

**Town Of Fremont
Zoning Ordinances**

Ordinance Number: 1-96

**The Town Of Fremont,
Clark County Wisconsin,
do ordain as follows:**

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INTRODUCTION

Section 1.0

- 1.1 Authority: These regulations are adopted under the authority granted by Section 60.74 of the Wisconsin Statutes.
- 1.2 Purpose: The purpose of this Ordinance is to promote and protect the health, safety, prosperity, aesthetics and general welfare of this Town.
- 1.3 Intent: It is the general intent of this Ordinance:
 - A. To regulate and restrict the age, aesthetic appearance and density of mobile homes per acreage or lot.
 - B. To lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, panic and other dangers; provide adequate sanitation; avoid undue population concentration; prevent overcrowding; facilitate the adequate provision of public facilities and utilities; further the appropriate uses of land and conservation of natural resources; preserve and promote the beauty of the community.
 - C. To provide for mobile home placement in the Town of Fremont in such a manner as deemed best suited to carry out said purpose.
 - D. To provide for the administration and enforcement of this Ordinance and to prove penalties for its violation.
- 1.4 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, other existing county ordinances and regulations. Where restrictions of this Ordinance are greater it shall govern.
- 1.5 Interpretation: The Provisions of this Ordinance shall be held to be minimum requirements; shall be liberally construed in favor of the Town; and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.
- 1.6 Severability: If any Section, clause, provision 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.

DEFINITIONS

SECTION 2.0

For purposes of this ordinance, certain terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building: includes the word "structure"; and the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract". The word "used" or "occupies" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed to be used or occupied".

Accessory Building. A subordinate building, the use of which is purely incidental to the permitted use of the main building, is 75% of the area of one floor of the principal building, and is unattached from the principal building by a minimum of five (5) feet.

Accessory Farm Buildings. Farm buildings except the main dwelling unit.

Alley. A way which affords only a secondary means of access to abutting property.

Airport. Any airport which complies with the definition contained in Section 114.002(3) Wisconsin Statutes, or any airport which served or offers to serve any common carriers engaged in air transport.

Automobile Wrecking Yard. Any premises on which ten or more motor vehicles not in running order or operating condition are stored in the open.

Apartment. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

Basement. A portion of a building or structure partly underground designed for human occupancy.

Billboard. An advertising device, either free-standing or attached to a building, which is used to display information not related to the use or ownership of the establishment of the property upon which it is located.

Boarding House. A building, other than a hotel, where meals or lodging and meals are provided for compensation for not more than six (6) persons.

Building. A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels; each portion of a building separated by a division of walls from the ground up, without openings in those walls, is a separated building for the purpose of this Ordinance.

Building, Alterations of. Any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building, or movement of a building from one location to another.

Building, Height of. The vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable or gambrel, hip, or pitch roof.

Building Principal. A building in which is conducted the main use of the lot on which said building is located.

Clinic. An establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises. For purposes of the Ordinance, a doctor's or dentist's office in a residence, when it complies with the requirements of this Ordinance relating to such office shall not be considered a clinic, but any doctor's or dentist's office which is not part of his home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

Club. An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

Conditional Uses. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as an "approved" use in a particular district or districts. In each case, after due consideration by the Planning & Zoning Committee of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "special exception" may or may not be granted.

Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

Dwelling, Single Family. A detached building designed for and occupied exclusively by one family.

Dwelling, Two Family. A detached building designed for and occupied exclusively by two families living independently of each other.

Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartment, apartment hotels and town houses.

Expressway. A divided arterial highway with controls on public and private access and, generally, with interchanges at major intersections.

Family. Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Forest Industries. The cutting and temporary storage of forest products, the operation of portable sawmills, and production of maple syrup and sugar.

Foundation (Permanent). A slab or basement built of concrete, blocks, or other materials.

Freeway. An expressway with full control of access and with grade separations at all intersections.

Garage Public. A building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as "gasoline stations" or "service stations".

Home Occupation. Any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises; does not exceed 25% of the area of any floor; and no article is sold or offered for sale except such as is produced by such home occupation. A household occupation includes such uses as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

Hospital. Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanitorium, preventorium, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments. Shall be limited to places for the diagnosis, treatment or other care of human ailments with provisions for treatment or other care of human ailments with provisions for keeping such patients overnight on

the premises.

