

## TABLE OF CONTENTS

Article I	Title.....	1
Article II	Intent and Purpose.....	1
Article III	Definitions.....	2
Article IV	General Provisions and Exceptions.....	10
4.1	Jurisdiction.....	10
4.2	Compliance.....	10
4.3	Site Restrictions.....	11
4.4	Use Restrictions.....	12
4.5	Area Regulations.....	14
4.6	Height Regulations.....	15
4.7	Floor Area.....	15
4.8	Districts.....	15
4.9	Junked Vehicles.....	16
Article V	Forestry Recreational District.....	17
5.1	Purpose.....	17
5.2	Permitted Uses.....	17
5.3	Approved Uses.....	17
5.4	Special Exceptions.....	18
5.5	Lot Areas.....	18
5.6	Yard Areas.....	18
Article VI	Agricultural Residential District.....	19
6.1	Purpose.....	19
6.2	Permitted Uses.....	19
6.3	Special Exceptions.....	20
6.4	Lot Size.....	21
6.5	Yard Areas.....	21
6.6	Height Restrictions.....	22
Article VII	Residential Recreational 1.....	23
	Residential Recreational 2.....	23
7.1	Purpose.....	23
7.2	Permitted Uses.....	23
7.3	Conditional Uses.....	24
7.4	Lot Size.....	24
7.5	Yard Areas.....	24
7.6	Height Restrictions.....	24
7.7	Junked Vehicles on Private Property.....	25

Article VIII Commerical District.....	25
8.1 Purpose.....	25
8.2 Permitted Uses.....	25
8.3 Special Exceptions.....	25
8.4 Lot Size.....	25
8.5 Yard Areas.....	26
8.6 Height Restrictions.....	26
Article IX Highway and Water Setback Requirements.....	27
9.1 Highway Setbacks.....	27
9.2 Setbacks from the Water.....	28
9.3 Building Setbacks.....	28
9.4 Visual Clearance Triangle.....	28
9.5 Structures Prohibited Within.....	28
9.6 Objects Permitted Within.....	28
9.7 Access Driveways.....	29
Article X Administration For Ordinance.....	30
10.1 Zoning Administrator.....	30
10.2 Planning and Zoning Committee.....	30
10.3 Land Use Permits.....	31
10.4 Enforcement, Violation and Penalty.....	31
10.5 Forms.....	32
Article XI Boundaries of Districts.....	32
11.1 Definitions.....	32
Article XII Amendments.....	33
12.1 Purpose.....	33
12.2 Initiation.....	33
12.3 Application Filing Procedures.....	33
12.4 Hearing of Application.....	33
12.5 Time Limitations.....	34
Article XIII Special Exceptions.....	34
13.1 Purpose.....	34
13.2 Initiation.....	35
13.3 Application for Special Exceptions.....	35
13.4 Hearing of Application.....	35
13.5 Time Limitations.....	35
Article XIV Variance.....	36
14.1 Variance.....	36
14.2 Purpose.....	36
14.3 Initiation.....	36

14.4 Application.....	36
Article XV Board of Adjustments.....	37
15.1 Establishment.....	37
15.2 Membership.....	37
15.3 Powers.....	37
15.4 Principles Guiding Board Decisions.....	38
15.5 Rules, Meetings and Minutes.....	38
15.6 Appeals to Board and Adjustment Fees.....	39
15.7 Stays.....	39
15.8 Hearing Appeals.....	39
15.9 Order on Appeal.....	39
15.10 Concurring Vote.....	39
15.11 Court Review.....	39
15.12 Certiorari.....	40
15.13 Return to Writ.....	40
15.14 Court Decision.....	40
15.15 Costs.....	40
Article XVI Voiding of Conflicting Provisions.....	41
Article XVII Saving Clause.....	41



## ARTICLE I

### TITLE

This Ordinance shall be known. Cited and referred to as the Town Of Dewhurst Zoning Ordinance.

## ARTICLE II

### INTENT AND PURPOSE

Pursuant to the authority granted by 59.97, 59.99, 60.61 and 60.62 of the Wisconsin Statutes, the Town Board of the Town of Dewhurst, Clark County, Wisconsin, does hereby ordain this Ordinance.

The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote the health, safety, aesthetics, comfort, prosperity and general welfare of the Town of Dewhurst, and to preserve agricultural land for the well-being of future generations.

## ARTICLE III

### DEFINITIONS

For purposes of this Ordinance, certain terms are defined as follows:

**Accessory Buildings:** A subordinate building, the use of which is purely incidental to the permitted use of the main building, and is unattached from the principal building by a minimum of five (5) feet.

**Automobile Wrecking Yard:** Any premises on which four or more non licensed motor vehicles are stored.

**Alley:** A way which affords only a secondary means of access to abutting property.

**Basement:** A portion of a building or structure partly underground designed for human occupancy.

**Boathouses:** Any permanent structure designed solely for the purpose of protection or storing watercraft and related equipment for noncommercial purposes. A gazebo, screened building or similar structure shall not substitute as a boathouse.

**Block:** A parcel or tract of land bounded on at least one side by a public street and on the other sides by natural or man-made barriers or unplatted land.

**Building:** A structure having a roof supported by columns or walls, and intended for the shelter, housing or enclosure of persons, animals or chattels.

**Building, Alterations of:** Any change or rearrangement of the supporting member (such as bearing walls, beams, columns or girders) of a building and addition to a building or movement of a building from one location to another.

**Building, Height of:** The vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof or the deck line of a mansard roof or the average height of the highest gable or gambrel, hip or pitch roof.

**Building, Principal:** A building in which is conducted the main use of the lot on which said building is located.

**Building Line, Front:** A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.

**Campground:** A privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a location for major recreational equipment/vehicles, open to the public for free or paying camping purposes.

**Camping Cabin:** Any structure constructed, placed or used which is not major recreational equipment/vehicles, and advertised or designed for the temporary shelter of visitors, tourists, campers, or campground users, whether mobile or not, and is used strictly for shelter. The use of camping cabins shall meet the requirements of Section ???? (To be made up for General provisions.)

The construction, placement, installation or use of a camping cabin shall be by land use permit issued only to licensed campgrounds. Camping cabins shall not exceed 300 square feet in area; shall not exceed 12 feet in height; and connection to or installation of gas, water, or sewer shall be prohibited. Camping cabins shall not have a second story or loft.

**Camping Trailer:** A canvas or folding structure mounted on wheels and designed for temporary living and housekeeping purposes.

**Conditional Use:** A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit for such use is granted by the Zoning Committee.

**Deadend Street:** A street or portion thereof with only one vehicular outlet.

**Dwelling Unit:** Any room or group of rooms located within a building and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**Dwelling, Single Family:** A detached building designed for and occupied exclusively by one family.

**Dwelling, Two Family:** A detached building designed for and occupied exclusively by two families living independently of each other.

**Dwelling, Multiple:** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and town houses.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his or her property.

**Family:** One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

**Farming General:** The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.

**Flood:** A general and temporary condition of partial or complete inundation of normal dry land areas caused by the overflow or rise of rivers, streams, or lakes.

**Flood Fringe:** That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood; it is generally associated withstanding water rather than rapidly flowing water.

**Flood Plain:** The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.

**Forest Industries:** The cutting and temporary storage of forest products, the operation of portable sawmills, the production of maple syrup and sugar.

**Foundations (Permanent):** A slab or basement built of concrete, blocks or other materials accepted to climates similar to the Town of Dewhurst.

**Garbage:** Discarded material resulting from the handling, processing, storage, and consumption of food.

**Gazebo/Screened Building:** An accessory structure, typically screened on all or most sides and used for recreational activities. A gazebo/screened building shall not substitute for a boathouse.

