

**TOWN OF DURAND, WISCONSIN**  
**ORDINANCE 2024-10**

**AMEND ARTICLES B, C, E, G, AND H OF TITLE 13, CHAPTER 1 OF THE TOWN OF  
DURAND CODE OF ORDINANCES**

A Class II notice was published in the Durand Courier-Wedge on November 21, 2024 and November 28, 2024, establishing a public hearing on December 9, 2024 to hear the request for a text amendment to Sections 13-1-19 Frontage, 13-1-20 Dedicated Roadway, 13-1-30 General Provisions, 13-1-50 Nonconforming Uses, Structures, and Lots, 13-1-76 Amendments, and 13-1-92 Definitions in Title 13 of the ~~Village of Milltown~~ Code of Ordinances, modifying the frontage and lot width to length ratio requirements, removing the dedicated roadway requirement to obtain a permit, defining the density requirements, removing the protest petition provision per State Statutes, clarifying setback requirements for the General Rural Flexible and Residential Districts, updating the nonconforming lot requirements, and updating the definitions of Lot Width and Parties of Interest.

The ~~Village~~ Board of the Town of Durand do hereby ordain as follows:

**Section 1:**

Chapter 1. Section 13-1-19 Frontage, is hereby amended to read as follows:

All lots shall have a minimum ~~one hundred sixty (10060)~~ foot frontage upon a public roadway or other ~~officially~~ approved means of access such as a recorded easement; however, in order to receive a building permit for construction of any principal structure the lot must comply with the 1:3 minimum lot width to length ratio requirements, and the lot width at the front line of the building shall be at least 100 feet.

Lot frontage on the public roadway on a cul-de-sac may not be less than ~~50 thirty (30)~~ feet provided that the width of the lot at the front line of the building setback is at least 100 feet.

**Section 2:**

Chapter 1. Section 13-1-20 Dedicated Roadway, is hereby amended to read as follows:

~~No permits shall~~Permits may be issued for a lot ~~that abuts a public roadway dedicated to only a portion of its proposed width and located on that side of the roadway from which the required dedication has not been secured~~even if the road serving the lot has not been dedicated.

**Section 3:**

Chapter 1. Section 13-1-30 10.(a.) General Provisions, is hereby amended to read as follows:

All Lots shall abut upon a public street, and each lot shall have a minimum frontage of ~~85-60~~ feet ~~at the standard highway setback (Section 13-1-55, Exhibit E2)~~, except where a lot does not meet the required frontage but has access to a public street directly or through a recorded easement, and was a lot of record with the Pepin County Register of Deeds on January 1, 2006, such lot may be occupied by any permitted and accessory use of the Zoning District within which the lot is located, provided that such proposed use complies with all other applicable provisions of this ordinance.

**Section 4:**

Chapter 1. Section 13-1-30 10.(e.) General Provisions, is hereby amended to read as follows:

~~No~~ A Land Use Permit ~~shall~~ may be issued for a lot even if the road serving the lot has not been dedicated which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

**Section 5:**

Chapter 1. Section 13-1-30 General Provisions Table 1.1, is hereby amended to read as follows:

**TABLE OF LOT REQUIREMENTS: Table 1.1**

Zoning District	Minimum Lot Area (acres)	Maximum Residential Density	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)
General Agriculture	35	1 residential unit per 35 acres	See Sec. 13-1-31(10), GA Setbacks	See Sec. 13-1-31(10), GA Setbacks	See Sec. 13-1-31(10), GA Setbacks
Residential District	1.5	5 residential unit per 10 acres <u>(maximum of 20 dwelling units per original 40 acres)</u>	See Sec. 13-1-55, Highway Setbacks	25 principal structure, 10 accessory structure	<u>10 but sum of widths on both sides shall be no less than 30 feet for principal structure; 10 feet for accessory structure</u>
Commercial District	1	N/A	See Sec. 13-1-55, Highway Setbacks	N/A	N/A

Commercial Residential District	2	N/A	See Sec. 13-1-55, Highway Setbacks	15 for buildings up to 25' in height, 1 additional per additional 5' in height	10 but sum of widths on both sides shall be no less than 30
General Rural Flexible	2	1 residential unit per 10 acres <u>(maximum of 4 dwelling units per original 40 acres)</u>	See Sec. 13-1-55, Highway Setbacks; <del>and</del> Sec. 13-1-31(10)(a)(1, 2, 3, & 4), GA Setbacks <u>for livestock and waste storage facilities only</u>	15 for buildings up to 25' in height, 1 additional per additional 5' in height; <u>Sec. 13-1-31 (10) (a)(1, 2, 3, &amp; 4) GA Setbacks for livestock and waste storage facilities only; 10 feet for accessory structures</u>	<del>See Sec. 13-1-33 (8) Setbacks and 10 feet for principal and accessory structures;</del> Sec. 13-1-31 (10) (a)(1, 2, 3, & 4) GA Setbacks <u>for livestock and waste storage facilities only</u>

**Section 6:**

Chapter 1. Section 13-1-50 Nonconforming Uses, is hereby amended to read as follows:

