

Article B: General Provisions

Sec. 13-1-20 Jurisdiction and Compliance.

- (A) **Jurisdiction.** The jurisdiction of this Chapter shall include all lands and water within the Town of Vinland, Winnebago County, WI.
- (B) **Compliance.** No structure shall hereafter be used and no structure or part of, shall hereafter be located, erected, moved, reconstructed, extended, converted or structurally altered, without a zoning permit and applicable Town, County and State regulations.
- (C) **Land and Water.** Land and water within the Town of Vinland, Winnebago County, WI. Is regulated by the Winnebago County Erosion Control and Storm Water Ordinance #17.31, adopted by the Winnebago County Board on specifically S.10 Control of Erosion and Pollutants during land disturbing activity. Other reference to the County Ordinance is covered under separate Ordinances.
1. Those involving grading, removal of protective ground cover or vegetation, , excavation, land filling or other activities affecting a surface area of four thousand (4,000) square feet or more.
 2. Those involving excavation of filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of soil, sand or other excavation or fill material.
 3. Those involving public and private access driveways, streets, highways, roads or bridge construction, enlargement, relocation or reconstruction longer than one hundred twenty-five (125) feet.
 4. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a continuous distance of one hundred (100) feet or more. The term, pipe or facilities, includes, but is not limited to, utilities, such as telephone, electric, gas sanitary, storm water, etc.
 5. Those involving the construction or reconstruction of a continuous distance of one hundred (100) lineal feet of road ditch, non-agricultural grass water way or other non-agricultural land area where drainage occurs in an open channel.
- (D) All non-organic materials used for fill shall require a zoning permit and full compliance of this Chapter. *(Amended 8-11-2008)*
1. **Site Plan showing placement of non-organic material.**
 2. Non-organic fill stated in amounts, yards and/or tonnage.
 3. Fill requirements in all instances where non-organic material is placed by permit; the fill shall consist of the following types of material only - brick, building stone, concrete, reinforced concrete, broken pavement provided, however, that no asphalt pavement or products shall not be allowed.
- (E) Conditions addressing height fill area, slope, erosion control measures, drainage requirements or similar concerns may be required as conditions of permit requirement. The Zoning Administrator has the power to approve and issue the permit **OR** if excessive, the Zoning Administrator would have the right to bring before the Town Board for approval.

Sec. 13-1-21 Use Restrictions.

The following use restrictions and regulations shall apply:

- (a) **Principal Uses.** Only those principal uses specified for a district, their essential services and the following shall be permitted in that district:
- (b) **Unclassified or Unspecified Uses:** Unclassified or unspecified uses may be permitted by the Town Board, provided that such uses are similar in character to the principal uses permitted in the District.
- (c) **Performance Standards.** Performance standards listed in article H shall be complied with by all uses in all districts.
- (d) **Conditional Uses.** Provisions applicable to conditional uses generally:
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Town Board in accordance with Article D of this Chapter excepting those existent at the time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as “conditional uses” for the district(s) in which they are located at the time of adoption of this Code require no action by the Town Board to continue as valid conditional uses and the same shall be deemed to be “regular” conditional uses.
 - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Town Board in accordance with Article D.
 - (4) Conditional uses(s), when replaced by permitted uses(s), shall terminate. In such cases(s), the reestablishment of any conditional uses(s) shall require review, public hearing and approval by the Town Board in accordance with Article D.
 - (5) Provisions in this Chapter relating generally to conditional uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provision would then control), be deemed to be applicable to both regular and limited conditional uses.
 - (6) Conditional uses authorized by the Town Board resolution shall be established to both regular and limited conditional uses.
 - (7) Conditional uses authorized by the Town Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article D.

Sec. 13-1-22 Reduction or Joint Use.

No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

Sec. 13-1-23 Site Regulations.

