

**SECTION 3
GENERAL PROVISIONS & REGULATIONS**

3.1 RULES OF CONSTRUCTION.

The language used in this Ordinance shall be interpreted in accordance with the following basic rules of construction:

- (1) The singular includes the plural and the plural includes the singular;
- (2) The present tense includes the past and future tenses, and the future tense includes the past;
- (3) The word "shall" is mandatory, the word "may" is permissive, and the word "should" is advisory;
- (4) The masculine gender includes the feminine and neuter genders;
- (5) The words "person", "applicant", "petitioner", and "property owner" shall include a firm, association, partnership, trust, company, or corporation, as well as an individual;
- (6) The word "Town" shall mean the Town of Clyman, Dodge County, Wisconsin.

3.2 MINIMUM REQUIREMENTS ESTABLISHED.

The requirements, allowances, limitations, and other provisions of this Ordinance are intended to be the minimum requirements as they apply to all buildings, structures and parcels. Unless otherwise provided for in other sections of this Ordinance, uses not specifically permitted or otherwise allowed by this Ordinance are deemed to be prohibited. The issuance of permits and approvals required by this Ordinance may be granted subject to additional and/or more stringent requirements and limitations as stipulations or conditions of granting such permits and approvals.

3.3 PROPERTY OWNER RESPONSIBILITY.

It is the responsibility of the property owner, applicant, or petitioner to apply for and secure all permits and approvals required pursuant to the provisions of this Ordinance. One or more of the following permits or approvals may be required by this Ordinance:

- (1) Zoning Permit;
- (2) Conditional Use Permit;
- (3) Temporary Use Permit;
- (4) Sign Permit;
- (5) Rezoning Petition Approval;
- (6) Site and Operation Plan Approval;
- (7) Zoning Variance or Appeal Approval;
- (8) Plan Commission review and approval required as a prerequisite to obtaining one of the above.

Further, compliance with all other Town ordinances and regulations, etc., e.g. the Land Division Ordinance, may result in the need to obtain other permits or approvals, e.g. certified survey map (CSM) or subdivision plat approval.

Finally, it is the responsibility of the property owner to apply for and secure all permits and approvals required by any and all other federal, state, and County agencies concurrent with or prior to application for permits and approvals required by this Ordinance and other town ordinances. This includes, but is not limited to, the Wisconsin Department of Natural Resources (DNR), Wisconsin Department of Commerce (DOC), Wisconsin Department of Transportation (WisDOT), US. Army Corps of Engineers, US. Environmental Protection Agency, Dodge County Land Conservation Department, and Dodge County Planning and Development Department.

3.4 PARCEL AND SITE DEVELOPMENT RESTRICTIONS.

The following restrictions and limitations shall apply to the use and/or development of all lots and parcels of land located in all zoning districts:

- (1) Suitability for Development.
 No lot or parcel of land shall be developed, used or building or structure constructed thereon when and where the lot or parcel is deemed to be unsuitable for such development, use, or building by the Town Board by reason of one or more of the following:
 - (a) flooding, concentrated runoff, or inadequate drainage;
 - (b) adverse topography;
 - (c) adverse soil composition or rock formation;
 - (d) erosion susceptibility;
 - (e) significant and unduly burdensome impacts on groundwater, drainage and storm water features and facilities, roads and other capital infrastructure and facilities, and public services provided in the Town;
 - (f) other features or characteristics of the lot or parcel of land or its use that is/are likely to be harmful to the health, safety, property, aesthetics and general welfare of the community.

When applying this provision, the Town Board shall document in writing the particular facts upon which it bases its determination that such lot or parcel is not suitable for structures and/or uses. The property owner shall have an opportunity to present evidence contesting a determination that a lot or parcel of land is unsuitable. Upon the review and acceptance of such evidence, the Town Board shall affirm, modify, or withdraw its determination of unsuitability.

