be the district boundary line, such dimension shall be construed to be the distance of feet along such boundary line from its intersection with another district boundary line to its intersection with the center line of an adjacent highway, road or street.
- (3.) Where the district boundaries are not otherwise indicated and where the property has been or may be hereafter decided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the district map are approximately bounded by lot lines, said lot lines shall be construed to be the district boundaries.
- (4.) In unplatted areas less than ten (10) acres in area, the district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

### 5.03 Single-Family Residential District (R-1).

#### (1.) Principle Permitted Uses.

##### (A) One-Family and Two-Family Dwellings

(1.) Mobile Homes. A temporary, renewable, six-month permit may be issued by the Town Board, allowing a mobile home to be used on a lot during the construction of a permanent dwelling. Application for this permit shall be by written request to the Town Board by the person to whom the building permit was issued for the permanent dwelling.

(B) One private, detached garage for each residential parcel in addition to or in lieu of an attached garage.

(C) Accessory buildings or one private garage as provided in sub. (B), above.

(D) Uses customarily incident to the above uses when located on the same lot; provided that no such use generates traffic or noise that would create a public or private nuisance.

#### (2.) Conditional Uses (see Section 6 for procedure).

(A) Churches and adjacent cemeteries of less than one acre in size.

(B) Public and parochial graded schools.

(C) Colleges and vocational schools.

(D) Hospitals and medical clinics.

(E) Day Care Centers.

(F) Home occupations and professional offices, as defined in Section 2 and customary home occupation and professional signs, as defined in Section 7.02(1). Pg. 35

(G) Libraries, museums and art galleries.

(H) Funeral Homes.

(I) Boarding Houses.

- (J) Truck Gardening, nurseries and greenhouses only for the propagation of plants, provided that greenhouse heating plants shall be setback not less than seventy-five (75) feet from every lot line.
- (K) Municipal Buildings, except sewage disposal plants, garbage incinerators, public garages, public shops and storage yards, and penal or correctional institutions.
- (L) Water Storage facilities and accessory structures.
- (M) Public recreation and community center buildings and grounds.
- (N) Telephone buildings, exchanges and lines, and static transformer stations, provided there is no service garage or storage yard. This regulation shall not apply to microwave radio relay structures unless and until the location thereof shall first have been approved by the Town Board.
- (O) Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.

(3.) Standards

- (A) Maximum Building Height. 35 Ft. or two and one-half (2-1/2) stories, except as provided in Section 3.07 (1), (2), and (3). pg. 11
- (B) Setbacks.
  - (1.) Minimum Front Yard Setback. See Section 3.08 pg. 12
  - (2.) Minimum Rear Yard Setback.....30 ft.
  - (3.) Minimum Side Yard Setback.....30 ft.
- (C) Minimum Lot Area ..... 1 acre.
- (D) Minimum Frontage..... 150 Feet.
- (E) Minimum Zone Size - To be rezoned from Agricultural to Single-Family Residential shall require a minimum of four (4) adjacent, developed lots, or one parcel where it is proposed to create 4 or more adjacent lots by way of a Certified Survey Map or Subdivision Plat form that parcel.

#### **5.04 Multiple Family Residential District (R-2)**

(1) Principle Permitted Uses.

(A) Multiple-family dwellings.

(B) Two-family dwellings.

(C) Boarding Houses.

(D) Accessory Buildings.

(E) Garages or parking spaces incident to the above uses, provided that garages incident to multiple-family residences must be at least 75 feet away from the front lot line and 30 feet away from the side lot lines; and provided that there must be at least 2,000 square feet of lot area for each vehicle space.

(2) Conditional Uses (See Section 6 for Procedure).

(A) Single-family dwellings.

(B) Home occupations and professional offices.

(C) Day care centers and congregate homes.

(D) Churches and their affiliated uses.

(E) Public and parochial graded schools.

(F) Colleges and vocational schools.

(G) Hospitals and medical clinics.

(H) Libraries, museums and art galleries.

(I) Funeral Homes.

(J) Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of the indigent, and similar facilities.

(K) Truck gardening, nurseries and greenhouses only for the propagation of plants, provided that greenhouse heating plants shall be setback not less than seventy-five (75) feet from every lot line.