**Hospital:** Unless otherwise specified the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

**Interchange:** A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets or highways.

**Junk Yard:** An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires and bottles. A "Junk Yard" also includes any auto wrecking yard, but does not include uses established entirely within enclosed buildings or material stored and used in conjunction with the primary use of that Zoning District.

**Junked Vehicles:** In such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

**Kennel:** A structure use for the harboring of more than three(3) animals, and not numbering more than 25, that are more than six(6) months old in age.

**Lot:** A division of land occupied or designed to be occupied by one building and its accessory buildings or uses, including open



spaces required by this Ordinance. A lot may be a parcel of land designated in a plat laid out prior to the effective date of this ordinance, whether or not such division abuts a public street or other officially approved place recorded in the office of the Register of Deeds, or any part or a larger division when such parts comply with the requirements of this Ordinance as to width and area for the district in which it is located. Lots may be measured from the center of the road.

**Lot Coverage:** The percent of the area of a lot occupied by buildings or structures, including accessory building of structures.

**Lot, Area of:** The contiguous, not separated by public roadway, of a lot between its front, rear, and side lot lines. Lot area must meet the minimum lot area requirements as specified in the different districts of the township.

**Lot, Front:** On shore land lots, the front shall be the area from the shoreline landward. On nonshoreland lots, the front shall be the area from the road or road easement away from the road.

**Lot, Depth of:** The horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**Lot, Width of:** The width measured at right angles to its depth at all points along its depth. Lot widths shall meet the minimum lot width requirements as specified in the different districts of the township.

**Lot Lines:** Any line dividing one lot from another.

**Manufactured homes.** A detached single or double family dwelling unit designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is or was designed to be transported on its own wheels and is designed to be mounted on its own foundation.

**Manufactured Home:** Manufactured home built in sections and moved on wheels to the building site, and placed on a permanent foundation. As per Wis. Statutes (101.91)(2)

(a) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

**Navigable Water:** All natural inland lakes within Dewhurst Township and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this Township which are navigable under the laws of this State. Under Section 281.31 (2) (d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Section 59.692. Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

- (b) Those parts of such drainage ditches adjacent to such lands were not navigable before ditching; and
- (c) Such lands are maintained in nonstructural use.

**Mineral:** A naturally occurring element or combination of elements; metallic, nonmetallic or mineral fuel that occur in the earth, but shall not include soil, Without limitation due to enumeration, the minerals of interest include:

·Metallic: iron ore, copper, zinc, silver, gold, nickel, cerium, chormite, columbium, magnesite, molybdenite, vanadium and zircon.

Nonmetallic: stone, sand and gravel, clay talc, asbestos, graphite and marble.

Mineral fuel: petroleum, natural gas, coal, peat and nuclear fuel source materials.

**Mineral Extraction:** The excavation or recovery of metallic, nonmetallic, or minerals fuels through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods. It shall include the extraction of top soil when such activities are undertaken or proposed to be undertaken as a distinct land use.

**Modular Units:** A detached single or double family dwelling unit designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is or was designed to be mounted on its own foundations.

**Mobile Home:** A detached single or double family dwelling unit designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is or was designed to be transported on its own wheels and is designed to be mounted on its own foundation.

As Per Wis. Statues (101.91) (1) Mobile Home means 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 Park:** Any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.

**Motor Home:** A portable structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes. Including school buses converted and vans.

**Nonconforming Use:** A building, structure, parcel dimensions or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district or zone in which it is situated.

**Ordinary High water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Outdoor Advertising Signs:** Any sign not located on the premises of the product or place that it is advertising.

**Permits (Land Use):** Certificate to allow specific use of land or structures on a legally described tract, issued by the Zoning Administrator.

**Planned Area Development:** A tract of land of a least five (5) acres which contains or will contain two (2) or more principle buildings, developed under single ownership or control; the development of which is unique and of substantially different character than that of surrounding areas.

**Planning & Zoning Committee:** A five person committee appointed by the Town Board.

**Refuse:** Combustible and noncombustible rubbish, including but not limited to paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes, and lumber, concrete and other debris resulting from the construction or demolition of structures.

**Rights of Way:** Any street, road or highway that is publicly maintained or private easement such as railroad and utility lines.

**Roadside Stand:** A structure having a ground area of not more than 300 square feet, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.

**Salvage Yard:** A solid waste disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such as are normal found adjacent to industrial and commercial establishments.

**Seasonal Uses:** Human habitation of a dwelling unit as defined in this Ordinance for not more than 120 days counted inclusively during any one calendar year.

**Self-contained Recreational Equipment/Vehicles:** A recreational vehicle which can operate independent of connections to sewer, water, and electric systems. Water storage and sewage holding tanks are located within the vehicle.

**Shorelands:** Lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**Structure:** Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape, and utility.

**Subdivision:** A division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development.

**Setback:** The minimum allowable distance from a given point or line of reference such as a highway center line, lot line or water line.

**Special Exceptions:** A use which is permitted by this Ordinance provided that certain conditions specified in the Ordinance are met and that a permit is granted by the Planning and Zoning Board of Adjustment or Town Board.

**Street:** A Public or private thoroughfare which may either provide the principal means for pedestrian and / or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic or both.

**Street (Arterial):** A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as major thoroughfares, highways and parkways.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground but not including utility lines and their normal accessory equipment.

**Structural Alterations:** Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.

**Tent:** A portable lodge of canvas or strong cloth stretched and supported by poles.

**Travel Trailer:** A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile home or modular unit, and does not exceed thirty-five (35) feet in length.

**Unnecessary Hardship:** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

**Use:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**Variance:** An authorization granted by the Planning and Zoning Committee to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

**Vision Clearance:** An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines by measurement from the intersection as specified in the Ordinance.

**Wetlands:** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions..

**Wetland/Shoreland District:** The zone district created as part of the shoreland zoning ordinance, comprised of lands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

**Yard:** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted and except for permitted accessory buildings.

**Yard, Front:** An open unoccupied space on the same lot with the building between the front line of the building and front line of the lot and extending the full width of the lot..

**Yard, Rear:** An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**Yard, Side:** An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

**Year Round:** A dwelling that is constructed insulated, winterized. It may contain an inside water pressure system and may be sewerred.

**Zoning Committee:** The Town of Dewhurst committee authorized by the Dewhurst Town Board under Section 59.69, Wisconsin Statutes, to plan land use and act in all matters pertaining to Town of Dewhurst planning, zoning, and sanitation.

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## ARTICLE IV

### GENERAL PROVISIONS AND EXCEPTIONS

AMENDED 5/13/97

#### Section

4.1 Jurisdiction: The jurisdiction of this Ordinance shall include all lands within the Town of Dewhurst, Clark County, Wisconsin.

