

## TOWN OF FARMINGTON ZONING ORDINANCE

An ordinance to promote the public health, safety, morals and general welfare; enacted pursuant to the provisions of Section 60.62 of the Wisconsin Statutes and providing penalties for the violation of its provisions. The Town Board of the Town of Farmington, Polk County, Wisconsin, does ordain as follows:

### SECTION I INTERPRETATION AND PURPOSES

- (a) 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 Farmington Township, Polk County, Wisconsin. 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 this ordinance imposes a greater restriction on the use of buildings or premises, or upon the height of building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.
- (b) In the event of a conflict, contradiction, or near duplication in the provisions of the Polk County Shoreland Protection Zoning Ordinance and this ordinance, the more restrictive of the provisions in conflict, contradiction or near duplication shall apply. All provisions stated in the Polk County Shoreland Protection Zoning Ordinance, as amended, are incorporated by reference in this Farmington Township Zoning Ordinance, however, all permits required thereunder, except for sanitary permits, shall be issued by the Town Clerk, as approved or authorized by the Town Board.

### SECTION II DISTRICTS

1. For the purpose of this ordinance the Farmington Township is hereby divided into eight districts as follows:
  1. Residence District - Section V
  2. Agriculture District - Section VI
  3. Conservancy District - Section VII
  4. Restricted Commercial District - Section VIII
  5. Commercial District - Section IX
  6. Industrial District - Section X
  7. Recreational - Section XIII

2. The Boundaries of the aforesaid districts are hereby established as shown on the maps entitled Zoning Maps of Farmington Township, Wisconsin, being Township maps adopted and approved by the Town Board. The above maps are filed in the office of the Town Clerk and Polk County Zoning Administrator. All notations and references shown on the district maps are as much a part of this ordinance as those specifically described herein.
  - (a) When the district boundaries are either roads or streets unless otherwise shown and where the designation on the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line.
  - (b) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the district boundaries shall be construed to be lot lines and where the designations on the district map are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the district.
  - (c) Where the district boundaries are not otherwise indicated and where the property may hereafter be subdivided into lots and blocks the district boundaries shall be construed to be 200 feet measured perpendicular to and being parallel to the center line of such road or street as it may abut.
  - (d) Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines or section lines, or quarter-section lines, or quarter-quarter section lines.
  - (e) In unplatted areas of 10 acres or less, the district boundary where not otherwise indicated shall be determined by the use of the scale shown on the district map.

### SECTION III DEFINITIONS

For the purpose of this ordinance certain words and terms are defined as set forth in Section III of the Polk County Zoning Ordinance as amended, which definitions are incorporated by reference herein. Words used in the present tense include the future; the singular number includes the plural number and words in the plural number include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory not directory. The definitions of the terms "owner" and "public building" shall be those set forth in Section 101.01 of the Wisconsin Statutes.

### SECTION IV GENERAL PROVISIONS

#### A. Except as Otherwise Provided;

1. The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the

regulation established herein for the district in which such land or building is located.

2. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premise is located. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building. Every permanent dwelling hereafter erected in Farmington Township shall provide not less than 400 square feet of floor area for a one-story building for each family dwelling therein, nor less than 700 square feet for a two-story building for each family dwelling therein, except that this provision shall not apply to summer cottages, hunting or fishing cabins or house trailers of any type.
3. Non-conforming Uses
  - (a) The existing lawful use of a building or premise at the time of enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance for the district in which it is located, but such non-conforming use shall not be extended nor shall such building or structure be altered or enlarged.
  - (b) If no structural alterations are made a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted non-conforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
  - (c) If a non-conforming use of a building, premise or parcel of land is discontinued for a period of 12 months, any future use of the building, premise or parcel of land shall conform to the regulations for the district in which it is located.
  - (d) When a building containing a non-conforming use is damaged by fire, exploding, act of God or the public enemy to the extent of more than fifty percent of its current value as determined by the town assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any non-conforming use shall not during its life exceed 50% of the equalized value of the building at the time of its becoming a non-conforming use unless permanently changed to a conforming use.
4. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof on which construction has started or a particular use has been commenced, or for the construction of a

building or structure or part thereof upon which a bona fide construction contract has been entered into before the effective date of this ordinance.

5. Telephone, telegraph, power poles and lines and necessary appurtenant equipment and structures, such as transformers, substations and equipment housings relative thereto may be permitted without permit or other regulations.
6. Service garages, storage yards and micro-wave radio relay structures must be approved by the Town Board prior to construction.
7. SETBACKS. The setback distances from the center line at any point for the respective classes of highways shall be as follows:

Class C Highways, Town Roads, 75 feet  
Class B Highways, County Roads, 75 feet  
Class A Highways, State Trunk Roads, 150 feet

Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point of the Right of Way line of the highway be less than the following:

Class C Highways, Town Roads, 42 feet  
Class B Highways, County Roads, 42 feet  
Class A Highways, State Trunk Roads, 90 feet

Except that where buildings are proposed to be erected or moved between buildings existing at the time of the adoption of this ordinance and having setback lines less than those established by this section which existing buildings are located not more than 150 feet apart, the Clerk may issue a Permit for such proposed building, provided that the setback of such buildings shall not be less than the average of setbacks of the nearest adjoining existing buildings on either side of the location of the proposed building.

#### B. Height and Area Exceptions

The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to following exceptions:

1. Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor 5 stories, provided the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot for each foot of additional height above the height limit otherwise established for the district in which such building or structure is to be located.
2. Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, micro-wave radio relay or broadcasting towers, masts or aerials and necessary mechanical appurtenances are hereby excepted from the

height regulations of the ordinance and may be erected in accordance with other existing regulations or ordinances.