(L) Municipal buildings, except sewage disposal plants, garbage incinerators, public garages, public shops and storage yards, and penal or correctional institutions.

(M) Water storage facilities and their accessory structures.

(N) Public recreation and community center buildings and grounds.

(O) Telephone buildings, exchanges and lines, and static transformer stations, provided there is no service garage or storage yard. This regulation shall not apply to microwave radio relay structures unless and until the location thereof shall first have been approved by the Town Board.

(P) Mobile home courts, unless otherwise allowed, are restricted by this ordinance. Mobile homes and mobile home courts are subject to applicable provisions and regulations of the Wisconsin Statutes and Wisconsin Administrative Code. Section 5.05(3)(G) of this ordinance shall apply to all mobile homes where more restrictive than state and county statutes and codes.

(Q) Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.

(3) Standards.

(A) Maximum Building Height.....45 ft., except as provided in Section 3.07 (1), (2), and (3) pg. 11

(B) Setbacks.

(1) Minimum Front Yard Setback. See Section 3.08 pg.12

(2) Minimum Rear Yard Setback..... 30 ft.

(3) Minimum Side Yard Setback.....30 ft.

(C) Minimum Lot Area.....1 Acre

(D) Minimum Frontage..... 150 feet

(E) Parking Requirements. Refer to Section 3.10 pg.14

## 5.05 General Agricultural (A)

- (1.) Principle Permitted Uses.
  - (A) Agriculture, dairying and general farming.
  - (B) Livestock and poultry raising.
  - (C) Roadside stands for the sale of farm products produced on the premises.
  - (D) Truck farming.
  - (E) Horticulture.
  - (F) Forestry.
  - (G) Wild crop harvesting, including marsh hay, ferns, berries, fruit trees, and seeds.
  - (H) Hatcheries.
  - (I) Stables.
  - (J) Fishing and Wildlife preserve.
  - (K) Water retention.
  - (L) Paddocks.
  - (M) Nursery.
  - (N) Single-Family residence, provided it meets the density requirements set forth in Section 5.05 (3) (E).
  - (O) One mobile home used for habitation, which is not the primary place of residence, shall be permitted as an accessory building on any operating farm. The occupant of the mobile home shall be either a father or mother of the owner or owner's spouse or a child or grandchild of the owners or be employed by the owner in agricultural labor on the premises. Placement of the mobile home shall, however, conform to the provisions of Section 5.05 (3) (G).
  - (P) Professional office or home occupation.

- (Q) Public park and recreation facilities.
  - (R) Campgrounds.
  - (S) Greenhouses.
  - (T) Accessory Buildings.
- (2.) Conditional Uses (See Section 6 for procedure).
- (A) Single-family dwellings in excess of the density requirements set forth in Section 5.03 (3) (E) pg. 20, provided such construction is found by the Zoning Committee, and agreed upon by the Town Board, to be in accord with the intent of this ordinance and the purpose and function of the Agricultural district.
  - (B) Day care centers and congregate homes.
  - (C) Churches and their affiliated uses.
  - (D) Public and parochial graded schools, colleges, and vocational schools.
  - (E) Hospitals and medical clinics.
  - (F) Libraries, museums, art galleries, clubs, and lodges.
  - (G) Farm equipment sales and/or service.
  - (H) Livestock feeding pens or yards (more than 500 animal capacity).
  - (I) Trap or skeet shooting facilities, gun clubs, and gun and archery shooting ranges.
  - (J) Riding stables and riding schools.
  - (K) Airports.
  - (L) Funeral homes and cemeteries.
  - (M) Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of the indigent, and similar facilities.
  - (N) Radio or TV broadcasting tower and/or studio.

- (O) Municipal buildings, including sewage disposal plants, garbage incinerators, public garages, public shops and storage yards, and penal or correctional institutions.
- (P) Water storage facilities and their accessory structures.
- (Q) Hot mix plants for road construction purposes.
- (R) Quarrying.
- (S) Christmas tree plantations and sales.
- (T) Telephone buildings, exchanges and lines, and static transformer stations, provided there is no service garage or storage yard. This regulation shall not apply to microwave radio relay structures unless and until the location thereof shall first have been approved by the Town Board.
- (U) Uses listed in other districts in Section 5 of this ordinance (1) which are determined by the Zoning Committee to be compatible with surrounding land uses after analyzing the potential conflicts, nuisances, and incompatibilities, and listing those findings in committee minutes, (2) which are determined by the Zoning Committee to be in accord with the purpose of this ordinance and the intent of the agricultural district, and (3) which can meet the standards of the district in which the use is normally located.

