

1 **LAND USE ZONING ORDINANCE**

2 **TOWNSHIP OF FREEMAN, CRAWFORD COUNTY, WISCONSIN**

3 Approved: 01-26-2015

4 **SECTION 1: General**

5 **1.A OVERVIEW NARRATIVE**

6 The Freeman Township zoning ordinance is an effort to bring some order and local residents and
7 landowner input to the changing uses of land, water, air and natural resources in the township. It
8 will guide decision making by property owners, future property owners and/or developers. The
9 ultimate objective of this zoning ordinance is to protect the resources and natural beauty and
10 attractiveness of the township.

11 To accomplish the goal, the zoning ordinance establishes a legal process for any altering of present
12 land, water and air uses. This ordinance defines one zoning district for Freeman Township:

13 **Agricultural/Residential, with provisions for additional zoning districts.**

14 The ordinance grandfathers all present land and/or property uses as of the adoption date. It
15 defines current and future permitted uses for agricultural and residential development in terms
16 consistent with state and county statutes and regulations.

17 It establishes a legal process for adding new zoning categories. The ordinance does not prohibit
18 the addition of new zoning categories, but defines the requirements the Township Planning and
19 Zoning Commission will follow for the addition of new zoning districts.

20 The zoning ordinance is not prescriptive in terms of telling farmers, landowners, and residents
21 what they can or cannot do with their respective property holdings. Rather, the ordinance is an
22 effort to transition from the status quo of 'no zoning' and haphazard development to a more
23 orderly process of development consistent with the Township Land Use Plan for conserving the
24 abundant land, water, air and natural beauty of the township while preserving the rural lifestyles
25 attractive to present and potential new residents.

26 Freeman Township needs economic development in order to maintain schools and services, but
27 any development must not negatively impact the land, water, air and natural resources and
28 lifestyles of its residents.

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1 TOWN OF FREEMAN LAND USE ZONING ORDINANCE

2 1.B Preface:

3 Why is Freeman Township considering land use zoning?

4 Recent development issues in neighboring or nearby townships have raised issues with
5 potential long term implications for the Township. These issues relate specifically to the
6 interest of township residents and property owners in protecting and conserving the
7 natural resources – land, water and air – including the rural lifestyle valued by permanent
8 residents and those who enjoy our township on a seasonal basis. These concerns were
9 outlined in the Freeman Township Land Use Plan (e.g., Smart Growth Plan) approved by
10 the Town Board in 2009. In approving the “land use plan”, the Town Board left open the
11 possibility of studying future issues and concerns as they arise. The Town Board activated
12 the Land Use Planning and Zoning Commission to develop a land use zoning ordinance
13 considering the above related issues.

14 The commission was guided by three goals:

- 15 1. Protecting and conserving the land, water, and natural resource beauty of
16 the township;
- 17 2. Encouraging economic development that protects the agricultural, forestry,
18 recreational, and scenic resources and values; and
- 19 3. Minimizing governmental interferences with property owners to make
20 decision addressing their land use consistent with the Township’s “Smart
21 Growth Plan” and the associated land use maps. The Township’s Land Use
22 Plan designated Freeman Township as “agricultural and residential”,
23 recognizing existing land uses and future compatible uses, developed in a
24 managed fashion and according a “land use zoning ordinance”.

25 Prior to Town Board adoption, the ordinance was:

- 26 1. Published for review by Township landowners and residents; and
- 27 2. A public hearing(s) held on the proposed ordinance to receive comments
28 from landowners and residents; and
- 29 3. Incorporated ordinance modification(s) based on Town Board’s direction
30 after the public hearing(s).

31

Land Use Ordinance

The ordinance promotes the health, safety, and general welfare of the landowners and citizens of the Town of Freeman, Crawford County, Wisconsin through the regulation of land use, based on the "Town of Freeman Smart Growth Plan" adopted by the Town of Freeman Town Board on December 21, 2009. All applicable county, state and federal regulations and definitions apply to this document unless otherwise noted.

