



TOWN OF BELLE PLAINE

Zoning Ordinance #34-94

THIS ORDINANCE IS ESTABLISHED TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE: TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES: AND FOR THE SAID PURPOSES TO DIVIDE THE TOWN OF BELLE PLAINE, SHAWANO COUNTY, WISCONSIN, INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT THE SAID PURPOSES: TO PROVIDE A METHOD FOR ITS ADMINISTRATION AND ENFORCEMENT, AND TO PROVIDE PENALTIES FOR ITS VIOLATION.

THE TOWN OF BELLE PLAINE, SHAWANO COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1. Interpretation and Purposes.

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Belle Plaine, Shawano County, Wisconsin.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where the ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Section 2. General Provisions.

A. Jurisdiction

The provisions of this ordinance shall apply to the land, water, air and all structures both above and below ground within the Town of Belle Plaine.

B. Compliance

1. The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
2. No lot area shall be so reduced that the yards and open spaces are smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations established for the district in which a building or premises is located. No part of a yard or court, 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.

3. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.
4. Any new construction in a Residential Zone must have the exterior of such structure in a finished appearance after a minimum period of time of one year.
5. Nothing herein shall require any change in the plans, construction size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which has commenced within six months of the date when such permit was issued.
6. The open storage of junk, salvage, debris or inoperable vehicles is prohibited.
7. No house trailer or mobile home shall be parked in the Town of Belle Plaine unless such mobile home complies with this ordinance and any applicable provisions of the Town of Belle Plaine Mobile Home Park Ordinance.

C. Area Regulations

1. A land parcel may not be divided if such a division would result in the creation of a land parcel which does not meet the area or dimensional requirements of the zoning district in which the parcel is located.
2. Lots recorded in the Shawano County Register of Deeds office prior to the date of adoption of this ordinance may be used for purposes permitted in the zoning district in which the lot is located provided that the lot is not less than 7,200 square feet in area and has a minimum width of 50 feet. All other dimensional requirements of this ordinance shall be complied with in so far as practical.

D. Use Regulations

1. Home Occupations. Home occupations may be conducted in the districts where they are listed as permitted uses provided that the home occupation is carried out solely by persons residing on the premises, that it is incidental to use of the property for residential purposes, that it does not generate noise, smoke, dust, odor or glare beyond what would typically be associated with domestic uses, that goods offered for sale are limited to those produced on the premises, that there is no outdoor storage of material or equipment associated with the home occupation, and that signage shall be limited to a single sign, not exceeding six square feet in area.
2. Accessory Uses and Structures. Accessory structures and uses shall be permitted provided they are incidental to and compatible with the principal use of the property. Accessory buildings in the Residential Zoning District shall not individually or collectively exceed 1,200 square feet in area unless a conditional use permit authorizing a larger building or buildings has been granted by the zoning committee.

*Accessory buildings may be located within side and rear yard areas of any zoning district, but may not be located within 7 1/2 feet of any property boundary.

Any specific limitation on accessory uses or structures set forth in the individual zoning districts shall apply. Accessory structures or uses shall not be established prior to the issuance of a building permit for the principal use and shall not be used for human occupancy.

E. Yard Regulations

1. Determination of yard areas in adjoining districts. 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 two districts which abut the district boundary line.

F. Setback Regulations

Structures shall be setback the greater of the two distances listed for the type of street or highway the use abuts according to the following schedule:

<u>Type of Street</u>	<u>Required Setback</u>
Town Roads	63 feet from centerline 30 feet from right-of-way line
County Trunk Highways	75 feet from centerline 42 feet from right-of-way line
State or Federal Highways	110 feet from centerline 50 feet from right-of-way line

Setback is determined by measuring from the street centerline or right-of-way (ROW) line to the nearest point on the building or structure. A setback less than that required may be permitted by the Zoning Administrator where there is an adjacent building within 200 feet whose setback is less than the minimum. In such case, the setback may be reduced to the average of the adjacent principal structures, or if only one structure adjoins, the average of that structure and the required minimum, but in no case shall the setback be less than 30 feet from the street centerline or 20 feet from the edge of pavement, whichever is greater.

G. Visual Clearance

At every street intersection there shall be a visual clearance triangle bounded by the street centerlines and a line connecting them according to the following schedule:

Town Roads	150 feet
County Trunk Highways	200 feet
State or Federal Highways	300 feet

If two highways of a different class intersect, the greater distance shall apply to both centerlines.

Within this triangle, no object over two feet above the grade of the street centerline shall be permitted. Natural vegetation, agricultural crops, posts and open fences are exempted from this requirement.