(3) Standards.

(A) Maximum Building Height.

- (1) Agricultural Buildings. No Maximum.
- (2) Residential Buildings. For single-family residential buildings, see Section 5.03 (3) (A). For multiple-family buildings, see Section 5.04 (3) (A).
- (3) Commercial Buildings. See Section 5.06 (3) (A)
- (4) Industrial Buildings. See Section 5.07 (2) (A)

(B) Setbacks.

- (1) Minimum Front Yard Setback. See Section 3.08 pg. 12 (1), (2), (3).

- (2) Minimum Rear Yard Setback.....30 ft.
- (3) Minimum Side Yard Setback..... 30 ft.
- (4) Minimum Water Setback.....75 ft.\*

\*NOTE: The Wood County Floodplain and Shoreland Zoning Ordinances require permits for some activities within 300 feet of a stream and 1,000 feet of a lake or flowage.

(C) Minimum Lot Area.....1 acre.

(D) Minimum Frontage.....150 feet.

(E) Density. Not more than five (5) homes per section side, provided a minimum of 500 feet spacing is maintained, between the nearest point of any primary or accessory structure of adjoining property regarding either side of a road. Any one-mile road within a section will be subject to the same density as section side. Fractional roads will be rounded to the nearest quarter mile, 500 foot spacing remains the same as previously stated.

Example:

- (1) Density for ¾ mile road-max 7 homes  
Four on one side-three on the other side
- (2) Density for ½ mile road – max 5 homes  
Three on one side – two on the other side
- (3) Density for ¼ mile road – max 3 homes  
Two on one side – one on the other side

Note: Considerations for above examples will be on a first come first served basis.

(F) Parking Requirements. Refer to Section 3.10 pg.14

(G) Specifications for Mobile Homes.

- (1) Each Application for a mobile home permit shall include the size of the mobile home, the year it was built, and the purchase price.
- (2) Mobile homes shall conform to all other requirements of the R-1 Residential district.
- (3) Issuance of the permit shall be subject to approval of the Building Inspector or the Zoning Committee.

**5.06 Commercial (C).**

- (1) Principle Permitted Uses.

- (A) Animal hospital and pet shop.
- (B) Antique store.
- (C) Art shop.
- (D) Bakery (retail).
- (E) Barbershop; beauty parlor.
- (F) Book and stationary stores.
- (G) Bowling alley; pool and billiard room; gymnasium; dancing school or studio; skating rink; theater, except drive-in theater.
- (H) Candy store; confectionary store.
- (I) Clinic.
- (J) Clothing, dress, dry goods, hosiery, notion and shoe store, department store, tailor shop, shoe repair shop.
- (K) Drug store; pharmacy.
- (L) Florist Shop.
- (M) Financial institution.
- (N) Gift Shop
- (O) Greenhouse; nursery.
- (P) Grocery store (retail); meat and fish market; fruit and vegetable market; tea and coffee store.
- (Q) Hardware and paint store.
- (R) Household appliance store; furniture store; plumbing, heating and electric shop; crockery store.
- (S) Hotel; motel.
- (T) Ice cream store; soda fountain; soft drink stand.
- (U) Jewelry store.
- (V) Music, radio and television store; radio and television broadcast studio.

- (W) Newsstand.
- (X) Office: business, professional, government, utility, travel agent, office equipment store.
- (Y) Optical Store.
- (Z) Photographic equipment and supply store.
- (AA) Restaurant, cafeteria, lunch room, refreshment stand, caterer, tavern, lounge.
- (AB) Specialty shop.
- (AC) Sporting and athletic shop.
- (AD) Tobacco and pipe store.
- (AE) Undertaking establishment.

(2) Conditional Uses (see Section 6 for procedure).

