

Town of Coon

Zoning Ordinance

This is an ordinance established to promote the health, safety, morals, and general welfare of the citizens of the Town of Coon, Vernon County, Wisconsin.

Interpretation and Purposes:

To implement an ordinance providing for the regulation and control of building, land and platting of existing parcels in the Township, establishing procedures and require surveying, mapping, measuring and recording of all subdivided land; to further the c and use of land; to secure safety from fire and other dangers; to prevent overcrowdir avoid undue concentration of population; to insure the maximum preservation of ag for agricultural purposes; and to facilitate adequate provisions for transportation, wa and other public requirements.

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Authority:

These regulations are adopted under the authority granted by sec. 60.61, Wis. Stats. Coon, Vernon County, Wisconsin, does ordain as follows:

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Districts:

For the purpose of this ordinance, the Town of Coon, Vernon County, Wisconsin is divided into FIVE districts, as follows:

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1. Residential District
2. Agricultural District
3. Commercial District
4. Industrial District
5. Special Purpose District

The boundaries of the aforesaid districts are hereby established as shown on the map entitled Town of Coon District Map for the Town of Coon, Vernon County, Wisconsin, 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.

Non-Conforming Uses:

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 be extended.

If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming 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.

If a nonconforming use of a building or a premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations of the district in which it is located.

Whenever a building containing a nonconforming use is damaged by fire, explosion, act of God or the Public Enemy to the extent of more than 50 percent of its current assessed value, it shall not be restored except as permitted in sec. 60.61(5m), Wis. Stats.

Nothing herein contained shall require any change in the plans, construction size or designed use of any building or part thereof for which a building site permit has been issued before the effective date of this ordinance and the construction of which shall have been started within six months from the date of such permit.

In any commercial or industrial district, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot 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.

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 the ordinance, shall provide an accessible parking space of sufficient size to accommodate at least one car for every five seats provided.

When a housing project consisting of a group of two or more buildings is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it

impractical to apply the requirements of this ordinance to the individual building units, the Town Board may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat.

Section I: Residential District

Use:

In the residential district no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in the ordinance, except for one or more of the following uses:

1. Dwellings
2. Churches, Schools, Libraries, Municipal Buildings, Public Recreational and Community Center and Grounds, Truck Gardening and Private Garages.
3. Unless otherwise provided, there shall be a setback line of not less than 50 feet. Such setback line shall be the minimum horizontal distance between the centerline of the street or town road and the nearest point of a building or any projection thereof including uncovered steps. There shall also be a setback line of not less than 25 feet from adjoining property lines. Such setback line shall be the minimum distance horizontally from any building to the adjoining property line. This distance shall not include eaves or overhang above the ground level.
4. No dwelling shall be constructed on a parcel of land within a residential zone having an area of less than 2 acres and a width of less than 200 feet. Such width shall be understood to mean the horizontal distance of the parcel of land lying parallel to a road, street or highway, and if such road, street or highway should not exist at such time as such land is acquired, it should then be considered in effect for any proposed road, street or highway of the future. Except where a river, stream or lake exists, the horizontal distance parallel to the waters edge generally shall be considered the point of measurement to establish the 200 foot width requirement. The area requirement of 2 acres shall be understood to mean that no part of such area shall include any part of the road, street or highway.
5. Lands or property within a Residential Zone cannot be subdivided to a size less than is provided within the previous paragraph except that lands may be subdivided to increase the size of lots provided such increase in size is larger than is provided in paragraph 4.

6. Definition of Subdivision: A subdivision is the division of any existing lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of sale or of building or of development where:
 - A. The act of division creates two (2) or more parcels of building sites of twenty (20) acres or less in area, or
 - B. Two (2) or more parcels of building sites of twenty (20) acres each or less in area are created by successive divisions within a period of five (5) years, or
 - C. One (1) or more additional parcels of land regardless of size or purpose or time frame are created.
 - D. For purposes of clarification, the definition of lot, parcel or tract of land shall be as follows: a full forty acre parcel or any part thereof owned by the same owner(s), as set forth in the tax roll of the Town of Coon.

7. Survey, Mapping, Recording, Platting: When Required: Any division of land within the Township boundaries which shall result in a subdivision as defined above, except assessor's plats, shall:
 - A. Be surveyed using a certified survey map prepared in accordance with sec. 236.34, Wis. Stats. Each certified survey map shall also show the acreage of individual tracts or parcels. The seller will be responsible for furnishing the Town Board with two (2) copies of the certified survey map for the Town of Coon files, and one (1) copy to the Vernon County Register of Deeds for County files.
 - B. Additionally, where four (4) or more parcels are created by successive divisions, within a five (5) year period, for use as residential building sites, and approved plat as required by Chapter 236, Wis. Stats. shall be prepared. Any provision of the ordinance more stringent or restrictive in character than the Wisconsin Statutes shall be controlling.
 - C. Any land subdivided as described in 7(B) above, shall not be again subdivided for a period of at least ten (10) years.
 - D. The approval of the Town Board shall be required in the case of any commercial development, and if deemed necessary by that body or if requested by a property owner or others, a public hearing shall be conducted prior to the consideration of such development for approval.