Hotel. An establishment for transient guests having sleeping rooms without individual cooking facilities for more than six (6) persons for compensation and may or may not provide meals.

Interchange. A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets or highways.

Junk Yard. An open space where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A "Junk Yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings, or material stored and used in conjunction with the primary use of that zoning district.

Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot. A division of land occupied or designed to be occupied by one building and its accessory buildings or uses, including open spaces required by this Ordinance. A lot may be a parcel of land designated in a plat laid out prior to the effective date of this amendment, whether or not such division abuts a public street or other officially approved place recorded in the office of the Register of Deeds, or any part of a larger division when such parts comply with the requirements of this Ordinance as to width and area for district in which it is located. No land included in any street, highway, or railroad right-of-way shall be included in computing lot area.

Lot Coverage. The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.

Modular Units. A detached single or double family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; which is or was designed to be mounted on a permanent foundation.

Mobile Home. A detached single or double family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; which is or was designed to be transported on its own wheels and is not

specifically designed to be mounted on its own foundation.

Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation, and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.

Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner, his agent or his employees.

Outdoor Advertising Signs. Any sign not located on the premises of the product or place that it is advertising.

Parking Space. An off-street space available for the parking of a motor vehicle and which is held to be an area the dimensions of which are ten (10) feet by twenty (20) feet or which covers two-hundred (200) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Permits (Land Use). Certificate to allow a specific use of land or structure on a legally described tract, issued by the Zoning Administrator.

Planned Area Development. A tract of land of at least five (5) acres which contains or will contain two (2) or more principal buildings, developed under single ownership or control; development of which is unique and of substantially different character than that of surrounding areas.

Planning & Zoning Committee. A five (5) person Committee nominated at Town Caucus and elected at Spring Election. Terms of initial Committee shall be: three (3) persons to serve two (2) years; two (2) persons to serve four (4) years. Thereafter, all terms shall be four (4) years.

Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions, used to conduct their professions where the office does not exceed one-half ($\frac{1}{2}$) the area of only one floor of the residence and only one (1) non-resident person is employed.

Recreational Unit (Mobile). See Travel Trailer.

Restaurant. A space within a suitable building providing an adequate and sanitary kitchen equipment and dining room of related capacity, having employees for preparing, cooking, and serving suitable food.

Rights-of-Way. Any street, road, or highway that is publicly maintained or private easement such as railroad and utility line.

Roadside Stand. A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.

Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

School, Commercial. A school limited to special instruction such as business, art, music, trades, handicraft, dancing, or riding.

Seasonal Use. Human habitation of a dwelling unit as defined in this Ordinance for not more than 120 days counted inclusively during any one calendar year.

Setback. The minimum horizontal distance from the front line of the lot, the right-of-way line of the highway or the center line of the highway, as designated in the Ordinance, to the front wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such front lot line, right-of-way line or center line of the highway.

Sign. Anything erected, hung, suspended, painted or attached to any other structure carrying words, letters, figures, phrases, sentences, names, designs, trade names or trade marks or any other devices placed so as to be visible from a street or highway, and calling attention to a business, trade, profession, commodity, product, persons, firm or corporation.

Street. A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic or both.

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

Structure. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground but not including utility lines and their normal accessory equipment.

Structure Alterations. Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.

Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile home or modular unit, and does not exceed thirty-five (35) feet in length.

Variance. A departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, which the Planning and Zoning Committee may permit, contrary to the regulation of this Ordinance for the district in which such building, structure, or parcel of land is located, when the planning & Zoning Committee finds that a literal application of such regulation will affect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensation gain to the public health, safety or welfare.

Vision Clearance. An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in the Ordinance.

Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.

Yard, Front. A yard fronting on any street extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the front property line and the nearest point of the principal structure, excluding permitted projections.

Yard, Rear. A yard, unoccupied, except by accessory buildings, extending from the rear line of the main building to the rear lot line for the entire width of the lot, excluding such projections as are permitted herein.

Yard, Side. A yard or open space on each side of the main

building extending from the side lot line to the side wall of the building, exclusive of permitted projections and from the front yard to the rear yard, when an accessory building is constructed as part of the main building, the side yard requirements shall be same for the accessory building as required for the main building.