- (A) Motor vehicle sales and service establishment; public garage.
- (B) Convention and exhibition hall.
- (C) Dry cleaning and dyeing establishments.
- (D) Gasoline filling stations, provided that all gasoline pumps, storage tanks and accessory equipment must be located at least 30 feet from any existing or officially proposed street right-of-way line.
- (E) Transportation terminals and depots.
- (F) Veterinary office and animal sales stores.
- (G) Outdoor amusement, such as miniature golf course, outdoor theater, circuses, carnivals; musical or theatrical performances; public lectures; religious or evangelistic meetings; or similar functions.
  - (1) Drive-in theaters shall be approved only if there is no direct entrance to or exit from the drive-in theater within 1,000 feet of any state trunk highway or county trunk highway.

- (H) Trailer sales or rental equipment.

- (I) Campgrounds/resorts, when such campgrounds/resorts provide not less than 1,200 square feet or lot area for each cabin, trailer, tent or mobile home, and when such campground is clearly bounded by a fence or hedge and is located not less than 1,000 feet from the boundary of any residential district; provided further, that no person or party other than the owner shall occupy such campground/resort for more than 90 days in one year.
- (J) Other similar and compatible uses which are not listed, but are determined by the Zoning Committee to be in accord with the purpose of this district.

(3) Standards.

(A) Maximum Building Height. Thirty-five (35) feet or two and one half (2 ½) stories, except as provided in Section 3.07 pg. 11 (1), (2), )3).

(B) Setbacks.

(1) Minimum Front Yard Setback. See Section 3.08 pg. 12

(2) Minimum Rear Yard Setback.....30 ft.

(3) Minimum Side Yard Setback.....30 ft.

(C) Minimum Lot Area. Sufficient to provide on-site sewage disposal as per Wisconsin Administrative Code (inquire at the Wood County Sanitarian's Office in the Wood County Courthouse, 400 Market Street, Wisconsin Rapids, WI 54494).

(D) Parking Requirements. Refer to Section 3.10 pg.14

**5.07 Industrial (I).**

(1) Conditional Uses (see Section 6 for procedure). All uses in the Industrial District shall be conditional uses. The following are permitted as conditional uses and are subject to the procedures established in Section 6, and shall be reviewed on a case-by-case basis with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of health hazards, the potential for environmental damage, and other factors.

(A) Manufacturing establishments in which raw materials are transformed into finished products and establishments engaged in assembling component parts of manufactured products.

(B) Other industrial or commercial activities which possess the special problem characteristics described in paragraph 5.06 (1) relating to creation of hazards or nuisance conditions.

- (C) The outdoor storage of industrial products, machinery, equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
- (D) Railroads, railroad yards and structures normally incident to the operation of railroads, not including warehouses owned by establishments other than railroad companies.
- (E) Stockyards, or any establishment providing facilities for receiving, shipping weighing, or feeding of livestock temporarily held either pending sale or while in transit.
- (F) A dwelling unit provided for a caretaker or superintendent, in the case of an industrial use which requires constant supervision.
- (G) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other paving or road-surfacing materials.
- (H) Garbage, rubbish or waste disposal.
- (I) Creameries, cheese factories, milk processing plants,
- (J) Gravel pits and quarries.
- (K) Other similar and compatible uses which are not listed, but are determined by Zoning Committee and Town Board to be in accord with the purpose of this district.

(2) Standards.

- (A) Maximum Building Height. Forty-five (45) feet, except as provided in Section 3.07 (1), (2), and (3) pg. 11
- (B) Setbacks.
  - (1) Minimum Front Yard Setback. See Section 3.08 pg. 12
  - (2) Minimum Rear Yard Setback.....30 ft.
  - (3) Minimum Side Yard Setback.....30 ft.
- (C) Minimum Lot Area. Sufficient to provide on-site sewage disposal as per Wisconsin Administrative Code (inquire at the Wood County Sanitarian's Office in the Wood County Courthouse, 400 Market Street, Wisconsin Rapids, WI 54494).
- (D) Parking Requirements. Refer to Section 3.10 pg. 14

## SECTION 6. CONDITIONAL USES

### 6.01 General.

- (4) Uses listed as “conditional uses” may be authorized in the zone in which listed upon application to the Zoning Committee and subject to the committee’s authorization of a conditional use permit and concurrence of the Town Board.
- (5) Whenever it is proposed to establish a conditional use specified in this ordinance, the Zoning Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and other aspects of the proposed use.