#### 4.2 Compliance:

A. No structure shall hereafter be used; and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations.

1. However, every person who will construct, renovate, install, reconstruct, demolish, raze, or repair a building or structure in the Town of Dewhurst shall comply with all appropriate County of Clark land use controls including the County forest Zoning, County Shoreland and Wetland Zoning and, County flood-plain zoning. No Land Use permit shall be granted or issued by the Town Board or its designee until the appropriate county zoning permit and approvals are obtained from the County. Compliance with the County zoning may be made a condition of the Land Use permit granted, issued and maintained under this ordinance. The Town of Dewhurst Zoning requirements must be met before a Land use Permit is issued.
2. The Town of Dewhurst has not adopted a land division or subdivision ordinance. However, every person who will divide land for any purpose, including to construct, install, reconstruct, demolish, raze or repair a building or structure in the Town of Dewhurst where a subdivision then must be approved by the Town of Dewhurst under Chapter 236 Wis. Stats., or its successor chapter shall obtain written approval from the Town Board for the Subdivision. No Land Use permit shall be granted or issued by the Town Board or its designee until the appropriate subdivision approvals are obtained from the Town and County. Compliance with Chapter 236 Wis. Stats. Or its successor chapter may be made a condition of the Land Use permit granted, issued and maintained under this ordinance
3. The Town of Dewhurst has not adopted a private sewage system ordinance. However every person who will construct, install, renovate, reconstruct, demolish, raze or repair a building or structure in the town of dewhurst shall comply with the appropriate County of Clark private sewage ordinance, when applicable. No Town of Dewhurst Land Use Permit shall be granted or issued by the Town Board or its designee until the appropriate private sanitary permit is obtained from the County of Clark. Compliance with the County of Clark private sewage ordinance may be made a condition of the Land Use Permit granted, issued and maintained under this ordinance.

The Town of Dewhurst will require a Sanitary Permit before a Land Use Permit is issued, even if the Clark County Zoning does not require a Sanitary Permit.

4. Any person who operates and maintains a building, structure of premise that is dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, as determined by the Town Board, may be subject to order and action from the Town Board for razing of such building or structure under 66.05, Wis. Stats., or its successor provision. Any person who shall renovate, raze, remove or restore any such building or structure with costs and expenses to be in excess of the dollar amounts of one thousand dollars (\$1,000.00) noted in this ordinance shall receive a Land Use Permit from the Town Board or its designee under this ordinance prior to such razing, renovation, removal or restoration. Failure to obtain a Land Use Permit under this provision shall be subject to penalty under this ordinance.

B. No Provisions of this Ordinance shall be construed to bar and action to enjoin or abate the use of occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

C. Nonconforming Use: The existing lawful use of a structure or premise which is not in conformance with the provisions of this Ordinance shall be called a nonconforming use and may be continued subject to the following conditions:

1. No said use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.

2. No structure alteration or repair to any nonconforming structure shall exceed 50% of its current assessed value, unless permanently changed to a conforming use. 7/94chg. The 50% rule is a one time use for structure alteration or repair.

3. When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% of its current assessed value, it shall not be restored except in conformity with regulations of the district in which it is located.

4. If the nonconforming use of any building is discontinued for a period of twelve (12) months, any further use of the building or premise shall conform to the regulations for the district in which it is located.

#### 4.3 Site Restrictions:

A. Unsuitable Land: No land shall be used or structure erected where the land is held by the Planning and Zoning Committee to be unsuitable for such use or structure by reason of flooding, inadequate drainage, adverse rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Planning and Zoning Committee, in applying the provisions of this section, shall, in writing, recite the facts upon which it bases its conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such

unsuitability if he so desires. Thereafter, the Planning and Zoning Committee may affirm, modify or withdraw its determination of unsuitability.

B. All lots or sites shall abut upon a public street or approved private street and each lot shall have a minimum frontage and area as set forth in this Ordinance.

C. All Principle structures shall be located on a lot and only one principal structure shall be located, erected or moved onto a lot, except for planning area developments in accordance with the provisions of this Ordinance.

D. No land use Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.

E. Private Sewer and Water: In any district where a public water service; or public sewage system is or is not available, the lot width and area shall be determined in accordance with the Town of Dewhurst Zoning Ordinance.

F. Construction, grading, excavating or similar activities which result in drainage, runoff, erosion or the depositing of materials on the adjacent properties shall not be allowed.

#### Setbacks from Wetland Areas (non-shoreland)

For lots that abut on non-navigable wetlands, all buildings and structures shall be setback a minimum of 40 feet from the wetland boundary.

#### 4.4 Use Restrictions:

A. Approved Uses: Only those approved uses specified for a district, their essential services and the uses specified in Paragraphs (B) through (E) shall be permitted in a district.

B. Accessory Uses and Structures: Permitted in any district, but not until their principal structure is present or under construction. Accessory uses include professional home offices, household occupations, incidental repairs, parking facilities, gardening, servant's, owner's itinerant agricultural laborer's and watchman's quarters not for rent, private swimming pools and private emergency shelters. Except as herein otherwise regulated, accessory uses shall not include the keeping, propagation or culture of pigeons, poultry or livestock. Any permanent, roofed structure serving as an accessory use if attached to the principal building, shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback and other dimensional requirements of the district within which it is located. The construction of accessory buildings on vacant property is prohibited.

C. Special Exceptions: May be permitted when approved by the Planning and Zoning Committee. Requirements of Article XIII of this Ordinance must be followed.

D. Unclassified or Unspecified Uses: May be permitted by the Planning and Zoning Committee after the Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.



E. Temporary Uses: May be established in any district from which they are otherwise excluded by the regulations of this Ordinance under the conditions hereinafter specified:

1. Temporary buildings and temporary storage of materials and equipment incidental to the construction of buildings on the premises, for a period not to exceed one year from the date of issuance of the land use permit or permits for such construction.

2. A house trailer or mobile home may be occupied on any premises by the owner or builder, while residential construction is in progress, for a period not to exceed one year from the date of issuance of the land use permit for such residence.

3. A basement of and uncompleted residence may be occupied for living purposes by the owner while construction is in progress, for a period not to exceed two years from the date of issuance of the land use permit for such residence and provided said basement has two exits.

F. Mobile Homes: May be placed as defined in this ordinance.

1. Mobile homes remaining for a period of six (6) months or more shall be affixed to a slab or permanent foundation at the time the Mobile Home is moved to its location in the Town of Dewhurst and be skirted. A building or land use permit will not be issued for a Mobile home built prior to 1976. Mobile homes built prior to 1976 will not be moved into or structurally altered in the Town of Dewhurst.

2. Manufactured homes. Built as mobile home type with wheels by which to move the homes are considered a mobile home and will comply with the regulations in this ordinance. Mobile homes used for other than human habitation shall comply with the regulations as stated for mobile homes, and be placed on a permanent foundation or a slab at the time the Mobile Home is moved into the Town of Dewhurst and will be skirted.

F. Manufactured Home:

1. Manufactured homes built in sections and moved on wheels to the building site, will comply with Section 4.4, paragraph F., Mobile Homes, sub paragraph 1. And be placed on a permanent foundation, or Slab, prior to movement into the Town of Dewhurst and will be skirted.

2. Mobile Home Parks

Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located within the Township of Dewhurst except in a mobile home park, the plan of which will be approved by the Town of Dewhurst Zoning Committee and the appropriate County and State Agency.

- (a) Minimum size – Ten (10) acres.
- (b) Maximum number of mobile home sites – Six (6) per acre.
- (c) Minimum width of mobile home site – 40 feet.
- (d) Maximum height of mobile home – 25 feet.
- (e) Minimum distance between mobile homes – 20 feet.

- (f) Minimum distance between mobile home and service road –10 feet.
- (g) Each mobile home site shall be connected to a public or common water supply system and a public or common sewage disposal system.
- (h) All drives, parking areas , and walkways, shall be hard surfaced. There shall be one (1) parking space for each mobile home and additional parking spaces for automotive vehicles with the park, totaling not less than one and a quarter (1 ¼) parking spaces for each mobile home space.
- (i) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment , storage, and one (1) office are permitted.
- (j) Minimum side yard setbacks – 40 feet at all front, side and rear lot lines of the mobile home park.
- (k) Each mobile home shall be placed on a four (4) inch crushed rock base and of size to accommodate the use. The stand should provide for practical placement on and removal from the lot of the mobile home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings. The size of the development will be acceptable if it is suitable for the general
- (l) market to be served by the individual proposal and fits the dimensions of mobile homes anticipated. The location of each stand shall be at such elevation, distance, and access way that placement and removal of the mobile home is practical, Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipation loads during all seasons should be used.
- (m) All mobile home parks shall be screened.
- (n) All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association.
- (o) Mobile home parks shall comply with the sanitation regulations of the Clark County private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Code.