Zoning Administrator. The employee of the Town of Fremont, Wisconsin, officially designated to administer the Town Zoning Ordinance.

Zoning Committee. The Town of Fremont Planning and Zoning Committee.

Zoning Permit. See Permits (Land Use).

GENERAL PROVISIONS AND EXCEPTIONS

Section 3.0

3.1 Jurisdiction.

The jurisdiction of this Ordinance shall include all lands within the Township of Fremont, Wisconsin.

3.2 Compliance.

A. No structure shall hereafter be used; and no structure or part thereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full applicable local, county, and state regulations.

B. No provisions of this Ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

C. Nonconforming Use. The existing lawful use of a structure or premise which is not in conformance with the provisions of this Ordinance shall be called a nonconforming use and may be continued subject to the following condition:

1. No said use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.

2. No structural alteration or repair to any nonconforming structure over the life of the structure shall exceed 50 percent (50%) of its assessed value at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

3. When a building containing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty percent (50%) of its current market value as determined by the Planning and Zoning Committee, it shall not be restored except in conformity with regulations of the district in which it is located.

4. If the nonconforming use of any building is discontinued for a period of twelve (12) months, any further use of the building or premise shall conform to the regulation for the district in which it is located.

3.3 Site Restrictions

A. Unsuitable Land. No land shall be used or structure erected where the land is held by the Planning and Zoning Committee to be unsuitable for such use or structure by reason of flooding, inadequate drainage, adverse rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. The Planning and Zoning Committee, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Planning and Zoning committee may affirm, modify, or withdraw its determination of unsuitability.

B. All Lots or Sites shall abut upon a public street or approved private street and each lot shall have a minimum frontage and area as set forth in this Ordinance.

C. All Principal Structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot, except for planning area developments in accordance with the provision of this Ordinance.

D. No Land Use Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.

E. Private Sewer and Water. In any district where a public water service or public sewage system is not available, the lot width and area shall be determined in accordance with the Town of Fremont Zoning Ordinances.

3.4 Use Restrictions

A. Approved Uses. Only those approved uses specified for a district, their essential services, and the uses specified in paragraphs (B) through (F) shall be permitted in a district.

B. Accessory Uses and Structures are permitted in any district but not until their principal structure is present or under construction. Accessory uses include professional home offices; household occupations; incidental repairs; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; private emergency shelters. Except as herein otherwise regulated, accessory uses shall not include the keeping propagation or culture of pigeons, poultry or livestock.

C. Conditional Uses may be permitted when approved by the Planning and Zoning Committee in accordance with the provisions of Section 12.

D. Unclassified and Unspecified Uses may be permitted by the Planning and Zoning Committee after the Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

E. Temporary uses may be established in any district from which they are otherwise excluded by the regulations of this Ordinance, under the conditions hereinafter specified:

1. Real estate office, for a period not to exceed one (1) year.

2. Temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises, for a period not to exceed one (1) year from the date of issuance of the land use permit or permits for such construction. This period could be extended by approval of the Zoning Committee.

3. A house trailer or mobile home may be occupied on any premises by the owner or builder, while residential construction is in progress, for a period not to exceed one (1) year from the date of issuance of the land use permit for such residence. This period could be extended by approval of the Zoning Committee.

4. A basement of an uncompleted residence may be occupied for living purposes by the owner while construction is in progress, for a period not to exceed two (2) years from the date of issuance of the land use permit for such residence and provided said basement has two exits.

F. Mobile Homes. No mobile home shall be used for the purpose of permanent habitation if the mobile home does not meet the following conditions:

1. The mobile home must be of the model year 1976

or latter. The certificate of title for a vehicle shall be supporting evidence of the year of the mobile home.

2. The mobile home must be constructed of dimensional lumber having a minimum of 2X4 framing.

A. A suitable metal, such as aluminum or steel, may also be used as framing material.

3. The mobile home must have a roof pitch of at least 4 inches to the foot (4/12 pitch).

4. The mobile home must be skirted with a building material which is generally accepted in the construction industry as a material used for the skirting of mobile homes.

Permanent habitation is herein defined as more than fourteen (14) days of habitation.

3.5 Joint Use.

No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

3.6 Area Regulations.

A. After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located.

B. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

C. Lots created after adoption of this Ordinance and which are not served by public sewer systems shall meet minimum area requirements of the Town of Fremont Zoning Ordinance.