H. Height Regulations and Exceptions

1. Heights of the following structures may exceed the maximum height established for the zoning district in which such use is proposed to be located: cooling towers, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antennae and mechanical appurtenances and barns, silos and other structures designed for the storage of agricultural crops.
2. Within the approach area of any airport or landing strip (a trapezoidal area with an inner width at the runway threshold of 250 feet, a length of 5,000 feet from the threshold to the outer width, and an outer width of 1,250 feet) the height of any object shall not exceed 1/20th the distance to the runway threshold.

I. Non-Conforming Uses

1. The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance for the district in which it is located, but such non-conforming use shall not be extended.
2. If no structural alterations are made, the non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted non-conforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
3. If a non-conforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulation for the district in which it is located.
4. Whenever a building containing a non-conforming use is damaged by fire, explosion, act of God or the Public Enemy to the extent of more than 50 per cent of its current assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total cost of structural repairs or alterations to any non-conforming use shall not exceed 75 per cent of the assessed value of the building at the time of its becoming a non-conforming use, unless permanently changed to a conforming use.

C. Parking and Loading Areas

1. Sufficient space for the loading or unloading of vehicles shall be provided on the premises in connection with any commercial or

industrial use so that the alley shall at all times be free and unobstructed to the passage of all traffic.

2. All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected, except such as are rebuilt on the sites occupied at the time of the adoption of this ordinance, shall provide an accessible parking space of sufficient size to accommodate at least one car for every five seats provided.
3. All commercial uses shall provide a minimum of 4 parking spaces on the premises with 2 additional parking spaces to be provided for each 500 square foot increment of floor area in excess of 1,000 square feet.
4. All industrial uses shall provide a minimum of one parking space per employee.

Section 3. Zoning Districts

For the purpose of this ordinance, the Town of Belle Plaine, Shawano County, Wisconsin is hereby divided into five districts, as follows:

1. Residential District
2. General Agricultural District
3. Class I Agricultural District
4. Commercial District
5. Industrial District
6. Open Space/Natural Resource Preservation District

The boundaries of the aforesaid districts are hereby established as shown on the map entitled the "Town of Belle Plaine Zoning District Map," for the Town of Belle Plaine, Shawano County, Wisconsin, adopted November 1, 1967, which map accompanies and is made a part of this ordinance. All notations and references shown on the district map are as much a part of this ordinance as though specifically described herein. In subdivided property, the district boundary lines shown on the district map shall be determined by use of the scale shown on such map.

1. Residential District

A. Dimensional Standards

1) Minimum Lot Size

- a) Single Family Dwellings
 - Sewered Lots: 12,000 square feet
 - Unsewered Lots: 20,000 square feet
- b) Two Family Dwellings
 - Sewered Lots: 16,000 square feet
 - Unsewered Lots: 25,000 square feet
- c) Multi-Family Dwellings
 - Sewered Lots: 16,000 square feet
 - Unsewered Lots: 25,000 square feet

An additional 5,000 square feet shall be added to the minimum lot size for each dwelling unit over 2.

- 2) Minimum Width: 100 feet at front setback line
- 3) Maximum Height: 35 feet
- 4) Yard and Setback
 - a) Minimum Front Yard
 - See Section 2, F. (Highway Setback)
 - b) Minimum Side Yard
 - Sewered Lots: 10 feet
 - Unsewered Lots: 15 feet
 - c) Minimum Rear Yard
 - Sewered Lots: 15 feet
 - Unsewered Lots: 20 feet
 - d) Minimum Water Setback: 75 feet
- 5) Minimum size of a dwelling 784 square feet

B. Permitted Uses

- 1) Single Family Dwelling
- 2) Home Occupations
- 3) Production of Field Crops, Fruits and Vegetables

C. Conditional Uses

- 1) Two Family Dwelling
- 2) Multi-Family Dwelling
- 3) Mobile Home Placed Outside of a Mobile Home Park
- 4) Mobile Home Park
- 5) Public Utility Structures
- 6) Public and Semi-Public Buildings
- 7) Day Care Center
- 8) Cemetery

2. General Agricultural District

A. Dimensional Standards

- 1) Minimum Lot Size
 - Sewered Lots: 1 acre
 - Unsewered Lots: 1 acre
- 2) Minimum Width: 100 feet at front setback line
- 3) Maximum Height: 35 feet
- 4) Yard and Setback
 - a) Minimum Front Yard
 - See Section 2,F. (Highway Setback)
 - b) Minimum Side Yard
 - Sewered Lots: 20 feet
 - Unsewered Lots: 20 feet
 - c) Minimum Rear Yard
 - Sewered Lots: 20 feet
 - Unsewered Lots: 20 feet
 - d) Minimum Water Setback: 75 feet
- 5) Minimum size of a dwelling 784 square feet

