

# Town of Seneca, Wood County, Wisconsin : Ordinances

## TABLE OF CONTENTS TOWN OF SENECA ZONING ORDINANCE

|   |           |
|---|-----------|
| ZONING ORDINANCE.....   | 1         |
| SECTION 1. PURPOSES AND INTERPRETATION.....                           | 1         |
| 1.01 PURPOSES.....  | 1         |
| 1.02 INTERPRETATION.....  | 1         |
| SECTION 2. DEFINITIONS OF WORDS AND PHRASES.....                      | 2         |
| 2.01 GENERAL.....   | 2         |
| SECTION 3. GENERAL PROVISIONS.....                                    | 7         |
| 3.01 COMPLIANCE.....  | 7         |
| 3.02 PERMITS.....   | 9         |
| 3.02-A UNIFORM DWELLING CODE ENFORCEMENT.....                         | 9         |
| 3.03 EXEMPTIONS FROM PERMITS.....                                     | 9         |
| 3.04 PRIVATE ON-SITE WASTE TREATMT SYSTEMS - COMBINING SUBSTRD LOTS.. | 9         |
| 3.05 VISUAL CLEARANCE.....  | 10        |
| 3.06 BUILDING SETBACK FROM ROADWAYS.....                              | 11        |
| 3.07 HEIGHT REGULATION EXCEPTIONS.....                                | 11        |
| 3.08 AIRPORT ZONING.....  | 12        |
| 3.09 AREA REGULATIONS.....  | 12        |
| 3.10 PARKING.....   | 12        |
| 3.11 NONCONFORMING USES AND STRUCTURES.....                           | 14        |
| 3.12 HERBICIDE & PESTICIDE STORAGE AND APPLICATION.....               | 15        |
| 3.13 QUARRIES.....  | 15        |
| 3.14 PONDS.....   | 20        |
| 3.15 WIRELESS TOWERS.....   | 20        |
| <u>SECTION 4. ZONING DISTRICTS AND ZONING MAP.....</u>                |           |
| <u>4.01 ZONING DISTRICTS.....</u>                                     | <u>25</u> |
| <u>4.02 OFFICIAL ZONING MAP.....</u>                                  |           |
| <u>4.03 RESIDENTIAL DISTRICT: R-1.....</u>                            |           |
| <u>4.04 AGRICULTURAL DISTRICT - SMALL LOT (A-2) .....</u>             |           |
| <u>4.05 AGRICULTURAL DISTRICT - LARGE LOT (A-5) .....</u>             | <u>28</u> |
| <u>4.06 COMMERCIAL DISTRICT (C) .....</u>                             |           |

- 4.07 INDUSTRIAL DISTRICT (I)
- 4.08 SPECIAL PURPOSE DISTRICT (SP)
- 4.09 CONSERVANCY DISTRICT (CON)
- 4.10 DEVELOPMENT STANDARDS .....

**SECTION 5. CONDITIONAL USES 35**

- 5.01 GENERAL .....
- 5.02 PROCEDURE .....
- 5.03 STANDARDS .....
- 5.04 CONDITIONS AND GUARANTEES .....
- 5.05 DETERMINATION .....
- 5.06 TERMINATION .....
- 5.07 FILLING AND GRADING .....

**SECTION 6. SIGNS .....**

- 6.01 ENACTMENT .....
- 6.02 SIGN PERMIT FEE AND NUMBER .....
- 6.03 GENERAL SIGN PROVISIONS .....

**SECTION 7. AMENDMENTS**

- 7.01 AUTHORITY.....
- 7.02 INITIATION.....
- 7.03 PETITIONS .....
- 7.04 FEE .....
- 7.05 CHANGES AND AMENDMENTS .....
- 7.06 RECOMMENDATIONS .....
- 7.07 TOWN BOARD ACTION.....
- 7.08 EFFECTIVE DATE OF AMENDMENT AND THE ORDINANCE .....

**SECTION 8. BOARD OF APPEALS .....**

- 8.02 MEMBERSHIP.....
- 8.03 RULES OF CONDUCT.....
- 8.04 POWERS OF THE BOARD OF APPEALS
- 8.05 COURT REVIEW AND DECISION.....
- 8.06 COSTS .....

**SECTION 9. ZONING COMMITTEE .....**

- 9.01 ESTABLISHMENT.....
- 9.02 MEMBERSHIP.....
- 9.03 DUTIES AND RESPONSIBILITIES .....
- 9.04 RULES OF CONDUCT.....

**SECTION 10. PENALTIES .....**  
**10.01 FAILURE TO COMPLY .....**  
**10.02 DOUBLE FEE PROVISION .....**

**SECTION 11. ENFORCEMENT**  
**11.01 ZONING OFFICIAL .....**

**SECTION 12. EFFECTIVE DATE**

**FEE SCHEDULE..... 46**

**FOLLOWING THE ZONING ORDINANCE ARE SEPARATE ORDINANCE SECTIONS FOR:**

**DOG ORDINANCE**

**RECYCLING ORDINANCE**

**TOWN OF SENECA  
WOOD COUNTY, WISCONSIN**

**ZONING ORDINANCE**

**The Town Board of the Town of Seneca, Wood County, Wisconsin, being authorized to exercise the powers of a village pursuant to §60.10, Wis. Stats., does ordain as follows:**

**SECTION 1. PURPOSES AND INTERPRETATION**

**1.01 PURPOSES.**

**(1)** An ordinance to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purposes to divide the Town of Seneca, Wood County, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

**(2)** The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort,

prosperity and general welfare of the residents of the Town of Seneca, Wood County, Wisconsin.

(3) To support and implement the goals and objectives, policies and programs of the Comprehensive Plan for the Town of Seneca.

## 1.02 INTERPRETATION.

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

## SECTION 2. DEFINITIONS OF WORDS AND PHRASES

### 2.01 GENERAL

The following words, phrases and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

- (1) **ACCESSORY OR AUXILIARY USE OR STRUCTURE.** A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use. In the case of a house and detached garage on the lot, the accessory building is the garage.
- (2) **AGRICULTURE.** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- (3) **AIRPORT.** Any runway, landing area, airport or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.
- (4) **ALLEY.** A street or thoroughfare less than twenty-one (21) feet wide and affording only secondary access to abutting property, and not intended for general traffic.
- (5) **AUTOMOBILE REPAIR.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame or fender straightening or repair; overall painting or paint shop, vehicle steam cleaning.
- (6) **AUTOMOBILE OR TRAILER SALES AREA.** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- (7) **AUTOMOBILE SALVAGE YARD.** Any area of land where two (2) or more inoperative vehicles, unlicensed vehicle or vehicles

without current registration where a license is required to operate, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles.

**(8) AUTOMOBILE SERVICE STATION OR FILLING STATION.** A building or other structure or a tract of land where gasoline or similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to a gasoline station: the dispensing of oil, greases, anti-freeze, tires, batteries and automobile accessories directly to users of motor vehicles; tuning motors, minor servicing and repair to the extent of installation of the items enumerated above; washing of automobiles. All other activities shall be prohibited, including but not limited to: upholstering work, auto glass work, painting, welding, auto sales, disabled auto storage.

**(9) BASEMENT.** A story partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

**(10) BUILDING.** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, materials or machinery. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except for the minimum side yard requirements as hereinafter provided.

**(11) BUILDING, HEIGHT OF.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

**(12) CAMPGROUNDS.** Any public or private premises, including buildings, established for temporary day and overnight habitation by persons using equipment designed for the purpose of temporary camping.

**(13) CAMPING VEHICLE.** A vehicle eight (8) feet or less in width, designed for intermittent human habitation, and is towed or self-propelled upon a highway.

**(14) CEMETERY.** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

**(15) CLINIC.** A place used for the care, diagnosis and treatment of sick, ailing and injured persons or animals, and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises, except veterinarian clinics.

**(16) CLUB.** A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**(17) COMPREHENSIVE PLAN.** The Town's community development plan, as adopted or amended under Wisconsin Statute 62.23 and in accordance with Wisconsin Statute 66.1001, to guide and coordinate development of the Town of Seneca that will, in accordance with existing and future needs, best promote the public health, safety, morals, order, convenience, prosperity or general welfare, as

well as efficiency and economy in the process of development.

**(18) CONDITIONAL USE.** A use of land that, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions that effectively insure that no such problems will be created.

**(19) DISTRICT.** A portion of the territory of the Town where certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance as specified on the Official Zoning Map as adopted by the Town Board of Supervisors.

**(20) DWELLING.** Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons, but not including a tent, trailer or camping vehicle, hotel or motel.

**A. Single Family Dwelling.** A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.

**B. Two Family Dwelling.** A building designed for or used exclusively by two (2) families or housekeeping units.

**C. Multiple Family Dwelling.** A building or portion thereof designed for and occupied by more than two (2) families including tenement houses, row houses, apartment houses and apartment hotels.

**(21) FAMILY.** The body of persons who live together in one (1) dwelling unit as a single housekeeping entity.

**(22) FARM.** An area which is used for the growing of the usual farm products such as vegetables, fruit trees, nursery stock, Christmas trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one (1) or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

**(23) FRONTAGE.** Frontage shall be that boundary of a lot that is along an existing or dedicated public street or, where no public street exists, is along a public way. Where a lot abuts more than one (1) street, the Zoning Committee shall determine the frontage for purposes of this Ordinance.