3.7 Height Regulations

A. Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

B. Excessive Height Permitted. Heights of the following structures may exceed Ordinance limits for the district in which it is to be located with the approval of the Planning and Zoning Committee: cooling towers, penthouses, stacks, lookout towers, water towers, spires, radio and television aerials, masts, antennae, conveyor and/or other equipment requirements for natural mineral extraction, and any other necessary mechanical appurtenances.

Residences may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot of each foot by which such building exceeds the height limit of the district in which it is located.

Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding 75 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

In airport safety zones the maximum height of any object located within five hundred (500) feet of either side of the centerline of a landing strip, and extended to a distance of two (2) miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip, except for field crops, and fences under four (4) feet high. All utilities shall be placed underground when located at the end of the landing strip.

C. Height Restriction Exemption. Farm buildings and related farm structures not for human habitation, are hereby exempted from the height regulations of this Ordinance.

3.8 Front, Side, and Rear Yard Regulations.

A. Not applicable.

ZONING DISTRICTS

Section 4.0

4.1 Establishing Districts.

In order to regulate and restrict the location of trades and industry and the location of buildings designed for specified uses and to regulate and limit the bulk of buildings thereafter erected or altered, to regulate and limit the density of population and for the purpose of promoting the health, safety and general welfare, the Town of Fremont, is hereby divided into (2) districts, namely;

CSD - Chili Sanitation District (Section 5.0)
FD - Fremont District (Section 6.0)

4.2 Zoning Map and District Boundaries.

The boundaries of the two districts are shown on a separate township map. This map is designed as the official "Zoning Map of the Town of Fremont, Clark County, Wisconsin". This map and land descriptions are made a part of this Ordinance. All notations, references and other information shown upon the said "Zoning Map" and land descriptions shall be as much a part of this Ordinance as if the matter and things set forth by said map and land descriptions were fully described herein. The definitions of boundaries are as follows:

A. District boundaries shall normally be lot lines, section lines, $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, or $\frac{1}{16}$ section lines, centerlines of streets, highways, railroads, boundaries of lakes, river and streams, as shown in Description of Properties, 1984 Assessment Roll, Town of Fremont.

B. Wherever dimensions are shown on the "Zoning Map of the Town of Fremont", they shall govern.

C. In subdivided lands where district boundaries are shown as adjacent and parallel or approximately parallel to street lines such district boundary lines shall be assumed to be the lines of lots abutting such streets.

D. When district boundary lines are shown on the "Zoning Map of the Town of Fremont" as being adjacent to streets, highways, or railroads, it is intended that such district boundary lines shall be assumed to abut the right-of-way of such street, highway or railroad.

Questions regarding exact location of district boundaries shall be decided by the Zoning Administrator. Decisions may be reviewed on appeal to the Planning and Zoning Committee as provided in Section 7.0 of this Ordinance.

The official "Zoning Map of the Town of Fremont, Clark County, Wisconsin", together with a copy of this Ordinance, shall be kept at the Town Zoning Administrator's Office and shall be available for public inspection during office hours.

CHILI SANITATION DISTRICT - CSD

Section 5.0

5.1 Purposes

A. To protect residents against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, orders, heat, glare, and other objectionable factors.

B. To protect residents against unduly heavy motor vehicle traffic, and to alleviate congestion in parking.

C. To protect and promote the public health and comfortably provide for ample light and air to buildings and the windows thereof.

D. To promote public comfort and welfare by providing for usable open space on lots within the CSD.

5.2 Boundary

The boundary for the CSD shall be as defined by the Chili Sanitation Map (a copy of which is attached to this Ordinance).

5.3 Roadway Setbacks

All buildings and other structures, within the CSD, shall be setback 50 feet from the centerline of any public roadway or 10 feet from the property line, or 25' from any alley (amended 9/14/05).

5.4 Structures Prohibited Within Setback Lines

No new building, new sign or other new structure or part thereof shall be placed between the setback lines established by this Ordinance and the roadway except as provided by this Ordinance and no building, sign or structure or part thereof existing within such setback lines on the effective date of this Ordinance shall be altered or enlarged in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the procedure set forth in Section 3.2, C, relating to nonconforming uses, unless such alteration, enlargement or reconstruction shall have been ordered by the Planning and Zoning Committee after public hearing and review of the premises.