B. Permitted Uses

- 1) General Agriculture
- 2) Single Family Dwelling
- 3) Home Occupations

C. Conditional Uses

- 1) Mobile Home Placed Outside of a Mobile Home Park
- 2) Two-family Dwelling
- 3) Public Utility Structures
- 4) Public and Semi-Public Buildings
- 5) Day Care Center
- 6) Cemetery
- 7) Club or Lodge
- 8) Sanitary Landfill, sited in compliance with county standards
- 9) Nurseries and Greenhouses
- 10) Airport/Landing Strip
- 11) Quarries/Mineral Extraction

3. Class I Agricultural District

A. Dimensional Standards

- 1) Minimum Lot Size: 40 acres or fractional forties, except as provided in subsection (a.) of this section.
 - a.) Where a residence exists as part of a 40 or fractional 40, an additional parcel may be created to separate the residence from the remainder of the original parcel provided that the residence was in existence prior to January 1, 1994, and that the parcel so created does not exceed 5 acres.
- 2) Minimum Width: 100 feet at front setback line
- 3) Maximum Height: 35 feet
- 4) Yard and Setback
 - a) Minimum Front Yard
See Section 2,F. (Highway Setback)
 - b) Minimum Side Yard: 20 feet
 - c) Minimum Rear Yard: 20 feet
 - d) Minimum Water Setback: 75 feet
- 5) Minimum size of a dwelling 784 square feet

B. Permitted Uses

- 1) Agriculture, including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture and viticulture.
- 2) Single Family Dwelling
- 3) Home Occupations

C. Conditional Uses

- 1) Mobile Home Placed Outside of a Mobile Home Park
- 2) Public Utility Structures

4. Commercial District

A. Dimensional Standards

1) Minimum Lot Size

Sewered Lots:	12,000 square feet
Unsewered Lots:	20,000 square feet

2) Minimum Width: 100 feet at front setback line

3) Maximum Height: 35 feet

4) Yard and Setback

a) Minimum Front Yard

See Section 2, F. (Highway Setback)

b) Minimum Side Yard

20 feet

c) Minimum Rear Yard

20 feet

B. Permitted Uses

- 1) Banks and other Financial Institutions
- 2) Business and Professional Offices
- 3) Businesses offering Personal Services
- 4) Medical and Dental Clinics
- 5) Funeral Homes
- 6) Laundromats
- 7) Restaurants
- 8) Hotels and Motels
- 9) Retail stores and shops
- 10) Public and Semi-Public Buildings
- 11) Day Care Establishments
- 12) Club or lodge

C. Conditional Uses

- 1) Automobile Sales and Service
- 2) Automotive and Truck Fuel Sales
- 3) Farm and Heavy Equipment Sales and Service
- 4) Boat and Recreational Vehicle Sales and Service
- 5) Mobile Home Sales
- 6) Lumber Yards and Building Supply Centers
- 7) Public Utility Structures
- 8) Taverns

5. Industrial District

A. Dimensional Standards

1) Minimum Lot Size

Sewered Lots:	12,000 square feet
Unsewered Lots:	20,000 square feet

2) Minimum Width: 100 feet at front setback line

3) Maximum Height: 35 feet

4) Yard and Setback

a) Minimum Front Yard

See Section 2, F. (Highway Setback)

b) Minimum Side Yard: 20 feet

c) Minimum Rear Yard: 20 feet

B. Permitted Uses

- 1) Machinery Manufacturing and Assembly
- 2) Food Processing and Packaging
- 3) Lumber and Millwork Manufacturing
- 4) Furniture and Fixture Manufacturing and Assembly
- 5) Metal Fabrication and Machinery Repair
- 6) Printing and Publishing
- 7) Manufacture and Assembly of Transportation Equipment
- 8) Manufacture and Assembly of Instruments and Electrical Devices
- 9) Shoe and Apparel Manufacture and Assembly
- 10) Paper Converting
- 11) Warehousing

C. Conditional Uses

- 1) Automobile and Scrap Metal Salvage Yards
- 2) Contractor's Storage Yards
- 3) Trucking and Freight Terminals
- 4) Wholesale Fuel Storage and Distribution
- 5) Chemical Manufacturing and Processing
- 6) Foundries and Forging Operations
- 7) Public Utility Structures
- 8) Mineral Extraction and Processing Operations
- 9) Concrete or Asphalt Batch Plants

5. Open Space/Natural Resource Preservation District

A. Dimensional Standards

- 1) Minimum Lot Size: 40 acres or fractional forties
- 2) Minimum Width: 100 feet at front setback line
- 3) Maximum Height: 35 feet
- 4) Yard and Setback
 - a) Minimum Front Yard
See Section 2,F. (Highway Setback)
 - b) Minimum Side Yard: 20 feet
 - c) Minimum Rear Yard: 20 feet
- 5) Minimum size of a dwelling 784 square feet