All existing Town of Freeman ordinances, prior to the adoption of this ordinance, are incorporated by reference. All existing non-conforming land uses are grandfathered as of the adoption of this ordinance, with the conditions as given in section 1.C.

1.C Purpose:

1. Providing for the regulation of land "use" in an orderly manner;
2. Ensure the use of land for agricultural purposes;
3. Regulate buildings and structures;
4. Recognize pre-existing land use conditions prior to the adoption of this land use zoning ordinance;
5. Provide provisions for future land use and related regulations as may be required in future years.

1.D Authority:

This ordinance and associated regulations are adopted under the authority granted by sec.60.61 Wis. Stats., the Town of Freeman, Crawford County, Wisconsin. The Freeman Town Board is the final authority to this ordinance. A Land Planning and Zoning Commission can be appointed by the Town Board to assist with the administrative processes associated with this ordinance.

The ordinance jurisdiction shall include all lands and waters within the legal boundaries of the Town of Freeman, Crawford County, and State of Wisconsin.

This ordinance acknowledges the rules and regulations established by the Flood Plain Ordinance of Crawford County, Wisconsin. This zoning ordinance will comply with Crawford County flood plain regulations, and the County flood plain map will be as an overlay to the Town of Freeman zoning map(s). Separate permits must be obtained from each jurisdiction as applicable.

This ordinance acknowledges the rules and regulations established by the Subdivision

1 Ordinance of Crawford County, Wisconsin. This zoning ordinance will comply with those
2 subdivision regulations per the Town of Freeman zoning map(s). If land use and structures
3 are regulated by both the Crawford County Subdivision Ordinance and this ordinance,
4 separate permits must be obtained from each jurisdiction.

5 **1.E Definitions of Terms:**

6 Conditional Use: A use permit granted by the Town Board following consideration and
7 recommendation from the Planning and Zoning Commission. Stipulations and
8 conditions can be attached to the non-conforming land / property / structure
9 use. The conditional use permit allows usage as prescribed by the permit in the
10 zoning district for which the request was made. The conditional use permit
11 should not be harmful to the environment and should minimize the potential for
12 land use conflict and any adverse effects on the public health, safety or general
13 welfare for the zoning district for which the request is made.

14 Conforming Use: Any lawful use of land that complies to the provisions of this Ordinance.

15 District: A specific land area designated with reference to this code and the official zoning
16 map(s) within which the regulations governing the land use and erection of
17 structures and the use of premises are uniformly applied.

18 Pre-existing Non-conforming Use: The use of land, dwelling or building existing lawfully
19 before the current zoning ordinance was enacted and which uses do not
20 conform to the use restrictions in the current ordinance.

21 Permitted Use: Land and structure uses which comply with the zoning ordinance. Permits
22 maybe required per the ordinance

23 Variance: The granting of a land and/or property and/or structure use which does not
24 conform to the regulation(s) of the zoning ordinance which is granted by the
25 Town Board after a recommendation from the Planning and Zoning Commission.
26 A Variance shall be only be granted in circumstances of “unique” hardship to the
27 applicant. A variance is permanent for the associated land and/or property
28 and/or structure use.

29 Two common variance are:

- 30 1. Area Variance: Is one that does not involve a use, which is prohibited by the
31 zoning ordinance. Area variances involve matters such as setback lines,
32 frontage requirements, height limitations, lot size restrictions, density,
33 density regulations, and yard requirements.
- 34 2. Use Variance: Is one which permits a use of land other than that which is
35 prescribed by the zoning ordinance. It is primarily a grant to erect, alter or

1 use a structure or land for a use in a manner other than that prescribed by
2 the ordinance.

3 Zoning Permit: A permit issued by the Zoning Administrator, indicating that the submitted
4 plans comply with the zoning ordinance and that the land use, property, or
5 structure proposed is allowed by the ordinance.

6 Re-Zoning: A process whereby a new land use district is add and / or other changes are
7 either added, modified, or deleted. Re-zoning requires an update to the Land
8 Use Map(s) as appropriate.