#### 4.5 Area Regulations.

A. After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located.

B. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

C. Lots created after adoption of this Ordinance shall meet minimum area requirements of the Town of Dewhurst Ordinance.

#### 4.6 Height Regulations.

A. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

B: Excessive Height Permitted: Heights of the following structures may exceed Ordinance limits for the district in which it is to be located with the approval of the Planning and Zoning Committee: cooling towers, penthouses, stacks, lookout towers, water towers, spires, radio and television aerials, masts, antennae, conveyor and/or other equipment requirements for natural mineral extractions and any other necessary mechanical appurtenances. Residences may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 75 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

C: Height Restriction Exemptions: Farm buildings and related farm structures not for human habitation are hereby exempted from the height regulations of this Ordinance.

#### 4.7 Floor Area. AMENDED 5/13/97

A: Buildings or mobile homes used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered, shall have a floor area of not less than 600 sq. ft. on the main floor.

4.8 Districts: In order to regulate and restrict the location of trades and industry and the location of buildings designed for specified uses and to regulate and limit the bulk of buildings thereafter erected or altered, to regulate the limit the density of population and for the purpose of promoting the health, safety and general welfare, the Town of Dewhurst, is hereby divided into five (5) districts:

A: Forestry Recreational (FR); Agricultural Residential (AR); Residential Recreational 1 (RR1); Residential Recreational 2 (RR2); and Commercial (C).

B: The boundaries of the districts are shown on an attached township map. The official Zoning Map of the Town of Dewhurst, Wisconsin, will be kept on file in the Dewhurst Town Hall. This map and land descriptions are made a part of this Ordinance. All notations, references and other information shown upon the said Zoning Map and land descriptions shall be as much a part of this Ordinance as if the matter and things set forth by said map and land descriptions were fully described herein:

1. Wherever dimensions are shown on the Zoning Map on the Town of Dewhurst they shall govern.

2. Questions regarding the exact location of district boundaries shall be decided by the Town Zoning Committee.  
Decisions may be reviewed on appeal to the Board of Adjustment as provided in this Ordinance.

3. Official Zoning Map for Town of Dewhurst, together with a copy of this Ordinance, shall be kept by the Town Clerk and shall be made available upon request.

#### 4.9 Junked Vehicles on Private Property:

##### Storage of Automobiles Restricted in All Districts.

1. No disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers, buses, school buses, snowmobiles, motorcycles, scooters and non motorized campers, shall be stored or allowed upon private property in the Town of Dewhurst without receiving an appropriate storage permit granted from the Town of Dewhurst under 175.25, Wis. Stats., or its successor section. No Town of Dewhurst land use permit shall be granted or issued until the appropriate Storage permit is granted by the Town Board or its designee. Failure to obtain a land use permit under this provision shall be subject to penalty under this ordinance. Non-registration shall be proof that the vehicle is junked under this section. Section 7.7 (A)(1) remains in compliance with this section.

Vehicles of the collector class will need to obtain a storage permit from the Town of Dewhurst if stored in the open, and not in the confines of a building.

## ARTICLE V

### FORESTRY RECREATIONAL DISTRICT -FR-

#### SECTION

##### 5.1 Purpose:

A: To encourage proper use and development of the landscape for active and passive recreational endeavors.

B: To provide areas where active or passive and public or private recreational activities may be established.

C: To permit man-made encroachment into natural areas under a controlled program.

D: To encourage harvesting of wood and wood products and good timber management in the forested areas of the Town of Dewhurst.

##### 5.2 Permitted uses: (permit required)

A: Single Family Dwellings.

B: Recreational.

C: Public and private parks, picnic grounds, campgrounds, beaches and recreational parks.

D: Extractions: Extractions of natural minerals and resources of less than 10,000 cubic yards for duration of extraction indigenous to the Town of Dewhurst. Such natural mineral resources may be processed on the premises where extracted, including and washing and grading of sand and gravel, rock crushing, the erection of buildings and installation of machinery and equipment necessary thereto, provided with two (2) years of cessation of the operation or at the exhaustion of the resource, restoration shall occur subject to the approval of the Town of Dewhurst Planning and Zoning Committee.

##### 5.3 Approved Uses: (no permit required).

A: Production of forest crops, including tree plantations.

B: Forest Industries.

C: Grazing.

D: Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.

E: Hunting, trapping, fishing, swimming, boating, snowmobiling, hiking, snowmobile, and bicycle trails, bridle paths and other recreational uses.

F: Licensed fur farms, deer farms, minnow and fish hatcheries and fisheries.

H: Fire control structures and lanes.

I: Horticulture and gardening.

J: Soil and water conservation programs.

5.4 Special Exceptions: The following uses will be allowed only according to Special exceptions.

A: Recreational and youth camps.

B: Travel trailer camp-courts.

C: Recreational services which are incidental to a permitted or authorized conditional use such as but not limited to resorts, restaurants, cocktail lounges, marinas, sport shops, and bait shops.

D: Extractions of natural minerals and resources of more than 10,000 cubic yards for duration of extraction indigenous to the Town of Dewhurst. Such natural mineral resources may be processed on the premises where extracted, including the washing and grading of sand and gravel, rock crushing, the erection of buildings and installation of machinery and equipment necessary thereto, provided within two (2) years of cessation of the operation or at the exhaustion of the resource, restoration shall occur subject to the approval of the Town of Dewhurst Planning and Zoning Committee.

5.5 Lot Area:

A: Permitted Uses: Every principal permitted use in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than two hundred fifty (250) feet. This requirement shall not apply to railroad right-of-way and trackage.

B: Special Exceptions: Every special exception authorized in the FR District shall be located on a tract of land the minimum size of which shall be specified in the Conditional Use Permit.

5.6 Yard Areas: No building shall be erected or enlarged unless it is in compliance with the distances specifically enumerated within this section for permitted uses or established when a Special Exception Permit is approved as follows:

A: Front Yard: As per highway setback schedule in this ordinance (section 9.1)

B: Side Yard.

1. Corner lot: Same as front yard.

2. Interior lot: Ten (10) feet.

C: Rear Yard: Twenty--five (25) feet.

## ARTICLE VI

### AGRICULTURAL RESIDENTIAL DISTRICT -AR-

#### Section

#### 6.1 Purpose.

A: To discourage premature and disassociated urban development on certain lands that will be utilized for agricultural pursuits and open space uses.

B: To give primary consideration to agricultural pursuits and related agri-industry and secondary consideration to large urban supporting uses.

C: To discourage residential development other than those that desire to associate and identify with a rural agricultural community accepting its relevant and known environmental conditions.

#### 6.2 Permitted Uses:

A: General Farming: Includes dairying, livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage and rubbish.

B: Single-Family and Two Family Residence: Provided they are located on tracts of one acre or more and provided that adequate sewer and water systems can be installed.

C: Roadside Stands.

D: Extractions: Extractions of natural minerals and resources of less than 10,000 cubic yards for duration of extraction indigenous to the Town of Dewhurst. Such natural mineral resources may be processed on the premises where extracted, including the washing and grading of sand and gravel, rock crushing, the erection of buildings and installation of machinery and equipment necessary thereto, provided within two (2) years of cessation of the operation or at the exhaustion of the resource, restoration shall occur subject to the approval of the Town of Dewhurst Planning and Zoning Committee.