8. Land Use Restrictions: In order to insure the maximum preservation of agricultural land for agricultural purposes, the most judicious use of available lands, and that no onerous or

discriminating or prohibitive use restrictions are placed on any subdivided parcels or plats, the following will apply in the Town of Coon:

- A. There shall be no restrictions against the use of lands for agricultural purposes when those parcels are in excess of five (5) acres, except as otherwise provided herein.
 - B. No mobile home park shall be established in the Town of Coon without the approval of the Town Board. If considered necessary, this will be submitted for a public hearing. The standards of any mobile home park will be in conformance with the provisions of the Wisconsin Statutes.
 - C. Any land use restrictions placed on subdivided parcels of land must first be approved by the Town Board.
 - D. Any restrictions added to platted lands must be made a part of the preliminary and final plat.
 - E. Any restrictions added to approved plats must first the approval of the Town Board.
9. Preliminary Plat: The owner of any lands falling under the provisions of paragraph 7(B) of this ordinance shall submit to the Town Clerk sufficient true copies of a preliminary plat of such land together with a list of the approval required to enable the Town Clerk to forward copies for approval or objection to the agencies specified in Chapter 236 of the Wisconsin Statutes. The preliminary plat shall be drawn at 100 feet to the inch or larger scale, and shall show:
- A. The title under which the proposed plat is to be recorded, which title shall not duplicate or be deceptively similar to the name of any plat previously recorded in Vernon County.
 - B. The names and addresses of the owner, subdivider and engineer or surveyor.
 - C. The exact location by distance and bearings of the exterior boundaries of the land to be platted with reference to a corner or corners established in the U.S. Public Land Survey.
 - D. All municipal boundary lines within or adjacent to the proposed subdivision.
 - E. The name of all adjoining plats.
 - F. The locations, names and width of all existing streets, alley easements and rights of way and the location of all property lines, section lines and quarter section lines within two hundred (200) feet thereof.

- G. The location, arrangement and width of proposed streets, alleys and easements and the location of proposed building lines.
- H. All lots with dimensions and acreages.
- I. Location and area of property proposed to be dedicated to public use and for other purposes, and to which government unit the property will be dedicated.
- J. The location of all permanent buildings and structures and the size and location of all existing sewers and water mains, if and where within the proposed plat or within two hundred (200) feet thereof.
- K. Ground elevations and contours:
 - a. For lands that slope less than approximately two percent (2%), show spot elevations at all breaks in grade along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions.
 - b. For lands that slope more than approximately two percent (2%) show contours with an interval of not more than five (5) feet where ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet where necessary because of irregular land or need for more detailed data.
- L. Approximate boundaries or areas subject to flood or storm water overflow, areas covered by water, and approximate boundaries of wooded area.
- M. Approximate grades of streets and alleys where the proposed grade will exceed four percent (4%).
- N. A brief description of proposed restrictive covenants or building restrictions, if any.
- O. The date, scale and North point.

10. Action on the Preliminary Plat

- A. The Town Board shall call in the owner or his agent for consultation and shall approve, approve conditionally or disapprove the preliminary plat within forty (40) days of the date on which it is filed, unless such action is deferred with the owner or his agent.

- B. Approval of the preliminary plat shall be indicated in writing on the face of each of the two (2) copies thereof, by the Town Clerk, whereupon one (1) copy shall be returned to the owner and one (1) copy shall be retained for filing by the Town Clerk.
- C. In the event that the preliminary plat is disapproved, the reasons for such disapproval shall be stated, in writing, and copies thereof attached to each of the two (2) copies of the preliminary plat. One (1) copy shall be delivered to the owner and the other retained for filing.
- D. Approval of the preliminary plat shall be considered as merely a general approval of the layout submitted and shall not commit the Town Board to approval of the final plat.
- E. The Town Board will notify all adjacent property owners by certified mail of any contemplated platting as indicated in the preliminary plat.

11. Final Plat

A. Streets and Roads:

- a. Grades: Consideration shall be given to topography, with a view to securing safe and easy grades and avoiding unsightly and expensive cuts and fills. The owner shall furnish and submit a grading plan with the final plat showing the grades before the final plat, and final plat shall be approved before the owner commences construction of any buildings on the premises. The grading of all streets and alleys shall be completed by the owner, and all necessary drainage structures shall be in place.
- b. The Town Board may require the subdivider to make and install any additional public improvements necessary or that he executes a surety bond to insure that he will make those improvements within a reasonable time as a prerequisite to approval of the plat.
- c. Provisions shall be made in the plat for the suitable continuation of the present existing roads and streets adjoining plats or in adjoining unplatted lands. In case straight continuations are not practicable, the continuations should be accomplished by use of suitable curves in order to avoid street jogs or off center intersections.
- d. All major streets shall be platted to a width of not less than sixty-six (66) feet.
- e. Adequate street connections or extensions shall be provided to insure free access to adjoining subdivisions and lands which may be subdivided later.