- (2) Minimum Public Road Frontage.
 Except as otherwise provided herein, all lots or parcels of land shall abut a public street, road or highway with a minimum continuous frontage of fifty (50) feet provided, however, that the frontage requirement for a “flag” lot may be reduced to not less than thirty (30) feet if the developable area of the lot is greater than 100 feet from the public road. {amended 5/10/2004}
- (3) Minimum Building Setback from Public Roads and Highways.
 The minimum setback for all buildings and structures from abutting public roads and highways shall be as follows, or, as set forth in the Dodge County Highway Setback Overlay Zoning District, whichever is greater :

Type of Abutting Roadway	Setback from Centerline	Setback from Right-of-Way
Town Roads (designated)	60 feet	27 feet
Town Roads (undesignated)	75 feet	42 feet
Federal, State & County Highways	100 feet	67 feet

- (4) Multiple Dwellings on a Single Parcel.
 Parcels upon which two (2) or more legal, non-conforming residential dwellings existed on or prior to the effective date of this ordinance may be divided in order that each dwelling is located on a separate parcel provided that the minimum area, width, and setback requirements set forth in Section 4.6 can be met. In the event that one or more of the requirements cannot be met, the land division may be approved subject to

the area, width, and/or setback requirements established by the Board of Zoning Appeals. *{amended 5/10/2004}*

3.5 RESIDENTIAL BUILDING RESTRICTIONS.

The following restrictions shall apply to buildings and structures constructed on lots and parcels located in all zoning districts:

- (1) *Minimum Single-family Dwelling Requirements.*
 Except as otherwise provided herein, the following minimum requirements shall apply to all single-family dwellings constructed on lots or parcels in all zoning districts after the effective date of this Ordinance:
 - (a) Building Area: 1,100 square feet.
 - (b) Width/Dimensions: 24 x 24 feet.
 - (c) Roof: 12 inch overhang, and asphalt shingles or other comparable roofing material ; this restriction is not intended to prohibit the use of legitimate energy saving designs, components, or materials.
 - (d) foundation: full or partial basement or another type of permanent at-grade or sub-grade structure excluding metal frame structures resting on foundation walls or slabs.
 - (e) garage: attached or detached garage required.
{amended 3/5/2001; July, 2008}

- (2) *Substandard Dwellings Prohibited.*
 After the effective date of this Ordinance, dwellings that do not meet the minimum requirements established in 3.5(1) above, which may include traditional mobile, manufactured, and modular homes, intended to be occupied as a dwelling unit or used for storage purposes are prohibited on any lot or parcel except lots or parcels located in the AG: Agricultural Zoning District, and, for which a conditional use permit has been issued allowing the use of a mobile home for dwelling purposes for seasonal migratory farm laborers. This restriction is not intended to affect existing mobile homes that are located on lots or parcels on the effective date of this Ordinance nor prohibit the replacement of existing mobile homes of equal or greater size but not smaller) after the effective date of this Ordinance provided said existing mobile homes are served by a legally installed and operational septic system and occupied and used for dwelling purposes on the effective date of this Ordinance. *{amended 5/10/2004}*

3.6 USE RESTRICTIONS.

The following restrictions shall apply to the use of lots and parcels located in all zoning districts:

- (1) *Exclusive Access Limitation for Residential Parcels.*
 No lot or parcel located in a residential zoning district shall be used, in whole or in part, for vehicular access to any adjoining and separate lot or parcel that is located in a non-residential zoning district or used for a non-residential purpose; except for a legally created easement, or, an existing accessway, e.g. driveway, walkway, etc. that was in existence on the effective date of this Ordinance.

- (2) *Principal Use Limitation for Residential Parcels.*
 Except as otherwise provided herein, only one (1) principal structure or use shall be allowed per lot or parcel of land used for a residential non-farm purposes. Where more than one principal structure or use is allowed on a lot or parcel located in a non-residential zoning district, the Town may impose additional and/or more stringent requirements and limitations including, but not limited to, building setback, yard, spacing, bufferyard, landscaping, and parking requirements.