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

### 6.03 Standards.

- (1) No permit for a conditional use shall be granted unless the Zoning Committee shall find the following:
  - (A) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
  - (B) That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  - (C) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- (D) That adequate utilities, access roads, drainage, and other necessary site Improvements have been or are being provided.
- (E) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimized traffic congestion and traffic hazards in the public streets.

#### **6.04 Conditions and Guarantees.**

- (1) Prior to granting a permit for a conditional use, the Zoning Committee may stipulate such conditions and restrictions upon establishment, maintenance and operation of the conditional use as it may find necessary to secure compliance with the standards specified in Section 6.03. Establishment, maintenance, and operation shall be construed to include, but not be limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Zoning Committee shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this ordinance. In all cases in which a permit for conditional use is granted, the Zoning Committee shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (2) Conditional uses shall comply with all other provisions of this ordinance such as lot width and areas, yards, height, parking and loading.

#### **6.05 Determination**

- (1) The Zoning Committee shall report its decision within 60 days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.
- (2) The Zoning Committee may authorize the Town Clerk to issue a conditional use permit for conditional uses specified in this ordinance after review and a Public hearing (Class 2 notice), provided such uses are in accordance with the purpose and intent of this ordinance.

#### **6.06 Termination.**

- (1) Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional permit shall be terminated by action of the Zoning Committee and may be considered by the committee as a violation of this ordinance.

- (2) No application for a conditional use which as been denied wholly or in part by the Zoning Committee shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

### **6.07 Filling and Grading.**

- (1) Filling and grading operations within 300 feet of a stream or river, or 1,000 feet of a lake, pond or flowage, shall conform to requirements of the Wood County Shore land and Floodplain Ordinances. Contact the Wood County Zoning Office, Courthouse, 400 Market Street, Wisconsin Rapids, WI 54494, for further information.
- (2) Filling may be permitted in areas not under the jurisdiction of the Wood County Shore land and Floodplain Ordinances, provided that the fill material:
  - (A) Shall be suitable for its intended use; no fill intended for supporting buildings shall consist of junk, wood, paper, muck, peat or any similar materials which could cause subsidence.
  - (B) Is protected from erosion so as to not cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch basins or diversion terraces may be required in order to prevent erosion.
  - (C) Shall rest on a firm bottom and is stabilized according to accepted engineering standards.
  - (D) Shall not impede the drainage from adjacent lands as to create significant harm without the adjacent landowners' written consent.
  - (E) Shall not, in any manner, alter the course of a waterway on property belonging to other than the applicant.
- (3) Grading of an area greater than the specified area may be permitted, provided that:
  - (A) The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical.

- (B) Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces or similar practices used individually or in combination where circumstances warrant such.
  
- (C) It shall conform to the provisions of the Wood County Shore land and Floodplain Ordinances. Contact the Wood County Zoning Office, Courthouse, 400 Market Street, Wisconsin Rapids, WI 54494, for further information.

## SECTION 7. SIGNS

**7.01 General.** No signs or billboards shall be permitted in any district except as specifically permitted herein.

- (1) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.
- (2) No sign located within 150 feet of a highway or street right-of-way shall contain, include, or be illuminated by a flashing or rotating beam of light.
- (3) No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner. The glare of any light source shall not be so directed as to impair the safety of moving vehicles.
- (4) No sign larger than thirty-two (32) square feet in size, and no more than ten (10) feet long (up and down or side to side) shall be located, erected, moved, reconstructed or enlarged until a zoning permit has been issued. Signs will be attractive and maintained.

**7.02 Specific.** The following signs are permitted in any district when located no less than fifteen (15) feet from the public right-of-way line.

- (1) Customary professional and home occupation signs and “for Rent” and “For Sale” signs. Professional and home occupations signs shall not exceed thirty-two (32) square feet in size, and be no more than ten (10) feet long (up & down or side to side). “For Rent” and “For Sale” signs shall be of customary size and shall be on the site for a temporary period of time until the property is rented or sold.
- (2) Signs necessary to the public safety and welfare or for the identification, operation, or protection of a public utility installation.
- (3) One announcement sign or bulletin board identifying a hospital, school, Church or other similar facility or institution, not exceeding thirty (32) square feet in area.
- (4) Temporary signs of not more than thirty-two (32) square feet in area for the purpose of advertising auction, bazaar, festival, political or other special event. These signs shall be removed at the conclusion of the event.
- (5) Signs of any size on owner occupied land advertising the owner’s business.