Nonconforming Lots. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded prior to the adoption of this Ordinance may be used for the purposes permitted by this Ordinance, ~~notwithstanding the minimum lot area, lot width and lot depth required. Any nonconforming lot in common ownership with a contiguous lot on the date of adoption of this Ordinance shall not be used for purposes permitted by this Ordinance unless the lot is combined with the contiguously owned lot and/or combined in a manner adequate to comply with the required minimum lot area, lot width and lot depth as specified for the zone in which the lot is located; provided, that this provision shall not apply to lots in final plats filed prior to the date of adoption of this Ordinance, or lots that contain a dwelling. The owner of combined lots shall apply for a boundary line adjustment to remove boundary lines that are shared by contiguous lots, or to redraw boundary lines so that all contiguous lots become conforming lots., if all the following provisions are met:~~



- a. The property owner provides evidence that the lot legally existed, predating the current zoning provisions and is at least 10,000 square feet in area.
- b. All required setbacks are met for all proposed buildings.
- c. Nonconforming vacant lots which are contiguous and in common ownership shall be combined into a single lot to lessen the nonconforming condition or to create a conforming lot, provided, that this provision shall not apply to lots in final plats filed prior to the date of adoption of this Ordinance, or lots that contain a dwelling.
- d. Nonconforming lots may be modified, provided they are not made more nonconforming, unless section e. below applies.
- e. Existing lots where road dedication is provided and accepted by the Town, may be reduced below the minimum lot size only as the result of the dedicated portion of land.

A variance may not be granted for any type of setback relief on nonconforming lots and nonconforming lots which are in the shorelands and/or floodplains of Pepin County may have additional regulations.

#### **Section 7:**

Chapter 1. Section 13-1-76 Amendments, Procedure is hereby amended to read as follows:

The Planning Commission shall hold a public hearing on the proposed amendment no more than forty-five (45) days from the filing date of the application or resolution, and shall forward a written recommendation to the Town Board no later than sixty (60) days from the filing date of the application. Notice of the Planning Commission's public hearing shall be mailed to the parties of interest, as determined by the Planning Commission. A Class 2 notice pursuant to Chapter 985, Wisconsin Statutes, shall also be published in the official Town newspaper. The notice shall specify the date, time and place of the public hearing and the matters to come before the Planning Commission. In making its recommendation to the Town Board, the Planning Commission shall consider any relevant evidence gathered at the public hearing, any applicable decision considerations and any other applicable ordinance provisions. If the Planning Commission fails to forward such recommendation, the Town Board shall hold a public hearing no later than ninety (90) days from the filing date of the application. Notice of the Town Board's public hearing shall be mailed to the parties of interest. A Class 2 notice pursuant to Chapter 985, Wisconsin Statutes, shall also be published in the official Town newspaper. The notice shall specify the date, time and place of the public hearing and the matters to come before the Town Board. The Town Board shall issue its decision on the application no later than thirty (30) days from the date of the Town Board's public hearing. In making its decision, the Town Board shall consider any relevant evidence gathered at the public hearings, the recommendation of the Planning Commission, any applicable decision considerations and any other applicable ordinance provisions. If the Town Board action is to approve the amendment, or approve the amendment with modifications, it shall further act to formally adopt the amendment by ordinance. ~~In the case where the Planning Commission unanimously recommended denial of the change, or in the case where a valid protest as addressed in Section 62.23(7)(d)(2), Wisconsin Statutes is filed prior to or at the public hearing, a three-fourths (¾) vote of the Town Board members is required for approval of the amendment. With the repeal of Sec. 62.23(7)(d)2m.a, Wis. Stats., [effective January 1, 2025] zoning statutory protests are no longer permitted. Per~~

Sec, 66.10015(3)(a), Wis, Stats, any Zoning Code amendment only requires approval by a simple majority of a quorum of the members-elect of the Town Board, however, a two-thirds vote remains required for a down zoning ordinance per Sec, 66.10015(3)(b), Wis, Stats., and for a zoning amendment when an airport protest petition is filed with the Town under Sec. 60.61(4)(c)(3), Wis, Stats.

**Section 8:**

Chapter 1. Section 13-1-92 Definitions, Lot Width is hereby amended to read as follows:

LOT WIDTH: The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth from the street linefront line of the building.

**Section 9:**

Chapter 1. Section 13-1-92 Definitions, Parties of Interest is hereby amended to read as follows:

PARTIES OF INTEREST: For a Zoning Map Amendment, Conditional Use Permit, and Variance, Sshall, at a minimum, include the applicant, the owner of the subject property (if different than the applicant) and all adjacent property owners. For a Text Amendment, shall, at a minimum, include those that have requested to be notified of future amendments that may affect the allowable use of their property per Sec, 60.61(4)(c)(1), Wis, Stats.

**Section 10:**

Except as hereinabove specifically modified and amended, the Zoning Code, Town of Durand, Pepin County, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

**Section 11:**

SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.



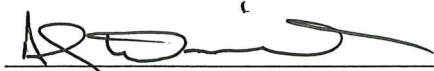
**Section 12:**

The Town of Durand Board of Supervisors does hereby ordain as follows: The Town of Durand Code of Ordinances as described above is hereby amended. The Town of Durand Code of Ordinances on file in the Town of Durand Town Hall shall be amended in accordance with this ordinance.

This ordinance shall be effective upon passage and publication as provided in Section 60.80(5) of the Wisconsin Statutes. This ordinance shall be codified.

Offered this 9<sup>th</sup> day of December 2024, Town of Durand, Pepin County, Wisconsin.

**OFFERED BY THE TOWN OF DURAND BOARD:**



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Andy Winkler, Town of Durand Chairman

**COUNTERSIGNED:**



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Brittany Myers, Town of Durand Clerk