

# Town of Bristol Zoning Ordinance

## October 2019 Version

standards of the Wisconsin Department of Transportation Facilities Development Manual, Section 11-10, for the functional classification of road involved.

**1.074 Structures prohibited within setbacks.** No new building, other new structure, or part thereof, shall be placed between the setback lines and any road right-of-way. No building, sign, structure, or part thereof, existing in setback lines on the effective date of this chapter, shall be altered or enlarged in any way that increases or prolongs its permanency, except as otherwise provided by this chapter.

**1.075 Structures permitted within setbacks.**

(1) Projection Into Setback. Bay windows, balconies, chimneys, sills, belt courses, cornices, canopies, eaves or ornamental architectural features may project into a required yard setback line no more than 3 feet provided that no such feature projects over a road setback line or into a vision clearance triangle.

(2) Platforms, Walks And Drives. Platforms, walks, and drives extending not more than 6 inches above the average ground level at their margins, and retaining walls when the top of such walls are not more than 6 inches above the average level of abutting ground on one side, may be located in any yard as long as they meet all other portions of this chapter.

(3) **Fences** And Walls. **Fences** and walls may be located as follows:

(a) Solid **fences** and walls greater than 20% opacity and located in a vision clearance triangle shall not exceed 30 inches in height.

(b) Solid **fences** and walls more than 6 feet in height shall be considered structures, subject to the requirements of this ordinance.

(c) **Fences** and walls shall not exceed 4 feet in height when located in a front yard or in a street side yard of a corner lot.

(d) **Fences** and walls shall not exceed 2½ feet in height when located within a vision clearance triangle, except retaining walls used to hold ground at or below its natural level and **fences** designed and constructed so as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

(4) Temporary roadside stands permitted under this ordinance may be located within the setback area.

**1.076 Driveway, Field Road and Parcel Access Locations.**

(1) No person may establish a driveway, field road access or parcel access location without approval of the Town.

(2) All new driveways must meet the location and construction standards of this section and the Town's driveway construction ordinance. All replacement driveways shall meet the standards of the Town's driveway construction ordinance and may be required to meet the locational standards of this ordinance.

(3) New driveways being constructed, reconstructed, rerouted or altered in the Town shall meet all of the minimum requirements of the Town's Driveway Ordinance. No land use permit shall be issued unless the materials submitted as required by this Ordinance demonstrate compliance with the requirements of this section.

**1.077 Maintenance of Topography.**

(1) Purpose. The purpose of this subsection is to set forth the minimum requirements for preserving existing topography near property lines whenever development is planned, and to promote and protect the public health, safety, convenience and general welfare. This section is intended to regulate development:

(a) to protect adjacent property owners from possible damage due to changes to the existing topography of adjoining lands;

(b) to retain stormwater runoff on each property undergoing development; and

(c) to preserve the general character of neighborhoods.

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must reapply and obtain another conditional use before recommencing the use or activity.

(9) Effect Of Denial. No application that has been denied under this section may be resubmitted for a period of 365 days from the date of final Town Board action, except on grounds of new evidence or proof of changes of factors found valid by the Town Board

(10) Monitoring And Potential Revocation Of A Conditional Use. (a) The Town Board or Town Zoning Administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional use at all times.

(b) If the Town Board or Town Zoning Administrator finds that the review criteria of this section or the conditions attached to the permit are not complied with, the Town Zoning Administrator may suspend the permit and require an additional public hearing to alter the conditional use.

(c) A conditional use permit may be revoked if the Town Board finds, after a public hearing, that substantial evidence has been presented to show that the conditional use permit has been violated in a manner which renders the use incompatible with the district in which it is located. Before any such hearing, the conditional use permit holder shall be presented specific allegations identifying the alleged violations of the conditional use permit, and shall be afforded the opportunity to present evidence and argument.

(11) Expansion Of Conditional Use. The expansion of any use approved by a conditional use shall require an application and review by the Town Board. Whether there has been an expansion of use shall be determined by the Town Zoning Administrator.

(12) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(13) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 61.35.

Fence= **1.096 Land use permits: review procedure and standards.** (1) Purpose. The purpose of this section is to specify the requirements and procedures for the

issuance of land use permits. Land use permits are issued by the Town Zoning Administrator for structures and uses specified in this chapter in order to verify compliance with the provisions of this chapter. A land use permit is not a substitute for a building permit. In certain cases, other land use approvals including but not limited to rezoning, conditional use, or variance approval, are required before a land use permit may be issued.

(2) Applicability. Except as exempted under this subsection, a land use permit is required from the Town Zoning Administrator in the following instances:

(a) Before a structure is erected, affixed, moved, or structurally altered.