9 SECTION 2: Land Use Districts

10 The Town of Freeman “Smart Growth Plan” and the associated “Township Land use
11 map(s)” define the “land use within the Township”, as of the date of the adoption of this
12 ordinance, as a single land use zoning district - “agricultural / residential”. The ordinance
13 also recognizes the addition of future land use district(s). The land use map shall be
14 designated the Town of Freeman Land Use District Map(s). All notations and references
15 shown on the District Map(s) are a part of this ordinance as though specifically described
16 herein.

17 The zoning districts are:

- 18 A. Agriculture / Residential
- 19 B. Reserved (for future use)

20 2.A Agricultural / Residential District:

21 The purpose of this zoning district is to protect productive farms and support agricultural
22 processing and services as appropriate, manage residential land use, manage potential
23 conflicts between incompatible land uses, recognize pre-existing land uses, manage the
24 use of land topographically inconsistent with productive farms, accommodate the
25 provisions of the county agriculture plan (if and when adopted and as periodically revised),
26 comply with the provisions of The Farmland Preservations Law to permit eligible
27 landowners to receive tax credit under sec. 71.59., Wis. Stats., and to allow compatible
28 land uses through the granting of land use variances or conditional use permits.

29 This District recognizes permitted uses, and pre-existing non-conforming uses as of the
30 date of the adoption of this ordinance.

31 2.A.1 Permitted Use:

32 **2.A.1.1 Agricultural land use (farming) for the production of food, fiber,**
33 **and timber and agriculture services generating more than \$1,000 per year**

1 **of income.** These land uses includes all building, structures, and facilities employed as
2 part of the agriculture land use including residence(s) and associated structures. All
3 residency and associated facilities and structures shall comply with all residency and
4 structure building codes of the Township, County, and State. All agriculture farms and
5 agriculture related serves shall have a driveway compliant to the Township’s Driveway
6 Ordinance. Permanent fencing is permitted 33 ft from the centerline of Township Roads.
7 Temporary fencing must be removed prior to snowfall and may be placed up to 10 feet
8 from the edge of the Township roadway.

9 2.A.1.1.1 New Feed Lot or Confinement Agriculture operations of 300 animal units up to
10 500 animal units require a conditional use permit. Greater than 500 animal unit permits
11 are governed by Crawford County.

12 **2.A.1.2 Non-farm residencies.**

13 The minimal lot size for a single-family (or duplex) residence is one (1) acre of contiguous
14 land. The property shall be identified as a separate Crawford County taxable property and
15 shall have an approved Township driveway. Any structure shall be setback at least thirty
16 (30) feet from any boundary of the land. Setback from Township, County, State and
17 Federal roadways shall be in accordance with County, State and Federal Statutes. A
18 mobile home qualifies as a non-farm residence when positioned on a permanent
19 foundation with the wheels and tongue removed. All residency structures shall compile
20 with all Township, County, and State Building applicable codes.

21 A garage or other outbuilding shall not be used as a dwelling for more than a period of one
22 year, and then only when the residential dwelling structure is under construction.

23 **2.A.1.3 Non-farm recreational.**

24 The minimal lot size is one (1) acre of contiguous open and/ or wooded land used for
25 owner recreation. The property shall be identified as a separate Crawford County taxable
26 property.

27 A non-residence structure (seasonal use / occupancy only) is permitted along with one (1)
28 accessory building of less than 1200 square feet. The non-residence structure and
29 accessory shall comply with applicable Township, County, and State building codes.
30 Township building permits are required for all structures. Any accessory building greater
31 than 1200 square feet requires a conditional use permit. All structures shall be setback at
32 least thirty (30) feet from any boundary of land. Setback from Township, County, State
33 and Federal roadways shall be in accordance with County, State and Federal Statutes.
34 Seasonal Recreation Vehicles (RVs) and Recreational Campers are permitted as temporary
35 units and must be removed annually for a period of not less than 3 continuous months

36 A driveway permit is required for access.

1 **2.A.1.4 Land Preservation:** Federal, State, County, Native American, and / or
2 private association “land preservation” acreage.