**(24) GARAGE, PRIVATE.** A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for the storage of self-propelled vehicle or trailers.

**A. Public Garage.** A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.

**B. Storage Garage.** Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, served, repaired, hired or sold.

**C. Commercial Storage Garage.** Any materials used for commercial use stored in an open or enclosed storage area, but not including materials listed under "junk yards" in this section.

**(25) GREENHOUSE, PRIVATE.** An accessory use to the principal building, used for the growing of plants, but where no plants or plant materials are sold for compensation or commercial purposes.

**(26) HOME OCCUPATION.** An occupation for gain or support not otherwise permitted in the district having not more than one (1) employee who is not a member of the household, conducted as an accessory use to a dwelling, entirely within the dwelling and its accessory buildings, and occupying not more than one-half (1/2) of floor area of the dwelling.

**(27) JUNK YARD.** A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment but not including such places where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in working condition or salvaged materials incidental and necessary to manufacturing operations.

**(28) KENNEL.** Any structure or premises on which three (3) or more dogs over four (4) months of age are kept for compensation.

**(29) LAUNDRY.** A business that provides washing, drying and/or ironing services for compensation.

**(30) LAUNDROMAT.** A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**(31) LOT.** A parcel of land having a width and depth sufficient to provide the space necessary for the main building and its accessory building together with open spaces required by this ordinance and abutting on a public thoroughfare or officially approved place.

**A. Corner Lot.** A lot abutting on two (2) or more streets at their intersection provided that the interior angle of such intersection is less than 135 degrees.

**B. Improved Lot.** Land that its value has been increased by betterment, such as erection of a building, clearing or filling.

**(32) LOT LINE.** The lines bounding a lot as defined herein.

**(33) MANUFACTURED HOME.** A manufactured home is as defined in section 101.91, Wisconsin Statutes, which is (a) a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; (b) a structure which meets all the requirements of par. (a) except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 to 5425; or (c) a mobile home, unless a mobile home is specifically excluded under the applicable statute.

**(34) MOBILE HOME.** Manufactured home. Mobile homes are considered as single-family dwellings or residences and are subject to the same regulations as other single-family residences. Mobile homes shall have a full length and width foundation with footing of block or poured concrete supporting the entire frame, and shall be securely anchored to the footings.

**(35) MOTEL.** A series of attached, semi-attached or detached sleeping or living units primarily for the accommodation of automobile transient guests for compensation; said units, having convenience access to off-street parking spaces for the exclusive use of the guests or occupants; a swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

**(36) NONCONFORMING USE.** A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or any amendments thereto.

**(37) PRINCIPAL BUILDING.** The building of primary importance on a parcel of land, in contrast to those which are accessory or of secondary importance.

**(38) PROFESSIONAL OFFICES.** The office of a doctor, practitioner, dentist, minister, architect, landscape artist, professional engineer, lawyer, author, musician or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupancy--not more than twenty-five (25) percent of the floor area of only one (1) story of a dwelling unit shall be occupied by such office, only one (1) unlighted name plate not exceeding four (4) feet square in area and containing the name and profession of the occupant of the premises only, shall be exhibited.

**(39) QUARRYING.** The removal of rock, slate, gravel, sand, topsoil or other natural material from the land by excavating, stripping, leveling or any other such process which results in creation of a pond or a pit. Removal of excess materials from the land, such as in excavating for a foundation or cranberry bed, shall not be considered quarrying if it does not result in a pond or a pit. Drainage ditching shall not be considered quarrying.

**(40) RIGHT-OF-WAY.** A dividing line between a lot, tract or parcel of land and a continuous road.

**(41) ROADSIDE STAND.** A temporary structure that is unenclosed and so designed and constructed that the structure is easily portable and can be readily moved.

**(42) SERVICE BUILDING.** A structure housing toilet, washing and bathing facilities and such other facilities as may be required by this Ordinance.

**(43) SETBACK.** The minimum horizontal distance between the right-of-way and the nearest point of a building or any projection thereof excluding uncovered steps.

**(44) SHALL.** The word is mandatory and is not discretionary.

**(45) SHOOTING RANGE.** An area designed and constructed for the discharge of firearms that is open for club members or public use.



**(46) SIGN.** "Sign" means any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, and which any part of the advertising or informative contents of which is visible from any place on the main traveled way of any portion of a public roadway. Such definition does not include family name plaques, family farm signs or temporary signs with a total single side area of 16 square feet or less.

**A. Temporary Sign.** Any sign that is placed for 30 days or less. Temporary signs shall not exceed 16 square feet in area.

**(47) STORY.** That portion of a building included between the surface floor and the floor next above it or if there is no floor above it, the space between the floor and the ceiling next above it. A basement or cellar having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.

**(48) STORY, HALF.** The space under any roof except a flat roof, which if occupied for residential purposes shall be counted as a full story.

**(49) STREET.** All property dedicated or intended for public or private purposes or subject to public easement therefore and sixty-six (66) feet or more in width.

**(50) STRUCTURE.** Anything constructed or erected--the use of which required permanent location on the ground or attached to something having a permanent location on the ground.

**(51) STRUCTURAL ALTERATION.** Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

**(52) TEMPORARY STRUCTURE.** A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life or is built for a purpose that would commonly be expected to be relatively short term.

**(53) USE.** The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is or may be occupied or maintained.

**A. Permitted Use.** A use that is permitted outright in a district for which a Building Permit may be issued by the Zoning Official in accordance with this Ordinance.

**B. Conditional Use.** A use that is permitted in a district only if a Conditional Use Permit is expressly authorized in accordance with this Ordinance.

**(54) VARIANCE.** A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.

**(55) VISION CLEARANCE.** An unoccupied triangular space at the street corner of a corner lot, which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

**(56) YARD.** An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**A. Front Yard.** A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

**B. Rear Yard.** A yard extending full width of the lot, being minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.

**C. Side Yard.** A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

### **SECTION 3. GENERAL PROVISIONS**

#### **3.01 COMPLIANCE.**

Except as may be otherwise specifically provided, the use, size, height and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces, and the use of land, shall be in compliance with the goals, objectives, policies and programs of the Comprehensive Plan, and with the regulations established herein for the district in which such land or building is located.

#### **3.02 PERMITS.**

**(1) PURPOSE OF PERMITS.** The primary purpose for issuing permits in the Town of Seneca is to insure compliance with provisions of this ordinance and the goals, objectives, policies and programs of the Town's comprehensive plan. A secondary purpose is to have a record of where buildings or structures are being built or demolished for emergency services information and for maintaining and keeping current the Town's tax records.

#### **(2) Building Permit.**

**A. Permit Required.** No building shall hereafter be erected, moved or structurally altered and no existing building floor plan shall be changed until a building permit therefore shall have been applied for and issued by the Zoning Official. NO BUILDING PERMIT SHALL BE ISSUED UNTIL A SANITARY PERMIT HAS BEEN ISSUED FROM THE WOOD COUNTY PLANNING & ZONING

OFFICE, PURSUANT TO APPLICABLE WISCONSIN STATUTE AND WISCONSIN ADMINISTRATIVE CODE.

- B. Application Procedure.** All applications for building permits shall be in writing to the Zoning Official. A signed affidavit of Town of Seneca form 3/02/93 shall be completed by the applicant for the Zoning Official. The applications shall be accompanied by plans in duplicate, showing location, actual shape and dimensions of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered, or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Ordinance.

All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. Evidence of compliance with county and State sanitary standards must be obtained prior to issuance of the permit.

- C. Permit Fees.** Before receiving a building permit, the owner or his agent shall pay to the Zoning Official, the appropriate fees, as set forth in the attached fee schedule.

- D. Building Permit Exemptions.** No building permit is required for the following:

1. Roof repair unless structural change is made.
2. Sidewalk or driveways.
3. Any replacement of existing items that does not result in structural changes.

- (3) Conditional Use Permit.** When the use being applied for is listed as a "conditional use" in the district in which it is located, the Town Board may issue a conditional use permit. This permit can only be issued after a report from the Zoning Committee, after a public hearing and after provisions of the conditional use section of the Ordinance have been complied with. The Zoning Committee may recommend and Town Board may attach certain conditions that shall be met as a condition of issuing the permit.

- (4) State Permit.** A permit shall be obtained from the State agency authorized by law to issue such permits when required under Wisconsin Statutes, Sections 30.12 (structures and deposits in navigable waters), 30.18 (diversion of water from lakes and streams), 30.20 (removal of material from beds of navigable waters), or other applicable State or Federal regulations.

### 3.02-A UNIFORM DWELLING CODE ENFORCEMENT.

- (1) AUTHORITY.** These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes
- (2) PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

- (3) **SCOPE.** The scope of this ordinance includes the construction and inspection of one – and two family dwellings built since December 18, 2003.
- (4) **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- (5) **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.
- (6) **BUILDING PERMIT FEE.** The building permit fees for new homes shall be \$400.00. \$350.00 will be given to the UDC inspector and \$50.00 will stay in the Town. The building permit fee for new alterations and additions valued over \$50,000.00 to dwellings originally built since June 1, 1980 will be \$400.00 with \$350.00 to be given to the UDC inspector and \$50.00 will stay in the Town. (amended 5/5/04 added fee for alterations and additions) (amended additions value 4/5/06)
- (7) **PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

### 3.03 EXEMPTIONS FROM PERMITS.

The provisions in Section 5 of this Ordinance regarding filling, grading, and work in respect to waterways shall not apply to the construction and repair of public roads, flood control structures, or conservation practices such as terracing, installation of diversions, grass waterways, subsurface drainage, non-navigable drainage ditches, stream stabilization by riprapping or vegetative cover or non-floating docks accessory to private dwellings.

