

incidental to that of the principal building on the same lot or incidental to the use of the premises on which it is located.

BUILDING, MINOR ACCESSORY. A structure not requiring a zoning permit shall include any small, easily moveable construction and any structure which has a footprint of no more than 150 square feet and any structure allowing for handicap access. Must meet all setbacks for zoning district in which they are located with the exception of school bus waiting shelters. Small easily moveable structures include but are not limited to objects such as play equipment, tree houses, farm calf hutches, permanent deer stands (without living quarters, plumbing, or running water), outside woodstoves/boilers, and other hand moveable objects such as grills, etc. Note WI Adm code requires counties to issue permits for all structures in floodplain.

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**BUILDING HEIGHT.** Unless otherwise specified in this ordinance, the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

**BUILDING SITE AREA.** The ground area of a building or buildings, together with all open spaces required by this chapter.

**CAMPGROUNDS.** Any premises established for overnight habitation by persons, not the owner of the property, using equipment designed for the purposes of temporary camping and whether or not a fee is charged.

**CAMPING UNIT.** Any portable device, no more than 400 square feet in area, used as a temporary shelter, including, but not limited, to a camping trailer, motorhome, bus, van, pickup truck, tent or other mobile recreational vehicle.

**CERTIFICATE OF COMPLIANCE.** A certification issued by the Town Zoning Administrator stating that the construction and the use of land or a building is in compliance with all of the provisions of this ordinance.

**CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**CLUB.** An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

**CONDITIONAL USE.** Uses which may be permitted in a district through the granting of a Conditional Use by the Town Board, upon finding and recommendation by the Planning Commission that specified conditions are met.

**CONDOMINIUM.** For the purpose of this code, condominium shall have the same definition as contained in §703.02(4) Wis. Stats.

**CONE OF DEPRESSION.** The area around a well in which the water level has been lowered at least one tenth (1/10) of a foot by pumping of the well.

**CONSERVANCY AREA.** An area of land where the water table is generally at, near or above the land surface.

**DAY CARE OR CHILD CARE FACILITY.** For the purpose of this code a day care or child care facility shall have the same definition as contained in §48.65(1) Wis. Stats..

**DETENTION BASIN.** An artificial depression or diked structure designed to be part of a stormwater and/or sediment control project which may or may not have permanent shallow water.

**DEVELOPMENT.** Any artificial change to improved or unimproved real estate, including, but

or colored material on any building, structure or surface. Signs placed or erected by governmental agencies or nonprofit civic associations for a public purpose in the public interest shall not be included herein.

**SIGN, BILLBOARD, DIRECTIONAL.** Signs which direct potential patrons or visitors to a specific place of business interest or community and which may indicate either goods or services offered or both.

**SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use.

**SLAUGHTERHOUSE.** Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses and the storage, freezing and curing of meat and preparation of either meat products, by-products or both.

**STORY.** The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

**STREET.** A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of determining setback, even though such driveway may have been designated a town road for the purposes of maintenance.

**STRUCTURAL ALTERATIONS.** Any changes in the supporting members of a structure such as bearing walls, columns, beams or girders, footing and piles.

**STRUCTURE.** Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, buses, and motor homes.

**STRUCTURE, ACCESSORY.** A structure which is incidental or subordinate to the principal structure on the same parcel and may be desirable but not necessary for the use of the parcel as permitted by this code.

**STRUCTURE, MINOR ACCESSORY.** A structure not requiring a zoning permit shall include any small, easily moveable construction and any structure which has a footprint of no more than 150 square feet and any structure allowing for handicap access. Must meet all setbacks for zoning district in which they are located with the exception of school bus waiting shelters. Small easily moveable structures include but are not limited to objects such as play equipment, tree houses, farm calf hutches, permanent deer stands (without living quarters, plumbing, or running water), outside woodstoves/boilers, and other hand moveable objects such as grills, etc. Note WI Adm code requires counties to issue permits for all structures in floodplain.

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**STRUCTURE, NONCONFORMING.** A structure erected prior to the effective date of this chapter or amendment thereto, that conforms to use limitations but does not conform to dimensional or other standards including setbacks, floor area, parking, distance, or floodproofing.