B. Lots

- a. The minimum area of each lot shall be not less than one (1) acre, nor shall any lot be less than two hundred (200) feet in width at the building setback line.
- b. Every lot shall front upon a public street.
- c. Side lot lanes shall be at right angles to straight streets and radial to curved streets.

C. Parks, School Sites and Playgrounds

- a. The subdivider may be required to dedicate from five (5) to fifteen (15) percent of his tract for recreation, school sites, or other public grounds other than streets. Areas not suitable for public use will not be accepted.

D. Drainage and Grades

- a. No streets, alleys or public thoroughfares shall be permitted in or upon any waterway, ditch or any natural drainage course, whether dry or flowing.
- b. Adequate easements, in the judgment of the Town Board, shall be established and provided for drainage of all surface or underground waters.
- c. Where cutting and filling is necessary the following requirements shall prevail: All cut sections shall be sloped to a minimum of two (2) to one (1) and all fill sections a minimum of three (3) to one (1). All cut sections shall be provided with suitable top soil where necessary and shall be seeded with appropriate grass or vegetation to insure proper growth which will prevent erosion.
- d. No excavating, earth moving or road construction shall be commenced before the preliminary plat has been approved by the Town Board. Failure to comply with this section shall constitute a total violation of this ordinance.

12. General Provisions for Subdividing

- A. The Town Board shall endeavor to discourage the platting of lands deemed unsuitable for platting because of topography or otherwise, and to encourage the replatting of lands deemed unsatisfactorily subdivided.
- B. All parcels for development must be surveyed, mapped, legally marked, measured and the size in acres or fractions thereof, recorded at the Vernon County Register of Deeds office.

- C. All Parcels for development shall be fenced with a legal fence, as defined in Chapter 90, Wisconsin Statutes, on boundary lines unless the owners mutually agree otherwise and file a copy that agreement with the Town Clerk.
 - D. The Board of Adjustment may approve variations from these regulations in specific cases which do not affect the general plan or the spirit of this ordinance. Any such variations shall be recorded in writing with the Town Clerk with the reasons therefore.
 - E. It shall be unlawful for any person to commence excavation for or construction of any building structure, or structural changes in any existing building or structure without first obtaining a building site permit from the Town Clerk. No permit shall be issued for the construction, alteration or remodeling of any building or structure until the application has been submitted in accordance with the provisions of the ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance and other regulations of the Town of Coon. The building site permit requirement also includes a fee of \$100.00 for any structure with a value of \$1,000.00 or more.
 - F. Whenever a dwelling or building is erected on an existing lot, a distance of not less than ten (10) feet shall be allowed between any building and an adjoining property line on one side of the building to be erected; the purpose being to allow a minimum yet sufficient distance to provide for the entrance and exit of service vehicles. A minimum distance of five (5) feet shall be required to be maintained between any building and an adjoining property line on the opposite side of the lot. The lot line referred to in this code shall not be intended to include the property line on the front of a lot abutting any road, Street or highway and this code shall not be intended to change the setback requirements in relation to road, streets or highways.
13. The Sanitation Code of the State of Wisconsin and all other standards established and provided by the Department of Industry, Labor and Human Relations are hereby adopted by reference and shall be a part of the ordinance as such.
14. Outdoor privies or toilets shall be permitted only if they meet the restrictions of the State Sanitation Code as provided by the Department of Industry, Labor and Human Relations of the State of Wisconsin. No outdoor privy shall be constructed when a public or private sewage system is in existence in the area of such proposed construction. A building site permit must be obtained and such construction of any such outdoor privy or toilet must be approved by the County Zoning Administrator.
15. Residents of any property within a residential district shall be permitted to harbor only animals such as household pets. Any person owning or harboring animals in such numbers as to be a problem or annoyance to the general public shall be in violation of this ordinance.
16. Any mobile home located within the Town of Coon boundaries, shall have the tongue and wheels removed and be fully skirted or placed on a foundation within six months. Placement of

any mobile home in the Town of Coon shall be on land with a minimum size of two (2) acres and shall have a sewage system and water supply and shall be reclassified as residential.

17. Any new construction in a residential district must have the exterior of such structure in a finished appearance after a period of not more than one year.
18. A private garage or other out building shall not be used as a dwelling for more than a period of one year and then only permanent building is under construction.

Section II: Agricultural District

1. **Purposes:** the purposes of the agricultural district are to:

- (1) Preserve agricultural land for food and fiber production; (2) Protect productive farms;
- (3) Maintain a viable agricultural base to support agricultural processing and service

industries;

- (4) Prevent conflicts between incompatible uses;
- (5) Reduce costs of providing services to scattered non-farm uses
- (6) Implement the provisions of the county agricultural plan when adopted and periodically revised; and
- (7) Comply with the provisions of the Farmland Preservations Law to permit eligible

landowners to receive tax credits under sec. 71.59, Wis. Stats.