- (a) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Town Board, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires.
- (b) **Street Frontage.** All lots shall but upon a public street or other officially approved means of access and each lot shall have a minimum frontage of thirty-three (33) feet; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning district in which it is located. All lots shall also have a minimum at the street yard setback as prescribed for the particular zoning district in which the lot is located.
- (c) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot except in the R-5 Planned Residential District. The Town Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Town Board, may impose additional yard requirements or require a minimum separation distance between principal structures.
- (d) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (e) **Lots Abutting More Restrictive Districts.**
1. Lots abutting more restrictive distractive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts.
 2. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than seventy-five (75) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
 3. When there is a reasonable likelihood that unsewered lots will be sewerred within ten (10) years and that the required frontage thereafter will be one hundred (100) feet or less, then the Town Board or subdivider may cause dotted lines to be drawn across the center of the lots applicable on plat and zoning maps so as to notify prospective purchasers of that possibility.
- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made except in compliance with the Towns Land Disturbing Ordinance.

- (g) **Decks.** For purposes of this Chapter, decks shall be considered a part of a building or structure.
- (h) **Frontline Projections.** No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side on such building.
- (i) **Unobstructed Yards.** Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a yard and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twenty-four (24) inches, and/or up to forty-eight (48) inches for solar heating systems.
- (j) **Floor size; Foundation.** All dwellings shall conform to a minimum floor size and be set upon a permanent footed foundation or a permanent footed slab.
- (k) **Height and Yard Exceptions.** The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
 - (1) Churches, schools, hospitals, sanatoriums or other public and quasi-public buildings may be erected to a height not exceeding sixty-five (65) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such a building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
 - (2) Chimneys, cooling towers, elevators bulkheads, fire towers, silos, monuments, penthouse, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, microwave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this Section and may be erected in accordance with other regulations or ordinances of the Town of Vinland.
 - (3) Residences in the Residence and Agricultural Districts may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.
 - (4) Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
 - (5) Buildings on through lots and extending from street to street may waive the requirements for rear yards by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
 - (6) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet provided they be so located as not to obstruct light and ventilation.

- (l) **Noncomplying Lots; Private Roads.** No building permit or certificate of occupancy shall be issued by the Building Inspector for any lot which does not comply with all the regulations and standards of this Chapter, except as otherwise provided by this Chapter; and which does not have at least fifty (50) feet frontage on a public street or road, which is not fully improved and opened in accordance with the Town standards for streets and highways, and so certified by the Town Clerk. Lots on private roads that were in existence at the time of the passage of this Zoning Ordinance are excluded from this road requirement.
- (m) **Aesthetics.**
- (1) **Property Value Test.** Aesthetics may constitute grounds for prohibiting a use, particularly if such use could depreciate the value of property in the neighborhood or impose a visual effect upon neighbors or passerby which is clearly obnoxious to the prevailing taste of the community, constituting a public nuisance. This Subsection supplants, but does not supercede, other Town property maintenance and/or nuisance ordinances.
- (2) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this subsection or resists enforcement shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.000) and cost of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment of such forfeiture, but not exceeding thirty (30) days. Complete cleanup of the property must take place within thirty (30) days of the conviction to the satisfaction of the Town Board. Each day a violation exists or continues shall constitute a separate offense.
- (3) **Failure to Comply with Cleanup Requirements.** If the Property is not brought into compliance to the satisfaction of the Aesthetic Review Board upon the thirtieth (30th) day after conviction, the Town Board shall undertake to clean up the property at the property owner's expense. The property owner will be billed for the service provided. If payment is not made of that bill in a timely fashion, a late charge of eighteen percent (18%) per month of the total amount shall be added to the bill and shall be placed on the tax roll at the end of the year.
- (n) **Restriction on Dog Numbers in Residential Districts.** Unless otherwise specified, no premises in a Residential District shall be used to harbor more than three (3) dogs. Puppies whelped on any such premises as a result of fortuitous mating may be retained on the premises until they are six (6) months old and shall not be taken account of in determining the number not in excess of three (3) dogs hereinabove permitted on such premises. No premises in a Residential District shall be used for breeding or rearing of dogs for sale or hire or for the boarding of dogs for pay. *(Text correction approved 11/11/2002)*

Sec. 13-1-24 Highway Setback Lines.