### 3.04 PRIVATE ON-SITE WASTE TREATMENT SYSTEMS - COMBINING SUBSTANDARD LOTS FOR.

If a substandard lot is owned and the owner has adjoining property, these parcels shall be combined with a standard lot or with adjoining substandard lots to make a standard lot, or one closer to standard, for private, on-site waste treatment system purposes. [See also Section 3.09(5)]

### 3.05 VISUAL CLEARANCE.

**(1) Visual Clearance Required.** In each quadrant of every public street or road intersection, there shall be designated a clear vision triangle, bounded by the street or road centerline and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated in Table 1.

**(2) Visual Clearance Definitions.**

**A. Clear Vision Triangle.** The use of the term "clear vision triangle", or "triangle", in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

**B. Centerline.** The term "centerline" in this section shall be interpreted as follows:

1. Where there is an undivided pavement within a right-of-way the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of way.
2. Where there is a divided pavement within a right-of-way the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection C below.
3. Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road is sixty (60) feet or greater, the centerline of the pavement shall be used separately to designate the clear vision triangles.

**(3) Required Distances By Roadway Type.** The distance specified from the point of intersection of the centerline to the aforesaid points on the centerline shall be as specified in the following table:

| TABLE 1<br>VISUAL CLEARANCE REQUIREMENTS<br>TOWN OF SENECA |                        |
|--|------------------------|
| TYPE OF ROAD   | TRIANGLE SIDE DISTANCE |
| State & Federal Highways                                   | 300 ft.                |
| County Trunk Highways                                      | 200 ft.                |
| Town Roads   | 150 ft.                |
| Railroad Crossings   | 300 ft.                |

**(4) Allowable Uses Within The Clear Vision Triangle.** Within the clear vision triangle, no object shall be allowed above a height of two and one-half (2½) feet above average elevation of the streets at the points on their respective centerline, as defined in Table 1, if it substantially obstructs the view across the triangle, except as provided below.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object, such as a motor vehicle, clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle

must be removed. In a like manner, this restriction shall not apply to the posts and wires of wire fences, provided that they do not obstruct visibility across the clear vision triangle. Agricultural crops are also exempt from this provision.

**3.06 BUILDING SETBACK FROM ROADWAYS.**

**(1) Setback Requirements.** All buildings and structures erected in the Town of Seneca shall meet the roadway setbacks listed in Table 2.

| TABLE 2<br>BUILDING SETBACK REQUIREMENTS<br>TOWN OF SENECA |                                       |        |                   |
|--|---------------------------------------|--------|-------------------|
| ROADWAY TYPE   | SETBACK FROM<br>CL* <b>OR</b> R-O-W** |        |                   |
| Federal Highways   | 110 ft.                               | 50 ft. | WHICHEVER GREATER |
| State Highways   | 110 ft.                               | 50 ft. | WHICHEVER GREATER |
| County Trunk Highways                                      | 75 ft.                                | 42 ft. | WHICHEVER GREATER |
| Town Roads   | 75 ft.                                | 42 ft. | WHICHEVER GREATER |
| * CL = Centerline.<br>** R-O-W = Right-of-Way Line.        |                                       |        |                   |

**(2) Structures Permitted Within Setback Lines.**

- A. Open fences.
- B. Utility services, both above and below ground. Additions to and replacements of all such structures may be made, provided the owner will file with the Zoning Official an agreement, in writing, that the owner will move or remove all new construction additions and replacements erected after the adoption of this Ordinance at his expense, when necessary to the public interest. (i.e. highway construction, airport, sewer and water lines, etc.)
- C. Underground structures not capable of being used as foundations for future prohibited above ground structures.

**3.07 HEIGHT REGULATION EXCEPTIONS.**

Heights of the following structures may exceed ordinance limits for the zone in which it is to be located, unless said structures interfere with the flight pattern for airports: cooling towers, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed for the storage of agricultural products.

### **3.08 AIRPORT ZONING.**

No building or object of natural growth located within three (3) miles of the boundaries of the South Wood County Airport (Alexander Field) shall hereafter be erected, altered or permitted to grow to a height above the elevation-shown on the Airport Height Limitation Zoning Map in the Town of Seneca Comprehensive Plan or on Federal Aviation Administration Maps issued after the date of the Comprehensive Plan.

### **3.09 AREA REGULATIONS.**

**(1) Lot Reduction.** After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements specified by this Ordinance cannot be met.

**(2) Existing Lot Use.** Lots existing and of record prior to adoption of this Ordinance, but of sub-standard size, may be devoted to uses permitted in the zone in which located upon granting of a variance from the Town Board except where specified within the jurisdiction of shoreline provisions of the Wood County Shoreland Zoning Ordinance.

**(3) Lot Divisions.** No portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform with all the applicable regulations of the zone in which the property is located.

**(4) Yard and Open Space Regulations.** All yards and other open spaces allocated to a building (or group of buildings comprising one (1) principal use) shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

**(5) Required Lot Grouping.** If two (2) adjoining substandard lots, or one standard lot and one adjoining substandard lot, 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 purpose of this Ordinance. If more than two (2) substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, said lots shall be grouped in such manner as to provide standard sized lots whenever possible.

### **3.10 PARKING.**

- (1) Unless otherwise specified, the parking requirements in Table 3, Parking Schedule, must be provided for in the listed uses.
- (2) Uses not listed. In the case of structures or uses not mentioned in the Parking Schedule, the provisions for a use which is similar shall apply.
- (3) In cases where more than one use is present on a single site, parking shall be provided so as to equal the total number of stalls required for each individual use.

**Table 3: PARKING SCHEDULE**

**USE  
MINIMUM PARKING REQUIRED**

|   |   |
|---|---|
| Single-family dwellings and mobile homes  | 2 stalls for each dwelling unit                                       |
| Multiple-family dwellings   | 2 stalls for each dwelling unit                                       |
| Hotels, motels  | 1 stall for each guest room plus<br>1 stall for each 3 employees      |
| Hospitals, dormitories, lodging, and boarding houses                                    | 1.5 stall for each 2 beds<br>2 stalls for each 3 employees            |
| Institutions, rest and nursing homes  | 1 stall for each 5 beds plus<br>2 stall for each 3 employees          |
| Medical and dental clinics  | 5 stalls for each doctor  |
| Churches, theaters, auditoriums, community centers, and other places of public assembly | 1 stall for each 5 seats  |
| Colleges, secondary and elementary schools  | 1 stall for each 2 employees and students of 16 years of age or older |



|   |   |
|---|---|
| Restaurants, clubs, lodges, bars,<br>place of entertainment, repair<br>shops, retail and service stores | 1 stall for each 150 square feet of<br>floor area |
| Manufacturing and processing plants,<br>laboratories, and warehouses                                    | 1 stall for each 2 employees                      |
| Financial institutions, business,<br>government, and professional offices                               | 1 stall for each 300 square feet of<br>floor area |
| Funeral homes   | 1 stall for each 4 seats                          |
| Bowling alleys  | 5 stalls for each alley                           |

### 3.11 NONCONFORMING USES AND STRUCTURES.

#### (1) General.

**A. Building Repair.** Provisions of this Ordinance shall not be construed to prevent the customary and necessary maintenance or repairs of buildings, utilities and property.

**B. Continuation of Nonconforming Use.** Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance and which remains nonconforming and any such building, structure or use which shall become nonconforming upon the adoption of this Ordinance or of any subsequent amendment thereof may be continued as provided in Sections 3.11 and 3.13.

#### (2) Nonconforming Structures.

**A. Limitations.** No nonconforming structure shall be expanded or enlarged if it cannot meet the minimum setback, maximum building height and parking and truck unloading requirements of Section 4.10 of this Ordinance.

**B. Repair.** When such structure is damaged to the extent of more than fifty (50) percent of its fair market value at the time it became nonconforming, it shall not be restored except in conformity with the regulations of the zone in which it is located.

**1.** Dwellings listed as nonconforming after the enactment of this ordinance may be repaired or rebuilt if it conforms with setbacks, sanitation etc. pertaining to this ordinance but not applying to the lot size.

**C. Relocation.** Should such structure be moved, it shall thereafter conform to the regulations of the zone to which it is moved.

**D. Lot Lines.** The size and shape of a lot shall not be altered in any way so as to increase the degree of nonconformity of a building or use.

**(3) Nonconforming Use of Structures.**

**A. Limitations.** No such use shall be expanded or enlarged. No use shall be expanded within a structure that, as of the effective date of this Ordinance, or amendment, was only partially designed for or devoted to carrying on such use.

**B. Discontinuance.** If such use is discontinued for twelve (12) consecutive months, any future use of the structure shall conform to the regulations of the zone in which it is located.

**C. Termination.** If the building in which such use is carried on is damaged to the extent of more than fifty (50) percent of its appraised value at the time it became nonconforming, it shall not be restored for use except in conformity with the regulations of the zone in which it is located.

1. Dwellings listed as nonconforming after the enactment of this ordinance may be repaired or rebuilt if it conforms with setbacks, sanitation etc. pertaining to this ordinance but not applying to lot size.