FREMONT DISTRICT - FD

Section 6.0

6.1 Purposes

A. To protect residents against fire, explosion, noxious fumes, offensive noise, smoke vibrations, dust, orders, heat glare, and other objectionable factors.

B. To protect residents against unduly heavy motor vehicle traffic, and to alleviate congestion in parking.

C. To protect and promote the public health and comfortably provide for ample light and air to buildings and the windows thereof.

D. To promote public comfort and welfare by providing for usable open space on lots within the FD.

6.2 Boundary

The boundary for the FD shall be all land within the Town of Fremont which is not contained within the Chili Sanitation District, (see, Chili Sanitation Map - a copy of which is attached to this Ordinance).

6.3 Roadway Setbacks

All buildings and other structures, within the FD, shall be setback 55 feet from the centerline of any public roadway or 25 feet from the property line, whichever is greater.

6.4 Structures Prohibited Within Setback Lines

No new building, new sign or other new structure or part thereof shall be placed between the setback lines established by this Ordinance and the roadway except as provided by this Ordinance and no building, sign or structure or part thereof existing within such setback lines on the effective date of this Ordinance shall be altered or enlarged in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the procedure set forth in Section 3.2, C, relating to nonconforming uses, unless such alteration, enlargement or reconstruction shall have been ordered by the Planning and Zoning Committee after public hearing and review of the premises.

ADMINISTRATION FOR ORDINANCE

Section 7.1

7.1 Zoning Administrator

A. Designation. There is herewith created the office of Zoning Administrator. The office may be a part-time position as the Town Board in its discretion shall determine. The Zoning Administrator shall hold office until replaced by the Town Board.

B. Duties. In administering and enforcing this Ordinance, the Town Zoning Administrator and any of his deputies shall perform the following duties under the direction of the Town Board - Planning and Zoning Committee.

1. Advise applicants as to the provisions of this Ordinance, and assist them in preparing permit applications provided by him.

2. Issue permits after examined and approved and inspect or cause to be inspected by his deputy or assistant, properties for compliance with this Ordinance.

3. Keep records of all permits issued, inspections made, work approved and other official actions.

4. Issue conditional use permits when authorized by the Planning and Zoning Committee.

5. To take such action as may be necessary for the enforcement of the regulations provided herein; to attend all such meetings as the Zoning Committee shall direct.

6. Make annual report of his activities to the Town Board.

C. Powers. The Zoning Administrator and his duly appointed deputies shall have authority including but not limited to the following:

1. Access to any structure or premise for the purpose of performing his duties by the permission of the owner or upon issuance of a special inspection warrant.

2. Upon reasonable cause or question as to proper compliance to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

7.2 Planning and Zoning Committee.

The Planning and Zoning Committee shall be the designated agent of the Town Board, and will be so created and shall have authority so stipulated in Section 60.74 of the Wisconsin Statutes.

7.3 Land Use Permits.

A. Required: No building, sign or structure, including trailers shall hereafter be constructed, enlarged, altered or moved within any area subject to this Ordinance until a land use permit has been issued.

B. Application: Application for permits shall be made in writing to the Zoning Administrator upon a form furnished by the Administrator. Included with the written application shall be a certified survey for all unplanted land of less than 20 acres or other lands the zoning Administrator deems necessary.

C. Termination: Where a permitted use does not continue in conformity with the original approval the land use permit shall be terminated by action of the Planning and Zoning Committee at a public hearing.

D. Permit Fee: Application for permits, or certificates prepared under the regulations of this Ordinance shall be accompanied by a fee set by the Town Board. A copy of current fee schedules shall be kept on file with the Town Clerk. All permit fees shall be doubled for any building structure or sign requiring a permit under this Ordinance when construction commences prior to a land use permit being issued.

E. Lapse of Permit: A land use permit issued according to the regulations of this Ordinance shall lapse and be void unless construction of the framework of the building has been completed within one (1) year from the date of issuance of the permit and the building itself has been completed within two (2) years of issuance of such permits.

7.4 Enforcement, Violation and Penalty

A. Enforcement: The Zoning Administrator shall report all violations of this Ordinance and action thereof to the Zoning Committee. The Zoning Administrator may sign a complaint and report same violation to an attorney retained by the Town to prosecute said violation.