- (a) **Purpose.** In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby

established in the Town of Vinland, Winnebago County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided and at the waters edge on riparian lands.

- (b) **Riparian Land Setbacks.** The setback line on riparian lands shall be seventy-five (75) feet from the ordinary high water mark as defined in the Winnebago County Shoreland Zoning Ordinance.
- (c) **Classes of Highways and Center Lines.** Highways are classified and the position of the center line shall be determined as follows:
- (1) **Class 1 Highways.**
- (a) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is the midway point between the edges of the road surface.
 - (b) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
 - (c) Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.
 - (d) Private roads. The center line is at the midpoint between the edges of the road surface.
- (2) **Class 2 Highways.**
- (a) County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
 - (b) County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The center line is the center of the surfacing or pavement, or if there be none, the center of the grades roadbed.
- (3) **Class 3 Highways.** State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board and United States highways. The center line is the center of the roadbed or the center of the surfacing or pavement of the adjacent line in the highway is to be paved as a double-divided road.
- (d) **Structures Prohibited Within Setback Lines.** No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established this Section and the highway, except as provided by this Section, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the original effective date of this Chapter shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other

catastrophe to the extent of fifty percent (50%) or more of its current value as determined by the Town Assessor.

- (e) **Structures Permitted Within Setback Lines.** The following kinds of structures may be placed between the setback line and the highway:
- (1) Open fences. (See Section 13-1-141)
 - (2) Telephone, telegraph and power transmission poles and lines and microwave radio relay structures may be constructed within the setback lines and additions to and replacements of existing structures may be made, provided the owner files with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this Section at his expense, when necessary for the improvement of the highway.
 - (3) Underground structures not capable of being used as foundations for future prohibited over ground structures.
 - (4) Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.
 - (5) This Section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.
- (f) **Setback Distances.** Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined in Subsection (c) above, shall be as provided by the following paragraphs of this Subsection, respectively;
- (1) **Improved Highways.** Whenever a highway is improved to a classification requiring a greater setback distance than that required by this Section prior to such improvement, the setback distance shall be that applicable to the latter classification.
 - (2) **Conflicting Setbacks.** In cases where the provisions of this Section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
 - (3) **Along Highways Generally.** The setback distances from the center line, at any point for the respective classes of highways, shall be as follows:
 - (a) Class 1 Highway: one hundred (100) feet, except in platted subdivision where the setback distance shall be thirty (30) feet from the right-of-way lines as shown on the recorded plat; also excepting lots abutting on private roads where the setback distance shall be fifty (50) feet from the right-of-way line but not less than seventy-five (75) feet from the center line of said road as shown on the instrument creating said road or road easement.
 - (b) Class 2 and Class 3 highways; one hundred (100) feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than sixty (60) feet for Class 2 and Class 3 highways.

- (c) Exceptions: where buildings, structures or uses are to be erected or established between buildings existing at the time of the adoption of this Chapter which buildings are located not more than one hundred fifty (150) feet apart and have setback lines less than are established by this Section, the setback line for each such proposed building, structure or use, provided that a setback line of more than one hundred (100) feet from the center line of the highway, or sixty-five (65) feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the Town harmless from additional improvement damages which might accrue when and if the highway is improved and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.
- (4) **At Ordinary Highway Intersections.** At grade intersections of highway with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and fifty (50) feet back from the intersection of such setback lines.
- (5) **At Highway Intersections with Transitional Widening.** At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- (6) **At Highway Intersection with Curve Connections.** At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.
- (7) **At Railroad Grade Crossings.** At railroad grade crossings there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way and the highway setback line and seventy-five (75) feet back from the intersection of such highway setback lines and such railway right-of-way.

Sec. 13-1-25 Roof Slopes and Eaves Dimensions for Single Family Dwellings.