2. **Definitions.** In this farmland preservation ordinance:

(1) "Accessory use" means any of the following land uses on *a farm*:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an *agricultural use*. This may include, for example:

1. A facility used to store or process raw agricultural commodities, all of which are produced on *the farm*.
2. A facility used to keep *livestock* on the *farm*.
3. A facility used to store or process inputs primarily for *agricultural uses* on the *farm*.
4. A facility used to keep or service vehicles or equipment primarily employed in *agricultural uses* on the *farm*.
5. A wind turbine or solar energy facility that collects wind or solar energy on the *farm*, and uses or transforms it to provide energy primarily for use on the *farm*.
6. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the *farm*.
7. A waste storage or processing facility used to store or process animal waste produced solely from *livestock* kept on the *farm*.

(b) An activity or business operation that is an integral part of, or incidental to, an *agricultural use*.

(c) *A farm residence*, including normal residential appurtenances.

(d) A business, activity, or enterprise, whether or not associated with an *agricultural use*, which meets all of the following requirements:

1. It is conducted on *a farm* by an owner or operator *of that farm*.
2. It requires no buildings, structures, or improvements other than those described in paragraph (a) or (c).
3. It employs no more than 4 full-time employees annually.

4. It does not impair or limit the current or future *agricultural use of the farm* or other *protected farmland*.
- (2) "Agricultural use" means any of the following activities conducted for the purpose of producing an income or livelihood:
 - (a) Crop or forage production.
 - (b) Keeping *livestock*.
 - (c) Beekeeping.
 - (d) Nursery, sod, or Christmas tree production. (e) Floriculture.
 - (f) Aquaculture.
 - (g) Fur farming.
 - (h) Forest management.
 - (I) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (3) "Agriculture-related use" means a facility whether or not located on a *farm*, that has at least one of the following as a primary and not merely incidental purpose:
 - (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to *farms, including farms* in the farmland preservation zoning district.
 - (b) Storing, processing or handling raw agricultural commodities obtained directly *from farms, including farms* in the farmland preservation zoning district.
 - (c) Slaughtering *livestock*, including *livestock from farms* in the farmland preservation zoning district.
 - (d) Marketing *livestock* to or from *farms, including farms* in the farmland preservation zoning district.
 - (e) Processing agricultural by-products or wastes received directly from *farms, including farms* in the farmland preservation zoning district.
- (4) "Base farm tract" means all land, whether one parcel or 2 or more contiguous parcels, which is in a farmland preservation zoning district and is part of a single *farm* on March 1, 2011, regardless of any subsequent changes in the size of the *farm*.
- (5) "Common ownership" means ownership by the same *person* or *persons*, or by *persons* that are all wholly owned by the same *person* or *persons*. "Common ownership" includes joint tenancy and tenancy in common. Solely for the purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- (6) "Contiguous" means adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.
- (7) "Farm" means all land under *common ownership* that is primarily devoted to *agriculture use*. For purposes of this definition, land is deemed to be primarily devoted to *agricultural use* if any of the following apply:
 - (a) The land produces at least \$6,000 in annual *gross farm revenues* to its owner or renter, regardless of whether a majority of the land area is in *agricultural use*.
 - (b) A majority of the land area is in *agricultural use*.
- (8) "Farm acreage" means, for purposes of paragraph F (2) (a), the combined total acreage of all of the following in the "base farm tract:"

- (a) *Farms*.
- (b) *Open space parcels* of more than 10 acres.
- (9) "Farm residence" means any of the following structures located on a *farm*:
 - (a) A single-family (or duplex) residence that is the only residential structure on the *farm*.
 - (b) A single-family (or duplex) residence that is occupied by any of the following:
 1. An owner or operator of the *farm*.
 2. A parent or child of an owner or operator of the *farm*.
- (10) "Gross farm revenue" means gross receipts from *agricultural uses*, less the cost or other basis of *livestock* or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.
- (11) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, came lids, ratites and farm-raised fish.
- (12) "Non-farm residence" means any residence other than a *farm residence*.
- (13) "Nonfarm residential acreage" means, for purposes of paragraph G(2)(a), the combined total acreage of all parcels on which *nonfarm residences* are located, all parcels on which the Zoning Committee has approved *nonfarm residence*, all parcels 10 acres or less that do not qualify *as farms*, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an *undivided farm*, but does not qualify as a *farm residence*, the size of the residential parcel is deemed to be 10 acres.
- (14) "Open space parcel" means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- (15) "Person" means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (16) "Prime farmland" means all of the following:
 - (a) An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - (b) Land, other than land described in paragraph (a), which is identified as prime farmland in Vernon County's certified farmland preservation plan.
- (17) "Prior nonconforming use" means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.
- (18) "Protected farmland" means land that is any of the following:
 - (a) Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
 - (b) Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
 - (c) Covered by an agricultural conservation easement under sec. 93.73, Wis. Stats.
 - (d) Otherwise legally protected from nonagricultural development.
- 3. **Land use in farmland preservation zoning district; general.** Only the following land uses are allowed in a farmland preservation zoning district:
 - (1) Uses allowed under paragraph E without a conditional use permit.
 - (2) Uses allowed under paragraph F with a conditional use permit.
 - (3) *Prior nonconforming uses*, subject to sec. 60.61(5), Wis. Stats.
- 4. **Land included.** The minimum parcel size to establish a residence or a farm operation shall be two (2) acres.
- 5. **Permitted uses.** The following land uses are allowed without a conditional use permit in a farmland