3. Residences may be increased in height by not more than 10 feet or one story when all yards and other required open spaces are increased by in width one foot for each foot in height by which such a building exceeds the height limit of the district in which it is located.
4. When a lot has an area less than the minimum number of square feet per family, as required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by one family subject to the setback, rear yard, and the side yard regulations for the district in which it is located; provided further that it meets the minimum lot area as required by the Wisconsin State Board of Health Administrative Code H 65.
5. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be more than 15 feet in height.
6. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and the ordinary projection of sills, belt courses, cornices and ornamental features projecting not more than 20 inches.

#### SECTION V RESIDENCE DISTRICT

Use. In the Residence District no building or structure or premise shall be used and no building or structure shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Single family, two family and multiple family dwellings.
2. Churches, public and parochial schools.
3. Lodging or boarding house restricted to not over 5 boarders or lodgers not members of the resident family.
4. Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.
5. Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided however that no accessory building may be used as a separate dwelling unit.
6. Private clubs and fraternities except those whose principal activity is a service customarily carried on as a business.
7. Gardening and farming including nurseries for the propagation of plants only except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.
8. Public parks and playgrounds including swimming pools, golf courses, tennis courts and picnic grounds. It is considered desirable that each

such park or playground comply as far as possible with the yard and parking requirements established below for recreational areas, and the following standards are suggested:

- (a) No yard shall be less than 25 feet wide except that no such yards need be provided adjacent to the fairways and greens of golf courses.
  - (b) Each such yard shall be increased for the following:
    - 1. For swimming pools larger than 40 x 60 feet, one foot of additional yard for each additional two feet of width or length of the pool, in either direction of such additional width or length.
    - 2. For picnic grounds having seating arrangements for more than 40 persons, 10 feet of additional width on every yard for each additional 10 persons or fraction thereof which such picnic ground is designed for or equipped to accommodate.
  - (c) Any such yard which abuts on a public street or highway may be reduced by one-half the width of such street or highway but in no case to less than 15 feet.
  - (d) Each such yard shall be left in its natural condition and the natural vegetation of the area, including grasses, flowers, shrubs and trees except noxious plants, trees and weeds shall be planted therein, so as to provide a natural screen between the park or playground and neighboring residential areas and so that such yards be so far as possible unused and unusable for the general purposes of such parks and playgrounds.
  - (e) Off-street parking shall be provided on the premise of each park or playground but not in any yard established under the above suggested regulations, equal to not less than one parking space for each 4 persons which the park or playground is designed or intended to accommodate.
  - (f) The above regulations shall be mandatory as applied to any park or playground established by any agency within the township.
9. Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings relative thereto and provided there be no service garage or storage yard. This regulation, however, shall not include micro-wave radio relay structures unless and until the location thereof shall first have been approved by the Zoning Board of Adjustment.
10. Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential

character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold and that no person other than a member of the resident family is employed on the premises.

11. Professional office, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises; provided further that there shall be no external alterations that would effect a substantial change in the residential character of the building, that no more than 50% of only one floor of the dwelling shall be devoted to such offices and that not more than 2 person not members of the resident family may be employed in non-professional capacities in any such office.
12. Height and Area. Lot Area. Buildings or parts of buildings hereafter erected or structurally altered for single or two family dwelling purposes shall provide a lot area of not less than 2 acres, with a minimum of ½ acres of contiguous building area; and providing further that for each additional family in residence on the premises, an additional 3000 square feet shall be provided and provided that when the regulations of Chapter H 65 of the State Board of Health Administrative Code require a larger lot area than any of the above, such regulations shall govern. No building shall be more than 2 ½ stories or 35 feet high. See Section IV. Side Yard. There shall be a side yard on each side of a building.
  - (a) In the residence district the aggregate width of the side yards for the main building shall not be less than 25 feet and no single side yard shall be less than 10 feet wide; provided further that the highway setback regulations shall apply to all corner lots.
  - (b) For lots less than 100 feet wide and of record as such at the date of passage of this ordinance, the aggregate width of the side yards shall be equivalent to 3" for each foot of the lot width and no single side yard shall be less than 40% of the aggregate width provided further than the buildable width of any lot shall not be reduced to less than 24 feet.
  - (c) The minimum permitted side yard for an accessory building in a residence district shall be 3 feet provided a minimum of 5 feet to the rear of and is detached from the main building. When an accessory building is attached to the main building, they shall be considered to be as one and the conditions set forth in Section V Side Yard (a) above shall rule.

Rear Yard. There shall be a rear yard of not less than 25 feet in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than 3 feet.

13. Highway or Street setback lines shall be governed by Section IV-7.

14. Water front Setback Lines, Off-street Parking and Sanitary Conditions shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.

## SECTION VI AGRICULTURAL DISTRICT

Use. In the Agricultural District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Residence District.
2. General farming including dairying, livestock and poultry raising, forestry, nurseries, greenhouses and other similar enterprises or uses except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.
3. Mobilehome Parks. See Section 13.46 and 13.47 in Polk County Shoreline Protection Zoning Ordinance and Section XXIX of the Town of Farmington Zoning Ordinance.
4. Dams, power plants and flowage areas.
5. Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; radio and television stations and transmission towers and micro-wave radio relay towers.
6. Roadside stands.
7. Drive-in theaters, subject to the following conditions:
  - (a) That there be no direct entrance to or exit from such drive-in theater on any Federal, State or County highway.
  - (b) That no parking be permitted on any street or highway on which a drive-in theater abuts or on any street or highway anywhere within ½ mile of an entrance to or exit from such drive-in theater.
  - (c) That there be a distance of not less than ¼ mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
8. Public warehouses, public shops and storage yards, provided that any such use shall be located not less than 100 feet from the nearest boundary of any lot not used for the same purpose.
9. Hot Mix Plants - Asphalt mixing plants shall be located not less than 1000 feet from any residence without the written authorization of the Owner and tenant of such residence. Hot mix plants shall conform to State regulations regarding air pollution.