E: Single Mobile Home: As a second dwelling unit on a farm if used in conjunction with farming. The location of the unit shall be a minimum of one hundred (100) feet and a maximum of five hundred (500) feet.

F: Tree Planting Plantations: Except tree planting, shall be prohibited no closer than thirty (30) feet to adjacent agricultural land.

G: Forest Industries and Wood Related Businesses.

H: Contractors Storage Yards: Any such yard shall be so placed or screened by plantings or fence as not to be visible from any public highway or residential building other than that of the owner of such yard, his agent or employee.

I. Mixing of Concrete: Includes asphalt hot mix or other related materials.

### 6.3 Special Exceptions:

A: Any Mobile Home: Except as provided in paragraph E of approved uses.

B: Public Service Use: Including but not limited to electric and telephone substations, sewage disposal plants and community water wells.

C: Public or Quasi-Public Utilities: Includes radio and television towers, hydroelectric power stations, dams, pipeline and other public or quasi-public utilities above or underground.

D: Junk or Salvage Yards:

E: Permanent Saw Mills: (Portable mills are excluded)

F: Aircraft Landing Fields: Including the location on such fields of buildings related to the operation, storage or maintenance of aircraft. All aircraft landing fields must take into consideration safety zones as set for them according to Federal Aviation Agency standards.

G: Fur Farms, Pea Vineries and Concentrated Feed Lots.  
Shall be located not less than 1000 feet from any residential building other than that of the owner of the premises, his agent or employees and not less than 500 feet from the right-of-way line of any federal, state, county or town highway provided that this regulation shall not apply to portable pea vineries where there is no stacking of the vines.

H: Animal Hospitals, Veterinary and Kennels:  
When located not less than 500 feet from any residential building other than that of the owner of such kennels, his agent or employee.

I. Correctional Institutions: They shall be of a distance not less than 500 feet from any residence not on the same premises.



J. Garbage and Refuse Disposal Sites.

K. Mobile Home Parks.

L. Travel Trailer Camps.

M. Sale Barns.

N. Slaughter Houses: Shall be located not less than 1000 feet from any residential building other than that of the owner of the premises, his agent or employee.

O. Creameries, Dairies, Cheese Factories: Includes similar agri-industries.

P. Agricultural Related Businesses: Includes implement dealers and similar agricultural retailers.

Q. Commercial Enterprises: Which are unique in nature because they serve a widespread rural community.

R. Extractions: Extractions of natural minerals and resources of more than 10,000 cubic yards for duration of extractions indigenous to the Town of Dewhurst. Such natural mineral resources may be processed on the premises where extracted, including the washing and grading of sand and gravel, rock crushing, the erection of buildings and installation of machinery and equipment necessary thereto, provided within two (2) years of cessation's of the operation or at the exhaustion of the resource, restoration shall occur subject to the approval of the Town of Dewhurst Town Board.

#### 6.4 Lot Size:

A: Principal Permitted Uses: The minimum lot area in the AR District shall be not less than 43,560 square feet with the minimum width at the building line to be one hundred fifty (150) feet as measured at right angles to the lot line or the lot line extended, unless recognized as a lot of record under 4.5 (A) of this ordinance.

B: Special Exception: Every conditional use authorized in the AG district shall be located on tract of land the minimum size of which shall be specified in the Special Exception Permit.

6.5 Yard Areas: No building shall be erected or enlarged unless it is in compliance with the distances specifically enumerated within this section for Special Exceptions or established when a Special Exception Permit is approved as follows:

A: Front Yard: As per highway setback schedule in this ordinance.

B: Side Yard:

1, Corner lot: Same as front yard.

2. Interior lot: Ten (10) feet.

C: Rear Yard: Twenty-five (25) feet.

**6.6 Height Restrictions:** In the Agricultural District, no building shall be erected or altered to a height in excess of thirty-five (35) feet unless otherwise provided in this ordinance. Farm buildings and related farm structures not for human habitation are hereby exempt from the height regulations of this ordinance.

ARTICLE VII AMENDED 8/20/94

AMENDED 5/13/97

RESIDENTIAL RECREATIONAL DISTRICT I (RR1)  
RESIDENTIAL RECREATIONAL DISTRICT 2 (RR2)

SECTION

7.1 PURPOSES:

A: To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare and other objectionable factors.

B: To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic and to alleviate congestion by promoting off street parking.

C: To protect and promote the public's health and comfortably providing for ample light and air to buildings and the windows thereof.

D: To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.

7.2 PERMITTED USES:

AMENDED 8/20/94

AMENDED 5/13/97

A: Residential Recreational District RR1.  
Single Family Dwelling and Two-Family Dwelling.  
(excluding tents, trailers).

Residential Recreational District RR2. AMENDED 8/20/94  
Single Family Dwelling (excluding tents, trailers)

1. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered in the RR2 District shall have no side less than twenty (20) feet in width with a total floor area of not less than 600 square feet on the main floor. Amended 5/13/97

B: Churches

C: Public and Parochial schools.

D: Parks and Playgrounds.

E: Accessory buildings, a maximum of three (3) per site, including private garages and buildings clearly incidental to the residential use of the property. No accessory buildings may be used as a separate dwelling.

F. Tents and self-contained campers or camping trailers may be parked indefinitely where a principle building exists, and may be permitted on undeveloped lots for a period not to exceed 60 days in a calendar year, provided that a permit is secured from the Zoning Administrator or duly appointed deputy, if the use is to exceed 30 days. All units under this section must follow all District setback requirements.

7.3 **Conditional Uses:** Uses which are not covered under approved uses are permitted when the location of each shall have been approved in writing by the Planning and Zoning Committee after public hearings.

7.4 **Lot Size:**

A: The minimum lot size in the RR1 District shall be no less than 43,560 square feet with the minimum width at the building line one hundred fifty (150) feet as measured at right angles to the lot line or the lot line extended, unless recognized as a Lot of Record under 4.5 (A) of this ordinance.

B: The minimum lot size in the RR2 District shall be no less than 28,125 square feet with the minimum width at the building line and at the ordinary high water mark one hundred twenty five (125) feet as measured at right angles to the lot line or lot line extended, unless recognized as Lot of Record under 4.5 (A) of this ordinance.

C: Every special exception authorized in the RR Districts shall be located on a tract of land the minimum size of which shall be specified in the special exception permit.

7.5 **Yard areas:** No building shall be erected or enlarged unless it is in compliance with the distances specifically enumerated within this section for permitted uses, or established when a special exception use permit is approved as follows:

A: **Front Yard:**

As per highway setback schedule in this ordinance.

B: **Side Yard:**

1. **Corner lot:** Same as front yard.

2. **Interior lot:** Ten (10) feet.

C: **Rear yard:** Twenty-five (25) feet

7.6 **Height Restrictions:** In the RR1 one and two family Residential District, and in the RR2 One (single) Family Residential District, no building shall be erected or altered to a height in excess of thirty-five (35) feet unless otherwise provided in this ordinance.

## 7.7 Junked Vehicles on Private Property.

### A: Storage of Automobiles Restricted.

1. No disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers, buses, school buses, snowmobiles, motorcycles, scooters and non motorized campers, shall be stored or allowed to remain in the open upon private property in the RR1 and RR2 Districts, for a period exceeding twenty (20) days. Non-registration shall be proof that the vehicle is junked under this section.

## ARTICLE VIII

### COMMERCIAL DISTRICT

#### Section

8.1 Purpose: This district is intended to accommodate those uses which are not normally compatible with residential areas.

#### 8.2 Permitted Uses.

A: Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.