**(4) Nonconforming Use of Land.**

**A. Limitations.** No such use shall be expanded or enlarged.

**B. Discontinuance.** If any nonconforming use of land is discontinued for twelve (12) consecutive months, any further use of land shall conform to the regulations of the zone in which it is located unless otherwise specifically stated.

**3.12 HERBICIDE & PESTICIDE STORAGE AND APPLICATION.** Any storage or application of herbicides or pesticides shall comply with Chapter 94, Wisconsin Statutes and other applicable state and federal regulations.

**3.13 QUARRIES.**

**(1) Purpose.** It is the purpose of this section to establish conditional regulations and performance standards for the activity defined as quarrying in such a manner as to assure maximum protection to surrounding properties and the physical environment through siting of activities and structures, buffering, setbacks, visual screening, height limitations, access routing, noise vibration, air quality and water quality controls. This subsection applies to new quarrying activity or the expansion or enlargement of an existing pond or quarry.

Further, the purpose of the Quarrying subsection is to require that any individual, partnership or corporation engaged in any quarrying activity develop and submit a reclamation plan and map to the Town Board for approval as per section 3.13(3) Reclamation Plan Requirements.

It is further the purpose of this section not to prohibit quarrying, but to control quarrying by the permit process.

**(2) Conditional Use.** Quarrying may be permitted in all non-residential districts, in the Town of Seneca, in which the parcel of land is five (5) acres or greater, provided a conditional use permit has been secured pursuant to the procedures in Section 3.02(3) of this ordinance.

**The Town Board may require any or all of the following development site standards, special regulations, or performance standards or other conditions as the Town Board may deem necessary as part of the conditions for granting a conditional use permit.** Commencing quarrying prior to obtaining a permit shall subject the property owner, his, her, or its agents, any individual, partnership, or corporation engaged in the quarrying activity upon the subject property to the penalties provided in Section 10 of this ordinance.

**A. Development Site Standards.**

1. Quarrying shall only be allowed on parcels zoned in a non-residential district.
2. Quarrying shall only be allowed on parcels that are five (5) acres or larger.
3. Setbacks. The top of the finished slope for any quarry must be in a minimum of one hundred fifty (150) feet from any lot line or road centerline, or in an amount sufficient to achieve the performance standards set in the conditional use permit, whichever setback requirements are greater.

**B. Special Regulations.**

1. **Fencing.** All quarries shall be enclosed by fencing of a design and materials that discourage entry onto the property, unless the Town Board, after considering the public safety, the proximity to roadways, and proximity to other developments, determines that this fencing requirement can be waived. The Town Board shall specify the type of fencing in the conditional use permit.
2. **Degree of Slope.** Slopes created by quarrying must have a minimum three (3) to one (1) ratio, horizontal to vertical, to minimize cave-in and slump, wind and water erosion, and lateral shifting of the undisturbed ground surface near the quarried area.
3. **Screening.** Adequate planting and/or fencing shall be provided along all public roads and residential dwellings adjacent, to screen the quarry from public view as reasonably as possible and as approved by the Town Board in the conditional use

permit.

**4. Hours of Operation.** The Town Board may restrict quarrying activity to only be engaged in during reasonable hours as identified by the Town Board in the conditional use permit.

**C. Performance Standards.**

**1. Dust.** Any operation shall comply with all applicable federal, state, and local air pollution control laws and regulations.

**2. Protect Water Table.** No quarrying activity shall be conducted in such a manner as to lower the water table of surrounding inhabited properties.

**3. Dust Free Roads.** The operator of the excavation shall maintain all haulage roads used in connection with this operation, whether under their control and ownership, a private road, or that of a municipality, as much as possible in a dust free condition.

**D. Performance Guideline.**

**1. Topsoil Replacement.** Graded or backfilled areas or banks, in the cases of excavations made to water-producing depth, shall be covered equal to a depth of topsoil or percentage of organic matter that originally existed on property prior to the commencement of operation, with the exception that the nine (9) foot area extending outward from water's edge for the entire circumference of water are, the cover shall be sand or any other material as set forth in the conditional use permit. No greater depth of topsoil or percentage of organic matter in the soil shall be required than originally existing on property prior to the commencement of operation.

**2. Vegetation Replacement.** Upon replacement of the topsoil; trees, shrubs, legumes, grasses, or groundcover shall be planted upon such area in order to avoid erosion.

**(3) Reclamation Plan Requirements.**

**A. Restoration Plan and Map.** A detailed reclamation plan and map drawn at a scale of one inch equals one hundred (100) feet, designating which parts of the land shall be reclaimed for forest, pasture, crop, horticultural, home-sites, recreational, industrial, or other used, including food, shelter and ground cover for wildlife, and shall show the same by appropriate designation on the reclamation plan. The reclamation plan and map shall specify progress and completion dates of the reclamation plan; provided, however, the reclamation is to be completed prior to the expiration of three (3) years after the termination of the quarrying. In the event the landowner and the Town Board shall mutually determine that characteristics of the area concerned have been found to have changed during the conduct of the mining, changes may be made in the original reclamation plan by mutual consent of the landowner and the Town Board, which change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables. Contours shall conform to requirement of development proposed, but not less than required for existing original topography.

**B. Bond Requirements.**

1. Bonds shall be issued by a surety company licensed to do business in the state of Wisconsin. At the option of the landowner, a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the restoration in lieu of cash payments to the Town of Seneca.
2. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days notice to the Town Board, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the landowner must deliver to the Town Board a replacement bond or approved alternate financial assurance in absence of which all quarrying must cease.
3. The bond shall be payable to "Town of Seneca".
4. Bonds shall be required for the issuance of a conditional use permit. bond amounts shall be set at a minimum of \$500 and in an amount not to exceed \$25,000 for any conditional use permit issued.

**C. Alternate Financial Assurances.**

1. Upon written approval of the Town Board and subject to conditions set forth by the Town Board, a landowner may deposit cash or negotiable certificates of deposit, or negotiable government securities or letter of credit with the Town Board in lieu of a bond. Certificates of deposit shall be automatically renewed or replaced with an alternate security before the maturity date. Interest will be paid on cash bonds annually according to Town Board procedures. Each letter of credit accepted by the Town Board shall be subject to a condition that said letter of credit not be canceled by the issuing financial institution, except after not less than ninety (90) days notice to the Town Board, in writing, by registered or certified mail. Not less than thirty (30) days prior to the expiration of the ninety (90) day notice of cancellation, the landowner must deliver to the Town Board a bond or replacement letter of credit or approved alternative financial assurance in absence of which all quarrying must cease.
2. Alternate financial assurance may be provided to the Town Board for stages of a site, but, in no instance, shall such assurance be for an area of less than one acre. Quarrying and restoration activities shall be limited to the stage(s) which have financial assurance approved for them.

**D. Bond Forfeiture/Alternative Financing Forfeiture.** Upon violation of any condition set forth in the conditional use permit, the Town, by its Clerk, shall give written notice of the violation by registered or certified mail, to the landowner. If, after thirty (30) days from date of notice, the landowner has failed to correct the violation, the Town Board may, without further notice, make demand upon the surety company for payment of the bond or liquidate the alternative financial assurance.

**E. Bond Termination/Alternative Financing Termination.** Upon certification of the Town Board that the quarrying and reclamation is completed, the bond or alternative financing shall be terminated.

**(4) Permit Application.** The permit application shall include:

- A. Adequate description of the operation;
- B. List of equipment, machinery and structures to be used;
- C. Topographic map of the sites, with a minimal vertical contour interval of five (5) feet; trees, access roads, depth of excavations, commencement and completion dates of excavation and restoration;
- D. Restoration plan containing proposed contours, depth and type of restored topsoil; seeding and other planting or reforestation; final slopes of pond; and expected cost of completion of restoration plan;
- E. Size of truck to be used to transport; routes of travel and amount to be hauled.
- F. Information about soil conditions, and levels of water table; and
- G. Length of time needed to complete the project for which the permit is issued.

**(5) Standard of Review in Approving Conditional Use Permit.** The Zoning Committee, in its recommendation, and the Town Board, in granting or denying permits, shall consider the following factors:

- A. The effects of the proposed quarrying on streets, both existing and proposed, on the adopted official map;
- B. The effects on neighboring development;
- C. The effects on proposed land use;
- D. The effects on the adopted Future Land Use Plan;
- E. The effects on water supply, soil erosion, natural beauty, character and land value of the locality;
- F. The effect on wetlands, drainage and potential for groundwater pollution;
- G. The practicality of the proposed restoration plan for the site;
- H. The effect on town roads of hauling removed material from the subject parcel of land;
- I. Any other factors which the Zoning Committee or the Town Board, in each application, determines are relevant.

**(6) Issuance.** In the issuance of a conditional use permit, the Town Board may impose conditions that address the following areas of concern:

- A. Size of quarry;
- B. Fencing and screening;
- C. Hours of operation;
- D. Dust;
- E. Water table;
- F. Top soil replacement;
- G. Vegetation replacement;
- H. Routes of travel;
- I. Quantity of material being removed;
- J. Bond;
- K. Expiration period of permit;
- L. Other conditions which the Zoning Committee or the Town Board determines are relevant and necessary for the issuance of the conditional use permit.
- M. Hold the Town harmless from any environmental contamination.