The following uses, when the location of each such use shall have been approved in writing by the Board of Adjustment after public hearing and after viewing the proposed site or sites. Such approval shall be consistent with the general purpose and intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing tending to show the desirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as (without limitations because of enumeration) smoke, dust, noxious and toxic gases and odors, noise, vibration, operation of heavy equipment, heavy vehicular traffic and increased traffic on the public streets; such uses shall also be required to meet the specific conditions attached below:

- (a) Medical, correctional or charitable institutions when any building devoted wholly or partly to such uses or accessory thereto shall be distant no less than 100 feet from any residential building not on the same premises.
- (b) Contractor's storage yard, when any such yard shall be so placed or screened by planting as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent or employee.
- (c) Fur farms, charcoal kilns, pea viners or sawmills when located not less than 1000 feet from any residential building other than that of the owner of the premises, his agent or employee, and not less than 1000 feet from the right-of-way lines of any Federal, State or County trunk highway; provided that this regulation shall not apply to portable pea viners and sawmills where there is no stacking of vines or mill residue.
- (d) Kennels, when located not less than 1000 feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (e) Quarrying, when located not less than 200 feet from the abutting highway right-of-way line, nor shall any of its operational facilities such as buildings, parking lots, storage yards or stock piles be located closer than 100 feet to the setback line and provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guarantee, for the restoration, within one year after discontinuing operations of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be the elimination of all water holes by filling and grading the side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 ½ : 1 slope, whichever is the lesser.
- (f) Slaughterhouse, when located not less than 200 feet from any residential building other than that of the owner of the premises, his agent or employee.
- (g) Public dumps and sanitary fills may be permitted upon issuance of a Special Exception Permit by the Board of Adjustment, see Section 17.3 Polk County Shoreland Ordinance.
- (h) Licensed game management or fur farms as set forth in Chapter 29 of the Wisconsin Statutes.

Height and Area. Lot Area. Buildings or part of buildings hereafter erected or structurally altered shall provide a lot area of not less than 2 acres, with a minimum of ½ acres of contiguous building area. Height. Buildings or parts of buildings used for human habitation shall comply with the height requirements of Section V.

#### AUTOMOBILE WRECKING JUNK YARDS OR SALVAGE YARDS.

1. No person or persons, association, partnership, firm or corporation shall keep, conduct or maintain any building, structure, yard or place of keeping, storing or piling in commercial quantities whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth rags, clothing, paper, rubbish, bottles, rubber, iron or other articles which from its worn condition renders it practically unfit for the purpose for which it was made and which is commonly classed as junk or salvage material, whether with affixed place of business or as an itinerant peddler without first having obtained and paid for a license as hereinafter provided. One carrying on the aforescribed business shall be referred to herein as "salvage dealer".
2. License. Every applicant for a license to engage in the business of Salvage Dealer shall file with the Town Clerk a written application upon a form prepared and provided by said Town Clerk signed by the applicant or applicants. The yearly license fee shall be \$25.00.
3. Location. No salvage Dealer shall be located within 500 feet of the boundary of a residential or rural home or local business district and no operation in connection therewith shall be carried on within the minimum setback area from any street, road or highway. Every salvage yard must have a fence or natural barrier that hides the view of the yard which must at all times be kept in a state of good repair and neat appearance.
4. Fire Lane. Every such salvage yard shall have a grass free road way, one rod in width. This roadway shall be kept free of all salvage materials and will serve as a fire lane.
5. Penalties. Any person, firm or corporation who violates, disobeys, neglects, this ordinance shall upon conviction forfeit not less than \$10.00 nor more than \$200.00 for each offense together with the costs of prosecution and in default.

Side and Rear Yards. For buildings or part of buildings used for residential purposes, the side and rear yard requirements of Section V apply.

Highway or Street Setback lines shall be governed by Section IV - 7.

Waterfront Setback Lines, off street parking and sanitary conditions shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.

## SECTION VII CONSERVANCY DISTRICT REGULATIONS

Use. To protect and preserve the natural character of certain lands for their values to wildlife, water conservation, flood control, forestry and other public purposes in the Conservancy District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance except for one or more of the following uses:

1. Grazing
2. The Harvesting of wild crops such as wild hay, ferns, moss, berries and fruit trees and seeds.
3. Hunting, fishing , trapping and licensed game farms.
4. Dams, power plants flowage areas.
5. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housings and other appurtenant facilities; radio and television stations and transmission towers and micro-wave radio and relay towers.
6. Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish and the practice of forestry, including buildings and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources.
7. Public and private parks, playgrounds, camp grounds and golf courses. See Polk County Shoreland Zoning.
8. Recreational camps and resorts. See Polk County Shoreland Zoning.
9. Boat liveries or marinas. See Polk County Shoreland Zoning.
10. Lot Area. Buildings or part buildings hereafter erected or structurally altered for single family dwelling purposes shall provide a lot area of not less than 2 acres and providing further that for each additional family in residence on the premises, and additional one-half acre shall be provided and no such lot shall be less than 200 feet wide for the first acre with proportionate increase in width for each additional family in residence on the premises.
11. Height. No building shall be more than 2 ½ stories or 35 feet high.
12. Side Yard. There shall be a side yard on each side of the building.
  - (a) The side yards for the main or dwelling building shall not be less than 40 feet and no single side yard shall be less than 20 feet wide; provided further that the highway setback regulations shall apply to all corner lots.
  - (b) For lots less than 200 feet wide and of record as such at the date of passage of this ordinance, the aggregate width of the side yards shall be equivalent to 3 inches for each foot of the lot width and no single side yard shall be less than 40 percent of the aggregate width provided further that when the regulations of Chapter H 65 of the State Board of Health Administrative Code require a larger lot area, such regulations shall govern.
  - (c) The minimum permitted side yard for an accessory building shall be 10 feet provided the accessory building is located a minimum of 5 feet to the rear of and

is detached from the main or dwelling building. When an accessory building is attached or connected to the main building, they shall be considered as one and the conditions set forth in Section VII, Side Yard (a) above shall rule.