3 Access shall be by a roadway or driveway in compliance with Township ordinance and
4 required a driveway permit.

5 No permanent or temporary structures shall be place on the acreage unless permitted
6 under Federal, State, or County regulations. These acreages include Mississippi River land
7 controlled and managed by the Army Corp of Engineers, and Native American Reservation
8 Land. Wisconsin Department of Natural Resources (DNR) laws and regulations apply to
9 this district sub-category.

10 **2.A.2 Non-Conforming Permitted Uses:**

11 **2.A.2.1 Non- Profit, Not-For Profit:** --- Public Schools, Public Recreational,
12 Churches, Cemeteries, Government Buildings, and Non-Profit Religious Facilities.

13 Any structures and accessory buildings, and roadways, septic and water infrastructures
14 shall comply with Township, County, and State applicable codes.

15 Township building permits are required for new structures or modification of existing
16 structures spanning 20% of the platform square footage. Township driveway permits are
17 required for new access roads.

18 **2.A.2.2 Small Business:**

19 The Township defines “small business” as a Residence Owner- operated business
20 employing a maximum of 6 full-time equivalent individuals, which complies with
21 Township, County, and State applicable codes and regulations and is in compliance with
22 the Township’s Comprehensive Land Use Plan. Township building and driveway permits
23 are required.

24 **2.A.3 Pre-Existing Non-Conforming Land Uses:**

25 All pre-existing non-conforming use of land, buildings, or premises at the time of the
26 enactment of this ordinance are allowed and may continue although such use does not
27 conform to the provisions and regulations of this ordinance.

28 All pre-existing non-conforming land and structure uses are subject to the following:

- 29 1. If no structural alterations are made, a nonconforming use of a building may be
30 changed to another nonconforming use of the same or a more restricted
31 classification. When changed to a more restrictive nonconforming use or a
32 conforming use, such use shall not thereafter be changed to a less restricted
33 use;

- 1 2. If a nonconforming use of the land, building and/or premise is discontinued for
2 a period of 12 consecutive months, any future use of the land, building and/or
3 premise shall conform to the regulations of this ordinance and the district in
4 which the use is located;
- 5 3. Whenever a nonconforming use structure is damaged by fire, explosion, an act
6 of God or the Public Enemy to the extent of more than 50 percent of its current
7 assessed value, it shall not be restored except as a permitted use as in
8 sec.60.61(5m), Wis. Stats.;
- 9 4. Any changes in the plans, construction size or designated use of any building or
10 part thereof for which a building site permit has been issued before the
11 effective date of this ordinance and the construction of which shall have been
12 started within six months from the date of such permit is permitted; and
- 13 5. All churches and other places of public gathering hereafter erected, except such
14 as are rebuilt on the sites occupied at the time of this adoption of the
15 ordinance, shall provide an accessible parking space of sufficient size to
16 accommodate at least one car for every five seats provided.

17 2.A.4 Conditional Use Categories:

18 Conditional Land Use Permits may be granted by the Town of Freeman Town Board after
19 review, public hearing, and upon recommendation from the Freeman Township Planning
20 and Zoning Commission.

21 **2.A.4.1 Expired Non-Conforming Permitted Uses:**

22 When a non-conforming permitted use, under Section 1.C, expires or become non-
23 applicable, the Town Board may grant a “conditional use permit” for the previous use if
24 the use complies with the regulations of this ordinance and any County and State
25 regulations and/or codes.

26 **2.A.4.2 Infrastructure:**

27 Transportation, utility, communication, or other uses that are required under state or
28 federal law to be located in a specific place, or that are authorized to be located in a
29 specific place under a state or federal law are allowed, unless such use is shown to be
30 incompatible with this ordinance.