**STRUCTURE, PRINCIPAL.** A structure which contains or is directly related to the main use of the property on which it is located, conforms to the purpose section of the zoning district in which it is or is to be located and is a structure listed as a permitted or Conditional Use in the zoning district. Only one principal structure is permitted on each lot or parcel.

## GENERAL REGULATIONS

### 17.10 JURISDICTION.

The provisions of this chapter shall apply to the land, water, air and all structures both above and below ground within the Town of Texas, Marathon County, Wisconsin.

### 17.11 COMPLIANCE.

- (1) No structure, land, water or air shall hereafter be used without full compliance with the provisions of this chapter and all applicable local, County and State regulations. No structure (with the exception of certain minor structures), or part thereof shall hereafter be located, erected, moved, reconstructed or altered and no substantial land use change made without a zoning, special zoning, or Conditional Use permit. The Town Zoning Administrator, or his/her appointed deputies, shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations and enforce the provisions of this chapter. The Zoning Administrator shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this chapter. If, however, he/she is refused entry after presentation of identification, he/she shall procure a special inspection warrant in accordance with §66.0119, Wis. Stats., except in case of emergency.

No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the Town, nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Town Attorney and the Town Zoning Board of Appeals.

Where issuance of an after-the-fact permit or approval would have the effect of correcting a violation it may be granted if all conditions required for issuance can be complied with.

- (2) Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this code and obtain all necessary permits.

- (3) Either the Town of Texas or any owner or owners of property within the district affected by a particular regulation may sue to enforce by injunctive order compliance with this chapter.
- (4) An application filed or permit issued pursuant to this Chapter shall authorize access by the Town Zoning Administrator or his/her appointed deputies onto the property for the purpose of inspecting the site prior to permit issuance and/or for compliance with the terms of the permit and this Chapter. [Also see §17.93(2)(f)]

### 17.12 PERMITS.

- (1) Zoning Permits. A zoning permit shall be issued before any of the following may occur:
  - (a) Prior to the erection, structural alteration, or moving of any building or structure except as exempted in this chapter.
  - (b) Prior to the establishment of a new use, whether the land is currently vacant or if a substantial change in land use is proposed.
  - (c) Prior to any change in use of an existing building or structure.

(d) Applications for a zoning permit shall be made to the Town Zoning Administrator or his/her appointed deputies on forms furnished by the Town Zoning Administrator and shall include the following where applicable:

1. Names and addresses of the applicant, agent or owner of the site, architect, professional engineer or contractor.
2. Description of the subject site by Parcel I.D. number from tax rolls, lot and block numbers and recorded subdivision or by metes and bounds, section, township and range, address of the subject site, property boundaries, dimensions, elevations, uses and size of the following:
  - a. Subject site, existing and proposed structures.
  - b. Existing and proposed easements, streets and other public ways.
  - c. Off street parking, loading areas and driveways.
  - d. Existing highway access restrictions.
  - e. Existing and proposed street, side and rear yards.
  - f. The use of any abutting lands and their structures within 50 feet of the subject site.
  - g. If applicable, the location of the ordinary high water mark, channel, floodway, floodplain and shoreland boundaries.
  - h. The location of any well(s) and/or septic system(s).
  - i. The zoning district within which the subject site lies.
  - j. Payment of the appropriate fee as prescribed at §17.15.
3. A County sanitary permit issued pursuant to Ch. 15 of the Marathon County General Code.
4. Additional information as required by the Town Zoning Administrator.

(e) A zoning permit shall be obtained when there is a change of any nonconforming use. The occupancy permit shall be issued by the Town Zoning Administrator or his duly appointed deputies. Such permit shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or with the Town Board determination where applicable.

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(f) The zoning permit shall be granted or denied in writing within 30 days.

(2) Exemptions. A zoning permit shall not be required for the following:

(a) Alterations involving ordinary maintenance and repair.

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(b) For new minor accessory structures as defined in section 17.08.

(a) Permits are required for construction, alteration, remodeling or relocation of any structure greater than \$500.00, and showing compliance with State and County regulations.