13. Rear Yard. There shall be a rear yard of not less than 40 feet in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than 20 feet.
14. Highway or Street Setback lines. Highway or street setback lines shall be governed by Section IV (7).
15. Waterfront Setback lines and Off-Street Parking shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance, which is incorporated herein by reference.

### SECTION VIII RESTRICTED COMMERCIAL DISTRICT

Use. In the Restricted Commercial District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Motels and hotels.
2. Service station, tire or battery service.
3. The following retail or customer service establishments, provided the location, building and site plan are so grouped as to be contiguous to one another in such manner as to give an arcaded appearance:
  - (a) Restaurant, dinner club, drive-in food service.
  - (b) Drug store, pharmacy, soda fountain.
  - (c) Barber or beauty shop.
  - (d) Notion, variety or gift store.
  - (e) Food products store.

Required Conditions. All businesses or services shall be conducted wholly within a completely enclosed building except for the sale of automotive needs at service stations. There shall be no more than 2 points of ingress or egress from a Class A highway to a service road serving the Restricted Commercial District.

Lot Area. There shall be no minimum lot area for this district.

Height. No building shall be more than 2 ½ stories or 35 feet high. See Section IV.

Side Yard. There shall be a side yard on each side of a building hereafter erected or moved of not less than 10 feet.

Rear Yard. There shall be a rear yard of not less than 20 feet in depth.

Highway Setback Lines. Highway setback lines in a restricted commercial district shall be governed by Section IV (7).

Waterfront Setback Lines. Waterfront setback lines in restricted commercial districts shall be governed by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.

Sanitary Restrictions. Sanitary restrictions shall be regulated pursuant to Sections 3.0, 4.0, 5.0 and 6.0, 7.0 and all subsections thereof, as set out in the Polk County Shoreland Protection Zoning Ordinance which is made a part hereof by reference.

## SECTION IX COMMERCIAL DISTRICT

Use. In the Commercial District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Barber Shop, Beauty Shop.
2. Business and Professional offices or clinics.
3. Drug Store, Pharmacy, Soda Fountain.
4. Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store.
5. Hardware and Paint Store.
6. Notion and variety store.
7. Radio and television sales and service.
8. Restaurant, drive-in food service, dinner club or tavern.
9. Clothing or dry goods store.
10. Filling station, tire and battery service.
11. Sporting goods, marine supplies and accessories.
12. Laundry, Cleaning and dyeing establishments.
13. Furniture, appliance, office equipment.
14. Bank savings and loan or other financial institutions.
15. Motels and hotels.
16. Funeral homes.
17. Bowling alleys, dance halls, skating rinks when sound is abated sufficiently so as not to be heard in the residence of any other than the Owner or his Agent.
18. Any similarly compatible commercial enterprise subject to the approval of the Zoning Board of Adjustment.
19. There may be one dwelling unit on the premises, either attached or detached in connection with any of the above uses, for the Owner or his Agent.
20. Telephone, telegraph and power distribution poles and lines necessary appurtenant equipment and structures such as transformers, unit substations and installation equipment housings.
21. Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
22. Farm implement dealerships.

Height and Area.

Lot area. For buildings or parts of buildings hereafter erected, moved or structurally altered for residential purposes, the lot area regulations of Section V shall apply; otherwise there shall be no minimum lot area for this district except as may be required by other state, county or town regulations.

Height. Buildings designated or intended exclusively for residential uses shall comply with the height regulations of Section V. No building erected, moved or structurally altered for any other purpose shall exceed 3 stories or 45 feet in height.

Side Yards. For buildings or part buildings used for residential purposes the side yard regulations of Section V shall apply; otherwise no side yard shall be required except:

- (a) If buildings or abutting lots are not constructed with a common wall or with walls contiguous to one another, a side yard of not less than 10 feet shall be provided.
- (b) There shall be a side yard of not less than 15 feet along the side of any lot in the Commercial District which abuts the side lot line of a lot in a Residence District and is not separated therefrom by a street or alley.

Rear Yard. There shall be a rear yard of not less than 15 feet in depth.

Highway Setback Lines. Highway setback lines shall be regulated by the provisions of Section IV - 7.

Waterfront Setback Lines. Waterfront setback lines shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.