preservation zoning district:

- (1) *Agricultural uses* and *accessory uses on farms*, except that a conditional use permit is required under paragraph F (4) for the following *agricultural uses* and *accessory uses on farms*:
 - (a) A new or expanded facility used to keep cattle, swine, poultry, sheep or goats, if that facility will have more than 500 animal units.
 - (b) An on-farm riding stable and or boarding facility.
 - (c) A large on-farm fuel or agrichemical storage facility.
 - (d) A farmstead food processing facility.
 - (e) A farmstead retail outlet.
 - (f) A manure storage system.
 - (g) A mobile home or trailer used as a farm residence if it is situated on a foundation with tongue and wheels removed within six months of placement and connected to a water system and sewer system.
 - (2) *Nonfarm residences* constructed in a rural residential cluster according to a conditional use permit issued under paragraph F (3) for that cluster.
 - (3) Undeveloped natural resource and open space areas.
- 3.
- (4) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

5. Conditional uses.

- (1) General.
 - (a) The Town Board may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. The Town Board shall follow the procedures described in Section VI, General Provisions.
 - (b) Before issuing a conditional use permit under paragraph (a), the Town Board shall determine in writing that the proposed use meets applicable conditions under this section. The Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this ordinance.
- (2) *Nonfarm residences*. The Town Board may issue a conditional use permit for a proposed *nonfarm residence* if all of the following standards will be met when the approved *nonfarm residence* comes into existence:
 - (a) If the *nonfarm residence* will be located in a *base farm tract*:
 1. The ratio of *nonfarm residence acreage* to *farm acreage* in the *base farm tract* will not exceed 1:20.
 2. There will be no more than 4 dwelling units in *nonfarm residences*, nor more than 5 dwelling units in residences of any kind, in the *base farm tract*.
 - (b) Neither the *nonfarm residence*, nor the parcel on which the *nonfarm residence* is located, will do any of the following:
 1. Convert *prime farmland*, or cropland other than a woodlot, from *agriculture use* if there is a reasonable alternative available to the permit applicant.
 2. Significantly impair or limit the current or future *agricultural use* of any other *protected farmland*.

(3) Nonfarm residential clusters. The Town Board may issue a single conditional use permit authorizing 2 or more proposed *nonfarm residences* if all of the following apply:

(a) The conditional use permit includes all of the following information:

1. The total number of *nonfarm residences* authorized by the permit.
2. A certified survey map of each parcel on which a *nonfarm residence* is authorized.
3. The number of *nonfarm residences* authorized on each parcel under ~~subd.~~ Subparagraph 2. if more than one.
4. The number of dwelling units authorized in each authorized *nonfarm residence*, if more than one.

(b) Each of the parcels described under paragraph (a) 2. shares a boundary with at least one other parcel described under paragraph (a) 2.

(c) Each of the proposed *nonfarm residences* will meet all of the standards under sub. (2) when all of the proposed *nonfarm residences* have come into existence.

(d) The conditional use permit prohibits all of the following:

1. Any further division of any parcel described in paragraph (a) 2.
2. Any *nonfarm residence* or dwelling unit on a parcel identified in paragraph (a) 2., other than a *nonfarm residence* or dwelling unit identified in the permit.

(4) Agricultural and accessory uses on farms. The Town Board may issue a conditional use permit for any of the following *agricultural uses* or *accessory uses* for which a permit is required under paragraph E (1):

(a) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in ch. ATCP 51, Wis. Adm. Code.

(b) An on-farm riding stable and/or boarding facility subject to the provisions of sec. 91.01(1)(d), Wis. Stats;

(c) A large on-farm fuel or agrichemical storage facility subject to the provisions of sec. 91.01(1)(d), Wis. Stats;

(5) Agriculture-related uses. The Town Board may issue a conditional use permit for an *agriculture-related use* if all of the following apply:

(a) The use supports *agricultural uses* in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

(b) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(d) The use is reasonably designed to minimize conversion of land, at and around the use site, from *agricultural use* or open space use.

(e) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.

(f) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

(6) Compatible infrastructure.

