

CHAPTER 3

GENERAL REQUIREMENTS

- 3.01 Compliance.** All development shall comply fully with the requirements of this Chapter.
- 3.02 District requirements.**
- (1) Developments shall meet the minimum requirements for the applicable district shown in the table in sub. (2).
 - (2) Table of district requirements.

3.03 Lot requirements.

- (1) No lot shall hereafter be created which does not meet the minimum width and area requirements of this Ordinance. No lot shall be so reduced that it fails to meet any density or dimensional requirement of this Ordinance.
- (2) Lot of record required. Every building hereafter erected, structurally altered, or relocated shall be placed on a lot of record.
- (3) No lot shall hereafter be created that does not have public highway frontage. All lots must have a minimum of 100 feet of public highway frontage.
- (4) The depth of a lot shall not exceed four times the width. The depth to width ratio may be increased if approved by the Zoning Committee. The applicant must demonstrate the necessity for a greater depth to width ratio due to topographic or site specific conditions that make it impractical to meet the depth to width ratio requirements.
- (5) Only one single family dwelling unit or one duplex shall be permitted on a lot, except as provided elsewhere in the Ordinance. Lots containing uses other than one and two family dwelling units may contain more than 1 principal structure or use provided that the lot contains the required minimum lot area for each such use and meets the requirements of the zoning district.
- (6) Lots created prior to the effective date of this Ordinance. Except as provided in par. (c), lots which were created before the effective date of this Ordinance shall be deemed to be building sites provided they meet with all of the criteria established in both pars. (a) and (b):
 - (a) They are of record in at least one of the following forms to establish the date of creation of the lot:
 1. A recorded land deed, plat or certified survey map on file in the Trempealeau County Register of Deeds Office showing the lot in its present form.
 2. A lot of record by means of a deed or land contract on file in the Trempealeau County Register of Deeds Office and which predates the effective date of this Ordinance.
 3. A recorded condominium plat.
 - (b) Minimum lot size for lots created prior to the effective date of this Ordinance shall be 20,000 square feet for lots without public sewer, and 10,000 square feet for lots with public sewer.
 - (c) Lots located in the Exclusive Agriculture district which are less than 35 acres shall be subject to s. 91.75, Wis. Stats.

- (d) Notwithstanding the table at Section 3.02(2), the minimum lot size in the Towns of Sumner and Lincoln shall be 1.5 acres. The Towns of Lincoln, Arcadia and Burnside have adopted a .5 acre minimum lot size in their sanitary district. The minimum lot size shall be 1 acre within the 1 ½ mile ring around the city limits in the Town of Arcadia, with a minimum lot size of 2 acres in the remainder of the town. The minimum lot size in the Town of Burnside shall be 1.5 acres. The minimum lot size in the Towns of Caledonia, Albion, Chimney Rock, Pigeon and Unity shall be 2 acres.
- (7) Lots which qualify as building sites as provided in sub. (6) may be enlarged through acquisition of adjacent property, but need not comply with the lot area provisions of s. 3.02 (2). Any lot so enlarged shall not thereafter be reduced below the minimum lot size required in the zoning district.
- (8) Slope. Construction on slopes of less than 20% is permitted. Construction on slopes of 20% - 30% shall require a conditional use permit. Construction on slopes of greater than 30% is prohibited. For the purpose of this section, slope shall be defined as the average change in elevation over an area which extends 30' from the perimeter footprint of the structure.
- (9) Erosion control. Prior to excavation of a construction site or excavations of greater than 4,000 Sq. ft. an erosion control plan must be submitted by the applicant and approved by the Land Conservation Department. Non-structural agricultural practices shall not require an erosion control plan.
- (10) For purposes of determining compliance of a given lot with the minimum spatial requirements under this code and the county subdivision code, including but not limited to lot size, width, depth, structure setbacks and lot coverage, all that portion of a given lot which included highway right of ways, whether in full or in part, shall be excluded and calculations shall be made of spatial requirements as if that portion of the lot was not legally a portion of its description. Only where lot lines end at the right of way line of an adjoining highway or highway shall the entire lot be included in this calculation.

3.04 Maximum residential density

- (1) Official density map. Allowable residential density shall be recorded on an Official Maximum Residential Density Map kept on file in the Zoning Office. The number of residential sites created shall be noted on the map.
- (2) Applicability. Maximum residential density shall apply to the creation of residential lots in the EA-2, PA, RR, R-8 and R-20 districts.
- (3) Number of residential lots. Parcels of land existing on the effective date of this ordinance shall not be divided into residential sites which exceed the allowable number of sites per 40 acres or portion thereof for each district as listed in s. 3.02.

