

Article J: Accessory Uses and Structures; Fences.

Sec. 13-1-140 Accessory Uses or Structures.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions.** An accessory use or structure may be established subject to the following regulations (these restrictions shall not apply to accessory buildings in Agricultural, Business or Industrial Districts):
- (1) **Attached Accessory Building Size Limits.** No attached accessory building or structure shall exceed the height of the principal building or structure.
 - (2) **Attached Accessory Buildings Yard Requirements.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) **Detached Accessory Non-Garage Buildings.** No detached accessory building (non-garage) shall occupy more than thirty percent (30%) of the required front yard or be larger than twenty-four (24) feet by thirty-six (36) feet (whichever is more restrictive) or be located within three (3) feet of any other accessory building or within five (5) feet of a lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
 - (4) **Residential Attached Garages.** Garages, when attached, shall comply with the dimensional requirements of the zoning district in which located. Attached garages shall comply with the setback requirements applicable for principal structures on the lot.
 - (5) **Residential Detached Garages.** Detached garages are permitted in the rear yard and side yards only. Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements:
 - a. **R-1 Garage.** The floor area for a garage(s) on a lot with a single family use in an R-1 Residential District shall:
 1. For lots one (1) acre or more, not exceed one thousand two hundred (1,200) square feet in area for any one single garage, nor one thousand six hundred (1,600) square feet in area for combine total;

2. For lots two (2) acres or more, not exceed one thousand six hundred (1,600) square feet in area for any one single garage, nor two thousand (2,000) square feet in area for any combined total;
 3. For lots three (3) acres or more, not exceed two thousand four hundred (2,400) square feet in area for any combined total.
- b. R-2 District Garage Area.** The floor area for a garage(s) in an R-2 Residential District shall not exceed one thousand two hundred (1,200) square feet in area – neither singularly nor combined.
- c. R-3 Duplex District Garage Area.** The floor area for a garage on a lot with a duplex use and not accessory to a farm shall not exceed nine hundred (900) square feet for a single garage, nor shall any combined total exceed one thousand two hundred (1,200) square feet.
- d. R-4 Mult-Family District Garage Area.** The floor area for a garage on a lot with a multiple-family use shall not exceed eight hundred seventy (870) square feet for a single garage, nor shall the combined total exceed two hundred sixty-five (265) square feet per dwelling unit, unless otherwise specified in a conditional use approval.
- e. Setback Between Two Garages.** Two (2) or more garages on any one (1) lot having a residential use shall have a minimum of ten (10) feet of yard between them.
- (c) Use Restrictions-----Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations defined and authorized herein and shall not be occupied as a dwelling unit.
- (d) Use Restrictions-----Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.
- (e) Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure.
- (f) Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator/Permit Issuer and shall be removed within thirty (30) days of occupancy of the project.

- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, following approval by the Town Board, provided as follows:
- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall not be more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and were not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

Sec. 13-1-141 Fences.

- (a) **Definitions.** For the purpose of this Section.
- (1) **Fence.** Any artificially constructed barrier of any materials erected to enclose or screen areas of land or limit ingress/egress thereto. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
 - (2) **Boundary Fence.** A fence placed ~~on~~ near the property lines of adjacent properties. *Updated May 10, 2011*
 - (3) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (4) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (5) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(b) Residential, Commercial and Industrial Fence Permits Required. No person shall erect a fence in the Town within a Residential, Commercial or Industrial zoned property without first obtaining a fence permit from the Zoning Administrator. A fee will be charged. The applicant shall provide the Zoning Administrator with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.

(c) Height of Fences Regulated.

- (1) Except as provided in Section 13-1-90, a fence or wall may be erected, placed or maintained along a lot line on residential, commercial and industrial zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of two and one-half (2 ½) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.
- (2) No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (3) In any residential district, no fence or wall shall be erected, constructed or maintained to a height exceeding four (4) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 13-1-90)

(d) Setback for Residential Fence.