B: Restaurant, Cafe, Tavern.

C: Dwelling, single family, but only as an accessory to a principle use.

#### 8.3 Special Exceptions:

Special uses will be permitted when location of the use shall have been approved and a Special Exception Permit granted by the Planning and Zoning Committee after a public hearing. 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 use from the standpoint of the public interest.

A: Service stations.

B: Fishing bait (live) stores.

C: New and used car sales and their repair.

D: Gravel pits.

#### 8.4 Lot Size.

A: Every principal permitted use in this section shall be located on a tract of land having an area of at least five (5) acres and further, that the minimum width of any lot shall be two hundred fifty (250) feet.

B: Every conditional use authorized in the commercial district shall be located on a tract of land the minimum size of which shall be specified in the conditional use permit.

### 8.5 Yard Areas:

No building shall be erected or enlarged unless it is in compliance with the distances specifically enumerated within this section for permitted uses or established when a special exception permit is approved as follows:

A: Front Yard:

As per highway setback schedule in this ordinance.

B: Side Yard:

1. Corner Lot: Same as front yard.

2. Interior Lot: Ten (10) feet.

C: Rear Yard. Twenty--five (25) feet.

### 8.6 Height Restrictions:

No building shall be erected or altered in excess of forty--five (45) feet unless otherwise provided in this ordinance.

## ARTICLE IX

### HIGHWAY AND WATER SETBACK REQUIREMENTS

AMENDED 5/13/97

#### Section.

9.1 Highway Setbacks: For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the highways of Clark County are divided into the following classes. The Wisconsin State Highway Plan, 1990 Functional System and 1990 Freeway-Expressway Plan are the basis for the following classes. A map of said SHP for Clark County is on file in the Zoning Department. This map shall apply until amended and then apply as amended.

#### A. Class B Highway: (State-Federal)

1. All highways classified as primary, standard and minor arterial and not further classified as a freeway or expressway are hereby designated as Class B highways.
2. The setback from Class B highways shall be 150 feet from the centerline of such highways or 50 feet from the right-of-way line, whichever is greater.
3. Prior to issuance of a permit for any structure on property adjoining right-of-way of Class B highway, the Department of Transportation, Eau Claire District Office, may be consulted.

#### B. Class C Highway: (County Trunks)

1. All highways classified as high or low collectors are hereby designated as Class C Highways.
2. The setback from Class C highways shall be 110 feet from the centerline of such highway or 50 feet from the right-of-way line, whichever is greater.
3. Prior to issuance of a permit for any structure on property adjoining right-of-way of Class C highways, the agency having jurisdiction over the highway may be consulted.

#### C. Class D Highways: (Town Roads, all other unclassified)

1. All highways not included in the aforementioned classifications are hereby designated as Class D highways.
2. The setback from Class D highways shall be 63 feet from the centerline of such highways or 30 feet from the right-of-way line, whichever is greater.
3. Prior to issuance of a permit for any structure on property adjoining right-of-way of Class D highways, the agency having jurisdiction over the highway may be consulted.

## 9.2 Setbacks from The Water:

As Per Article V, Clark County Shoreland /Wetland Zoning Ordinance Section 17.08.170. Lots that abut on Navigable Waters. All buildings and structures, except piers, boat hoists, and boathouses which may require a lesser setback, shall be set back at least seventy-five feet back from and two vertical feet above the ordinary highwater mark (OHWM) of navigable waters. Seepage pits and soil absorption fields shall be set back at least fifty feet from the ordinary highwater mark. (OHWM)

**9.3 Building Setbacks:** A setback less than that required by Sections 17.08.170 and 17.08.180 in the Shoreland Wetland Zoning Ordinance may be permitted by the Zoning Administrator where there is a least 5 main buildings on either side of the applicants lot, within 500 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be average of the setbacks of the nearest building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing buildings and the required setback. (Except that there shall be fifty (50) foot minimum for setback averaging). Any other setback may be permitted by the Planning and Zoning Committee upon a written finding of unnecessary hardship.

**9.4 Visual Clearance Triangle:** In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street centerline and a line connecting points on them 300 feet from a class B highway intersection, 200 feet from a Class C highway intersection and 125 feet from a Class D highway intersection.

**9.5 Structures Prohibited Within Setback Lines and Visual Clearance Triangles:** No new building, new sign or other new structure or part thereof shall be placed between the setback lines established by this Ordinance and the highway except as provided by this Ordinance and no building, sign or structure or part thereof existing within such setback lines on the effective date of this Ordinance shall be altered or enlarged in any way that increases or prolongs the permanence thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the procedure set forth in this Ordinance relating to nonconforming uses, unless such alteration, enlargement or reconstruction shall have been ordered by the Planning and Zoning Committee after public hearing and review of the premises.

## 9.6 Objects Permitted Within Setback Lines and Visual Clearance Triangles.

A. Open Fences.

B. Underground Utility Lines and Other Underground Structures: Telephone, telegraph and power transmission and distribution poles and lines, underground utility lines and other underground structures not capable of being used as foundations for prohibited over ground structures, well and septic tanks.



C. Planting and Harvesting of Field Crops, Shrubbery and Trees: Except that no trees or shrubbery shall be permitted to exceed a height of 2-1/2 feet above the elevation of the street or highway grade at the centerline within a visual clearance triangle so as to obstruct the view.

D. Access or Service Road Construction: According to plans approved by the agency having the jurisdiction over the adjacent highways.

E. Permitted Signs: All signs placed by the public authorities for the guidance or warning of traffic.

## 9.7 Access Driveways.

A. Minimum Distances: Access driveways to highways from abutting properties shall comply with the following requirements:

1. Class B Highway: There is a 500 foot spacing for minimum distances of highway frontage between access driveways for separate land uses and a 225 foot minimum distance that access driveways may be located to the centerline of an intersection highway.

2. Class C Highway: The minimum distance of highway frontage between access driveways for separate land uses is three (3) driveways or less in 600 feet of frontage with seventy-five (75) feet minimum spacing. The minimum distance access driveways may be located to the centerline of an intersection highway is 200 feet.

3. Class D Highway: The minimum distance of highway frontage between access driveways for separate land uses is 75 foot spacing. The minimum distance access driveways may be located to the centerline of an intersection highway is 125 feet.

B. Service Road: Where there are two or more lots in less than 500 feet of frontage on a class B highway, a service road of not less than 50 feet of right-of-way shall be provided across the entire frontage of each lot unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway.

C. Maximum Number and Width: The maximum number and width of access driveways to highways and service roads shall be as follows:

1. Commercial and Industrial Land Uses: The maximum number of access driveways is two (2) and the maximum width of access driveways is 35 feet. If one (1) driveway is used the maximum width is 50 feet.

2. Other Land Uses: The maximum number of access driveways is one (1) and the minimum width of access driveways is 24 feet. and the maximum width of access driveways is 32 ft. Amended 5/13/97

D. Filing For Permit: In addition to the above standards, a permit number E-M-404-68 or its subsequent revision must be filed with Wisconsin State Department of Transportation for access to all state highways. Approval must be given by the above agency before the county will consider and give approval to the applicants request.

**ARTICLE X**  
**ADMINISTRATION FOR ORDINANCE**

**Section**

**10.1 Zoning Administrator.**

a. **Designation:** There is herewith created the office of **Zoning Administrator**. It will be filled by appointment by the Town Board.

B. **Duties:** In administering and enforcing this Ordinance, the **Zoning Administrator** and any of his deputies shall perform the following duties under the direction of the Town Board.

1. **Advising and Assisting:** Advise applicants as to the provisions of this Ordinance and assist them in preparing permit applications provided by him/her.