(a) The Town Board may issue a conditional use permit for any of the following uses if that

use meets applicable conditions under paragraph (b):

1. Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.
- 4.
2. Communication uses, including transmission lines, cell towers, antennae and broadcast towers.
3. Oil, gas and other pipelines.
4. Electrical transmission lines.
5. Wind turbines.
6. Solar power generation facilities.
7. Drainage facilities.

(b) The Town Board may issue a conditional use permit for a proposed use under paragraph (a) if all of the following apply:

1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from *agricultural use* or open space use.
4. The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*
5. Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

(7) Government and nonprofit community uses. The Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the town board determines that all of the following apply:

- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from *agricultural use* or open space use.
- (d) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
- (e) Construction damage to land remaining in *agricultural use* is minimized and repaired, to the extent feasible.

(8) Nonmetallic mineral extraction. The Town Board may issue a conditional use permit for a nonmetallic mineral extraction operation if all of the following apply:

- (a) The operation complies with all of the following:
 1. Subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter.
 2. Applicable provisions of Vernon County ordinance no. 2007-2.
 3. Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.

(b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

- (c) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
- (d) The operation is reasonably designed to minimize the conversion of land around the extraction site from *agricultural use* or open space use.
- (e) The operation does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
- (f) The conditional use permit requires the landowner to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner to restore the land to a condition suitable for agricultural use, according to a written restoration plan included with the permit.

5. Rezoning land out of a farmland preservation zoning district.

- (1) Except as provided in sub. (2), the Town Board may not rezone land out of a farmland preservation zoning district unless the Town Board does all of the following prior to the rezoning:
 - (a) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - 1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - 2. The rezoning is consistent with any comprehensive plan, adopted by the town board, which is in effect at the time of rezoning.
 - 3. The rezoning is substantially consistent with the Vernon County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - 4. The rezoning will not substantially impair or limit current or future agricultural use of other *protected farmland*.
- (2) Subsection (1) does not apply to any of the following:
 - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Vernon County farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (4) By March 1 of each year, the township shall submit to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to the County of Vernon a report of the number of acres rezoned out of the farmland preservation zoning district and a map that shows the location of those acres.

Section III: Commercial District

Use:

In the commercial district no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

- (1) Any use permitted in the agricultural district.
- (2) Shop, Filling Station, Professional office, Food and Dry Goods Store, Restaurant, Campground or Lodging facility.
- (3) Agri-Business facility.
- (4) Commercial Agricultural: An agricultural enterprise which would not have land to support it for feed and fiber and disposal capabilities and/or more than two hundred fifty (250) animal units (as defined by Environmental Protection Agency), would require and impact study by the town board or the zoning committee or both, to see if possible. Cost incurred by the township will be billed to the applicant.

Section IV: Industrial District

Use:

In the industrial district no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

- (1) Any use permitted in the commercial district.
- (2) Any light or heavy industrial plants except for chemical and/or hazardous material production or handling.

Section V: Special Purpose District

Use:

This district is created for the following purposes:

- (1) Landfills and former landfills.

(2) Junk yards.

(3) Chemical, biological, and and/or hazardous material production or handling.

(a) All such sites shall be secured in a sufficient manner to insure public and environmental safety.

(4) Any other type not included in Zones *I, II, III and IV above*.

A. No new well may be established within 2500 feet of an existing or former landfill boundary.

B. No new building may be constructed within 2500 feet of an existing or former landfill boundary.

Section VI: General Provisions

1. Any zoned area along a State, County, Federal or Town Highway with the Township of Coon, shall be considered zoned in the classification designated by the Town District Map for Zoning for a distance of not less than 200 feet along such highway. Such areas so zoned along such highway, shall be displayed and designated on the official Town District Map.
2. A mobile home as defined by the Wisconsin Statutes shall not be parked within a residential district area except as otherwise provided in this ordinance. A mobile home may be parked and occupied and a mobile home park may be established, within any of the other zoned classifications other than a residential district providing all other requirements are in full compliance with the Town mobile home specifications herein set forth.
3. A building site permit shall hereafter be required for the construction, reconstruction, remodeling or moving of any building within the Town of Coon whenever the cost of such shall be estimated to be over the amount of \$1,000.00.
4. Application for a building site permit shall be made to the Town Clerk in writing and on a form designed to give pertinent information relative to any such proposed construction, reconstruction, remodeling or moving project. The Town Clerk will issue all building site permits.
5. Any such building site permit so issued shall show the owner or owners of such property upon which such proposed construction is to take place, describe the property as described in the

town assessment roll and show the amount of cost or estimated cost of the proposed construction, reconstruction, remodeling or moving project.