SECTION X INDUSTRIAL DISTRICT

Use. In the Industrial District, buildings and land may be used for any purpose except the following:

1. Religious, educational, charitable and medical institutions and places of dwelling or lodging, whether on a permanent or transient basis except that there may be a dwelling for a watchman or caretaker employed on the premises and members of his family.
2. Uses contrary to laws of the State Wisconsin or ordinances of Polk County or Farmington Township.
3. Any of the following uses unless location thereof shall have been approved in writing by the Board of Adjustment, following a public hearing and such approval shall be consistent with the general purpose and intent of this ordinance and shall be based

upon such evidence as may be presented at such public hearing, tending to show the desirability or undesirability of specific proposed locations for a specific proposed use from the standpoint of the public interest, because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise, glare, vibration, heavy vehicular traffic and increased traffic on public streets:

- (a) Acid, ammonia, bleach, chlorine and soap manufacture.
- (b) Ammunition or explosives manufacture or storage.
- (c) Asphalt, coal, coal tar or coke manufacture; asphalt and asphalt cement mixing plants.
- (d) Cement or lime manufacture; cement or concrete mixing plants.
- (e) Bone distillations, fat rendering or any other form of dead animal reduction.
- (f) Fertilizer manufacture.
- (g) Forge plant.
- (h) Garbage, rubbish or other waste dumping.
- (i) Gelatin, glue or size manufacture.
- (j) Inflammable gases or liquids, refining or manufacture of; over ground tank farms.
- (k) Slaughterhouse, stock yard.
- (l) Smelting or foundry operations.

Lot Area. For buildings or parts of buildings erected, moved or structurally altered for residential use, the lot area regulations of Section V shall apply; otherwise no minimum lot area shall be required.

Height. For buildings or parts of buildings hereafter erected, moved or structurally altered for residential use, the height regulations of Section V shall apply; buildings erected, moved or structurally altered for any other purpose shall not exceed 50 feet in height.

Side Yards. For buildings or parts of buildings erected, moved or structurally altered for residential use the side yard regulations of Section V shall apply, otherwise no side yard shall be required, except:

- (a) If buildings on abutting lots are not constructed with a common wall or with walls contiguous to one another, a side yard of not less than 10 feet shall be provided.
- (b) There shall be a side yard not less than 25 feet wide along the side of any lot in the Industrial District which abuts the side lot line in a Residence District and is not separated there from by a street or alley.

Rear Yard. There shall be a rear yard of not less than 12 feet in depth except:

- (a) Such rear yard shall be increased in depth by 3 feet for each additional 5 feet by which the principal building on the lot exceeds 35 feet in height.
- (b) No rear yard shall be required when it abuts railroad right-of-way.

- (c) Any such rear yard which abuts a boundary of a Residence District shall be not less than 25 feet in depth; unless such Residence District boundary line lies within a street, alley or railroad right-of-way; provided that nor stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in such rear yard.

Highway Setback Lines. Highway setback lines in an Industrial District shall be governed by the provisions of Section IV - 7.

Waterfront Setback Lines. Waterfront setback lines in an Industrial District shall be governed by the provisions of the Polk County Shoreland Zoning Ordinance which is incorporated herein by reference.

Sanitary Restrictions. Sanitary restrictions shall be regulated pursuant to Sections 3.0, 4.0, 5.0, 6.0 and 7.0 and all subsections thereof as set out in the Polk County Shoreland Protection Zoning Ordinance which is made a part hereof by reference.

## SECTION XI BOUNDARIES OF DISTRICT

In the unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the center lines of streets, highways, railroads, section lines or quarter-section lines, property lines or such lines extended. Except where otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and not be less than 300 feet in depth; provided however, that wherever a Commercial District is indicated on the District Map as a strip paralleling the highway, the depth of such strip, unless otherwise indicated, shall be 200 feet, measured at right angles to the right-of-way line of the street or highway to which it is adjacent. The length of each strip shall be as shown on the map. When such Commercial District is located at the intersection of streets or highways, the length shall be measured from the intersection of each street or highway right-of-way line included in such district.

Where land has been subdivided and district boundary lines are indicated as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the real lines of the lots abutting such streets.

Where uncertainty exists with respect to the boundaries of the various districts shown on the map accompanying and made a part of this ordinance such boundaries shall be determined by use of the scale contained on such map.

## SECTION XII OFF STREET PARKING

1. No commercial motor vehicle exceeding 5 tons rated capacity shall be stored in any private garage.

2. In a Commercial or Industrial District wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
3. One off-street parking space shall be 216 square feet of area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall in any garage may replace any single required parking space.
4. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
5. No parking spaces required under this ordinance may be used for any other purpose; provided, however, that open spaces required by this Ordinance for setback and side yards may be used for such parking spaces or approaches thereto except that on corner lots there shall be no parking in the vision clearance triangle.
6. All parking spaces shall be graded and drained so as to prevent the accumulation of surface water; all parking spaces in the Commercial or Industrial Districts and residential parking lots in the Residential and Agricultural Districts containing 3 or more parking spaces shall be provided with a dust free surface.
7. Parking lots containing 5 or more parking spaces which are located in the Residence Districts or adjacent to residential lots, shall be screened along with the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence or evergreen planting or equivalent plantings or equally effective means built or maintained at a minimum height of 4 feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.
8. Parking spaces required:
  - (a) Multiple family dwellings shall provide one off-street parking space for each family for which accommodations are provided in the building plus one.
  - (b) Roadside stands shall provide not less than 5 parking spaces at the place of business off the right-of-way of the highway.
  - (c) Establishments offering curb service or service to customers who remain in their vehicles, shall provide at least 5 off-street parking spaces for each person employed to serve such customers.
  - (d) Retail or local business places, banks, offices and professional offices and personal service shops shall provide at least one off-street parking space for each 30 square feet of ground floor area plus at least one additional parking space for each 500 square feet of upper floor area.
  - (e) Buildings, combining business and residential use shall provide at least one off-street parking space for each 300 square feet of area devoted to business use, plus at least one parking space for each family for which accommodations are provided on the premises.
  - (f) Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one parking space for each 7 seats.
  - (g) Motels, lodging houses and dormitories shall provide at least one parking space for each 2 guest rooms.