2. **Issue Permits and Inspect Properties:** Issue permits after inspection and approval of properties, for compliance with this Ordinance.

3. **Keep Records:** Keep records of all permits issued, inspections made, work approved and other official actions.

4. **Issue Conditional Use Permits:** When authorized by the Town Board.

5. **Enforce Regulations:** To take such actions as may be necessary for the enforcement of the regulations provided herein; to attend all such meeting as the Town Board shall direct.

C. **Powers:** The **Zoning Administrator** and his/her duly-appointed deputies shall have authority including but not limited to the following:

1. **Inspect Structure or Premise:** Access to any structure or premise for the purpose of performing his/her duties by the permission of the owner or upon issuance of a special inspection warrant.

2. **Revoke Land Use Permit and Issue Cease and Desist Orders:** Upon reasonable cause or question as to proper compliance to revoke and land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

**10.2 Planning and Zoning Committee:** The Town Board shall be the designated agent of the Town of Dewhurst and will be so created and shall have authority so stipulated in Chapter 59.77, 60.61, 60.62, and 61.35 of the Wisconsin Statutes.

### 10.3 Land Use Permits:

#### 10.3 Land Use Permits:

A. Required: No building or structure, including trailers shall hereafter be constructed, enlarged, altered or moved within any area subject to this Ordinance until a land use permit has been issued to the applicant/owner of the property or to the agent for the applicant where the cost in materials, supplies and labor for such construction, installation, reconstruction, demolition, razing or repair shall exceed in total Five Hundred Dollars (\$500.00) in any ninety (90) day period.

B. Applications: Application for permits shall be made in writing to the Zoning Administrator upon a form furnished by the Town Clerk or Zoning Administrator. The Town Board shall determine if the application is complete unless delegated to the Town Clerk or Town Zoning Administrator, and if the Town Board or its designee determines the application is incomplete, it may request applicant to provide additional information. The Town Board or its designee may request that statements provided in the application be made or subscribed under oath or affirmation by the applicant. False statements by the applicant provided under oath or affirmation may be subject to penalty under this ordinance.

C. Termination: Where a permitted use does not continue in conformity with the original approval the land use permit shall be terminated by action of the Planning and Zoning Committee.

D. Permit Fees: Applications for permits, or certificates prepared under the regulations of this Ordinance shall be accompanied by a fee set by the Town Board. A copy of current fee schedules shall be kept on file in the office of the Town Zoning Administrator. All permit fees shall be doubled for any building structure requiring a permit under this Ordinance when construction commences prior to a land use permit being issued.

E. Lapse of Permit A land use permit issued according to the regulations of this Ordinance shall lapse and be void unless construction of the framework of the building has been completed within one (1) year from the date of issuance of the permit and the building itself has been completed within two (2) years of issuance of such permit.

### 10.4 Enforcement, Violation and Penalty.

A. Enforcement: The Zoning Administrator shall report all violations of this Ordinance and action thereof to the Town Board. The Zoning Administrator may sign complaints.

B. Violations, Penalties: Failure to comply with any of the requirements of this Ordinance shall constitute a violation and any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture of not more than Two Hundred (\$200) Dollars for each offense, together with the cost of the action and in default of payment thereof, shall be imprisoned in the county Jail for a period of not more than six (6) months. Proceedings may be commenced by warrant, arrest or summons. Each day the violation continues

shall be considered a separate offense. Any structure erected, moved, altered, enlarged or maintained for any use of a site contrary to the provisions of this Ordinance shall be and is hereby declared to be unlawful and a public nuisance and the Town Board shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends and shall apply to the court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this Ordinance.

## 10.5 Forms

- 1) Forms used by the Town of Dewhurst. Copies attached to this Ordinance.
  - a) Application for Land use Permit Form
  - b) Zoning Permit Fee Schedule
  - c) Zone Change, Special Exception, Variance
  - d) Application for Temporary Use Permit
  - e) Land Use Permit Form
  - f) Driveway Permit Form
  - g) Maintain or Repair Utilities Within Highway Right-of-Way

## ARTICLE XI

### BOUNDARIES OF DISTRICTS

#### Section

#### 11.1 Definitions.

- A. District Boundary lines: In unsubdivided property, unless otherwise indicated on the Zoning Maps of Town of Dewhurst or in the legal description, the district boundary lines are the centerlines of streets, highways, railroads, section lines or quarter section, eighth section or sixteenth section lines of such lines extended.
- B. Dimensions: Whenever dimensions are shown on the Zoning Maps of Town of Dewhurst, they shall govern.
- C. Lot lines: In subdivided lands where district boundaries are shown as adjacent and parallel or approximately paralleled to street lines, such district boundary lines shall be assumed to be the lot lines of the lots abutting such streets.
- D. Abutting Right-of-Way, Highway or Railroad: When district boundary lines are shown on the Zoning Maps of Town of Dewhurst as being adjacent to streets, highways or railroads, it is intended that such district boundary lines shall be assumed to abut the right-of-way of such street, highway or railroad.

ARTICLE XII  
AMENDMENTS

Section

12.1 Purpose: This Ordinance may be amended by changing the boundaries of any district or by changing any district regulation, general provision, exception or other provision thereof in accord with the procedure prescribed in this Article.

12.2 Initiation.

A. Petition: A change in the boundaries of any district may be initiated by petition of any person, firm or corporation owning or leasing property in the Town of Dewhurst. If a proposed change of a district is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

B. Action of the Town: A change in boundaries of any district, or a change in district regulation, may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed.

12.3 Application Filing Procedures: A property owner desiring to propose a change in the boundaries of the district in which his/her property is located or his/her authorized agent may file with the Zoning Administrator an application for a change in district boundaries on a form prescribed by the Town of Dewhurst which shall include the following information and material.

A. Name and Address of Applicant.

B. Statement of Ownership: Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.

C. Address or Description of the Property.

D. Scale Drawing of Site and Area: An accurate scale drawing of the site and surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and Rights of Way (any highway, road, street and railroad and public utilities).

E. Name and Address of all Adjacent Property Owners.

F. Application Fee: The application shall be accompanied by a fee as scheduled by the Town of Dewhurst.

12.4 Hearing of Application: The Planning and Zoning Committee shall hold a public hearing on each application for a change in district boundaries for a change of a district

regulation, general provisions, exceptions or other provisions of this Ordinance. Notice under Chapter 985 of the Wisconsin State Statutes of the public hearing shall be given. A record of the hearing shall be filed in the Town.

### 12.5 Time Limitations.

A. Public Hearing Notice: The Planning and Zoning Committee shall schedule a public hearing within 45 days of receipt, in proper form, of a petition for Amendment.

B. Planning and Zoning Committee Recommendations:  
The Planning and Zoning Committee shall make a recommendation to approve with changes or deny a petition for an Amendment within 45 days of the scheduled public hearing. Any action to deny shall be so stated in writing with reasons for that denial.

C. Notice of Action Taken: Action taken by the Planning and Zoning Committee shall be sent to the petitioner by Certified U.S. Mail within thirty (30) days of said decision.

D. Action Notification: Notice of the action taken by the Town Board shall be sent to the petitioner by U.S. mail within thirty (30) days of said decision.

## ARTICLE XIII

### SPECIAL EXCEPTIONS

#### Section

13.1 Purpose: The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire town into districts in each of which are permitted specified uses that are mutually compatible.

In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which, because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Ordinance as "Special Exceptions" and fall into three categories.

A. Municipally Operated uses, Uses Operated by Publicly : Regulated Utilities or Uses Affected by Public Interest.

B. Private Uses: Uses entirely private in character which, because of their peculiar location need, the nature of the service they offer to the public and their possible damaging influence on the neighborhood, may have to be established in a district, or districts, in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations.

