

**TOWN OF WHEATON**  
**CHAPTER 17**  
**COMMERCIAL DISTRICT**  
**MINIMUM LOT SIZE ORDINANCE**

1. **PURPOSE OF CONTROL.** As set forth in the Wisconsin Statutes, the distribution of population at various locations and intensities within the community is one of the essential purposes of community planning and regulation for the health, wealth, safety, and enjoyment of the community population.
2. **INTENTION.** This ordinance applies to any and all land divisions of commercially zoned property, whereby any primary structure is required to be placed upon at least one and two thirds ( $1 \frac{2}{3}$ ) acre parcel of land. [Amended 01/11/2022]
  - a. Lots with multiple primary structures, the minimum lot area shall be  $1 \frac{2}{3}$  acres per primary structure, Example the minimum lot size for a lot with 3 primary structures would be 4.98 acres ( $3 \times 1.66 = 4.98$ ).
3. **GENERAL REGULATIONS.** Uses permitted in the commercial district are subject to the following conditions:
  - a. No commercial use shall be established or hereafter maintained on a lot recorded after the effective date of this ordinance, which is of less area than prescribed in this ordinance. [Amended 01/11/2022]
  - b. All zoning requirements for commercial businesses shall be compliant with Chippewa County commercial zoning districts excluding minimum lot area, and any other zoning requirements of Chippewa County. [Amended 01/11/2022]
4. **LOT SIZE.**
  - a. Minimum required. No lot shall be of less area than a total of one and two third ( $1 \frac{2}{3}$ ) acres required by these regulations in which the lot is placed.
  - b. Future resubdividability required. Whenever a lot is proposed to be larger than the minimum lot size required by these regulations, the Plan Commission shall require that the future possible divisions be taken into account in the initial lot layout so as to facilitate such future divisions, and at the commission's discretion, or if required by these regulations, the future lot lines be shown, or actually created, so that initial construction does not inadvertently preclude such future resubdividability.
  - c. Lot area, how measured. For the purposes of this chapter, the lot area shall be measured from the center of the road. Wetlands and floodplains may be included in minimum required lot area provided there remains sufficient area not in wetland or floodplain to accommodate the proposed building, access drive and on-site sanitary system and water well where such services are not provided via off-site public utilities. Said lot may not be narrower than one-third of its depth. Likewise, said lot's depth may not be less than one-third of its width.
  - d. Lot area reduction. No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing setbacks, yards, open space or lot area would be reduced below that required by these regulations.
5. **VARIANCE.** The Wheaton Town Board shall act as the Board of Adjustment and may, by a majority vote of the members present who do not have an interest in the outcome of the variance request, after a public hearing on specific cases, authorize a variance from the terms of this Ordinance as will not be contrary to the public interest and intent of this Ordinance, where owing to the very special conditions enforcement of this Ordinance will result in unnecessary hardship to the land owner. The burden of proof for unnecessary hardship is upon the proponent of the variance. In every case where a variance is granted, the minutes of

the Wheaton Town Board, acting as the Board of Adjustment, shall affirmatively show in what particular or specific respect the Board was convinced that a hardship upon the owner was created. A request for variance to the Ordinance shall be made by filing an application in writing which shall contain, among other things, the name and address of the applicant, description of the land, and the grounds or reasons for the proposed variance. The Wheaton Town Clerk shall post a public notice of the date, time and place when such application will be heard by the Wheaton Town Board and which notice shall be posted not less than ten (10) days prior to the date set for the hearing in three (3) public places within the Town.

6. **SUBSTANDARD LOTS.** Substandard lots are lots which existed at the time this ordinance was adopted, and which are less than the minimum lot size requirement.
  - a. A substandard lot may be used as a building site upon issuance of a zoning permit by the Town if all the following provisions are met:
    - i. The property owner provides evidence that the lot was legally established and predated the current zoning provisions.
    - ii. All required setbacks are met with all proposed buildings.
  - c. Substandard lots that are in the shorelands and/or floodplains of Chippewa County may have additional regulations.
  - d. A variance may not be granted for any type of setback relief on substandard lots.  
[Amended 01/11/2022]
7. **VIOLATIONS AND PENALTIES.** Any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$250.00 nor more than \$2,000.00 plus the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each violation and each day a violation exists or continues shall constitute a separate offense. In addition, the remedies authorized by Sections 236.30, 236.31 and 236.32, Wis. State Stats., shall be available to the Town.
8. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional, by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance. All ordinances or part of ordinances in conflict herewith are hereby repealed.
9. **EFFECTIVE DATE.** This Ordinance is effective on passage and posting or upon adoption as a Chapter in a Cord of Ordinances as provided by law.