## SECTION 8. AMENDMENTS

**8.01 Authority.** The regulations imposed and the Zoning districts created under authority of this ordinance may be amended from time to time in accordance with Section 60.61, Wisconsin Statutes. An amendment shall be granted or denied by the Town Board and after a report of the Zoning Committee's findings and recommendations have been submitted to the Town Board.

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

**8.03 Petitions.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk and shall:

- (1) Describe the premises to be reasoned (including legal descriptions) or the regulations to be amended.
- (2) List the reasons justifying the petition.
- (3) Specify the proposed use.
- (4) List the owner's names and addresses of all properties lying within five hundred (500) ft. of the area proposed to be rezoned.
- (5) The petitioner will provide additional information as may be required by the Zoning Committee or Town Board.

**8.04 Fee.** The cost of any hearing requesting an amendment to the provisions of this ordinance, including changes in the district map, shall be paid by the person requesting the amendment. The cost of the hearing shall be determined and set by the Town Board.

**8.05 Processing.** A petition for amendment shall be filed with the Town Clerk. The petition shall be forwarded from the Town Clerk to the Zoning Committee with a request to hold a public hearing in accordance with Wisconsin Statutes.

**8.06 Recommendations.** The Zoning Committee shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified, or denied. Recommendation shall be made in a written statement to the Town Board before any public hearing is held.

**8.07 Public Hearing.** A public hearing shall be held by the Town Board prior to adoption or denial of any alteration, amendment or change in this ordinance or to the zoning map. A Class 2 notice, under Chapter 985, Wisconsin Statutes, shall be published in the Marshfield News-Herald and notice duly posted in the Town prior to the hearing. The Town Clerk shall send notice to each landowner within 500 feet of the area proposed to be changed.

**8.08 Town Board Action.** The Town Board, after receiving the recommendation of the Zoning Committee, and after the public hearing, may grant or deny any proposed amendment in accordance with applicable statutes of the state of Wisconsin, or it may refer it back to the Zoning Committee for further consideration.

**8.09 County Board Action.** Any alteration, change or amendment of this ordinance shall be forwarded to the Wood County Board of Supervisors (c/o Wood County Planning Office, 400 Market Street, Wisconsin Rapids, WI 54494) with a request for approval from the County Board.

**8.10 Effective Date of Amendment.** Any alteration, change or amendment of this ordinance shall become effective immediately upon action by the Town Board, approval by County Board resolution and publication as provided by law. No action on the part of the owner to convert the use, or construct buildings shall be allowed until the Town Board has acted, the County Board resolution has been acted upon, and the publication made. The Town Clerk shall notify the petitioner to not commence activity on the property until all actions have occurred.

## **SECTION 9. ZONING COMMITTEE**

**9.01 Establishment.** There is hereby established a Town of Auburndale Zoning Committee as authorized in Section 60.61, 61.35 and 62.23(7), Wisconsin Statutes, for the purpose of reviewing planning and zoning related matters in the Town of Auburndale, enforcing the intent of this zoning ordinance, and recommending to the Town Board amendments to the ordinance and the granting of special exceptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

### **9.02 Membership.**

- (1) The Zoning Committee shall consist of five (5) members, appointed by the Town Chairman, subject to confirmation by the Town Board with not more than one town supervisor being a member of the Zoning Committee. No member of the Board of Appeals shall be a member of the Zoning Committee. The Town Chairman shall appoint one of the members as chairperson. The Zoning Committee shall elect one of its members as Secretary. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (2) The members of the Zoning Committee shall all reside within the town of Auburndale. Terms shall be staggered for three-year periods. Of those first appointed, one shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases and until their successors are appointed. The members shall receive such compensation as determined by the Town Board.
- (3) The members of the Zoning Committee shall be removable by the Town Chairman for cause upon written charges and after public hearing before the Town Board.