- (a) All single-family homes, including manufactured homes but excluding mobile homes, shall be covered with a roof pitched at a minimum slope of three inches to twelve inches (3:12), which is permanently covered with non-reflective material. Such homes shall have a pitched roof and overhanging eaves with a minimum twelve (12) inch overhang, measured from the vertical sides of the structure. Carports shall be excluded from this requirement.
- (b) Dwellings shall have roofing material of a type customarily found on conventionally constructed dwellings including wood shakes or shingles, asphalt composition

shingles, fiberglass composition shingles, but not corrugated metal or corrugated fiberglass.

- (c) The Building Inspector may issue exceptions to the requirements in of the above Subsections when warranted by design considerations and technical information is provided supporting the feasibility of the exception, provided that such exception shall not exceed twenty-five percent (25%) of the structure's roof area (excluding carports).

Sec. 13-1-26 Surface Water Drainage.

- (a) **General Regulations.** The controlled release and storage of excess surface water runoff shall be required in combination for all commercial and industrial developments and for residential developments that contain an area in excess of five (5) acres.
- (b) **Purpose.** It is not the intent of this Section to take land areas out of use for the sole purpose of storing excess surface water nor to restrict land use or to increase development costs. The basic purpose of this Section is to eliminate the storage transportation of excess surface water in or through habitable structures. The use of "natural" paths of storm water runoff to form the "bypass" channel and the restriction of this channel to form storage areas is encouraged. Since political and ownership boundaries often make the use of "natural" drainage patterns difficult, the earthmoving that is accomplished to create the maximum land usage should also be planned to provide a "bypass" channel for storm water that will not create a diversion of storm water drainage or radically change the watershed boundaries.
- (c) **Surface Water Design Considerations - General.** Where required by Subsections (a) and (b) above, a complete surface water management system shall be provided in all areas within the development site for handling surface water runoff that flows into or across the site from the outside, without undesired additional flooding of any other lands in the drainage basin. Soil types shall be coefficients within the basins involved. The system shall be designed in accordance with accepted engineering principles for design floods resulting from rain storms of the maximum intensity predicted for the Town area at twenty-five (25) year intervals. All increased runoff due to development of the land which exceeds the capacity of the percolation areas, up to and including the runoff from a twenty-five (25) year storm, shall be diverted into retention areas for future percolation areas, seepage basins and retention areas to handle the runoff from storms which exceed the twenty-five (25) year storm in duration and severity.
- (d) **Surface Water Design Considerations - Subdivisions and Planned Residential Areas.**
 - (1) Subdivision plans and R-5 Planned Residential District shall not be approved unless all lands intended for use as building sites can be assured positive drainage, as approved by the Town. Unless other arrangements are made with the Town, the developer shall construct, install and furnish all necessary drainage structures to include pipes, catch basins, ditches, etc., as required. Construction shall conform to all Town specifications.

- (2) The drainage system shall tie generally to existing drainage facilities covered by the Town easement or into already established natural drains not covered by Town easements where there is no question that the natural drain served the area within the development and that said drainage will not result in damage to any property rights of others. Discharge onto adjacent properties where there is no existing drainage outlet or where no natural drains exist will not be permitted without the developer acquiring the necessary easements, as determine by the Town.
- (3) Lots shall be developed to maximize the amount of natural drainage which is percolated into the soil and to minimize direct overland runoff into adjoining streets and water courses. Storm water runoff from roofs and other impervious surfaces should be diverted into swales or terraces on the lot when possible. Where a positive outfall is unavailable or inadequate and the installation or revision of the outfall is not economically practical, a retention-seepage basin may be included in the drainage system. The basin shall be designed using accepted engineering practices. In all cases the basin shall be designed and located in such a manner as to cause the least amount of damage when the design storm is exceeded. Sufficient drainage right-of-way shall be set aside to allow for egress, ingress and continuous maintenance around the perimeter of the basin.

Sec. 13-1-27 through 13-1-39 Reserved for Future Use.