31 **2.A.4.3 Nonmetallic mining of road and/or construction aggregate:**

32 The Township reserves the right to annually review the application and require additional
33 permit conditions as appropriate for reclamation, road use, hours of operations, nominal
34 annual tonnage above 150,000 cubic yards per year (5 yr average), public notification of

1 affected residents/land owners, and other conditions as deem beneficial to the Township.

2 The Township may provide more stringent reclamation suggestions to the County.

3 Any expansion of an existing non-metallic mine requires a conditional use permit.

4 **2.A.4.4 New Nonmetallic mining of road and/or construction**

5 **aggregate:** Conditional Use permit will be required.

6 **2.A.4.5 All other land and/or structural uses** require either a:

- 7 1. Conditional use permit. or
- 8 2. Zoning variance, or
- 9 3. Rezoning.

10 **2.B Reserved:**

11 This section is reserved for future land use District(s) as may be defined by The Town
12 Board pursuit to the land use change process and as recommended by the Township
13 Planning and Zoning Commission.

14 **SECTION 3: General Ordinance Administrative Provisions**

15 The following provisions apply to the administration of this ordinance. These provisions
16 are defined and / or empowered by the Town Board. The provisions and processes can be
17 modified and adopted at a regular meeting of the Town Board.

18 **3.A. The Freeman Town Board’s powers and responsibilities:**

19 The Town Board is the final authority for decisions related to this zoning ordinance and is
20 responsible for establishing processes and procedures for the enactment of this ordinance
21 which:

- 22 1. Advise applicants as to the provisions of the ordinance;
- 23 2. Issue permits and inspect properties for compliance with this ordinance;
- 24 3. Keep the official records of all non-conforming uses and changes thereto,
25 permit applications, permits, appeals, variances and amendments related to
26 the zoning ordinance.

27 The Town Board may designate and empower an individual to act as the “zoning
28 inspector”. The zoning inspector may enter, at a reasonable time, onto any public or

1 private lands or waters to make a zoning inspection.

2 The Town Board may establish a Land Use Planning and Zoning Commission to fulfill the
3 administrative processes and procedures for this ordinance on behalf of the Town Board.
4 The Town Board can delegate the administrative processes noted above to this
5 commission. The commission shall consist of 4 appointed Township citizens by the Town
6 Board and a member of the Town Board. This commission is authorized by Wisconsin
7 Statute 60.61(4). Each commission member shall be elected for a 3 year period, with the
8 initial members having staggered terms. The Town Board shall designate one member as
9 the chair. Zoning Commission members serve at the pleasure of the Town Board.

10 The Town Board shall appoint a Zoning Administrator.

11 **3.A.1 Land Use Planning and Zoning Commission (if established by the Town Board)**

12 The duties and responsibilities are to:

- 13 1. Review the Land Use Plan and Zoning Ordinance on an annual basis;
- 14 2. Recommend any zoning changes to the Town Board for approval and
15 adoption after holding one or more public hearings to receive residents and
16 landowners comments;
- 17 3. Establish processes and procedures for receiving landowner requests for
18 variances, conditional use, and / or zoning changes including publication of
19 said request;
- 20 4. Publish the official notice for the zoning ‘request’ and hold one or more
21 public hearings to receive testimony and input from residents and
22 landowners;
- 23 5. Prepare the documentation and rationale for either accepting or denying
24 the request;
- 25 6. Forwarding the commission’s recommendation to the Town Board for
26 approval or denial or modification; and
- 27 7. Maintain a current version of the “Town of Freeman District Zoning Map”,
28 hereafter called Zoning Map, with all County, State, and Federal overlays as
29 appropriate.

30 The Planning and Zoning Commission shall meet at least twice per year or as required by
31 zoning applicant requests or as directed by the Town Board. Meeting notices and agenda
32 items shall be published per Town of Freeman requirements.

1 **3.A.2 Zoning Change Requests – Conditional use permit, zoning variance, or zoning**
2 **district change**

3 Individual(s) or organization(s) seeking land use changes, shall request an application from
4 Town Clerk and/or zoning administrator for either:

- 5 1. Conditional use permit; or
- 6 2. Variance ; or
- 7 3. Zoning change.