C. Nonconforming Uses: Nonconforming uses which as "Special Exceptions" can be made more compatible with their surroundings.

## 13.2 Initiation.

A. Petition: Any special exceptions permit may be initiated by petition of any firm, person or corporation. If a special exception permit occurs on property which is in more than one ownership, all owner or their authorized agents shall join in filing the application.

B. Action: Special Exceptions may be initiated by action of the town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed.

**13.3 Application for Special Exceptions:** An application for a Special Exceptions Permit shall be filed on a prescribed form with the Zoning Administrator. The applicant shall include a statement in writing and adequate evidence showing that the proposed special exception will conform to the standards set forth in this Ordinance hereinafter, plus the following information and material.

A. Name and Address of Applicant.

B. Statement of Ownership: Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.

C. Address or Description of the Property.

D. Scale Drawing of Site and Surrounding Area: An Accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and Rights of Way (any highway, road, street and railroad and public utilities).

E. Name and Address of Adjacent Property Owners.

F. Application Fee: The application shall be accompanied by a fee as scheduled by the Town of Dewhurst.

**13.4 Hearing of Application:** Upon receipt in proper form of the application and statement the Planning and Zoning Committee shall hold at least one (1) public hearing on the proposed special exception. A notice under Chapter 985 of the Wisconsin State Statutes shall be given. A record of the hearing shall be filed in the Town.

## 13.5 Time Limitations:

A. Public Hearing Notice: The Planning and Zoning committee shall schedule a public hearing with forty-five (45) days of receipt, in proper form, of a petition for Special Exceptions.

B. Action Notification: Notice of the action taken by the Planning and Zoning Committee shall be sent to the petitioner by U. S. Mail within thirty (30) days of said decision.

## ARTICLE XIV

### VARIANCE

#### Section

#### 14.1 Variance.

14.2 Purpose: The Planning and Zoning Committee shall determine and may vary the regulations of this Ordinance in harmony with its general purpose and intent, only in specific instances where the Committee make a finding of fact, based upon the standards hereinafter prescribed, that there are practical difficulties in carrying out the strict letter of the regulations of this Ordinance and that the granting of a variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable difficulty.

Variations from the regulations of this Ordinance shall be granted by the Planning and Zoning Committee only in accordance with the standards set forth above and may be granted only in the following instances and in no other.

- A. To Continue Non-Conforming Uses.
- B. To Permit any Yard of Less Dimension than Required by the Applicable Regulations.
- C. To Permit use of a Lot Prohibited Solely because of the Insufficient Area of the Lot: But in no event shall the area of the lot be less than ninety (90) percent of the required lot area.

#### 14.3 Initiation.

- A. Petition: Any variance permit may be initiated by petition of any firm, person or corporation. If a variance permit occurs on property which is in more than one ownership, all the owner of their authorized agents shall join in filing the application.
- B. Action: Variances may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed.

14.4 Application: An application for a Variance Permit shall be filed with the Planning and Zoning Committee. The applicant shall include a statement in writing and adequate evidence showing that the proposed variance will conform to the standards set forth in this Ordinance hereinafter, plus the following information and material.

- A. Name and Address of Applicant.
- B. Ownership Statement: Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change is district boundaries is proposed.
- C. Address or Description of the Property.



D. Scale Drawing of Site and Surround Area: An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and Rights-of-Way (any highway, road, street and railroad and public utilities).

E. Name and Address of Adjacent Property Owners.

F. Application Fee: As scheduled by the Town.

## ARTICLE XV

### BOARD OF ADJUSTMENT

#### Section

15.1 Establishment: There is hereby established a Board of Adjustment for the Town of Dewhurst for the purpose of hearing appeals and applications and granting variances from the provisions of this Ordinance in harmony with the general Purpose and intent of this Ordinance. Wisconsin Statutes 59.99 and 60.65. \_

#### 15.2 Membership. \_

A. Number of Members: \_ The board of Adjustment shall consist of Three (3) members appointed by the Chairman of the Town Board and confirmed by the Town Board. No More than one Town Supervisor shall be a member of the Board.

B. Residence Requirements and Terms of Office: \_ The members of the Board of Adjustment shall all reside within the Town of Dewhurst. Terms shall be staggered for three-year periods. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases. An alternate member may be appointed by the Town Chairman for a term of Three (3) years and shall act only when a regular member is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full terms.

C. Chairman: \_ The Chairman of the Board of Adjustment shall be designated by the Town Board.

D. Compensation and Removal: \_ The members of the Board of Adjustment shall receive such compensation as shall be determined by the Town Board and shall be removable by the Town Board upon written charges and after public hearing.

15.3 Powers: \_ The Board of Adjustment has hereby delegated the following duties and responsibilities.

A. To Correct Errors or Abuses: In the Administration of the Ordinance by the Planning and Zoning Committee.

B. To Consider Appeals: Of decisions of the Planning and Zoning Committee as they relate to the granting of special exceptions and/or variances to this ordinance.

C. To Consider Applications for Exceptions and Variances.

D. To Grant or Deny Applications for Variances from the Ordinance.

E. To Interpret the Zoning Regulations: Or the Zoning district map.

15.4 Principles Guiding Board Decisions: The following are principles that shall guide the Board of Adjustment.

A. Proof of Need for a Variance: The burden is upon the appellant to prove the need for a variance.

B. Insufficient Reasons for Granting a Variance:  
Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit or illegal sales, are not sufficient reasons for granting a variance.

C. Acceptance of Zoning Ordinance and Map: The Board is bound to accept the zoning Ordinance and map as being correct.

D. Plight of the Appellant Must be Unique: Such as a Shallow or steep parcel or land or situation caused by other than his/her own action.

E. Application to Appellant's Parcel or Structure:  
The hardship justifying a variance must apply to individual appellant's parcel or structure and not generally to other properties in the same district.

F. Variance Must Not Be Detrimental to Adjacent Properties.

G. Board of Adjustment May Modify, Alter Or Change any Application: In fulfilling its duties.

15.5 Rules, Meetings, Minutes:

A. Rules of Procedure: The Town Board shall adopt rules of procedure in accordance with the provisions of this Ordinance.

B. Meeting Regulations: Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or in his/her absence the Acting Chairman may administer oaths and compel the attendance of witnesses. All Meetings of the Board shall be open to the public.

C. Keeping Minutes: The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indication such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

15.6 Appeals to Board and Adjustment Fees: Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department or board of the Town affected by any decision of the Planning and Zoning Administrator or other administrative officer. Such appeal shall be taken from whom the appeal is taken and with the Board of Adjustment a Notice of Appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The cost, as set by the Town Board, shall be paid to the Town Clerk at the time of appeal.

15.7 Stays: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of Appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

15.8 Hearing Appeals: The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and publish a Class 2 Notice thereof under Chapter 985 of the Wisconsin Statutes, as well as give due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

15.9 Order on Appeal: In exercising the above-mentioned powers such board may, in conformity with the provisions of this section, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken and may issue or direct the issue of a permit.

15.10 Concurring Vote: The concurring vote of two (2) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance or to effect any variation in such Ordinance. The grounds of every such determination shall be stated.

36

15.11 Court Review: Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, board of bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the Board of Adjustment.

15.12 Certiorari: Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

15.13 Return to Writ: The Board of Appeals shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

15.14 Court Decision: Upon the hearing, it shall appear to the court that testimony is necessary for the proper Disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and to report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly or may modify the decision brought up for review.

15.15 Costs: Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all civil action and proceedings.