B. Permitted Uses

- 1) Agriculture, including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture and viticulture.
- 2) Single Family Dwelling
- 3) Home Occupations
- 4) Hunting or Fishing Shelter
- 5) Park, Playground or Playfield
- 6) Fish Hatcheries and Farm Ponds
- 7) Wildlife Preserves

C. Conditional Uses

- 1) Mobile Home Placed Outside of a Mobile Home Park
- 2) Public Utility Structures
- 3) Recreational, Religious and/or Youth Camps
- 4) Camping Areas

Section 4 Zoning Administrator, Appointment, Duties

1. Appointment. A Zoning Administrator shall be appointed by the Town Board.
2. Duties. The Zoning Administrator shall examine all plans, blueprints, etc., of all new buildings to be constructed, extended or remodeled or moved within the Town of Belle Plaine. The Zoning Administrator shall collect all permit fees and issue all permits, subject to approval by the Town Planning Committee, Board of Appeals, or Town Board as may be required under the terms of this ordinance.

The Zoning Administrator shall make an inspection of each site where any building is proposed to be constructed, extended, remodeled, or moved within the town before such work has commenced for the purpose of checking distances of proposed construction relative to setback from highways and property lines and compliance with all other provisions of this ordinance. The Zoning Administrator shall make periodic checks of any construction in progress and shall have the authority to halt any construction or reconstruction when such construction or reconstruction or remodeling is not in compliance with this ordinance. The Zoning Administrator may immediately revoke the building permit and such permit shall not be reissued unless the proper corrections have been made to bring the activity into compliance with the zoning ordinance.

Section 5 Building Permits

1. A building permit shall hereafter be required for the construction, reconstruction, remodeling or moving of any building whenever the cost of such is estimated to be over the amount of \$1,000.00.
2. Application for a building permit shall be made to the Zoning Administrator on a form furnished by the Zoning Administrator.
3. Such application shall include a site plan which shows the dimensions and area of the lot or parcel, the location and dimensions of existing and proposed structures, the location of street or highway access, the elevation of proposed structures relative to centerline of an adjoining street on highway, and a description of existing surface water drainage patterns and any changes stemming from development of the parcel, and a description of the erosion control measures proposed in conjunction with any new development involving the filling or grading of areas greater than 5000 square feet.
4. Any building permit so issued shall show the owner or owners of such property upon which the proposed construction or use is to take place, and include a description of the property as described in the town assessment roll, and show the estimated cost of the proposed construction, reconstruction, remodeling or moving project.
5. The Zoning Administrator shall issue a notice to the Town Clerk and the Town Assessor whenever a building permit is issued. Such notice shall be made by the Zoning Administrator on a form furnished by the town.

Section 6 Town Planning Committee

1. Creation and Composition

A Town Planning Committee shall be established in conjunction with this Ordinance and shall be a part thereof as provided by Wisconsin Statute 62.23.

- A. Membership The Town Planning Committee shall consist of 8 members. Five members shall be appointed at large by the Town Board. In making such appointments, the Town Board shall endeavor to select members which represent a diversity interests in land use and development issues. The remaining three positions on the Planning Committee shall be filled by Town of Belle Plaine board members.
- B. Terms Planning Committee members shall serve for 3 year terms, except that of those first appointed, when two shall serve for one year, three for two years, and three for three years. The members shall serve without compensation unless the Town Board shall order or vote to compensate such members at the time of their appointment. Planning Committee members shall be removable by the Town Board for cause upon written charges and after a public hearing. The Town Board shall designate one of the members as Chairman and shall also appoint an alternate member for a term of 3 years who shall act with full power, only when a member of the Town Planning Committee refuses to act because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

2. Duties

The Town Planning Committee shall:

- A. Review all proposed changes and amendments to the zoning ordinance and report its recommendation to the Town Board. Such report shall recommend approval, denial or modifications to the proposed change or amendment to the ordinance based upon the purpose and intent of the zoning ordinance.
- B. Review all conditional use permit applications and authorize the Zoning Administrator to issue a Conditional Use Permit for those conditional uses which it finds to be consistent with the purpose and intent of the zoning ordinance.

On passing upon conditional use applications the Planning Committee may establish safeguards and conditions in harmony with the terms of this Ordinance including but not limited to the size and location of structures, setbacks, lot coverage, grading and drainage, landscaping, fencing and screening, and hours of operation.

- C. Make recommendations to the Town Board concerning land use and development within the town.

- D. Hear and decide all other matters upon which it is required to pass under this ordinance.