6. The Town Clerk shall issue a notice to the Assessor whenever a building site permit is issued.
7. A Town Zoning Committee shall be established by the Town Board and shall consist of five (5) appointed residents of the Township as provided by sec. 60.61, Wis. Stats.
8. Such Zoning Committee may be compensated in a manner and method designated by the Town Board which appointed them and such compensation and its amount shall be established and set at the time of such appointment and shall remain in effect for the remainder of the term of such appointment of such Town Zoning Committee. Town Zoning Committee members shall be removable by the Town Board for the cause upon written charges and after a public hearing. The Town Board shall designate one the members Chairman. The town Board shall also appoint an alternate member for a term of 3 years who shall act with full power when a member of the Town Zoning Committee refuses to act because of a conflict of interest. Vacancies shall be filled for the unexpired term of members whose terms become vacant.
 - A. Duties of the Town Zoning Committee shall be:
 - (1) To prepare and present amendments to the Zoning Ordinance;
 - (2) Receive and review any requests or complaints;
 - (3) Hold a preliminary hearing upon written request for a zoning change or conditional use permit;
 - (4) Elect from the members of the Zoning Committee a person to act as Zoning Administrator.
 - (5) Duties of the Zoning Administrator shall be to investigate all complaints, give notice of violations and to enforce the provisions of this ordinance. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto a public or private land or water to make a zoning inspection.
9. A Board of Adjustment shall be established by the Town Board as provided by sec. 60.65, Wis. Stats. The Board of Adjustment consists of 3 members. Not more than one Town Board Supervisor may be a member of the Board of Adjustment. The initial terms of the members of the Board of Adjustment are one, 2 and 3 years, respectively, starting from the first day of the month next following the appointment. Successors shall be appointed or elected at the expiration of each term and their term of office shall be 3 years and until their successors are appointed or elected. Members of the Board of Adjustment shall reside within the town. The

Board shall choose a chairperson. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. The Town Board may compensate the members of the Adjustment Board.

10. The Town Board shall adopt regulations for the conduct of the business of the Board of Adjustment consistent with this ordinance. The Board of Adjustment may adopt rules necessary to implement the regulations of the Town Board. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
11. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record.
12. Appeals to the Board of Adjustment may be taken by any person aggrieved by any officer, department, board or bureau of the Township affected by any decision of the building inspector or other administrative officer pursuant to sec. 60.65(5), Wis. Stats.
13. Powers of the Board of Adjustment
 - A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
 - B. To 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. However, such variances shall not the effect of granting a use variance.
 - C. To grant conditional use permits and variances for renewable energy resource systems. If the board denies and application for a conditional use permit or variance for such systems, the board shall provide a written statement of its reasons for denying the application. See Section II Agricultural District for conditional uses allowed in said district.
14. The Board of Adjustment 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 ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. A majority vote of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirement of the ordinance.

15. The Town Board shall have the authority to permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this ordinance for such Public Utility purposes which are reasonable necessary for public convenience and welfare.

16. In addition to the foregoing, the Town Board shall have the following specific powers:
 - A. Grant a permit for a temporary building for commerce or industry in a residential district which is incidental to the residential development such permit to be issued for a period of not more than one year.

 - B. Grant a permit for the extension of a District Boundary if a district divides a lot in a single ownership at the time of the adoption of this ordinance.

 - C. By conditional use permit, after due notice and public hearing, authorize the location of any of the following buildings or uses in any district from which they may have excluded by this ordinance, provided that such building or use shall comply with all other regulations in the district in which it is proposed to be located:
 - (1) Nurseries and greenhouses for the propagation and cultivation of plants, except that such facilities located within the Agricultural District shall comply with the standards set forth in sec. 91.01(1)(a), Wis. Stats.

 - (2) Private clubs and lodges excepting those the chief activity of which service customarily carried on is a business, except that such facilities located within the Agricultural District shall comply with the standards set forth in sec. 91.01(1)(d), Wis. Stats.

 - (3) Hospital and Clinic, Institutions of a Philanthropic or Eleemosynary nature, and Cemeteries, except that such facilities located within the Agricultural District shall comply with the standards set forth in sec. 91.46(5), Wis. Stats.

 - (4) Professional Offices, except that such facilities located within the Agricultural District shall comply with the standards set forth in sec. 91.01(1)(d), Wis. Stats.

17. Changes and Amendments:

- A. The Town Board may from time to time on its own motion, petition, amend, supplement or change the boundaries or regulations established in the ordinance if a public hearing is held on the revisions. The board shall give notice of any proposed revisions in the zoning ordinance and of the time and place of the public hearing on them by a class 2 notice under ch. 985 WI Statutes. The board shall allow any interested person to testify at the hearing. If

any proposed revision under this subdivision would make any change in and airport affected area, as defined in sec. 62.23 (6)(am) 1.b., Wis. Stats., the board shall mail a copy of such notice to the owner or operator of the airport bordered by the airport affected area.

B. A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a three-fourths vote of the town board if a protest against the proposed amendment, supplement or change is presented to the town board prior to or at the public hearing under paragraph A and:

a. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to altered; or

b. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

C. A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a two thirds vote of the town board if the proposed amendment, supplement, or change would make any change in an airport affected area, as defined under sec. 62.63 (6)(am) 1.b., Wis. Stats. and if a protest against the proposed revision is presented to the town board prior to or at the public hearing under Paragraph A by the owner or operator of the airport bordered by the airport affected area.