- (h) Restaurants, taverns and similar places for eating and refreshments, except curb service establishments, shall provide at least one parking space for each 50 feet of floor space devoted to the use of patrons.
- (i) Funeral homes and mortuaries shall provide at least one parking space for each 50 square feet of floor space devoted to parlors.
- (j) Bowling alleys shall provide at least 5 parking spaces for each alley.
- (k) Garages and service stations shall provide adequate off-street parking space to prevent the parking of vehicles waiting to be serviced or repaired on the public street or highway.
- (l) Industrial uses shall provide for at least one parking space for each 4 employees on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use for which parking on the premises is required.

### SECTION XIII RECREATIONAL DISTRICT

Recreational Districts are intended for wild life area as well as recreational purposes and are restricted to the following uses:

- (a) Game refuge or hunting and fishing area.
- (b) Temporary residential area by permit such as hunting cabins, travel trailers, etc.
- (c) Picnicking, water sports, camping, snowmobiling and horseback riding.
- (d) Limited agriculture as currently exists.
- (e) Restricted commercial such as logging, pulping and other forest crop harvesting.

All Sanitary regulations set out in the Polk County Shoreland Protection Zoning Ordinance shall be complied with in recreational districts. All Trailer Parks in recreational districts shall comply with the regulations of the Town Ordinances.

1. County Forest Administrator with consultation of Department of Natural Forester to prevent cutting of immature timber except in thinning operation.
2. Planting is to be done where deemed necessary.
3. Cutting notice for all lands to be submitted to County Clerk.

### SECTION XIV BOARD OF ADJUSTMENTS

1. Appointment. A Board of Adjustment shall be appointed as specified in Section 62.23 (7) (e), Wis. Stats. The members shall serve without compensation and shall be removable by the Town Board for cause upon written charges and after public hearing. The Board of Adjustment shall make and file in the office of the Town Clerk its own rules and procedure consistent with Wisconsin Statutes.
2. Powers. The Board of Adjustment shall have the following powers:

- (a) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Town Clerk.
  - (b) General Exceptions. To hear and decide special exceptions to the terms of this Chapter upon which the Board of Adjustment is required to pass.
  - (c) Variances. To authorize, upon appeal in specific cases, such variance from the terms of this Chapter 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, so that the spirit of the Chapter shall be observed, public safety and welfare secured and substantial justice done; provided, however, no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
  - (d) Special Permits. To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this Chapter, for such purposes which are reasonably necessary for public convenience and welfare.
3. How the Board May Act. The Board of Adjustment may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Town Clerk. The concurring vote of 4 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of this Chapter. The grounds of every such determination shall be stated and recorded.
4. Appeals and Variances. Any person aggrieved or any officer, department, Board or commission of the Town of Farmington affected by any decision of the Town Clerk under this Chapter may appeal to the Board of Adjustment by filing a notice of appeal with the Town Clerk and with the Board specifying the grounds of appeal within 30 days after the decision or action complained of. The Board of Adjustment, after a public hearing may determine and vary the regulations of this Chapter in harmony with their general purpose and intent, only in the specific instances herein after set forth, where the Board of Adjustment makes findings of fact in accordance with the standards herein after prescribed and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.
5. Application for Variance and Notice of Hearing. An application for a variance shall be filed in writing with the Town Clerk. The application shall contain such information as the Board of Adjustment may, by rule, require. Notice of the time and place of such public hearing shall be published at least once in a newspaper of general circulation in the Town of Farmington, and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of hearing. The Board shall thereafter reach its decision within 90 days from the filing of the application.
6. Standards for Variances. The Board of Adjustment shall not vary the regulations of the Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
- (b) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
- (c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property.
- (d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
- (e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (f) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (g) The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

7. Authorized Variances. Variances from the regulations of this Chapter shall be granted by the Board of Adjustment only in accordance with the standards established in sub (6) above and may be granted only in the following instances and in no others:

- (a) To permit any yard or setback less than a yard or a setback required by the applicable regulations.
- (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80% of the required area and width for non-residential lots.
- (c) To permit the same off-street parking facility to qualify as required facilities for 2 or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- (d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or 20% of the applicable regulations, whichever number is greater.
- (e) To increase by not more than 25% the maximum distance that required parking spaces are permitted to be located from the use served.
- (f) To increase by not more than 10% the maximum gross floor area of any use so limited by the applicable regulations.

SECTION XV ZONING ORDINANCE & PERMIT

1. Permit Required.

- A. Where applicable a sanitary permit from the Polk County Zoning Administrator shall be required before the issuance of a land use permit.
- B. No structure shall be built, moved or structurally altered and no land use shall be substantially altered until a land use permit has been issued by the Town Clerk. A permit shall not be issued for a structure or land use not in conformity with the requirements of this ordinance.

2. Application Procedure.

Applications for land use permits shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot 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.

3. Expiration.

Land use permits for construction, alteration or removal of structures shall expire twelve months from their date of issuance if no building activity has begun within such time. Land use permits for land use changes shall expire 12 months from their date of issuance where no action has been taken to accomplish such changes.

4. Fees.

The fee for filing of applications for land use permits shall be established by the Town Board. A copy of the correct fee schedule shall be kept on file in the office of the Town Clerk. Initially, the fee shall be \$1.00 per \$1,000.00 cost of the improvement with a minimum of \$3.00.

SECTION XVI ENFORCEMENT AND PENALTIES

- 1. Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this Ordinance by any person, firm association, corporation (including building contractors or their agent) shall be deemed an unlawful structure or use.
- 2. The township may bring an action to enjoin, remove or vacate any use, structure, moving or structural alteration of any building or use in violation of this Ordinance.
- 3. Any person who violates this Ordinance shall forfeit no more than \$200.00 for each violation. Each day of violation shall constitute a separate offense.