**9.03 General Powers of the Zoning Committee.** The Zoning Committee shall have the following powers:

- (1) To review requests, conduct public hearings and make recommendations for amendments to the zoning text and official zoning map and forward such recommendations to the Town Board.
- (2) To conduct public hearings in response to conditional use petitions and recommend approval, modification or denial of the petition to the Town Board together with a list of conditions to be met by the petitioner.
- (3) To hear petitions for variances from the terms of this ordinance that will not be contrary to the public interest, where, owing to conditions peculiar to a specific lot or tract of land, a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, and so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done and recommend approval, modification or denial of the petitions to the Town Board.

In every case where a variance from these regulations has been recommended by Zoning Committee, the minutes of the Committee shall affirmatively show that a “practical difficulty” or “unnecessary hardship” exists and the records of the Committee shall clearly show in what particular and specific respects a “practical difficulty” or an “unnecessary hardship” is created. [For further information, see the “note” in Section 10.03 (3)]

- (4) Interpret the provisions of this ordinance in such a manner as to carry out the intent and purpose of the plan as shown on the district map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the district map.

**9.04 Principles Guiding Zoning Committee Decisions.** The following are principles that shall guide the Zoning Committee in their consideration of variances to this ordinance:

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

### **9.06 Rules, Meetings, Minutes.**

(1) Meetings of the Zoning Committee shall be held at the call of the chairman and at such other times as the Committee may determine. All meetings of the Board shall conform to the Wisconsin Open Meetings Law.

(2) The Zoning Committee shall keep minutes of its proceedings, and shall keep records of its examinations and other official actions, all of which shall be maintained and filed with the Zoning Committee Secretary and/or Town clerk and shall be a public record.

(3) The Zoning Committee shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Committee's decision to the appellant or applicant, Building Inspector, and Town Board.

Variations recommended by Zoning Committee and granted by the Town Board shall expire within six months of issuance unless:

- (A) Substantial work in compliance with the grant has commenced; or
- (B) The Zoning Committee or Town Board has specified, at time of issuance of the grant, a different date of termination; or
- (C) The Zoning Committee or Town Board has determined that events other than only the passage of time shall determine the date of termination, in which case such events and/or times shall be specified in the grant.

## SECTION 10. BOARD OF APPEALS

**10.01 Establishment.** There is hereby established a Board of Appeals, pursuant to Sections 60.62, 61.35 and 62.23(7)(d)3(e), Wisconsin Statutes, for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, of making special exceptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

### 10.02 Membership

(1) The Board of Appeals shall consist of five (5) members, appointed by the Town Chairman, subject to confirmation by the Town Board, with at least one, but not more than one town supervisor being a member of the Board of Appeals. At least one, but not more than one member of the Zoning Committee shall be a non-voting member of the Board of Appeals. The town Chairman shall appoint one of the members as Chairperson. The board of appeals shall elect one of its members as secretary. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The town Chairman may appoint, for staggered terms of three (3) years, two (2) alternate members to the Board of Appeals, in addition to the five members above provided for. Annually, the Town Chairman shall designate one of the alternate members as 1<sup>st</sup> alternate and the other as 2<sup>nd</sup> alternate. The 1<sup>st</sup> alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The 2<sup>nd</sup> alternate shall so act only when the 1<sup>st</sup> alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

(2) The members of the Board of Appeals shall all reside within the town of Auburndale. Terms shall be staggered for three-year periods. Of those first appointed, one shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases and until their successors are appointed. The members shall receive such compensation as determined by the Town Board.

(3) The members of the Board of Appeals shall be removable by the Town Chairman for cause upon written charges and after public hearing before the Town Board.

**10.03 General Powers of the Board.** The board of Appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector or other administrative official in the enforcement of this ordinance.

(2) To hear and decide special exceptions to the terms of this ordinance.

(3) 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 peculiar to a specific lot or tract of land, a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, and so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a “practical difficulty” or “unnecessary hardship” exists and the records of the Board shall clearly show in what particular and specific respects a “practical difficulty” or an unnecessary hardship” is created.