(b) Before the construction of any foundation.

(c) Before any substantial alteration in the heating plant, sanitary facilities, or mechanical equipment which would affect or change the use of an existing site or structure.

(d) Before any conditional use commences operation.

(e) Before the commencement of any structural modification or structural repair of an existing, nonconforming structure, or to a structure housing a nonconforming use.

(f) No building or other structure or any part of a building or structure may be built, enlarged, altered, located, or moved within the area subject to the provisions of this chapter until a land use permit has been obtained.

(g) Before the use of any building or structure is changed from that originally permitted.

(h) Before any sign that requires a sign land use permit under this ordinance is erected, relocated, structurally altered, or reconstructed.

(i) Failure to obtain a permit or violation of an existing permit shall be grounds for the issuance of a stop-work order or enforcement pursuant to this subchapter.

(j) Any other instances that have been indicated in other parts of this chapter.

(3) Exemptions. (a) Unless otherwise required pursuant to the Ordinances, no land use permit is required for any accessory structure of 120 square feet of floor area or less or any wind tower less than 25 feet in height provided that such structure conforms with all applicable zoning district minimum required yard setbacks and other standards of this chapter. **Fences**

and walls more than 6 feet in height and greater than 50% opacity shall be considered a structure and the appropriate requirements of this chapter shall apply.

(b) Buildings used exclusively for agriculture shall not require a land use permit. The Town may require a building permit.

(4) Application For A Land Use Permit. An application for a land use permit shall be made to the Town Zoning Administrator. Such application shall be made by the owner of the property on which the land use permit is requested. If the application is not complete, the Town Zoning Administrator shall notify the owner within 10 working days. To be determined complete by the Town Zoning Administrator, the application shall include:

(a) A completed form, provided by the Town Zoning Administrator and signed by the owner, including information on the owner and project to ensure compliance with this chapter.

(b) A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds, or a copy of the deed.

(c) A site plan, drawn to scale, and showing and labeling the date of preparation, landowner's name, north arrow, lot dimensions, adjacent public roads and rights-of-way, visual clearance triangles required in accordance with existing and proposed structures and their dimensions, parking and driveway areas, distances between structures and lot lines, between structures and the centerlines of abutting roads and highways, and between structures and the ordinary high water mark of any abutting watercourse.

(d) A sanitary permit, indicating the location of the existing and proposed private on-site wastewater treatment system location.

(e) If applicable, a landscape plan showing an overhead view of all existing and proposed landscaping on the site including the location, species, size at time of planting, and mature size for all new plantings.

(f) If applicable, a lighting plan showing the location, height, type, orientation, and power of all proposed exterior lighting.

(g) A grading and storm water plan, showing existing and proposed surface elevations, and proposed erosion control and storm water management provisions.

(h) Written permit for highway access from the appropriate highway authority.

(i) The required permit application fee.

(j) The road or street number assigned to the lot by Dane County.

(k) Other pertinent information as requested by the Town Zoning Administrator to determine if the proposed use or structure meets the requirements of this chapter.

(5) Land Use Permit Review Criteria. No land use permit may be granted or shall become effective until all applicable requirements of this chapter, conditions of any preceding Town approval related to the project, the remaining chapters in the Ordinances and all applicable Wisconsin Statutes and rules are met, including but not limited to those related to shoreland zoning, floodplain zoning, airport height limitations, and drainage districts.

(6) Time Limits Associated With Land Use Permits. Once issued, each land use permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, or movement. If the work authorized by the land use permit is not completed within 24 months of the date of the approval, the land use permit approval shall be considered void. The applicant may apply for, and the Town Zoning Administrator may grant, a one-time, 24-month extension provided that a written extension request is submitted before the original expiration date.

(7) Location Survey. Where a land use permit is issued for a structure and it is proposed to be located within 10 feet of any minimum required yard area or setback under this chapter, or in other cases where the Town Zoning Administrator cannot, with confidence, determine compliance with the provisions of town ordinances, immediately upon completion of the construction of footings, concrete slab, or other foundations, the owner shall cause a registered land surveyor to prepare a plat of survey showing the locations, boundaries, and dimensions of the lot and all existing structures, including the new slab, footing, or other foundation, and including the relationships and distances of all structures to lot lines, and shall immediately file such plat of survey with the Town Zoning Administrator. The Town Zoning Administrator shall compare the location of all new or extended foundations with the requirements of this chapter. If a zoning violation is determined, the owner shall move the construction or structure or shall adjust the lot line so as to conform to this chapter. Failure to comply with the requirements of this subsection shall