SECTION XVII SIGNS

Signs in Residential Districts will be limited to resident identification and Professional Business identification.

- (a) Signs in this district will be limited to 2 square feet total area. Signs in Recreation areas will be allowed only on adjacent lands to business advertised.

No sign in this district shall be larger than 96 square feet. Signs in Forestry and Conservancy districts by Conditional Use Permits only. Signs allowed in all districts of Agriculture, Restricted Commercial, Commercial and Industrial providing they meet requirements of the Ordinance.

In no district will any sign any larger than 32 square feet be allowed closer together than 2,000 feet in any direction but in no area will signs other than direction signs be allowed closer together than 1,000 feet except as specifically stated in this Ordinance.

All signs of all kinds must be kept in a good state of repair. The Town Clerk will be authorized to condemn signs that do not meet the above requirements. The Clerk will notify the owner of the sign and give reasonable time to repair or remove the sign. If requirements are not met, the Clerk will have the sign removed and charge costs to the owner of the sign or owner of the property on which the sign appears.

Directory signs indicating a direction to a cottage, resort business or similar use:

- (a) Shall not be more than 6 inches by 3 feet in area.
- (b) Common posting standards are required. All directory signs will be required to use and conform to the design and symmetry of said posting standard.
- (c) Posting standards are available at Clerk's office.

Prohibited characteristics of signs:

- (a) No sign shall be so placed so as to interfere with the visibility or effectiveness of any official traffic sign or with driver vision of any access point or intersection.
- (b) No sign shall contain, include or be illuminated by flashing lights, or by any light directed toward the neighboring resident, highway or toward the water.
- (c) No sign shall contain, include or be composed of any conspicuous animated part.

Non-conforming signs will be required to conform to the Ordinance within five years from the date of the Ordinance. At this time the Board of Adjustment will review all non-conforming uses of signs and take appropriate action.

## SECTION XVIII ROADS

1. The road system shall be designed to meet the following objectives: to permit the safe efficient, and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to respect natural features and topography.
2. In the course of the subdivision review, the Board may designate roads as arterial, collector or local roads. This decision shall be based upon county or town plans for road networks. The Board may require any road to be constructed to the boundary of the subdivision. The Board may require special setbacks, screening and other buffers along roads and may limit access along such roads. The Board shall require proof, by certified letter receipt, that the subdivider has given written notice of the proposed locations of the roads and location of surveyed property lines to owners of all contiguous lands.
3. The number of intersections along arterial roads shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1000 feet.
4. Road jogs with centerline offsets of less than 150 feet shall be avoided.
5. Not more than two road shall intersect at one point.
6. All road designs are to be completed by an engineer licensed in the State of Wisconsin.
7. Roads shall be designed and constructed in accordance with Sec 86.26 (1) (b), Wisconsin Statutes, and shall also satisfy the following:
  - (a) Design and related standards for town roads and private roads which provide access to individual lots:
    - 1) 4-rod right of way minimum;
    - 2) 18" culverts, or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be in conformity with American Association of State Highway Transportation Officials (AASHTO) specifications.
    - 3) 3' to 5' ditch bottom;
    - 4) 31' minimum road width before gravel or base course;
    - 5) 27' road width after base course
    - 6) 22' surface excluding shoulders;
    - 7) 2' shoulders;
    - 8) 12" sub base of sand, measured after being compacted;
    - 9) 6" base of crushed limestone or 7" base of Wisconsin grade #2 gravel, measured after being compacted;
    - 10) Decomposable material shall not be used in construction;
    - 11) Shoulder slopes of 3:1 on fills to 3'; 2:1 maximum below the top 3';

- 12) Fill slopes of 3:1 on fills to 3'; 2:1 maximum below top 3';
- 13) Back slopes 3:1 or flatter desirable; 2:1 maximum.

SEE APPENDIX A.

5. All road construction will be inspected by the Township Engineer. Engineer inspection costs will be the responsibility of the land owner/developer.
6. The Board shall examine the design of roads and driveways to assure that lots are laid out in a way that will produce intersections, grades and other features satisfying the following standards:
  - (a) The intersection angle of a driveway to a road, and a road to a road, shall not be less than 75 degrees;
  - (b) The Board may require intersection vision clearances;
  - (c) The elevation of the centerline of a driveway within 50 feet of a road right of way shall not be more than 1 foot above or below the road elevation;
  - (d) Roads at the perimeter of the subdivision shall extend to the subdivision boundary. Narrow strips of land between the road and the subdivision boundary (spite strips) shall not be permitted unless conditions under which the adjacent parcel can be connected to the road are established;
  - (e) The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the AASHTO;
  - (f) A dead-end road shall not exceed 1320 feet in length. The Board may require that provision be made for the extension of the dead-end road to the boundary of the subdivision. This is an addition to the requirement that arterial and collector roads be built to the boundary of the subdivisions.
  - (g) A dead-end road serving three or more lots shall have a cul-de-sac turn-around with a minimum right of way radius of 80 feet. The traveled way within the cul-de-sac shall provide a minimum radius of 49 feet. Appropriate arrangements shall be made for those parts of a temporary turn-around outside of a road right-of-way to revert to the abutting lot owners at such time as the road shall be extended. Where cul-de-sac are provided, the right-of-way line connecting the road right-of-way with the 80 foot cul-de-sac radius shall be 80 feet in radius. At such time that the cul-de-sac would continue as a through road, the developer constructing the through road would be responsible for removing the cul-de-sac and replacing with road built to the Town's road specifications.
  - (h) The planning, location and designations of a road in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice-versa;
  - (i) The Board may require joint driveways, particularly on cul-de-sacs;
  - (j) **All locations and widths of driveway accesses shall be shown on all Certified Survey Maps and on the Final Plat.**
  - (k) A road serving three or more lots must be dedicated to the town as well as being designed and built to the standards of this Ordinance.
  - (l) Any road which is conveyed to the town shall be black topped according to specifications contained in the Ordinance with a minimum of 3" blacktop for non-

commercial roads and a minimum of 3” blacktop for roads with a primary commercial use. Before the construction of a road that will be conveyed to the Town of Farmington, a guarantee of 120% of the cost of the completion of the road shall be provided in the form of a security bond from a bonding company authorized to do business in Wisconsin or an irrevocable letter of credit from a reputable bank or lending institution acceptable to the Town Board. When final gravel is placed a waiting period of 12 months is required before blacktopping with a maximum of 24 months for completing the blacktopping.