8 (Note: the Planning and Zoning Commission shall develop said application forms and the
9 associated processes and procedures for these 3 types of application requests).

10 The Planning and Zoning Commission will review the application at its next meeting and
11 shall schedule a public hearing for the applicant’s request when the necessary data and
12 information is available. Notices of any Planning and Zoning Commission public hearing
13 shall be published per Town of Freeman notification requirements. In addition, all
14 landowner(s) / resident(s) who adjoin the land parcel for which a zoning application is
15 being heard shall be notified by US Mail to the mailing address on record with the Town of
16 Freemen. After the public hearing, the commission can amend the application with
17 conditions and/or restrictions or request additional information. The commission will then
18 vote to approve, disapprove, or continue the process if additional information is needed
19 prior to a final vote. The approval or disapproval of the application request is then sent to
20 the Town Board. The Town Board will add the application request to its monthly meeting
21 agenda and schedule the associated public hearing. The Town Board will either approve
22 or disapprove the application, with or without modification to the recommendation
23 received from the Planning and Zoning Commission.

24 **3.A.3 Ordinance Changes and Amendments**

25 Ordinance changes and amendments to this zoning ordinance can be adopted by the Town
26 Board following the process and procedures addressed in Section 3 used for a variance,
27 conditional use permit or zoning request change.

28 A zoning change request can be initiated by the Town Board to the Planning and Zoning
29 Commission, or from a request of the Zoning Commission itself, or from a petition signed
30 by 20% of the landowners and residents of the Township. The process and procedures
31 described in Section B.2 apply to said zoning change requests.

32 The Town Board receives ordinance change recommendations from the Planning and
33 Zoning Commission, schedules a public hearing, and votes to accept or deny the ordinance
34 change. The Town Clerk or Zoning administrator is responsible for updating the ordinance
35 as amended by the Town Board.

1 **3.A.4 Board of Adjustment**

2 The Town Board shall appoint a Board of Adjustment in accordance with Wisconsin Statute
3 § 60.65. The purpose of the Board of Adjustment is to hear appeals to Town Board land
4 use and structure zoning decisions.

5 The authority of the Board of Adjustment, as granted by the Town Board, is limited to
6 granting non-land use variances. The Board of Adjustment can recommend land use
7 zoning changes to the Town Board. If the Board of Adjustment grants an applicant a non-
8 land use zoning variance, the variance is recorded with the zoning administrator.

9 The decision of the Board of Adjustment is final.

10 No variance to the provisions of this Ordinance shall be granted by the Board of
11 Adjustment unless it finds that all the following facts and conditions exist and so indicates
12 in the minutes of its proceedings.

- 13 1. Exceptional Circumstances: There must exist exceptional, extraordinary, or
14 unusual circumstances or conditions applying to the lot, or parcel, structure,
15 land use, or intended use of the subject of the appeal. If granted, the variance
16 must be specific to the land, property or structure of the taxable property in
17 the zoning district. If granted, the variance shall not apply to other uses similar
18 in nature in the same district. A variance is unique unto itself and shall not be
19 granted to a general or recurrent appeal and shall not suggest the Zoning
20 Ordinance should be changed.

- 21 2. Absence of Detriment: The variance shall not create substantial detriment to
22 adjacent property and shall not materially impair or be contrary to the purpose
23 and spirit of this Ordinance or the public interest.

- 24 3. Findings of Fact: The Board of Adjustment shall be accompanied by findings of
25 fact and conclusions of Town of Freeman Zoning Ordinance and associated
26 zoning laws.

27 **SECTION 4: ADMINISTRATIVE PROCESSES**

28 **4.A Planning and Zoning Commission**

29 The Planning and Zoning Commission consists of 4 at large residents of the Town of
30 Freeman appointed by the Town Board, per the Town Board’s process, and the Chair of
31 the Town Board. The Town Board will also appoint a Planning and Zoning Commission
32 zoning administrator.