Section 7 Board of Appeals

1. Creation and Composition

A Board of Appeals is hereby established.

- A. Membership The Board of Appeals shall consist of five members appointed by the Town Board.
- B. Terms Board of Appeals members shall serve for 3 years, except that of those first appointed when one shall serve for one year, two for two years and two for three years. The members shall serve without compensation unless the Town Board shall order or vote to compensate such members at the time of their appointment. The members of the Board of Appeals shall be removable by the Town Board for cause upon written charges and after public hearing. The Town Board shall designate one of the members Chairman.

The Town Board shall appoint an alternate member for a term of three years, who shall act with full power, only when a member of the Board of Appeals refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

2. Rules on Conduct:

- A. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- B. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.
- C. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the Town of Belle Plaine affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the

Hearing of Appeals and give public notice thereof, as well as due notice thereof, to the parties of interest, and shall decide the same within a reasonable time.

3. Powers of the Board of Appeals

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Zoning Administrator in the enforcement of this Ordinance.
- B. To authorize, upon appeal in the specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest owing to special conditions a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done.
- C. 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.
- D. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and 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 powers of the Zoning Administrator. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision 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 requirement of this Ordinance.
- E. In addition to the foregoing, the Board of Appeals shall have the following specific powers:
 - (1) Grant a permit for a temporary building for commerce or industry in a residence district which is incidental to the residential development, such permit to be issued for a period for not more than one year.
 - (2) 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 a single ownership at the time of the adoption of this Ordinance.
 - (3) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the zoning district map where the actual location of streets, structures or other land or water features is not consistent with the location shown on the zoning district map.

Section 8 Changes and Amendments

Whenever public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance and upon recommendation of the Town Planning Committee, change the zoning district boundaries or amend, change or supplement zoning regulations provided that such change or amendment is consistent with the general purpose and intent of this ordinance.

1. Initiation A change or amendment may be initiated by the Town Board, Planning Committee, Zoning Board of Appeals, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.
2. Application An application for an amendment shall be filed with the Zoning Administrator. Said application shall be reviewed by the Town Zoning Committee with a written recommendation submitted thereon to the Town Board for final action. Applications for any change to the district boundaries or amendments to the regulations shall describe the district boundaries or amendments to the regulations 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. Plot plan drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and current use of all properties within five hundred (500) feet of the area proposed to be rezoned.
 - b. Owner's names and addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned.
 - c. Additional information required by the Town Planning Committee or Town Board.
 - d. Receipt from the Zoning Administrator indicating that all application fees have been paid.
3. Findings and Recommendations
 1. The Town Planning Committee shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
 2. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Planning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - a. Existing uses of property within the general vicinity of the proposed amendment.
 - b. Zoning classification of property within the general vicinity of the proposed amendment.

- c. Suitability of the land for the proposed uses.
- d. Development trends in the vicinity of the proposed amendment.
- e. The Planning Committee shall not recommend adoption of the proposed amendment unless it finds that the adoption of the amendment is in the public interest and is not solely for the interest of the applicant.

4. Hearings

The Town Clerk shall notify all property owners within five hundred (500) feet of the land parcel or parcels in question and cause a Class 2 notice to be published complying with Chapter 985 of the Wisconsin Statutes. Such notice shall list the time, place of the public hearing, and describe the proposed changes or amendments proposed. The Town Clerk shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

5. Town Board Action

- 1. The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Town Planning Committee on the proposed amendment.
- 2. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, being duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changed or amendments shall not become effective except by the favorable vote of the full Town Board membership.
- 3. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

Section 9 Violation and Penalties

Any person violating any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and the costs of prosecution and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

Section 10 Validity

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be valid.

This Ordinance shall be deemed to be in force from and after its passage, approval, publication and recording, according to law.

Section 11 Conditional Use Permit

1. General Provisions

Any use listed as a conditional use in this Ordinance may be permitted only upon application to the Zoning Administrator, review and approval by the Town Planning Committee and issuance of a Conditional Use Permit as authorized by the Town Planning Committee. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this ordinance.

2. Application

The application for a conditional use permit shall be filed with Zoning Administrator on forms furnished by the Zoning Administrator. The application shall be accompanied by a site plan and description of the proposed use including all applicable information described in Section ____ of this ordinance.

3. Hearing on Application

Upon receipt of the Conditional Use Permit application, the Town Planning Committee shall hold at least one (1) public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before the Committee shall be given as a Class I notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as owners of property within 200 feet of the property boundary of the proposed conditional use.

4. Standards Applicable to All Conditional Uses

In passing upon a Conditional Use Permit application, the Town Planning Committee shall consider the following factors:

- a. The location, nature, and size of the proposed use.
- b. The size of the site in relation to it.
- c. The location of the site with respect to existing or future roads giving access to it.
- d. Its compatibility with existing uses on adjacent lands.