- (m) Private roads may be allowed with written approval from the Town Board.
- (n) The Town Board has the final word on construction of all roads and driveways in the Town of Farmington.

SEE APPENDIX A.

#### 5. Road Names.

- (a) The Town Board must approve the naming and/or numbering of roads. Existing County or Town programs for naming or numbering may be used; **All costs relating to signage in new subdivisions shall be charged back to the developer.**
- (b) Where a road maintains the same general direction except for curvilinear changes for short distances, the same name shall be used for the entire length of the road;
- (c) A road which is not presently a through road due to intervening land over which a road extension is planned shall use the same name for existing and planned sections;
- (d) The name of the projection of a road shall use the same prefix as the road even if the projection terminates in a cul-de-sac;
- (e) Approval of road names on a preliminary plat or preliminary certified survey map will not reserve the road name, nor shall it be mandatory for the Town Board to accept it at the time of final subdivision approval;
- (f) All road names shall be consistent with County land use regulations.

Private roads for Final Plats established after approval of this Ordinance shall allow for setbacks required by Township Roads.

### **SECTION XIX DEVELOPMENT REQUIREMENTS FOR SINGLE FAMILY DWELLINGS**

#### Definitions

- a. Manufactured Home - a dwelling, structure or component thereof as defined in Wis. Stat. Sec. 101.91 (2), fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing HUD label or insignia certifying that it is built in compliance with the federal manufactured housing construction standards established and set forth under 42 U.S.C. Sec. 5401 to 5426.
- b. Mobile Home - a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a

motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid, uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile Home" includes mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

- c. Single Family Dwelling - a residential structure or portion thereof, containing separate and complete living area, for one family, including manufactured and mobile homes. Boarding houses, camping trailers, hotels, motor homes and motels are not single family dwellings.
- d. Mobil Home Park - an area of land on which is provided the required space for accommodation of two or more mobile homes and/or manufactured homes, together with the necessary accessory buildings, driveways, screening and other requirements of the Polk County Zoning Ordinance.

### Preemption

- a. To the extent a manufactured home complies with the HUD code, and carries the HUD seal of compliance, preempted provisions of the State Uniform Dwelling Code shall not apply. However, all other requirements of the State Uniform Dwelling Code, to the extent not preempted by the HUD code, shall apply to manufactured homes.
- b. Mobile homes shall comply with all provisions of the State Uniform Dwelling Code and all other applicable state and local building regulations and codes.

Uniform Application. These development standards shall be applied uniformly to all single family dwellings.

### Development Standards And Requirements

- a. All single family dwellings within the Town of Farmington shall meet the following minimum development standards. The development standards shall apply to all zoning districts within the Town of Farmington where housing is allowed.
  - i. **Foundation:** A manufactured home shall be placed on a permanent foundation meeting the requirements of HUD-007487, "Permanent Foundations Guide for Manufactured Housing." All other homes shall meet the minimum requirements of Chapter 21 of the Wisconsin Uniform Dwelling Code.
  - ii. **Utilities:** All single family dwellings shall be properly connected to utilities, including but not limited to, water, sewer and electricity. In the event water or sewer hook ups are not available, the single family dwelling shall install a septic system and well which complies with all applicable County and State health regulations.

Mobile & Manufactured Homes. Manufactured and mobile homes not meeting these standards shall be allowed only in mobile home parks.

## Enforcement

a. Forfeiture

Any person convicted of violating any provision of this ordinance shall forfeit \$200.00. Each day the violation exists shall be a separate offense.

b. Injunction

As a substitution for or in addition to the forfeiture remedy, the Town may seek enforcement of the ordinance by court action seeking equitable relief, including injunctive relief and restraining orders.

## Special Exception Permit

- a. A special exception permit authorizing exceptions to development requirements for single family dwellings with appropriate conditions, if any, may be granted for mobile homes to be used on a temporary basis during completion of a single family dwelling on a property.
- b. The term and duration of a special exception permit shall be limited to one year.
- c. All permit applications shall be accompanied by a building permit which specifies a starting and completion date for the single family dwelling.
- d. Any mobile home used on a temporary basis shall comply, in all respects, with the requirements of Section 4 (a) (vi) hereof, including the requirements
- e. regarding sewer and water.

## Validity

Should any section, clause or provision of the Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## Conflicting Provisions Repealed.

All Ordinances in conflict with any provision of this Ordinance, including, but not limited to the Ordinance regulating mobile homes are hereby repealed.

This ordinance supersedes all provisions of any zoning ordinance enacted under Section 59.97, Wisconsin Statutes that relate to Comprehensive Land Use.

## SOURCES OF PERMITS

Polk County Zoning Administrator

Sanitary Permit

Town Clerk

Building Permit  
Salvage Yards - \$25.00  
Auto Wrecking - \$25.00  
Subdivision Permit  
Special Exception Permit  
Plat Review  
Ordinance Infractions  
Septic Tank