**Note:** *Over the years, court cases have established rules for considering variance requests. When considering the variance, the Board of Appeals must act as an agent of the Town of Auburndale, not of the property owner. It is the Board’s duty to preserve the ordinance without modification as far as possible while ensuring substantial justice for the individual. A variance is not available as a convenience to the property owner. A loss of profit is not, in itself, grounds for a variance. Unique topography of a parcel, or unique shape which would make some setbacks impossible although the overall size is adequate, are examples of when variances would be used. See Section 9.04.*

(4) To permit the erection and use of a building or premises in any location, subject to appropriate conditions and safeguards in harmony with the general purposes of this ordinance, for such public utility purposes which are reasonably necessary for public convenience and welfare.

**10.04 Specific Powers of the Board.** In addition to the general powers listed in Section 10.03, the Board of Appeals shall have the following specific powers:

(1) 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 one year.

(2) Grant a permit for the extension of a district boundary of a distance not more than twenty-five (25) feet ONLY where the boundary of a district divides a lot in a single ownership at the time of the adoption of this ordinance.

(3) Interpret the provisions of this ordinance in such a manner as to carry out the intent and purpose of the plan as shown on the district map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the district map.

(4) The Board of Appeals 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 the other departments to render assistance as may be reasonably required.

(5) Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting, in any district, uses prohibited by this ordinance in such district.

(6) In exercising the foregoing powers, the Board of Appeals may, in appropriate cases, establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

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

(1) The burden is upon the appellant to prove the need for a variance.

(2) Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for granting a variance.

(3) The Board is bound to accept the zoning ordinance and map as being correct.

(4) The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than his own action.

(5) The hardship justifying a variance must apply to individual appellant's parcel or structure and not generally to other properties in the same district.

(6) The variance must not be detrimental to adjacent properties.

(7) The Board of Appeals, in fulfilling its duties, may modify, alter, or change any application.

**10.06 Rules, Meetings, Minutes.**

(1) The Board of Appeals shall adopt rules in accordance with the provisions of this ordinance.

(2) Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

(3) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, including the Board's findings of facts and the reasons for its determination, all of which shall be immediately filed in the office of the Board and shall be a public record.

#### **10.07 Appeals to the Board and Appeals Fees.**

(1) Appeals to the Board of Appeals may be taken by any persons aggrieved or by an officer, department, or board of the town affected by any decision of the building inspector or other administrative officer.

(2) The 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 Building Inspector or with the Secretary of the Board of Appeals, a written notice of appeal specifying the grounds of the appeal. The Building Inspector shall, at his earliest convenience, transmit to the Board, all the papers constituting the records upon which the action appealed from was taken.

(3) 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.

(4) All appeals and petitions shall include the name and address of the appellant or petitioner and all abutting and opposite property owners of record, within 500 feet of the property subject to appeal.

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

**10.09 Hearing.** The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and shall give due notice to the parties in interest, including publication of a hearing notice and mailing notice thereof to abutting and opposite property owners of record and to the Building Inspector, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

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

**10.11 Decision.**

(1) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

(2) 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, and Town Board.

Conditions may be placed upon any zoning permit ordered or authorized by this Board.

Variances granted by the Board shall expire within six months of issuance unless:

(A) Substantial work in compliance with the grant has commenced: or

(B) The Board has specified, at time of issuance of the grant, a different date of termination; or

(C) The Board has determined that events other than only the passage of time shall determine the date of termination, in which case such events and/or times shall be specified in the grant.

**10.12 Court Review.**

(1) 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.

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

## **Section 11. ENFORCEMENT, VIOLATIONS, AND PENALTIES**

**11.01 Enforcement.** The Town Board shall appoint a Building Inspector, who shall receive compensation at an amount set by the Town Board. It shall be the duty of the Building Inspector, with the aid of the Town Constable, to enforce the provisions of this ordinance.

**11.02 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 the case of any violation, the Town Board, Building Inspector, or any property owner who would be legally damaged by the violation may institute appropriate action to enjoin a violation of this ordinance.

**11.03 Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction of the violation, forfeit not less than \$10.00 no more than \$200.00, plus costs, of prosecution for each offense and, in default of any such forfeiture and cost, shall be imprisoned in the County Jail until payment thereof, but not to exceed thirty (30) days for each violation. Each day that a violation continues shall constitute a separate offense.