B. Violations: Penalties. Failure to comply with any of the requirements of this ordinance shall constitute a violation, and any person upon conviction thereof shall be fined not more than two hundred dollars (\$200) of each offense, or imprisonment in the County Jail for a period of not more than six (6) months, or both.

Proceedings may be commenced by warrant, arrest, or summons. Each day the violation continues shall be considered a separate offense.

Any structure or sign erected, moved, altered, enlarged, or maintained and any use of a site contrary to the provisions of this Ordinance shall be and is hereby declared to be unlawful and a public nuisance and an attorney retained by the Town shall immediately institute necessary legal proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law shall take such other steps as may be necessary to accomplish these ends, and shall apply to the court of competent jurisdiction to grant such relief as will remove or abate the structure, sign, or use and restrain or enjoin the person, firm, corporation, or organization from erecting, moving, altering, or enlarging the structure or sign or using the site contrary to the provisions of this ordinance.

7.5 Board of appeals.

The Town of Fremont Town Board, consisting of the Town Chairperson, Supervisor 1 and Supervisor 2, shall constitute the Board of Appeals for this Ordinance. The rights of persons to appeal and the duties and rules of that Board shall apply to this Ordinance.

BOUNDARIES OF DISTRICTS

Section 8.0

8.1 Definitions

A. In unsubdivided property, unless otherwise indicated on the "Zoning Map of the Town of Fremont" or in the legal description, the district boundary lines are the centerlines of streets, highways, railroads, section lines or quarter section, eighth section or sixteenth section lines of such lines extended.

B. Whenever dimensions are shown on the "Zoning Map of the Town of Fremont", they shall govern.

C. In subdivided lands where district boundaries are shown as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the lot lines of the lots abutting such streets.

D. When district boundary lines are shown on the "Zoning Map of the Town of Fremont", as being adjacent to streets, highways or railroads, it is intended that such district boundary lines shall be assumed to abut the right-of-way of such street, highway or railroad.

AMENDMENTS

Section 9.0

9.1 Purpose

This Ordinance may be amended by changing the boundaries of any district or by changing any district regulation, general provision, exception or other provision thereof in accord with the procedure prescribed in this Article.

9.2 Initiation

A. A Change in the boundaries of any district may be initiated by petition of any person, firm, or corporation owning or leasing property in the Town of Fremont. If a proposed change of a district is in more than one ownership, all the owners or their authorized agent shall join in filing the application.

B. A change in boundaries of any district, or a change in district regulation, may be initiated by action of the Town of Fremont or its agent provided that the procedure prescribed in the following paragraphs of this Section is followed.

9.3 Application Filing Procedure

A property owner desiring to propose a change in the boundaries of the district in which his property is located or his authorized agent may file with the Zoning Office an application for a change in district boundaries on a form prescribed by the Zoning Administrator which shall include the following information and material:

A. Name and address of applicant.

B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.

C. Address or description of the property.

D. An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and rights-of-way (any highway, road, street, and railroad and public utilities).

E. Name and address of all adjacent property owners.

F. The application shall be accompanied by a fee as scheduled by the Town of Fremont.

9.4 Hearing Of Application

The Zoning Committee shall hold a public hearing on each application for a change in district boundaries or for a change of a district regulation, off-street parking or loading facilities requirements, general provisions, exceptions or other provisions of this Ordinance. A Notice under Chapter 985 of the Wisconsin State Statutes of the public hearing shall be given. A record of the hearing shall be filed in the Zoning Office.

9.5 Time Limitations

A. Public Hearing Notice. The Planning and Zoning Committee shall schedule a public hearing within 45 days of receipt, in proper form, of a petition to amend this Ordinance.

B. Planning and Zoning Committee Recommendation. The Planning and Zoning Committee shall make a recommendation to approve, approve with changes, or deny a petition to amend this Ordinance and forward said recommendation to the Town Board within 45 days of the scheduled public hearing. Any action to deny shall be so stated in writing with reasons for that denial.

C. Town Board. Upon receipt of the recommendation from the Planning and Zoning Committee regarding an amendment to the Zoning Ordinance, a decision to approve, approve with changes, deny, or refer the matter back to the Planning and Zoning Committee for specific reasons shall be made at their next regularly scheduled meeting.