- (a) Calculation. The allowable number of residential lots shall be calculated by multiplying the size of the tract in acres by the maximum residential density per 40 acres. (Example: 26 acre parcel in the R-8 district results in $26 \times 8/40 = 208/40 = 5.2$ lots.)
- (b) Rounding. Any fractional lot resulting from the calculation in s. 3.04 (3) (a) which is at least .75 shall be rounded up to the next whole number.
- (c) Existing dwelling units. Any dwelling unit which exists on the tract of land to be divided shall not count against the maximum residential density allowed.
- (d) Minimum lot size. No lot or building site shall be created which does not meet the minimum lot area requirements of this Ordinance.
- (e) Transfer of allowable density. The transfer of allowable density from one parcel to a contiguous parcel under the same ownership is permitted. Such transfer may also be across a public highway to a parcel under the same ownership which has opposite frontage.
- (f) All lots to contain allowance for residential use. No parcel shall be created which does not carry with it the allowance for at least one dwelling unit under the maximum density calculation unless such parcel is permanently deed restricted to nonresidential use.

3.05 Cluster development.

- (1) It is the intent of this section to authorize the developer to decrease lot sizes and therefore create usable open space on the rest of the parcel, thereby lowering development costs and increasing the attractiveness of the project. This is to be accomplished by increasing the density of the development beyond the limits indicated in Table 3.02 of these regulations.
- (2) With the approval of the Zoning Administrator, in any single-family, manufactured home residential subdivision, created in a manner consistent with these regulations, the developer may cluster structures in the following districts, provided that all building lots are contiguous and have a maximum size of 2.5 acres:

<u>Zoning District</u>	<u>Minimum Lot Area</u>	<u>Density Bonus Per Units Clustered</u>	<u>Minimum Number of Houses in a Cluster</u>
Primary Agriculture	1 acre	1 per 2	3
Rural Residential	1 acre	1 per 4	5

Residential- 8 1 acre 1 per 4 5

- (3) All open space and any other part of the parcel capable of further subdivision shall be restricted from further subdivision through a deed restriction duly recorded in the office of the Trempealeau County Register of Deeds.
- (4) The required open space may be used for individual or community septic systems or for storm water management ponds or basins.
- (5) During the land division process, the Zoning Committee shall approve of a cluster subdivision if its design is deemed by the committee to be appropriate to the site's natural, historic and cultural features and if, through encouragement of originality and lot layout, the following goals are achieved:
 - (a) Protection of all floodplains, wetlands and steep slopes;
 - (b) Uninterrupted scenic views;
 - (c) Creation of upland buffers around watercourses;
 - (d) Preservation of existing woodlands, treelines and existing pastures;
 - (e) Avoidance of prime agricultural soils;
 - (f) Protection of wildlife habitat;
 - (g) Avoidance of construction on higher topographic features; and
 - (h) Provision of contiguous open space

3.06 Setbacks from highways.

- (1) State and federal highways. Except as provided in subs. (4) and (6), the required setback for all structures fronting on state and federal highways shall be 110 feet from the centerline of the highway or 50 feet from the edge of the right-of-way, whichever is greater.
- (2) County highways. Except as provided in sub. (4) and (6), the required setback for all structures fronting on county highways shall be 75 feet from the centerline of the highway or 42 feet from the edge of the right-of-way, whichever is greater.
- (3) Town highways. Except as provided in sub. (4) and (6), the required setback for all structures fronting on all town highways shall be 63 feet from the centerline of the highway or 30 feet from the edge of the right-of-way, whichever is greater.

- (4) Setback reduction. A setback of less than the required setback for the appropriate class of highway shall be permitted in cases where the adjacent principal buildings are located closer to the highway than the required setback.
 - (a) Where each side of the proposed building locations occupied by an adjacent principal building located within 500 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setbacks of the adjacent principal buildings.
 - (b) Where one side of the proposed building locations occupied by an adjacent principal building located within 500 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setback of the adjacent principal building and the setback required for that particular highway.
- (5) How measured. Setbacks from highways shall be measured from the nearest portion of a structure. However, the first 2 feet of an overhanging eave and gutter and the first 6 feet of unenclosed stairs shall be excluded, provided that these items are not located within any public right-of-way.
- (6) Vision Clearance Triangle Setback. For each lot which fronts upon the intersection between two highways or highways and alleys or alleys there shall be a vision clearance triangle setback within the triangular space formed by the existing or proposed intersecting highway and alley right-of-way lines and a line joining points on those right-of-way lines located a minimum of 30 feet from the point of intersection of those right-of-way lines.
- (7) Exemptions. The following structures shall be permitted within the required setback of highways, provided that they do not violate any other provisions of this Ordinance:
 - (a) Structures which are not buildings and which are less than 6 inches above pre-construction grade.
 - (b) Public utility poles, lines, and related equipment without permanent foundations.
 - (c) Minor structures, as listed in s. 3.11 (1).
 - (d) Fences, provided they are not located within a public right-of-way.
 - (e) Signs, as provided in Chapter 7.
 - (f) Outdoor lighting in installations and unenclosed canopies for lighting and rain protection in conjunction with such uses as automobile fuel sales or

drive-in facilities, provided these items are not located within a public right-of-way and provided that they are not located in side yards.

- (g) Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.
- (h) In the vision clearance triangle, structures and vegetation are allowed subject to the requirement that they shall not extend 2 feet above the existing or proposed highway right-of-way elevations.