- e. Its harmony with the future development of the district.
- f. Existing topography, drainage, soil types, and vegetable cover.
- g. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

5. Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Town Planning Committee may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include, but are not limited to landscaping, architectural design, type of construction, construction commencement and completion date, lighting, fencing, location, size and number of signs, hours of operation, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens operational restrictions, highway access restrictions, increased yards. Any conditions stipulated by the Town Planning Committee shall be attached to and made part of the conditional use permit. A file containing the conditional use permit applications shall be maintained in the office of the Town Clerk.

6. Conditions for Selected Conditional Uses:

A. Dumps and Sanitary Landfills

No garbage dump or sanitary landfill shall be permitted in the Town of Belle Plaine except in conformance with a plan approved by the Town Planning Committee.

B. Farm Equipment Sales, Service and Repairs

Farm equipment sales, service and repairs shall be conducted on a site of no less than 20,000 square feet. All storage of equipment shall be at least 50 feet from highways or roads and at least 200 feet from any residential property. If the Planning Commission deems the operation will take on characteristics of a junk yard they may require a hedge planting of sufficient size to screen the area from the public right-of-way.

C. Junk or Salvage Yard

No junk or salvage yards shall be permitted in the Town of Belle Plaine except in conformance with a plan approved by the Town Planning Committee. Such yards shall comply with the following requirements.

- (1) A salvage or junk yard consists of two or more inoperable vehicles.
- (2) Junk or salvage materials shall not be located within 600 feet of public roads, streets and highways, and all establishments of this kind shall have a minimum side and rear yards of 100 feet each.
- (3) Junk or salvage materials shall be enclosed by a suitable fence

or planting screen for that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be kept in good repair.

- (4) Junk or salvage materials shall not be piled higher than the height of the fence, nor against the fence.
- (5) For fire protection, an unobstructed firebreak shall be maintained one rod in width and completely surrounding the salvage or junk yard.

D. Mobile Homes Outside of Mobile Home Parks

The Town Planning Committee shall consider the appearance and design of other housing in the general vicinity of where the mobile home is proposed to be located and may deny the application for a conditional use permit if it determines that a mobile home is not compatible with other types of housing in the area. Permits issued under this section are not assignable or transferrable to any person or persons without the approval of the Town Planning Committee.

If the Town Planning Committee determines that a mobile home meets the above criteria, a conditional use permit may be issued provided:

- (1) The mobile home has a minimum floor area of at least 784 square feet.
- (2) The mobile home is not more than 4 years old or, in lieu of this requirement, the applicant shall issue the following information to the Town Planning Committee:
 - a. Color photographs clearly showing all sides of the mobile home unit.
 - b. A statement of inspection by a licensed appraiser listing the estimated value of the home or, a statement of the purchase price if the mobile home has been purchased within 6 months of the date of application.
 - c. Any additional information deemed necessary by the Zoning Administrator for full evaluation of the mobile home.
- (3) The unit is placed on a permanent foundation with adequate anchorage to prevent wind damage. Such foundation shall totally enclose the lower portion of the unit and be of fireproof materials.
- (4) The unit is placed on a land parcel sized according to the following schedule:

a. Residential Zoning District	5 acres
b. General Agricultural District	5 acres
c. Class I Agricultural District	40 acres

E. Quarrying and Mining

Applications requesting Planning Committee approval of a proposed quarrying activity shall be accompanied by:

- (1) A description of all phases of the contemplated operations including type of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
- (2) A legal description of the proposed site.
- (3) A topographic map (at minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.
- (4) A restoration plan is hereinafter required.

Consideration of Compatibility - -

In reviewing a proposal for a quarrying activity, the Town Planning Commission shall take into consideration:

- (1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
- (2) The possibility of soil erosion as a result of the proposed operation.
- (3) The most suitable land use for the area, and its effect on the land use in adjacent areas.

Restoration Plan and Financial Guarantee Required - -

No grant to carry on a quarrying operation shall be given until the Town Planning Committee approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as provided in the conditional use permit or within 6 months after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form by the district attorney.

F. Roadside Stand

Any roadside stand or similar use shall conform to setback, sign and other provisions of this ordinance, but may be ordered removed by the county highway committee if said committee determines that it constitutes a traffic hazard or nuisance. Such removal shall be at the land owners cost if such stand was established after the effective date of this ordinance, otherwise the removal cost shall be a consideration of the highway committee and the land owner, but the county shall in no way be obligated to pay the cost of removal of such stands.