**(7) Exception.** Quarrying may be permitted in all districts, regardless of parcel size if the removed material stays on the property site, and the quarrying is for the purpose of obtaining material for installation of a septic system or for back fill at the construction site, with the quarried area to be in a minimum size of one-half acre provided a conditional use permit has been secured pursuant to the provisions in Section 3.02(c) of this ordinance. The conditional use permit shall address the issues of ratio of quarried area to size of parcel, setbacks, fencing degree of slope, screening, and bond. Removal of excess materials from the land, such as in excavating for a foundation or cranberry bed, shall not be considered quarrying if it does not result in a pond or a pit. Drainage ditching shall not be considered quarrying.

**(8) Permit Fees.** Fees, as established by the Town Board and listed on the attached fee schedule, are to be paid at the time of filing application for obtaining a conditional use permit. Application fees are non-refundable.

### **3.14 PONDS.**

**(1) Ponds Allowed.** Ponds are allowed in the A-2 and A-5 districts, provided they are a maximum of 10% of the lot or one (1) acre, whichever is less, provided the soil taken in the construction of the pond remains on the premises and further provided that ponds have a maximum slope of 3:1 and meet the area and setback requirements of Section 4.10 of this ordinance. Before a pond is constructed, the owner must first meet with and receive approval for the pond from the Town Board. A permit must be obtained from the Zoning Official, following Town Board approval to construct the pond, before construction begins, the intent being that ultimate responsibility for approval of ponds rests with the Town Board and not with the Zoning Official.

**(2) Ponds Considered Quarries.** For ponds that exceed 10% of the lot area or one (1) acre in size, whichever is less, or where the spoils are removed from the premises during construction of a pond, the pond shall, for the purpose of this Ordinance, be considered to be a quarry which is allowed as a conditional use in the A-2 and A-5 districts under the provisions of Section 3.13 of this Ordinance.

**(3) Reservoirs.** For the purposes of this Ordinance, reservoirs are considered to be ponds and shall meet the requirements of this Ordinance as they relate to ponds.

### **3.15 WIRELESS TOWERS.**

Wireless telecommunications towers and antennas may be installed, erected and maintained pursuant to the provisions of this section. Telecommunication towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities.

**(1) Purpose.** The purpose of this section is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the Town in regulating local zoning. The goals of this section are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**(2) Applicability.**

**A. New Towers and Antennas.** All new towers or antennas in the Town of Seneca shall be subject to these regulations except as provided in Sections 3(B) and 3(C).

**B. Amateur Radio Station Operator/Receive Only Antennas.** This section shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.



**C. Preexisting Towers or Antennas.** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 5(B).

**(3) Permit Required.** No tower or antenna shall be installed unless the owner or his agent first obtains a permit from the Zoning Official. The following shall be required as part of the application submittal.

**A.** A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Zoning Official to be necessary to assess compliance with this section.

**B.** The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.

**C.** The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

**D.** Landscape plan showing specific plant materials.

**E.** Method of fencing, including location, materials and finished color and, if applicable, vegetative screening.

**F.** Description of compliance with Section 7 of this Ordinance.

**(4) General Requirements.** In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:

**A. Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Zoning Official concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, a notice will be sent to the owner. The owner will have 30 days to respond to the notice with a detailed plan for repairs to bring such tower into compliance with such standards, and an additional 30 days to bring such tower into compliance. Failure to bring such tower into compliance within said 60 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**B. State or Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within 6 months of the effective date of such standards

and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**C. Collocation.** A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

**D. Height.** The height of an antenna affixed to tower shall not be restricted, provided such device is installed and maintained in accord with applicable state or building codes, and in compliance with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.

**E. Setbacks.** A tower shall be located not closer than a distance equal to 100% of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.

**F. Aesthetics.** Towers shall maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

**G. Signs.** No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

**H. Lighting.** Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

**I. Fencing.** A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

**J. Landscaping.** A buffer of evergreen plants of sufficient height to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible.

**1. Appurtenant Equipment and Buildings.** Antennas mounted on structures or rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.

2. Antennas mounted on utility poles, light poles or towers. The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

**(5) Permitted Uses.**

**A. Antennas or Towers on Existing Structures.** An antenna or tower may be situated on the roof of a residential, commercial, industrial, professional, or institutional structure may be allowed, provided that such device is installed and maintained in accord with applicable state or local building codes, and complies with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.

**B. Antennas on Existing Towers.** The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that; (1) a tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole; (2) an existing tower may be, modified or rebuilt to accommodate the collocation of additional antenna and may be moved on-site within 50 feet of its existing location provided all setbacks requirements are met, but the relocation may only occur one time per communication tower; (3) after a tower is rebuilt to accommodate collocation, only one tower may remain on the site; and (4) the on-site relocation of a tower which complies with the setback in Section 5(E) shall only be permitted when approved by the Town.

**C. Cable Microcell Network.** The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

**(6) Conditional Uses.** The installation of towers and antennas, including the placement of appurtenant equipment or buildings, may be allowed only by conditional use permit and only in non-residential zoning districts. An application for a conditional use permit shall be subject to the procedures and requirements of Section 5 of this Ordinance. In addition, a conditional use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance.

**(7) Removal of Abandoned Antennas and Towers.** An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove the tower or provide proof of operation within 90 days of receipt of notice from the Town notifying the owner of such abandonment. Determination of the date of abandonment shall be made by the Zoning Official who shall have the right to request documentation and/or affidavits from the facility owner/operator regarding the active use of the tower. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease use.

**(8) Nonconforming Uses.**

**A. No expansion of Nonconforming Use.** Towers that are constructed, and antennas that are installed, in accordance with the

provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

**B. Preexisting Towers.** Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, or replacement of an existing tower other than routine maintenance shall comply with the requirements of this ordinance.

**(9) Wireless Telecommunications Towers and Antennas.**

**A. Separation Between Towers.** Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

**B. Tower Height.** The following criteria shall apply in determining the maximum height of a tower.

1. For a single user, up to 90 feet.
2. For two users, up to 120 feet.
3. For three or more users, up to 195 feet.

**C. Availability of Suitable Existing Towers; Other Structures or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to the Town to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

| NEW TOWER TYPE                       | EXISTING TOWER TYPE |       |                                      |                                     |
|--------------------------------------|---------------------|-------|--------------------------------------|-------------------------------------|
|                                      | Lattice             | Guyed | Monopole: 75 ft in Height or Greater | Monopole: Less than 75 ft in Height |
| Lattice                              | 5000                | 5000  | 1500                                 | 750                                 |
| Guyed                                | 5000                | 5000  | 1500                                 | 750                                 |
| Monopole: 75 ft in Height or Greater | 1500                | 1500  | 1500                                 | 1500                                |
| Monopole: Less than 75 ft in Height  | 750                 | 750   | 750                                  | 750                                 |

**SECTION 4. ZONING DISTRICTS AND ZONING MAP**

**ZONING DISTRICTS.** For the purposes of this Ordinance and to meet the goals and objectives of the Comprehensive Plan, the Town of Seneca is divided into the following districts:

- (1) Residential District: R-1
- (2) Agricultural District (small lot): AG-2
- (3) Agricultural District (large lot): AG-5
- (4) Commercial District: C-1

- (5) Industrial District: I-1
- (6) Special Purpose: SP
- (7) Conservancy District: CON

#### 4.02 OFFICIAL ZONING MAP.

(1) The boundaries of the districts listed in Section 4.01 are hereby established as shown on the map titled "Official Zoning Map, Town of Seneca, Wood County, Wisconsin", dated May 5, 2004, hereinafter referred to as the "Official Zoning Map". That map is made part of this Ordinance. All notations and references shown on the Official Zoning Map are as much a part of this Ordinance as though specifically described herein. The single *official* copy of this map entitled "Town of Seneca, Wood County, Wisconsin Official Zoning District Map", together with a copy of this Ordinance, shall be retained in the Town Hall by the Town Clerk and shall be made available for public inspection upon reasonable notice.

(2) In unsubdivided property, the district boundary lines shown on the Official Zoning Map shall be determined by use of the scale shown on such map.

#### 4.03 RESIDENTIAL DISTRICT: R-1

(1) **Purpose.** The residential district is intended to be used where concentrations of single- and two-family homes have developed, are likely to develop or are recommended in the Comprehensive Plan to be developed in the unsewered areas of the Town of Seneca. The purpose of this district is to provide areas in the town where a higher density lifestyle can be developed and preserved with protection from encroachment of other, incompatible uses of land or water. Certain neighborhood facilities are allowed to provide support services to the residential uses, including, for example, churches, schools, recreational facilities and libraries, provided the requirements of this Ordinance can be met with respect to parking, lighting, signing, etc. It is the intent that this district not allow uses which will be a detriment to the health and safety of persons living in the R-1 districts or which will have a negative impact on property values of the permitted uses, such as commercial and industrial uses that generate traffic, keeping of farm animals where odors and noise may be offensive in the higher density developments, or application of pesticides or herbicides that may endanger the potable water supply of the residential uses or drift onto the residential properties. Because of local soil conditions and potable water availability, dwelling units larger than two-family will be encouraged to locate in areas where public sewer and water is, or is proposed to be available.