D. Notice of the action taken by the Town Board shall be sent to the petitioner by U.S. Mail within 30 days of said decision.

CONDITIONAL USES

Section 10.0

10.1 Purpose

The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire township into districts in each of which are permitted specified uses that are mutually compatible.

In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which, because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Ordinance as

"Conditional Uses" and fall into three categories.

A. Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest.

B. Uses entirely private in character which, because of their peculiar location need, the nature of the service they offer to the public, and their possible damaging influence on the neighborhood, may have to be established in a district, or districts, in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations.

C. Nonconforming uses which as "conditional uses" can be made more compatible with their surroundings.

10.2 Initiation

A. Any conditional uses permit may be initiated by petition of any firm, person, or corporation. If a special exception permit occurs on property which is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

B. Conditional uses may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed.

10.3 Application for Conditional Uses

An application for a Conditional Use Permit shall be filed on a prescribed form with the Zoning Office. The applicant shall include a statement in writing and adequate evidence showing that the proposed conditional use will conform to the standards set forth in this Ordinance hereinafter, plus the following information and material:

A. Name and address of applicant.

B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.

C. Address or description of the property.

D. An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and rights-of-way (any highway, road, street, and railroad and public utilities).

E. Name and address of adjacent property owners.

F. The application shall be accompanied by a fee as scheduled by the Town of Fremont.

10.4 Hearing of Application

Upon receipt in proper form of the application and statement the Zoning Committee shall hold at least one (1) public hearing on the proposed conditional use. A Notice under Chapter 985 of the Wisconsin State Statutes shall be given. A record of the hearing shall be filed in the Zoning Office.

10.5 Time Limitations

A. Public Hearing Notice. The Planning and Zoning Committee shall schedule a public hearing within 45 days of receipt, in proper form, of a petition for Conditional Use.

B. Planning and Zoning Committee Recommendation. The Planning and Zoning Committee shall make a recommendation to approve, approve with changes, or deny a petition for a Conditional use within 45 days of the Scheduled public hearing. Any action to deny shall be so stated in writing with reasons for that denial.

C. Notice of the action taken by the Planning and Zoning Committee shall be sent to the petitioner by U.S. Mail within 30 days of said decision.

VARIANCE

Section 11.0

11.1 Purpose

The Board of Appeals shall determine and may vary the regulations of this Ordinance in harmony with its general purpose and intent, only in specific instances where the Board makes a finding of fact, based upon the standards hereinafter prescribed, that there are practical difficulties in carrying out the strict letter of the regulations of this Ordinance, and that the granting of a variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable difficulty.

Variations from the regulations of this Ordinance shall be granted by the Town of Fremont Board of Appeals only in accordance with the standards set forth above and may be granted only in the following instances, and in no other:

A. To continue nonconforming uses.

B. To permit any yard of less dimension than required by the applicable regulations.

C. To permit the use of a lot prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than ninety (90) percent of the required lot area.

D. To allow off-street parking facilities to be located away from the use served.

E. To permit the same off-street parking facilities to qualify as a required facility for two (2) or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.

11.2 Initiation

A. Any variance permit may be initiated by petition of any firm, person, or corporation. If a variance permit occurs on property which is in more than one ownership, all the owners or their authorized agents shall join in filing the applications.

B. Variances may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed.

11.3 Application

An application for a Variance Permit shall be filed on a prescribed form with the Zoning Office. The applicant shall include a statement in writing and adequate evidence showing that the proposed variances will conform to the standards set forth in this Ordinance hereinafter, plus the following information and material:

A. Name and address of applicant

B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.

C. Address or description of the property.

D. An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and right-of-way (any highway, road, street, and railroad and public utilities).

E. Name and address of adjacent property owners.

F. The application shall be accompanied by a fee as scheduled by the Town of Fremont.

VOIDING OF CONFLICTING PROVISIONS

Section 12.0

All provisions of ordinances less stringent than the provisions of this Ordinance are void.

SAVING CLAUSE

Section 13.0

If several terms and provisions of this Ordinance shall be deemed severable, and if any provisions of this Ordinance or the application thereto to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

Section 14.0

This Ordinance shall become effective upon passage and publication.