1 4.A.1 The Planning and Zoning Commission Process

2 The process starts when a resident(s), a potential resident(s), or an agent for a resident, or
3 a potential business, requests from the Town Clerk, an application for any permit required
4 by the Town of Freeman Zoning Ordinance, e.g., any action proposed by the applicant(s)
5 which is not in compliance with the ordinance at the time of application.

6 The actions include:

- 7 1. Request for a conditional use permit;
- 8 2. Request for a variance to a specific element of the zoning ordinance; or
- 9 3. A request for rezoning, e.g., a request to add a new Town of Freeman land
10 zoning district or to rezone within an existing district.

11 Process:

- 12 a. The Town Clerk or the zoning administrator will provide the applicant with the
13 appropriate process definition and application form(s) for the specific request.
- 14 b. The Town Clerk will inform the Chair of the Planning and Zoning Commission of
15 the application request.
- 16 c. The Chair will inform the commission of the application request at it next
17 commission meeting.
- 18 d. When the Town Clerk receives the form(s), including other applicant supplied
19 data, the Clerk will forward the material to the Chair and the members of the
20 commission. The Chair shall inform the Town Clerk of the date the commission
21 will review the applicant’s material and the Town Clerk shall inform the
22 “applicant” of the meeting date and invite the “applicant” to attend the
23 meeting. (The review meeting.)
- 24 e. At the “review meeting”, the Chair will review the application with the
25 commission members, solicit commission question(s), and offer the “applicant”
26 the opportunity to describe the request and to respond to commission
27 questions.
- 28 f. At the conclusion of the “review meeting”, the Chair shall, with the agreement
29 of the commission:
 - 30 1. Declare the application’s request as an appropriate request and if
31 not, inform the applicant as to the type of request to be made. If
32 the later occurs, the applicant can decide to submit the appropriate
33 request (and data) and the process will start over at step (d) above.

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2. If the application type is correct, the chair shall schedule a public hearing on the applicant’s request; and if the commission is requesting additional information / data from the applicant, request the applicant to supply the additional information/data to the commission 2 weeks prior to scheduled public hearing date -- the applicant and chair shall agree on the date for the public hearing based on the additional information or data requested by the commission.

g. Notice of the public hearing on the request shall be published by the standard notification procedures for the Township. In addition, all adjourning property owners and those within one-half (½) mile of the property being addressed shall be notified by US Mail by the Town Clerk or Zoning Commission Administrator of the pending public hearing.

h. At the public hearing, the Chair will introduce the applicant’s request, summarize any concerns from the commission as a result of the ‘review meeting’, allow the applicant to address the commission and to answer questions from the commission, including any potential conditions to be attached to the request, if any, if the application moves forward. The chair shall solicit comments from the public with each speaker stating their proximity to the property in question along with name and address, and their specific concern or support of the application. The commission shall listen to the public input without comment. After an appropriate time, the chair shall close the public hearing.

i. At the conclusion of the public hearing, the chair shall ask the commission for their comments, including any conditions, lead any discussion on specific topics, and then ask the commission to:

- 1. Recommend approval of the application with any conditions attached;
- 2. Recommend denial of the application with the reason(s) stated; or
- 3. Recommend a continuation of the process to obtain additional information from the applicant and to continue the public hearing to another date. The recommendation from the commission shall be moved and seconded and voted on, with a majority of the commission required for moving the application forward.

j. If the public hearing is continued, a specific request for the additional information or data from the commission shall be made to the applicant and any other source the commission desires to receive the specific information or data from. If this occurs, the process shall be continued at step (h) above,

1 unless the applicant withdraws the application.

2 k. If the commission recommends approval of the application, including any
3 conditions, the chair shall direct the zoning administrator to forward the
4 Planning and Zoning Commission any recommendations to the Town Board for
5 approval, per their process.

6 l. If the commission recommends denial of the application, the commission shall
7 document the rationale for the denial and the chair shall direct the zoning
8 administrator to forward to the Planning and Zoning Commission any
9 recommendations to the Town Board for approval, per their process.