G. Shooting Ranges for Firearms

- (1) In granting a conditional use permit for target ranges, the Planning Committee shall evaluate:
 - a. Potential hazards to adjacent uses.
 - b. Topography and ground cover.
 - c. Noise
- (2) The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable waters, public or private roads or drives; toward any building or structure, not directly toward any population concentration which is located within 1¼ miles.
- (3) There shall be:
 - a. An adequate shotfull or bullet impact area.
 - b. A defined firing line or firing direction.
 - c. Adequate target backstops for the firing of rifled arms.
- (4) Shooting ranges shall be clearly identified by signs not less than 4 square feet in gross area located at intervals of not less than 25 yards around the perimeter and ranges shall be securely fenced off from adjacent lands and waters.

H. Camping Areas

Chapter H 78, Department of Health Administration Code, adopted by reference.

I. Multi-Family Dwellings

J. Hospitals, Nursing Homes, Cemeteries, Rehabilitative Homes or Centers

Section 12 Mobile Home Parks

*add
date*
No mobile home park (Park) shall be located in the Town of Belle Plaine except in conformance with a plan approved by the Town Zoning Committee. Parks shall comply with the terms of this ordinance and Chapter HSS 77 of the Wisconsin Administrative Code (as a condition of compliance with this ordinance) and any subsequent amendments to either. The Town Zoning Committee may require the applicant to provide a plan of operation describing the design, management and operation of the Park. In addition to any other applicable regulations, the

Park shall meet the following requirements:

- (1) Definitions:
 - (a) "Licensee" means any person licensed to operate and maintain a mobile home Park under this section.
 - (b) "Licensing authority" means this town.
 - (c) "Park" means mobile home park.
 - (d) "Person" means any natural individual, firm, trust, partnership, association or corporation.

- (e) "Mobile home" is that which is, or was as originally constructed designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances. This includes the term "manufactured home" for units made in compliance with federal regulation on or after June 15, 1976 that otherwise meet the definition herein.
- (f) "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.
- (g) "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.
- (h) "Unit" means a single mobile home.
- (i) "Mobile home park" means any plot or contiguous plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for accommodation.
- (j) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(2) License Requirement:

It shall be unlawful for any person to maintain or operate within the limits of the town any mobile home park unless such person shall first obtain from the town a license therefor. All such Parks in existence on August 9, 1953 shall have obtained a license within 90 days thereafter, and in all other respects comply fully with the requirements of this section except that the licensing authority shall upon application of a Park operator, waive such requirements that would impose prohibitive reconstruction costs if such waiver does not affect sanitation requirements of the town or state or create or permit to continue any hazard to the welfare and health of the community and the Park occupants.

(3) License Application:

An application for each such license shall be filed in writing with the Town Clerk, which application shall disclose:

- (a) the name and address of applicant;
- (b) the name and address, including street with number when available, citizenship and age of each natural person, each partner, and each officer and director of a corporation or limited liability company (LLC);
- (c) the title of any partner, corporate officer or director; the name and address of any registered agent within Wisconsin authorized to accept service of process, the name, address and telephone number of any Park manager;
- (d) the state of incorporation, and if different than Wisconsin, a statement that applicant is duly authorized to do business in the town;
- (e) the name under which such Park will be maintained and operated; a legal description and road address identification with fire number; a sketch showing area and improvements, and an explanation of the method of operation that will be used if a license is issued.

(4) License Fee:

- (a) All licenses issued under this Ordinance shall be issued by the Town Board and shall be effective from the date of issue to the next succeeding January 1, unless sooner revoked as provided herein. Application for renewal of a license shall be filed in the same manner as for the original license. The fee for each license or renewal shall be \$100 for each 50 spaces or fraction thereof, which is the maximum currently allowed at ordinance adoption, under Wisconsin Statute 66.058. In the event the statutory minimum is raised, this ordinance fee shall also increase in line with the statutory maximum, unless the town board takes other action. Such fee shall accompany the application, in the form of cash, certified check, cashier's check or postal money order unless the applicant has previously paid by personal or corporate check that was honored and the clerk is willing to accept such payment. In the event less than one year remains before license expiration, the license fee shall be pro-rated for the number of months remaining in the calendar year, counting from the planned commencement date which is in the first day of the next calendar month, unless planned to open in the first 15 days of the calendar month, in which case that month is included in the pro-ration. No license shall be transferable as to location or holder thereof without town board review and an additional \$10 fee.
- (b) No licenses shall be issued by said town board in excess of three at any one time. Nothing herein contained shall be construed to make mandatory the granting of licenses to the maximum number allowed. The town board retains full discretion under all circumstances existing as to whether to issue any license, but will renew an existing license unless cause exists for nonrenewal on a temporary suspension or permanent revocation basis, with no revocation review until one year later. No refunds shall issue for any time period a suspension or revocation is imposed.
- (c) No license shall be issued for any Park exceeding 75 spaces, and the number of mobile homes units that may be parked shall not exceed the number of mobile homes authorized in said license. The limitation herein set forth in respect to the number of units in any one park shall not be applicable to a licensee who presently holds a valid license for placement of units in a park in excess of such limitation, but instead be the number of units for which the present license is issued.
- (d) In the event an application is received accompanied by the fee as heretofore mentioned and said license is not granted, either because the full number of licenses authorized by this ordinance has already been issued, or for any other reason within the town board's discretion, the fee shall then be returned to said application with notice that his application has been denied, and an explanation for denial.