(2) **Permitted Uses.**

A. One- and two-family dwellings.

B. Accessory buildings and uses, including one private garage for each residential parcel and buildings clearly incidental to the use of the property, provided, however, that no accessory building may be used as a separate dwelling unit and provided that no

such use generates traffic or noise that would create a public or private nuisance, such as the use of firearms for target practice or auto body repair which generates noise.

C. Private greenhouse as defined in Section 2 of this Ordinance.

D. Uses customarily accessory to a permitted residential use.

**(3) Conditional Uses.** Uses not listed in Section 4.03(2) and that may have inherent, resolvable conflicts with permitted uses may be allowed as a conditional use provided they are found to be a residential activity, are compatible with neighboring uses, that provisions are made to preserve environmentally sensitive areas, the procedures in Section 5 are adhered to, and provided the intent of this ordinance (Section 1.01) and this district (Section 4.031(1)) are adhered to.

A. Home occupations as defined in Section 2 of this ordinance.

B. Churches, schools and libraries, provided they meet the parking and setback requirements of this Ordinance.

C. Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

D. Parks, playgrounds and municipal recreational and community center buildings and grounds.

E. Hospitals and clinics.

F. Funeral homes and cemeteries.

G. Filling and grading, provide it complies with Section 5.07 of this Ordinance.

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

**(4) Development Standards.** See Section 4.10.

#### **4.04 AGRICULTURAL DISTRICT - SMALL LOT (A-2)**

**(1) Purpose.** This district provides for mixed residential and agricultural uses. The intent is to permit residential development in a rural, agricultural setting, in compliance with the Comprehensive Plan, allowing non-farm residences to enjoy the opportunity to keep and raise farm animals and participate in other activities normally associated with larger farm operations.

**(2) Permitted Uses.**

- A. Agriculture, including animal and poultry husbandry, bee-keeping, dairy and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
- B. In-season roadside stands for the sale of farm products produced on the premises, and up to two (2) unlighted signs not larger than sixteen (16) square feet each, advertising such sale.
- C. One- and two-family dwellings.
- D. Accessory buildings and uses, provided, however, that no accessory building may be used as a separate dwelling unit and provided that no such use generates traffic or noise that would create a public or private nuisance, such as the use of firearms for target practice or auto body repair which generates noise.
- E. Uses customarily accessory to a permitted agricultural use.

**(3) Conditional Uses.**

- A. Home occupations as defined in Section 2 of this ordinance.
- B. Churches, schools and libraries, provided they meet the parking and setback requirements of this Ordinance.
- C. Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- D. Parks, playgrounds, campgrounds and municipal recreational and community center buildings and grounds.
- E. Hospitals and clinics.
- F. Funeral homes and cemeteries.
- G. Filling and grading, provided it complies with Section 5.07 of this Ordinance.
- H. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.

**(4) Development Standards.** See Section 4.10.

**4.05 AGRICULTURAL DISTRICT - LARGE LOT (A-5)**



**(1) Purpose.** This district provides for agricultural uses and uses compatible with agriculture. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provisions of essential public improvements and services (such as sewer and water lines). Low density non-farm dwellings are allowed in compliance with the goals and objectives of the Comprehensive Plan.

**(2) Permitted Uses.**

- A. Agriculture, including animal and poultry husbandry, bee-keeping, dairy and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
- B. In-season roadside stands for the sale of farm products produced on the premises, and up to two (2) unlighted signs not larger than sixteen (16) square feet each, advertising such sale.
- C. One- and two-family dwellings.
- D. Accessory buildings and uses, provided, however, that no accessory building may be used as a separate dwelling unit and provided that no such use generates traffic or noise that would create a public or private nuisance, such as the use of firearms for target practice or auto body repair which generates noise.
- E. Uses customarily accessory to a permitted agricultural use.

**(3) Conditional Uses.**

- A. Churches, schools and libraries, provided they meet the parking and setback requirements of this Ordinance.
- B. Parks, playgrounds, campgrounds and municipal recreational and community center buildings and grounds.
- C. Public and semi-public buildings, such as the Town Hall and Municipal Building, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- D. Fur farms, kennels, cheese factories, or dairy processing plants, grain elevators, and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.
- E. Trap or skeet shooting ranges, target ranges, gun clubs, shooting preserves.
- F. Riding stables, riding schools.
- G. Airports and private runways.

- H. Christmas tree sales.
- I. Clubs, lodges or fraternal organizations.
- J. Commercial fish hatcheries.
- K. Livestock feeding pens or yards (more than 500 animal capacity).
- L. Maple syrup processing plant.
- M. Radio or TV broadcasting studio and/or tower.
- N. Home occupations as defined in Section 2 of this ordinance.
- O. Hospitals and clinics.
- P. Funeral homes and cemeteries.
- Q. Filling and grading, provided it complies with Section 5.07 of this Ordinance.
- R. Other similar and compatible uses which are determined by the Zoning Committee to be in accord with the purpose of this district.

**(4) Development Standards.** See Section 4.10.

#### **4.06 COMMERCIAL DISTRICT (C)**

**(1) Purpose.** This district is designed to provide for a wide range of retail stores and personal service establishments which cater to frequently recurring needs. The Commercial District is to be characterized by attractive commercial and service buildings located in areas with easy access to town residents and passers-by. The Commercial District should be buffered from nearby homes so as not to create noise and lighting conflicts.

**(2) Permitted Uses.**

- A. Convenience stores, filling stations, motor vehicle sales and service establishments.
- B. Grocery stores and bakeries.
- C. Clothing shops and dry goods stores.

- D. Professional offices, banks, medical clinics and similar professional office facilities.
- E. Motels.
- F. Restaurants and drinking establishments.
- G. Funeral homes.
- H. Nurseries and greenhouses.
- I. Mini-warehousing units for rent primarily for other than commercial or industrial products, equipment, materials or supplies.
- J. Indoor storage for supplies and equipment of the permitted commercial uses.
- K. Filling and Grading, provided it complies with Section 5.07 of this Ordinance.
- L. Uses similar in character to those listed above and compatible uses as recommended by the Zoning Committee and approved by the Town Board.

**(3) Conditional Uses.** Uses not listed in Section 4.06(2) and that may have inherent, resolvable conflicts with permitted uses may be allowed as a conditional use provided they are found to be a commercial activity, are compatible with neighboring uses, that provisions are made to preserve environmentally sensitive areas, the procedures in Section 5 are adhered to, and provided the intent of this ordinance (Section 1.02) and this district (Section 4.06(1)) are adhered to.

**(4) Prohibited Uses.** The following uses **ARE NOT ALLOWED** in the Commercial District as a permitted or conditional use:

- A. Laundry, dry cleaning shop or job printing shop employing more than five (5) persons.
- B. Blacksmith or horseshoeing shop.
- C. Bottling Works.
- D. Ice Cream manufacturing plant or storage house of more than five (5) tons capacity.
- E. Livery Stable.
- F. Stone Yard or Monumental Works.
- G. Storage yard or warehouse for: building materials, lumber, carting, express, hauling, contractor's plant, coal, coke, wood, oil, rags, bottles, or junk.

H. Any kind of manufacturing or treatment other than manufacturing or treatment of products clearly incidental to the conduct of a retail business on the premises.

I. Trailer courts and/or Mobile Home Court.

(5) **Development Standards.** See Section 4.10.

#### 4.07 INDUSTRIAL DISTRICT (I)

(1) **Purpose.** This district is intended to provide an area in the Town of Seneca where manufacturing of products from raw materials can develop. Manufacturing operations may require large tracts of land and, in some cases, may require outside storage of materials or product. Some industrial developments may create or tend to create conditions considered to be a public or private nuisance or hazard. In certain cases, manufacturing activities may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or separate those conditions from the public or the environment. Local soil conditions; the use of private, on-site sewage disposal systems; local site drainage of storm water runoff; and private water supplies dictate that the Town Zoning Committee and Town Board consider industrial development proposals on a case-by-case basis. A community survey, as reflected in the

goals and objectives of the Comprehensive Plan, recommends that industrial uses that consume large quantities of water and/or have large wastewater discharges, be located in area industrial parks that can provide essential sewer and water services, while creating jobs for Seneca residents. In the Town of Seneca, all uses in the Industrial District shall be conditional uses.

(2) **Conditional Uses.** All uses within the Industrial District shall be conditional uses. All such uses shall be subject to review and recommendation of the Zoning Committee and consideration and approval of the Zoning Committee recommendation by the Town Board with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas, the creation of hazards to health or safety, other factors affecting the general welfare, and potential damage to the environment.

A. Wholesale Business.

B. Printing and Publishing.

C. Manufacture of products from paper.

D. Repair service and assembly of motor propelled or non-motor propelled vehicles, including repair and storage of automotive accessories, except the wrecking of motor propelled vehicles.

E. Storage and warehousing of fuel and materials, and contractors yards, but not the storage of wrecked or dismantled vehicles (automobile salvage yards) and/or junk, or the storage of explosives or hazardous chemicals.

- F. Waste motor oil collection tanks for recycling purposes.
  - G. Manufacture and bottling of non-alcoholic beverages.
  - H. Processing, packing, and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products, or the vining of peas.
  - I. Manufacture of products from wood and plastics.
  - J. Manufacture of sporting goods, home and office supplies, and appliances.
  - K. Manufacture of goods from leather, but not tanning of hides or manufacture of leather.
  - L. Knitting mills and the manufacture of products from finished fabrics.
  - M. Cleaning, dyeing, and pressing establishments and laundries, but not bag cleaning.
  - N. Laboratories.
  - O. Manufacture of jewelry and cosmetics.
  - P. Enameling and painting.
  - Q. Tinsmithing, sheet metal working, and plumbing shops.
- (3) Development Standards.** See Section 4.10.