- (1) Fences in or adjacent to a residential property ~~will~~ shall be constructed ~~on~~ inside the fence owners' lot lines. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines. Fences shall be located no closer than two (2) feet to a right-of-way. *Updated May 10, 2011.*
- (2) Front yard fences shall be of an open type (fifty percent (50%) or less opaque) and shall not exceed four (4) feet in height.
- (3) In those cases where the rear yard is a shore yard, fences located between the shore yard setback line and half the distance to the ordinary high water mark shall adhere to the rear yard standards. The remaining shore yard shall adhere to the street yard standards.

(e) Industrial/Commercial Security Fences. Security fences are permitted in industrial/commercial districts on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire, wrought iron or chain link fencing,

unless otherwise provided by conditional use permit. (i.e. solid fence)
Reference Section 13-1-90.

- (f) **Prohibited Fences.** No residential fence shall be constructed which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially/commercial zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (g) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair and the finished side of decorative side of the fence shall face adjoining property.
- (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (i) **Nonconforming Fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but any alteration, modification or improvement of more than fifty percent (50%) of said fence shall result in the entire fence being brought into compliance with this Section.
- (j) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property. In a dispute, the Town Board shall serve as fence viewers per the Wisconsin State Statutes.

Sec. 13-1-142 Reserved for future use.

Sec. 13-1-143 Standards for Boathouses.

Boathouses may be located within shore yard but shall be not closer than five (5) feet to the average annual high-water elevation of the stream, lake, pond, wetland or other navigable water.

In no case, however, shall boathouses be located below a high-water elevation, nor shall boathouses be used for human habitation. Furthermore, boathouses shall not:

- (a) Exceed one (1) boathouse for each shoreland lot;
- (b) Exceed a height of fifteen (15) feet above the high-water elevation;
- (c) Exceed five hundred (500) square feet in horizontal area covered; and
- (d) Be closer than three (3) feet to any side lot line.

Sec. 13-1-144 Construction of Ponds.

(a) Permit Required for Construction of Ponds. No person shall construct, enlarge or modify any pond, borrow pit or pool of water, out of doors and containing over five hundred (500) gallons of water or having a water depth of two (2) feet or more, without obtaining a permit from the Town of Vinland pursuant to the procedures set forth in Subsection (b).

(b) Procedure for Obtaining a Permit.

- (1) An application for a permit required by Subsection (a) shall be commenced by written application to the Town of Vinland Zoning Administrator which shall state the name and address of the owner of the property in question and shall describe in detail the construction or other modification of the body of water in question. In addition, the application shall state in reasonable detail:
 - a. The effect of the proposed construction or modification on the drainage of adjacent and surrounding property.
 - b. Health hazards caused by or arising out of water stagnation or insect growth.
 - c. Public safety and liability risks.
 - d. A plan to eliminate or minimize any of the harmful effects, hazards and risks.

(c) Fencing Required. For every person who is in possession of land within the Town of Vinland on which there is a pond, a fence is required if the pond is located within two hundred fifty (250) feet from another residence. Such fence or other solid structure shall be not less than forty-four (44) inches in height and

shall completely enclose such pond area. There shall be no openings permitted in such fences or solid structures larger than six (6) inches square, except for gates or doors. Any gates in such fences shall have self-closing and self-latching devices which shall be on the inside of the gate at least thirty (30) inches above grade and shall be designed and able to keep the gate closed at all times.

(d) Fee. There shall be a fee as prescribed in Section 1-3-1 for every approved pond permit.

(e) Disclaimer of Liability. The issuance of a permit under this Section is expressly not a warranty or endorsement of the design of the proposed body of water, including its effect on surrounding property and ground water; its safety and health effects or otherwise.

(f) Maintenance of Pond. Should any work performed under a permit issued pursuant to this Section become a public nuisance, the Town Board may order it abate.

Sec. 13-1-145 through Sec. 13-1 149 Reserved for Future Use