(Diagram to be inserted)

3.07 Setback from navigable water.

- (1) The required setback from all navigable water shall be 75 feet from the ordinary high water mark. The setback shall be measured from the nearest portion of a structure. Additional shore land and regulations are provided in Trempealeau County Wetland-Shore land Zoning Ordinance.

3.08 Height requirements.

- (1) Height limitation. Except as provided in subs. (2), (3) and (4) no building, structure, or sign shall exceed 35 feet in height above the pre-construction grade elevation.
- (2) Exemptions. The following shall be exempted from the height requirements of this section:

- (a) Architectural projections such as spires, belfries, parapet walls, domes, chimneys, church steeples, and cupolas, provided that such cupolas do not exceed 64 square feet in floor area, including stairwells, are not higher than 8 feet above the adjacent roof ridge, and contain no living quarters.
 - (b) Agricultural structures such as silos, barns, and grain storage buildings.
 - (c) Special structures such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers, and smoke stacks, provided that the height of each such structure shall not exceed the distance of the structure from the nearest lot line.
- (3) Public or semi-public facilities such as schools, churches, monuments, libraries, and government buildings may be granted exemptions by the Zoning Committee to a height of 60 feet provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet in height.
 - (4) Industrial buildings may be granted exemptions by the Zoning Committee to a height of 60 feet provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet in height.

3.09 Front, rear, and side yards. Except as required by Section 3.06 and Section 3.07, the following shall apply to front, rear, and side yards:

- (1) How measured. The yard distances shall be measured from the nearest portion of the structure, except that the first 2 feet of an overhanging eave of buildings shall not be included where the yard requirement exceeds 5 feet.
- (2) Exemptions. The following structures are permitted in front, rear, and side yards provided they do not violate any other provision of this Ordinance:
 - (a) Public utility poles, lines, and related equipment without permanent foundations.
 - (b) Fences, provided they are not located within public right-of-ways.
 - (c) Structures which are not buildings and which are less than 6 inches above preconstruction grade.
 - (d) Minor structures, as listed in s. 3.11 (1).
- (3) Construction over lot lines. A structure may be erected over a lot line when the lots are in common ownership. Such construction shall have the effect of combining the lots into a single parcel for zoning purposes and such lots shall not be sold separately or divided unless the resulting lots and placement of structures are in conformance with this Ordinance.

3.10 Vegetative screening or fencing.

- (1) Purpose. These requirements are intended to reduce potential adverse impacts that a particular land use might have on occupants of adjacent properties, such as glare of lights, dust, litter, and appearance. With vegetative screening or fencing, such adverse impacts will be lessened.
- (2) Applicability. Vegetative screening or fencing requirements shall only apply to proposed uses in cases where a commercial or industrial use abuts a residential or agricultural district; where a utility use requiring a land use permit abuts any district; or such vegetative screening or fencing is required by a provision in this Ordinance. Commercial and industrial parcels which are developed as of the effective date of this Ordinance are exempt from this provision unless specified elsewhere in this ordinance or is deemed necessary by the Zoning Committee to assure compatibility with surrounding land uses. Such parcels shall comply when the structure or parcel is expanded in size or the use expands to an adjacent parcel which was previously undeveloped for such use.
- (3) General Requirements Vegetative Screening.
 - (a) Vegetative screening shall be located in such manner that principal buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point within 20 feet of the principal structures on adjoining lots.
 - (b) Vegetative screening may be located in an area devoted to meeting minimum side or rear yard requirements.
 - (c) Vegetative screening, when required, shall be established on a lot at the time of the lot's development, or at the time the use of the lot is changed to a use which requires a landscape buffer.
 - (d) Vegetative screening shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.
 - (e) Installation and maintenance of the required vegetative screening shall be the responsibility of the owner of the lot.
 - (f) Existing vegetation may be used to meet the vegetative screening requirements if approved by the Zoning Committee.
 - (g) Vegetation utilized to meet vegetative screening requirements must comply with the species, minimum planting sizes and plant spacing requirements in the "Trempealeau County Tree and Shrub List" kept on file in the Zoning/Planning Office.

- (4) General Requirements Fencing.
 - (a) A fence or wall used for screening must be opaque and of sufficient height to accomplish screening as determined by the Zoning Committee.
 - (b) The exposed fence posts must face the interior of lot.

3.11 Accessory structures. Accessory structures are permitted subject to the following:

- (1) Permit required. Accessory structures shall require a land use permit except:
 - (a) Minor structures, including but not limited to birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, clothes line poles, lawn ornaments, flag poles, mailboxes, garbage containers, and school bus waiting shelters. Under no circumstances shall a structure whose footprint is less than 150 square feet be considered to be an accessory structure for which a permit is required.
 - (b) Fences.
- (2) An accessory structure shall be located on the same lot as the principal use to which it is accessory.
- (3) An accessory structure may be constructed provided that its associated principal structure is under construction within 2 years of the completion of the accessory structure in the Residential –8 and Residential –20 districts.