#### **4.08 SPECIAL PURPOSE DISTRICT (SP)**

**(1) Purpose.** This district is intended to provide for uses which may present special problems, hazards or other circumstances with regard to the use of land. Included are those uses which require extremely large expanses of land; those which afford very severe

hazards to health, safety, or other aspects of the general welfare of town or regional residents; those associated with potential environmental damage; and those for which it is inappropriate or undesirable to have more than one (1) instance of a given land use within the community or governmental jurisdiction.

**(2) Conditional Uses.** All uses within the Special Purpose District shall be conditional uses. All such uses shall be subject to review and recommendation of the Zoning Committee and consideration and approval of the Zoning Committee recommendation by the Town Board with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas, the creation of hazards to health or safety, other factors affecting the general welfare, and potential damage to the environment.

**A.** Municipal refuse disposal sites, including sanitary landfill operations; garbage incinerators; centers for the processing of recyclable products, except for collection boxes; etc.

**B.** Power plants, electric substations, pipeline pumping stations and similar utility facilities.

**(3) Development Standards.** See Section 4.10.

#### **4.09 CONSERVANCY DISTRICT (CON)**

**(1) Purpose.** This district is intended to preserve the natural state of scenic areas in the town and to help discourage intensive development of marginal lands so as to prevent hazards to public and private property or damage to environmentally sensitive areas.

**(2) Permitted Uses.**

**A.** Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruit, and tree seeds.

**B.** Forestry and the management of forests.

**C.** Wildlife preserves.

**D.** The management of wildlife, including waterfowl, fish and other similar lowland animals and non-residential buildings used solely in conjunction with such activities.

**E.** Hunting, fishing and trapping.

- F. Public and private parks, picnic areas, and similar uses.
- G. Hiking, snowmobile, horseback and bicycle trails.
- H. Preservation of areas of scenic, historic or scientific value.
- I. Trap or skeet shooting ranges, target ranges, gun clubs, shooting preserves.
- J. Uses similar and customarily incident to any of the above uses.

(3) **Development Standards.** See Section 4.10.

**4.10 DEVELOPMENT STANDARDS.**

| SCHEDULE OF REGULATIONS<br>FOR<br>TOWN OF SENECA ZONING DISTRICTS |                |   |  |                              |   |   |                                   |  |
|---|----------------|---|--|------------------------------|---|---|-----------------------------------|--|
| ZONING DISTRICT   | PERMITTED USES | MINIMUM LOT SIZE<br>(NOTE: Minimum lot sizes are excluding any road right-of-way) |  | MINIMUM SETBACK REQUIREMENTS |   |   | MAXIMUM BUILDING HEIGHT           | OTHER REQUIREMENTS FOR DISTRICT                        |
|   |                | AREA  | WIDTH  | FRONT                        | REAR  | SIDE  |                                   |  |
| R   | Residential    | 2 Acres   | 208'<br><br>(Except lots in platted subdivisions or certified survey maps) | See §3.06                    | 25'   | 10' from Eave line                                    | 35' or<br>2½ Stories              | 800 sq. ft. minimum dwelling size                      |
| C   | Commercial     | 2 Acres   | NONE   | See §3.06                    | 25' -OR-<br>50' if adjacent to R                      | 25' -OR-<br>50' if adjacent to R                      | 100' -OR-<br>35' if adjacent to R | NONE   |
| I   | Industrial     | 2 Acres   | 208'   | See §3.06                    | See §3.06<br>- OR -<br>where streets are not involved | See §3.06<br>- OR -<br>where streets are not involved | NONE -OR-<br>35' if adjacent to R | <u>Minimum Parking:</u><br>1 space per<br>2 employees; |

|     |                             |         |      |           | 25' -OR-<br>50' if adjacent to<br>R | 25' -OR-<br>50' if adjacent to R |      | Truck Unloading to be<br>sufficient space so that<br>no highways, streets or<br>alleys need be blocked;<br><br><u>ALL USES ARE<br/>CONDITIONAL</u> |
|-----|-----------------------------|---------|------|-----------|-------------------------------------|----------------------------------|------|--|
| SP  | Special Purpose             | NONE    | NONE | See §3.06 | 50'                                 | 25'                              | NONE | <u>ALL USES ARE<br/>CONDITIONAL</u>  |
| A-2 | Agricultural<br>(small lot) | 2 Acres | 208' | See §3.06 | 25'                                 | 10' from Eave line               | NONE | NONE   |
| A-5 | Agricultural<br>(large lot) | 5 Acres | 416' | See §3.06 | 25'                                 | 10' from Eave line               | NONE | NONE   |
| CON | Conservancy                 | NONE    | NONE | NONE      | NONE                                | NONE                             | NONE | NONE   |

## SECTION 5. CONDITIONAL USES

### 5.01 GENERAL.

(1) Uses listed as permitted by conditional use permit may be authorized in the zone in which permitted upon application to the Zoning Committee and subject to the Town Board's authorization of a conditional use permit.

(2) In all cases of proposed establishment of a conditional use specified in this Ordinance, the zoning Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and other aspects of the proposed use and make recommendations to the Town Board.

(3) Pictorial drawing illustrating the exterior of the structure, including the landscaping, upon completion. The exterior structure and landscaping will be complete one (1) year from date that the building permit is dated. In the event the structure and landscaping is not completed within the one (1) year, the owner will be subjected to penalties as defined in Section 9.01. Furthermore, the owner will supply the Town Board with two (2) copies of said drawing or drawings, one (1) of which will be retained by the Town Board and the other will be delivered to the Zoning Official.

### 5.02 PROCEDURE.

A request for a conditional use permit shall be submitted in writing to the Town Clerk who shall promptly refer the application to the Zoning Committee. The request shall be accompanied by scale maps or drawings prepared to the best



of the applicants ability, showing legible and accurately, the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.

### **5.03 STANDARDS.**

No permit for a conditional use shall be granted unless the Zoning committee shall notify the Town Board that the following conditions are present:

- (1)** Applicant has presented the Zoning Committee with written permission by a majority (more than half) of the adjacent and adjoining land owners, even if those adjacent and adjoining land owners live in neighboring towns, cities or villages.
- (2)** That the establishment, maintenance, or operations of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (3)** That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (4)** That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (5)** That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- (6)** That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

### **5.04 CONDITIONS AND GUARANTEES.**

**(1)** Prior to granting a permit for a conditional use, the Zoning Committee shall make a recommendation to the Town Board and the Town Board may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to secure compliance with the standards specified in Section 5.03. Establishment, maintenance and operation shall be construed to include, but shall not be limited to, landscaping, architectural design, type of construction, construction commencement, and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, in so far as the Town Board shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this Ordinance. In all cases in which a permit for conditional use is granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in

connection there-with are being and will be complied with.

(2) Conditional uses shall comply with all other provisions of this Ordinance such as lot width and area, yards, height, parking and loading.

#### **5.05 DETERMINATION.**

(1) The Town Board shall report its decision within ninety (90) days after the filing of the application. Its decision shall include an accurate description of the use permitted, or the property on which it is permitted, and any and all conditions made applicable there to.

(2) Upon its decision, the Town Board may authorize the Town Clerk to issue a conditional use permit for conditional uses specified in this Ordinance after review by the Zoning Committee and a public hearing, provided such uses are in accordance with the purpose and intent of this Ordinance.

#### **5.06 TERMINATION.**

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

(2) No application for a conditional use which has been denied wholly or in part by the Town Board shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

#### **5.07 FILLING AND GRADING.**

(1) Filling and Grading operations in shoreland and floodplain areas shall conform to standards as set forth in the Wood County Shoreland Zoning Ordinance.

(2) Filling may be permitted in areas **NOT** under the jurisdiction of the Wood County Shoreland Zoning Ordinance, provided that the fill material meets or exceeds the following:

A. Shall be suitable for its intended use; no fill intended for supporting buildings shall consist of junk, wood, paper, muck, peat, or any similar materials which could cause subsidence.

B. Is protected from erosion so as to not cause siltation of adjacent lands or navigable waters. The use of a temporary ground

cover or other conservation practices such as sediment catch basins or diversion terraces may be required in order to prevent erosion.

C. Shall rest on a firm bottom and is stabilized according to accepted engineering standards.

D. Shall not impede the drainage from adjacent lands as to create significant harm without the adjacent landowner's written consent.

E. Shall not in any manner alter the course of a waterway on property belonging to other than the applicant.

**(3)** Grading of an area greater than the specified area may be permitted, provided that:

A. The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical.

B. Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces or similar practices used individually or in combination where circumstances warrant such.

C. It shall conform to Section 6 of the Wood County Shoreland Zoning Ordinance.

## **SECTION 6. SIGNS**

### **6.01 ENACTMENT.**

All signs hereafter located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered, shall be in conformity with the provisions of Statue 84.30, and the Wisconsin Administrative Code, Chapter Trans 200.

### **6.02 SIGN PERMIT FEE AND NUMBER.**

**(1)** Sign permits shall be issued by the Zoning Official. The fee for each sign permit shall be as provided in the attached fee schedule.