5. Applicant Qualifications:

No license shall be issued unless the applicant, if a natural person, or

all partners within a partnership, or all corporation of LLC officers and directors are adult citizens of the United States and of good moral character, and if the applicant is a corporation, authorized to do business in Wisconsin. Applicant must agree to maintain and operate such Park under conditions specified in this ordinance, which agreement is inferred through acceptance of such license. The town board shall not issue such license unless it approves the location and improvements and proposed method of operation of such Park as set forth in the application.

6. Maintenance and Operation:

Every such Park, including all premises in connection therewith, shall be maintained and operated so as to meet the following conditions:

- (a) No immoral, unlawful or disorderly conduct shall be allowed on said premises;
- (b) Comply with Wisconsin state law, including Chapter HSS 77;
- (c) Premises are subject to reasonable inspection by the town board or its delegated representative with notice to licensee or its manager.

7. Discipline:

The town board may at any time temporarily suspend, or revoke for one year, any license issued under this ordinance, after due hearing as hereinafter provided, for any or all of the following reasons:

- (a) A false statement made in the application or renewal;
- (b) Failure of the licensee to maintain such Park and operate the same as set forth in the application and ordinance provisions;
- (c) Violation of any conditions of this ordinance or license issued pursuant hereto, by the licensee or the licensee's agent, servant, employee, customer or invitee;
- (d) Failure of the licensee to maintain the qualifications required;
- (e) Failure of the licensee to timely pay fees and assessments as required by this ordinance or otherwise;
- (f) Arrest or conviction that substantially relates to Park operation.

Notice of hearing to revoke a license with a brief explanation of known reason(s) for review shall be given to the licensee, its registered agent or manager if the licensee's whereabouts are unknown or out of the area, by delivering a copy of such notice to such person directly or by mailing a copy of such notice to the licensee or designated person at the appropriate address listed in license application or renewal, or to the last known address if appropriate. If a registered agent is not found, delivery of such notice to any officer of a corporation or LLC in the manner specified shall suffice. No refund of any license fee shall be made if suspension or revocation occurs.

8. Monthly Parking Fee:

- (a) The monthly parking fee for each qualified mobile home shall be determined in accordance with s. 66.058(3)(c) or any amendment thereto.
- (b) The licensee of each Park shall be responsible for collection and remittance to the licensing authority of all monthly parking fees due.

- (c) In the event any mobile homes are added to or removed from the Park after the original application for license hereunder, it shall be the licensee's duty to notify the licensing authority within five days after arrival or removal of said mobile home(s) within the licensed premises.
- (d) A Park licensee shall be liable for the monthly parking permit fee for any mobile home occupying space therein as well as the owner or occupant thereof, and may deduct up to 2% of the fees collected for administration.
- (e) A parking fee is owing for any mobile home that is in the Park at least one full day during a month.

9. Zoning Standards:

- (a) Minimum area 5 acres
- (b) Maximum density 8 units per acre
- (c) Minimum site dimensions 75 units per Park
- (d) Minimum distance between 2 units 40 feet in width
- (e) Minimum setback from internal streets 125 feet in length
- (f) Open space: There shall be a minimum of 250 square feet of open space per unit exclusive of the individual mobile home sites or buffer yards.
- (g) No mobile home shall be located within 25 feet of the external boundary of the Park.
- (h) All setbacks and yards shall be seeded and landscaped.
- (i) All internal streets shall be paved in accordance with town road standards.
- (j) A minimum of two parking spaces shall be provided for each mobile home. At least one paved parking space shall be located on each lot.

Section 13 Effective Date

This ordinance shall take effect upon its passage and publication as provided by law.

The foregoing Ordinance was adopted at a regular meeting of the Town of Belle Plaine Board on the 5th day of December, 1994.

Harold L. Polzin
Clerk, Harold L. Polzin

Alvin Bartz
Chairperson, Alvin Bartz

J.C. Eckers
Supervisor, J.C. Eckers

Floyd Luedtke
Supervisor, Floyd Luedtke