10.5 Substandard Lots

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance.

Such Lot or Parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following, except where the Department of Natural Resources require more:

Lot		Width	Minimum sixty feet (60')
		Area	Minimum 12,000 square feet
Build i ng		Area	Minimum 1,000 square feet
		Height	Maximum thirty-five feet (35')
Yards	Street		See Section 8.5, Special Setbacks
		Rear Side	Minimum twenty-five feet (25')
			Minimum not less than eight feet (8')

If a substandard lot was created by a transfer of any kind from abutting lands, this section shall not apply.

10.6 Moving Buildings

No buildings or other structure that is devoted in whole or in part to a nonconforming use shall be moved, in whole or in part for any distance whatever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

10.7 Nonconforming Accessory Uses

No nonconforming accessory use shall continue after the principal use to which it is accessory has been abolished.

10.8 Accessory Uses

a. Purpose. The uses of land, buildings, and other structures permitted in each district are determined by the list of permitted uses for such district. In addition to such listed permitted uses, it is customary to allow certain accessory uses. This section defines generally the types of accessory and temporary uses, which will be allowed and gives certain specific examples of each.

b. General Permitted Uses. Accessory uses are permitted in any district in connection with any use, which is permitted within such district. An accessory use is a building or use which:

(1) Is subordinate to and serves a principal building or a principal use;

(2) Is subordinate in area, extent, or purpose to the principal building or principal use served;

(3) Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served;

(4) Is located on the same premises as the principal building or principal use served.

c. Specific Regulations. An accessory building or use includes, but is not limited to, the following; provided, however, that all of the specific uses must also fit the general definition of "general permitted uses" in this section.

(1) Private one story garage, carport or accessory use structures shall not exceed the following limitations:

(a) For a single-family residence: A garage or accessory use structure shall not exceed fifteen hundred (1500) square feet.

(b) For parcels or lots five (5) acres or greater in area, private garages, carports or accessory use structures shall not exceed three thousand (3000) square feet.

(c) The Town Board may approve accessory use structures that exceed the limitations provided above by conditional use permit pursuant to the procedure and standards set forth in section 6 of this code.

(d) A conditional use permit, as governed by Chapter 6 of the Zoning Code, and authorizing greater private garage, carport or accessory use structure square footage shall be granted, granted with conditions, or denied based upon the consideration of the following factors: Proximity to adjacent lots, impact on storm water drainage, potential impacts on other utilities, impact to surrounding land uses, and physical characteristics of the proposed private garage, carport or accessory use structure, including size and compatibility with the principal dwelling.

(f) For a multi-family residence: Two cars per dwelling unit that shall not exceed six hundred (600) square feet per unit.

(2) A shed or building for storage incidental to a permitted use, provided that such shed shall not exceed two hundred (200) square feet and shall have a maximum height of twelve (12) feet. The shed shall be constructed on a four (4) inch concrete slab and the walls shall be bolted down with at least 3/8" bolts imbedded in said concrete. Structures which have less than fifty cubic feet (50') of interior space are exempt from the requirements of this subsection.

(3) A child's playhouse.

(4) Private swimming pool and bath house.

(5) Statuary arbors, trellises, barbecue stoves, flag poles, fences, walls, and hedges.

(6) Outdoor storage, except as specifically permitted by the district regulation, is prohibited.

(7) Outdoor Furnaces. Outdoor furnaces means a furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals, and that burns wood, wood pellets, corn, or similar material.

(a) Exclusions. This section does not apply to: Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances; burning in a stove, furnace, fireplace, or other heating device within a building used primarily for human or animal habitation; the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

(b) Regulation. An outdoor furnace may be installed and used in the Town only in accordance with the following provisions:

1. Building Permit. The owner of the outdoor furnace shall obtain a building permit pursuant to Chapter 8 of this Municipal Code. Any violation of this subsection shall void the permit.

2. Emission Standards. The outdoor furnace shall meet all emission standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the building permit is applied for.

3. Location. The outdoor furnace shall be located at least two hundred feet (200') from the nearest building, which is not on the same property as the outdoor furnace; at least one hundred feet (100') from the side or rear lot line; and not in a front or street yard.

4. Chimney. The outdoor furnace shall have a chimney that extends at least fifteen feet (15') above the ground surface. If there are any residences within two hundred fifty feet (250'), the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and, if the smoke from the lower chimney height does not create a nuisance for neighbors.

5. Prohibited Time. The outdoor furnace may not be in operation from May 1 through October 31.

6. Other Restrictions. The Building Inspector may impose additional restrictions deemed necessary to protect public health and safety.

(c) Materials That May Not Be Burned. An outdoor furnace shall not be used to burn any of the following materials:

1. Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.

2. Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

3. Asphalt and products containing asphalt.

4. Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.

5. Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.

6. Rubber, including tires and synthetic rubber-like products.

7. Newspaper, corrugated cardboard, container board, office paper, and similar materials.

(d) Right of Entry and Inspection. The Building Inspector, or any authorized Town officer, agent, employee, or representative who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this subsection. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119."

d. Bulk Regulations. All accessory uses shall comply with the bulk regulations of the district in which they are located, except the following are permitted in all yards: open terraces not covered four feet (4') above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch, awnings and canopies; steps four feet (4') or less

above grade, which are necessary for access to a permitted building or for access to a lot from a street or alley; one (1) story bay windows and overhanging eaves and gutters projecting thirty inches (30") or less into the yard; chimney projections thirty inches (30") or less into the yard; arbors and trellises; flag poles, signs, recreation and laundry drying equipment; lights, pillars, planters, posts, fountains and other water features, provided they are set back at least two feet (2') from the property line.

e. Standards. All accessory uses shall comply with all standards applicable to the district in which they are located, and with the following additional standards.

(1) No accessory building or structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal building to which it is accessory.

(2) No part of any accessory building shall be located closer than five feet (5') from any side or rear property line, nor closer than ten feet (10') to any main building, unless it is attached to or forms a part of such main building.

(3) No accessory use shall be permitted in any required front yard unless it is a permitted obstruction within the meaning of Section 10.8, d., above.

(4) Garage or car port shall not exceed twenty (20) feet in height.

f. Conditional Use Permit. A conditional use permit may be issued pursuant to Section 6 of this Ordinance allowing a two-story garage or carport.

(1) Said permit may be issued upon compliance with all the requirements of this Ordinance, including the particular district said lands are located in and of this section and Section 6.

(2) Said permit may, among other things, restrict the use of construction material of the requested accessory structure (see 6.5).

(3) Failure to comply with the restrictions of any conditional use permit issued under this Ordinance may result in the termination of the permit and removal of the structure and other improvements associated therewith, in addition to any penalties provided by law.

(4) All other provisions of this Ordinance shall be observed with the granting of a conditional use permit, including height limitations of each district.

10.9 Swimming Pools

a. Definitions:

(1) Aboveground pool-type O: A removable pool of any shape that has a minimum water depth of thirty-six inches (36") and maximum water depth of forty-eight inches (48"). The wall is located on the surrounding earth and may be readily dissembled or stored and reassembled to its original integrity.