**(2)** One (1) permit for the "life" of each sign is required. Such permit shall authorize the use of each sign as long as such sign is kept in good repair and complies with the requirements of this Ordinance.

### **6.03 GENERAL SIGN PROVISIONS.**

- (1) All signs and sign structures shall be kept in repair and in proper state of preservation.
- (2) All outdoor advertising signs shall conform to State Statutes 84.30 and Chapter kTrans 200, Wisconsin Administrative Code, with the exception of permit fees, which shall conform to the provisions as set forth in this Ordinance.
- (3) Except as otherwise provided in this Ordinance, sign sizes and setbacks shall conform to applicable state codes.
- (4) All signs shall display the Town of Seneca sign permit number in the lower right corner of the sign.

## **SECTION 7. AMENDMENTS**

### **7.01 AUTHORITY.**

The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time in accordance with Section 60.61, Wisconsin Statutes. An amendment shall be granted or denied by the Town Board only after a public hearing before the Town Zoning Committee, and a report of its findings and recommendations has been submitted to the Town Board.

### **7.02 INITIATION.**

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

### **7.03 PETITIONS.**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk and shall describe the premises to be rezoned (including legal descriptions) or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and list the owner's names and addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned. The petitioner will provide additional information as may be required by the Zoning Committee or Town Board.

### **7.04 FEE.**

The initial fee for zoning amendments and the fee for any appeals shall be as provided in the attached fee schedule and shall be paid to the Town Clerk by the petitioner to defray the cost of administration, investigation, advertising, and processing of the petition.

## **7.05 CHANGES AND AMENDMENTS.**

The Zoning Board may alter, supplement or change the boundaries or regulations contained herein but a class 2 notice under Chapter 985 of the Wisconsin Statutes of any such proposed change shall first be granted to any person interested at a time and place to be specified in the notice. The notice shall contain sufficient information to give residents knowledge of the subject matter, parties and locale affected.

In case of a protest against such change, duly signed and acknowledged by owners of 20 percent or more of the areas of land included in such proposed changes, or by the owners of 20 percent or more of the area of land immediately adjacent extending one hundred (100) feet there from: such amendment shall not be passed unless recommended by a vote of at least four (4) of the five (5) members of the Zoning Committee.

A fee, as provided on the attached fee schedule, shall accompany each request for a zoning change or amendment. (This fee is to defray costs of necessary notices and committee costs in making a zoning change or amendment).

The Zoning Board will be supplied with a map or drawing from the petitioner sufficient enough to fully describe the property in question, and those properties adjacent to said property.

## **7.06 RECOMMENDATIONS.**

The Zoning Committee shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in a written statement to the Town Board.

## **7.07 TOWN BOARD ACTION.**

The Town Board, after receiving the recommendation of the Zoning Committee, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Wisconsin, or it may refer it back to the Zoning Committee for further consideration. Final action by the Town Board shall be not more than 90 days after receipt of the petition for amendment by the Town Clerk.

## **7.08 EFFECTIVE DATE OF AMENDMENT AND THE ORDINANCE.**

Any alteration, change or amendment of this Ordinance shall become effective immediately upon action by the Town Board.

## **SECTION 8. BOARD OF APPEALS**

**8.01 Establishment.** Pursuant to §62.23(7)(e), Wis. Stats., there is hereby established a Board of Appeals for the Town of Seneca.

### **8.02 Membership.**

**(1)** The Board of Appeals shall consist of five members appointed by the Town Chairman and confirmed by majority vote of the Town Board.

**(2)** The members of the Board of Appeals shall all reside within the Town of Seneca. Terms shall be staggered for three-year periods, except that of those first appointed, one shall serve for one (1) year, two for two (2) years and two for three (3) years. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases. Vacancies shall be filled for the unexpired terms of members whose terms shall become vacant. The Town Chairman may appoint, for staggered terms of three (3) years, two (2) alternate members to the Board of Appeals, in addition to the five members above provided for. Annually, the Town Chairman shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

**(3)** The Town Chairman shall appoint one of the members to Chair the Board of Appeals.

**(4)** The members shall receive compensation as determined by the Town board and shall be removable by the Town Board for cause upon written charges and after public hearing.

### **8.03 Rules of Conduct.**

**(1) Rules.** The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

**(2) Minutes.** The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

**(3) Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Seneca affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The cost of the appeal shall be established by the Town Board as provided on the attached fee schedule. This fee shall be paid to the Town Clerk at the time of the appeal.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, but not more than thirty (30) days after the filing of the notice of appeal and shall publish a Class 2 public notice

thereof, pursuant to Chapter 985, Wis. Stats., as well as give due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

**8.04 Powers of the Board of Appeals.** The Board of Appeals shall have the following powers:

**(1) To Hear and Decide Appeals.** To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.

**(2) To Authorize Variances.** To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship and so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done.

**(3) Permit Projects and Establish Conditions.** Permit the erection and use of building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this Ordinance for such public utility purposes which are reasonably necessary for the Town of Seneca residents' convenience and welfare.

**(4) Change or Modify Administrative Decisions.** The Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit. The concurring vote of four members of the Board of Appeals shall be necessary to reverse in order, requirement, decision or determination of any such administrative official, or decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirement of this Ordinance. The grounds of every such determination shall be stated.

**(5) Interpret Ordinance.** Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan as shown on the "Official Zoning Map" made a part of this Ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.

## **8.05 Court Review and Decision.**

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the Town of Seneca, may, within 30 days after the filing of the decision in the office of the Board of Appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the Board of Appeals and on due cause shown, grant a restraining order. The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

## **8.06 Costs.**

Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.

## **SECTION 9. ZONING COMMITTEE**

### **9.01 Establishment.**

There is hereby established a Zoning Committee for the Town of Seneca for the purpose of reviewing planning and zoning related matters in the Town of Seneca, enforcing the intent of this zoning ordinance, and recommending to the Town Board amendments to the ordinance and the granting of conditional uses as are in harmony with the general purpose and intent and in accordance with general or specific rules contained in this ordinance.

### **9.02 Membership.**

(1) The Zoning Committee shall consist of five (5) members, appointed by the Town Chairman, subject to confirmation by the Town Board. No member of the Town Board or the Board of Appeals shall be a member of the Zoning Committee. The Town Chairman shall appoint one of the members to Chair the Board. The Zoning Committee shall elect one of its members as Vice-Chair and one member as Secretary.

(2) Members of the Zoning Committee shall all reside within the Town of Seneca. Terms shall be staggered for three-year periods. Of



those first appointed, one shall serve for one (1) year, two for two (2) years and two for three (3) years. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases. Vacancies shall be filled for the unexpired terms of members whose terms shall become vacant. The members shall receive such compensation as determined by the Town Board. Members of the Zoning Committee shall be removable by the Town Board for cause upon written charges and after public hearing before the Town Board.

### **9.03 Duties and Responsibilities.**

- (1)** To review requests, conduct public hearings and make recommendations for amendments to the zoning text and official zoning map and forward such recommendations to the Town Board.
- (2)** To conduct public hearings in response to conditional use petitions and recommend approval, modification or denial of the petition to the Town Board together with a list of conditions to be met by the petitioner.
- (3)** To interpret the provision of this ordinance in such a manner as to carry out the intent and purpose of the plan as shown on the district map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the district map.
- (4)** To, at the direction of the Town Board, develop a town master plan and coordinate it with the zoning and subdivision ordinances to assure compatibility and implementation of the town's development goals and objectives.

### **9.04 Rules of Conduct.**

- (1) Rules.** Meetings of the Zoning Committee shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings shall be open to the public in compliance with the Wisconsin open meeting law.
- (2) Minutes.** The Zoning Committee shall keep minutes of its proceedings, showing the vote on each subject that requires Board action. Minutes of each meeting, along with recommendations for Town Board action shall be forwarded to the Town Board immediately following the Zoning Committee meeting so that the Town Board can accept the minutes at their next regular meeting and take action on matters within a reasonable time after the Zoning Committee meeting. All records of the Zoning Committee shall be public record.

## **SECTION 10. PENALTIES**

### **10.01 FAILURE TO COMPLY.**

Any person, firm, or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than

ten dollars (\$10.00) or more than five hundred dollars (\$500.00) for each violation, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

## **10.02 DOUBLE FEE PROVISION.**

A double fee may be charged by the Zoning Official for any act requiring issuance of a permit should the act commence prior to issuance of the permit.

## **SECTION 11. ENFORCEMENT**

### **11.01 ZONING OFFICIAL.**

#### **(1) Appointment and Compensation.**

The Town Board shall appoint a Zoning Official, who shall receive such compensation as the Town Board shall determine. It shall be the duty of the Zoning Official with the aid of the Town Board, to enforce the provisions of this Ordinance.

#### **(2) Duties.**

The Zoning Official shall prepare a record of all buildings and structures situated within the setback lines as established by this Ordinance, or any amendment thereto, which shall include the distances of such buildings or structures from the centerline, their size, type of construction and use, the quarter section in which they are situated, and the names and addresses of the owner and occupant of the premises and the date on which the record is made. Such record shall be kept current, and shall show any such buildings or structures that may be removed or damaged to the extent that their reconstruction will be contrary to this Ordinance.

## **SECTION 12. EFFECTIVE DATE**

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

Adopted this 5<sup>th</sup> day of May, 2004.

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Town Board Chairman

ATTESTED

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Town Clerk