18. Any applicant who files a request to rezone land in the Town of Coon shall pay a nonrefundable application fee in the amount of \$300.00.

19. Whenever a person, firm or corporation presents to the Town Board a development plan, such plan must provide an approved means of access to the property intended to be developed. Such access must be approved by the Town Board, and shall be in compliance with all ordinances and other laws related thereto.

20. An application for a conditional use permit under the terms of this zoning ordinance shall be made to the Town Board and filed with the Town Clerk on a form provided by the Town Clerk. Such form shall provide for and show the applicant's name, address, description of the property to which the conditional use is to be extended and shall provide such other information as the Town Board may deem necessary to establish the applicants need and intent to a conditional use. The application shall further legally describe the property owned by the applicant and to which the conditional use is extended or permitted.

21. An application for the conditional use permit, having been property filed with the Town Board as provided above, may be referred to the Town Zoning Committee for their approval and recommendation to the Town Board. The Town Zoning Committee shall act on such application in a reasonable length of time and shall then, after study, make their recommendation to allow or disallow the conditional use permit to the Town Board in writing.

22. The Town Board, after receiving such recommendation from the Zoning Committee, shall either allow or disallow the conditional use permit. Whenever a conditional use permit has been approved by the Town Board, the Town Clerk may be authorized to furnish such permit to the applicant.
23. Whenever an application for a conditional use permit is presented to the Town Board for action, the Town Board may require that a public hearing be held to determine whether the conditional use permit applied for, and if it were granted, is in the best public interest.
24. It shall be further herein understood and stipulated that in the event that any property sold to another person or persons, and to whom and on which a conditional use permit has been issued, that such permit shall become invalid, and further that any such new owner shall make proper application for such conditional use permit which may be extended only upon satisfactory approval as set forth in the original procedure for the purpose of acquiring a conditional use permit.
25. The Township of Coon recognizes the farmer's activities in this ordinance and gives them the right of spreading manure and the application of pesticides, herbicides, fungicides and seeding by aerial and ground methods. This ordinance gives permission for these activities to occur on Sundays, holidays and weekends, by day or night and shall include noises, odors, dust and fumes associated with farming practices.
26. Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall pay a forfeiture of not less than Five Dollars (\$5.00) for each offense and every day of violation shall constitute a separate offense.

Section VII: Regulations for Laying Out and Acceptance of Roads

- A. Road or highway standards. No road or highway shall be accepted or laid out in the Town of Coon unless the road or highway conforms to the following standards:
 1. The road or highway right of way shall be surveyed and have minimum width of 66 feet.
 2. All roads and highways shall be graded with a 26 foot roadway, 20 foot top and not more than 11% grade.
 3. All roads and highways shall have drainage ditches. The drainage ditches shall be at least one foot deep with at least three feet of side slope for every foot of depth.

4. The bed of such road or highway shall be surfaced at least 20 feet wide and the gravel compacted gravel.
5. Roads and highways shall be constructed with a base of 5 inches of breaker run crushed rock and 5 inches of $\frac{3}{4}$ inch gravel.
6. Whenever the contours of the land make it necessary that water be carried across the road or highway, the road or highway shall contain a culvert, the size and length of which shall be approved by the Town Board prior to installation, and in no case shall the culvert underneath a roadbed be less than 15 inches in diameter nor less than 30 feet in length.
7. The 20 foot wide road top shall be sealed with 2 coats of seal coating.

B. Applicants to Assume all Road and Highway Construction Costs.

The Town Board shall not grant the laying out of a highway or the acceptance of a highway by the town until such time as the applicant contracts with said Town to provide for roads and highways in accordance with the specification and requirements under this ordinance and until said applicants agree to paying all the costs for the improvement to said highway or road.

C. Deed Required

Prior to the approval of the laying of a highway under sec. 80.06, Wis. Stats., the Town Board may require a deed to be provided to the Town of Coon for all highway, roadway, and drainage waterways along the public road.

D. Town Reserves the Right to Road or Highway

Notwithstanding an applicant's or subdivider's complete compliance with all the requirements of this ordinance and the requirements of Chapter 80 of the Wisconsin Statutes, the Town Board pursuant to sec. 80.06, Wis. Stats. reserves the right to grant or refuse and application for a highway or roadway as the Town Board deems best for the public good.

E. Severability

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

F. Effective Date

This ordinance shall be in full force and effect the day after the adoption and posting as required by law.

Section VIII: 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 passage, approval, publication and recording, according to law.

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 invalid.

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

The foregoing Ordinance was adopted at a special meeting of the Town of Coon Board on the 13th day of March, 2012

Town Board:

Town Chairman: Orlan D. Bakken

Town Supervisor: Angela

Town Supervisor: Lou W. Munn

Filed this 13th day of March, 2012

Lorraine Bakkestien
Town Clerk