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(b) Applications for a zoning permit shall be made to the Town Zoning Administrator or his/her appointed deputies on forms furnished by the Town Zoning Administrator and shall include the following where applicable:

1. Names and addresses of the applicant, agent or owner of the site, architect, professional engineer or contractor.

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2. Description of the subject site by Parcel I.D. number from tax rolls, lot and block numbers and recorded subdivision or by metes and bounds, section, township and

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range, address of the subject site, property boundaries, dimensions, elevations, uses and size of the following:

- a. Subject site, existing and proposed structures.
  - b. Existing and proposed easements, streets and other public ways.
  - c. Off street parking, loading areas and driveways.
  - d. Existing highway access restrictions.
  - e. Existing and proposed street, side and rear yards.
  - f. The use of any abutting lands and their structures within 50 feet of the subject site.
  - g. If applicable, the location of the ordinary high water mark, channel, floodway, floodplain and shoreland boundaries.
  - h. The location of any well(s) and/or septic system(s).
  - i. The zoning district within which the subject site lies.
  - j. Payment of the appropriate fee as prescribed at §17.15.
  - 3. A County sanitary permit issued pursuant to Ch. 15 of the Marathon County General Code.
  - 4. Additional information as required by the Town Zoning Administrator.
- (b) ~~Zoning Permit. A zoning permit shall be obtained when there is a change of any noneconforming use. The occupancy permit shall be issued by the Town Zoning Administrator or his duly appointed deputies. Such permit shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or with the Town Board determination where applicable.~~
- (e) ~~The zoning permit shall be granted or denied in writing within 30 days.~~

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### 17.13 CONDITIONAL USE PERMITS.

#### (1) GENERAL APPLICATION.

- (a) Applications for conditional use permits shall be made on forms furnished by the Town and shall include: the information required in §17.12(1) and payment of the fee to the Town for a public hearing before the Planning Commission.
- (b) Notification by the Town to property owners having land adjacent to the boundaries of the property for which the Conditional Use permit is requested may be notified pursuant to the requirements of Section 62.23, Wis. Stats.

#### (2) CONDITIONS ATTACHED TO CONDITIONAL USE PERMITS.

Upon consideration of the factors listed above and the purpose of this chapter, the Planning Commission shall attach such conditions, in addition to those required by specific permits, as it deems necessary in furthering the purposes of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration, modification of sewage disposal and water supply facilities, modification of other waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties and deed restrictions.

#### (3) REVIEW AND APPROVAL BY TOWN BOARD.

- (gg) Institutions of a charitable or philanthropic nature, day care or child care facilities, hospitals, clinics and sanatoria, except contagious hospitals and mental institutions.
- (hh) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (ii) Livestock collection and transfer depots when located not less than 300' from an RS residential district and when accessory to principal agricultural use of the property.
- (jj) Commercial Wind Electrical Generation Towers provided no tower shall be located within 1200 ft. of a residence or residential zoning district and the towers shall be set back from any property boundary a distance equivalent to its height to the top of the arc of the rotor plus 100 feet. No tower shall be located in any floodplain or wetland.

(kk) Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted provided:

1. Nonmetallic mining shall comply with the applicable terms of the General Marathon County Code of Ordinances regarding Nonmetallic Mining.
2. All operations shall be at least 50' from the centerline of any right-of way and 10' from all property line of another person or company. All accessory uses such as offices and parking areas shall be at least 100' from any right-of-way or property line.

(jj)(ll) Automobile wrecking yard, junk yard, or salvage yard, and portable tire shredders shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600' from the nearest residence except that of the owner, his agent, or employee.

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(4) **HABITABLE STRUCTURES.** All new habitable structures other than that of the farm operator shall be located at least 300' from buildings, pens, and structures used for the housing, sheltering or feeding of livestock.

(5) **HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.**

(a) Height. Except as otherwise provided in this chapter, no building shall exceed a height of 35'. See §17.22.

(b) Lot Area. Buildings used in whole or in part for residential dwelling purposes which are hereafter erected or structurally altered shall be located on a lot having an area of not less than three (3) acres with a width of 300 feet at the building line.

This requirement shall not apply to mobile homes permitted on farms as an accessory use.

Riding stable/Academy hereafter established shall be located on a parcel having a contiguous area of not less than 35 acres.

(c) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum floor area of 840 square feet, provided that this regulation shall not apply to mobile homes permitted on farms.

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(d) Side Yards. There shall be side yards provided between each building and the property line of no less than 50 feet.