10 **4.A.2 Duties and Responsibilities of the Zoning Administrator**

11 Functions and responsibilities include:

12 a. Receive, validate, issue, and record or file driveway, building, and land use
13 permits which meet the Township’s ordinances or as directed by the Town
14 Board after receiving the recommendation from the Planning and Zoning
15 Commission.

16 b. Refer applications for septic and well permits to the appropriate department of
17 Crawford County.

18 c. Advise applicants when their land use request or building request is required to
19 go to the Township Planning and Zoning Commission. Provide applicant with
20 the appropriate application form(s) and a summary of the Planning and Zoning
21 Process.

22 d. Advise the Chair of the Planning and Zoning Commission, on a monthly basis, of
23 applications requiring Planning and Zoning Commission action. Inform the
24 Town Board of items being forwarded to the Planning and Zoning Commission.

25 e. Provide legal notices of Planning and Zoning Commission meetings and the
26 agenda items for said meeting working with the Chair of the Planning and
27 Zoning Commission.

28 f. Receive any and all decisions from the Planning and Zoning Commission for
29 inclusion on the Town Board agenda.

30 g. Record and file Town Board Planning and Zoning decisions.

31 **4.B. Board of Adjustment:**

32 **4.B.1 Authority:**

1 The authority of the Board of Adjustment, as granted by the Town Board, is limited to
2 granting non-land use variances. The Board of Adjustment can recommend land use
3 zoning changes to the Town Board. If the Board of Adjustment grants an applicant a
4 zoning variance, the variance is recorded with the zoning administrator.

5 **4.B.1 Functions, Responsibilities and Process:**

- 6 a. Receives, from the Zoning Administrator or the Town Chair, requests from
7 Zoning Applicant(s) who disagree with the decision by the Town Board, after
8 completion of the Planning and Zoning Commission process and the
9 Commission’s recommendation on the applicant’s request, to review the
10 applicant’s request, the recommendation to the Town Board from the Planning
11 and Zoning Process, and the Town Board’s denial of the applicant’s request.
- 12 b. The Board of Adjustment shall review all correspondence on the application
13 and shall schedule a public hearing, with the applicable notices, to receive and
14 question the Town Board, and Planning and Zoning Commission members on
15 the applicants request and to receive and question the applicant(s).
- 16 c. The Board of Adjustment shall render a decision and send their decision to the
17 Town Board, the Planning and Zoning Commission and the Zoning
18 Administrator. The decisions are either to: 1) grant a variance; 2) deny the
19 variance; or 3) recommend the Town Board consider a potential change to the
20 zoning ordinance – either land use, property size, structure, or other item(s)
21 addressed by the zoning ordinance.
- 22 d. In denying a request for a variance, the “use” is as approved by the Town Board
23 upon recommendation of the Land Use and Zoning Commission.

24 **SECTION 5: SEVERABILITY CLAUSE**

25 If any provision of this Ordinance or its application to any person or circumstance is held
26 invalid, the invalidity does not affect other provisions or applications of this Ordinance that
27 can be given effect without the invalid provision or application, and to this end the
28 provisions of this Ordinance are severable.

29 **SECTION 6: PENALTY PROVISION**

30 Any person, partnership, corporation, or other legal entity that fails to comply with the
31 provisions of this Ordinance shall, upon conviction, pay a forfeiture as defined and
32 published by the Town Board on an annual basis, plus any additional surcharges,
33 assessments, and costs for each violation. Each day a violation exists or continues
34 constitutes a separate offense under this ordinance. In addition, the Town Board may
35 seek injunctive relief from a court of record to enjoin further violations.

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SECTION 7: EFFECTIVE DATE

The ordinance is effective on publication.
The town clerk shall properly publish this ordinance as required under Sec. 60.80 (2) of Wisconsin Statutes as a Class I Notice in a newspaper.

Adopted this _____ day of _____, 2015.

Signatures of Town Board:

Town Chairperson

Town Supervisor

Town Supervisor

Attest:

By: _____
Town Clerk