- (3) Joint Use of a Parcel Prohibited.
No lot or parcel of land shall be developed and/or used where such development or use is dependent upon the sharing of some other lot or parcel, in whole or in part, in order to meet the provisions of this Ordinance.
- (4) Undesirable Storage of Vehicles and Equipment Prohibited.
Abandoned, dismantled, unlicensed, inoperable, wrecked, or junked vehicles, equipment and other items such as household appliances, construction materials, and similar debris shall not be parked or stored on any lot or parcel in any zoning district for a period of time exceeding thirty (30) consecutive days (or 30 non-consecutive days over a one-year period) unless said items are completely screened from view in an enclosed building or structure, or, located outdoors but screened from view, or, one or more of the following has occurred:
- (a) a conditional use or other appropriate permit or approval for the use of the lot or parcel for such purposes has been issued pursuant to the requirements of this Ordinance;
 - (b) use of the lot or parcel for such purposes has been deemed to be a legal non-conforming salvage operation or junk yard.
- (5) Hazardous Uses Prohibited.
Except for agricultural practices being conducted and/or facilities constructed on lots and parcels located in the AG: Agricultural Zoning District in accordance with State and County statutes, administrative rules, regulations and valid permits concerning manure storage and land spreading practices, the use of any lot or parcel which is or becomes hazardous, harmful, noxious, offensive, or a public nuisance is prohibited.
- (6) Minimum Use/Development Allowed on Non-Conforming Lots and Parcels.
Notwithstanding the non-conforming use provisions of this Ordinance, any vacant, undeveloped lot or parcel that (1) is a legally created and recorded lot or parcel; (2) is under separate and different ownership from adjoining lands; and (3) cannot be used or otherwise developed due to it being a non-conforming lot or parcel, may be developed or used for residential purposes with one (1) single-family dwelling provided all other state and county requirements can be met.
- (7) Temporary Uses, Structures and Replacement Structures.
Unless otherwise specifically allowed or prohibited in the zoning districts set forth in Section 4.0, temporary uses of land and/or the placement of temporary structures thereon may be allowed with a zoning permit following review and approval by the Town Plan Commission.

Temporary uses and structures are non-permanent and are intended to be allowed for short periods of time. Temporary uses and structures may include, but not be limited to: public entertainment or fundraising events, seasonal sales of agricultural produce or similarly grown products, the use of a temporary trailer, recreational vehicle or mobile home during periods of construction of a permanent dwelling, addition, or other building, live or outside entertainment, model homes and real estate offices in a new subdivision, etc.

When considering whether or not to grant a zoning permit allowing a temporary use, the Plan Commission shall consider, and may adopt stipulations or other requirements pertaining to, such matters including, but not limited to: the length of time said temporary use or structure is to be allowed, parking, access, signage, lighting, security, solid waste disposal, potable water and sanitary facilities, screening, noise, dust, traffic control, hours and days of activity, warranties, fees, penalties, or other

financial guarantees to ensure compliance or protect against defects or damage to public property, and any other items which may be required to adequately protect the health, safety, and welfare of the public and surrounding property owners and residents.

In the case of temporary structures used as a dwelling while (but not before) the permanent dwelling is under construction, e.g. Recreational trailers, mobile homes, etc., the Town may require the deposit of a cash bond in an amount up to 5 percent of the estimated value of the permanent dwelling prior to the issuance of occupancy by the Town. Failure to remove a temporary use or structure within ninety (90) days after issuance of the certificate of occupancy, or, in the event occupancy certificates are not issued by the Town, within ninety days after occupancy has been made by the owner(s), shall result in forfeiture of any cash bond and/or other financial guarantees in addition to other applicable ordinance violation penalties, remedies and abatement actions. *{amended 5/10/2004; 7/2007}*

The time period for removal of a structure that is being or has been replaced by another structure, such as an old mobile home being replaced by a new mobile home or a permanent structure, shall not exceed ninety (90) days after occupancy has been made by the owner(s) unless an extension is granted by the Town Board after receiving a recommendation regarding such extension from the Plan Commission. *{amended 3/13/2006}*