

**CODE OF ORDINANCES
OF THE
TOWN OF CASCO
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 10:
ZONING ORDINANCE**

*DATCP Certification
August 22, 2017*

*Town Board Adoption
August 29, 2017*

Official zoning map is on file with the Town of Casco Zoning Administrator

This Page Intentionally Left Blank

TABLE OF CONTENTS

CHAPTER 10: ZONING ORDINANCE.....	I
10.0100 TITLE, AUTHORITY, INTENT AND PURPOSE	10-1
10.0101 Authority	10-1
10.0102 Purpose.....	10-1
10.0103 Intent.....	10-1
10.0104 Abrogation and Greater Restrictions.....	10-1
10.0105 Interpretation	10-1
10.0106 Separability.....	10-1
10.0107 Repeal.....	10-1
10.0108 Title	10-2
10.0109 Effective Date.....	10-2
10.0200 DEFINITIONS.....	10-3
10.0201 General Definitions	10-3
10.0202 Words Defined	10-4
10.0300 GENERAL PROVISIONS	10-17
10.0301 Jurisdiction	10-17
10.0302 Compliance.....	10-17
10.0303 Site Restrictions.....	10-17
10.0304 Use Restrictions.....	10-18
10.0305 Lot Reduction or Joint Use.....	10-19
10.0306 Height Regulations	10-20
10.0307 Compliance with the Americans with Disabilities Act	10-20
10.0308 Front, Side, and Rear Yard Regulation	10-20
10.0309 Building Area Regulation.....	10-22
10.0310 Physical Requirements Applying to Single and Two Family Residential Dwellings	10-22
10.0311 Kewaunee County Shoreland Zoning Ordinance.....	10-23
10.0400 ESTABLISHMENT OF DISTRICTS.....	10-24
10.0401 Establishment of Districts	10-24
10.0402 Zoning Map	10-24
10.0403 Interpretation of District Boundaries	10-24
10.0404 Yard Setbacks for All Districts	10-25
10.0405 District Regulations.....	10-26
10.0500 MANUFACTURED HOMES & MANUFACTURED HOMPE PARKS	10-43
10.0501 Purpose.....	10-43
10.0502 Definitions.....	10-43
10.0503 General Requirements	10-44
10.0504 Permit Required for Manufactured Homes not Located in a Manufactured Home Park.....	10-44
10.0505 License for Manufactured Home Park: Application and Issuance.....	10-46
10.0506 Revocation and Suspension.....	10-47
10.0507 Location of Manufactured Home Parks	10-47

10.0508	Manufactured Home Park Plan	10-47
10.0509	Sanitarian Regulations.....	10-49
10.0510	Operation of Manufactured Home Parks: Responsibility of Park Management.....	10-49
10.0511	Variances.....	10-50
10.0512	Monthly Parking Fee.....	10-50
10.0600	REGULATIONS OF SIGNS	10-51
10.0601	Purpose of Sign Regulations	10-51
10.0602	Definitions.....	10-51
10.0603	General Requirements	10-53
10.0604	Permits Required.....	10-56
10.0605	Signs Not Requiring a Permit	10-56
10.0606	Specific Zoning District Requirements.....	10-59
10.0607	Off-Premise Poster Panel and Painted Advertising Signs.....	10-61
10.0608	Alteration - Relocation.....	10-62
10.0609	Notification of Non-Conformance	10-62
10.0610	Removal and Disposition of Signs.....	10-63
10.0611	Penalty.....	10-64
10.0700	PARKING AND TRAFFIC VISIBILITY ACCESS	10-65
10.0701	Parking	10-65
10.0702	Traffic Visibility.....	10-67
10.0703	Loading Requirements	10-67
10.0704	Driveways.....	10-67
10.0800	SUPPLEMENTARY USE REGULATIONS	10-68
10.0801	Fences and Hedges.....	10-68
10.0802	Junk Yards, Salvage Yards, Recycling, Storage or Transfer Facility	10-69
10.0803	Quarries and Mines	10-70
10.0804	Mobile Tower Siting Regulations	10-76
10.0805	Adult Entertainment Business.....	10-82
10.0806	Site Plan Review and Approval and Arichtectural Control	10-83
10.0807	Wind Energy Facilities and Windmills	10-86
10.0900	NONCONFORMING USES AND STRUCTURES.....	10-87
10.0901	Purpose and Intent.....	10-87
10.0902	Buildings Under Construction.....	10-87
10.0903	Existing Structures: Dimensional Nonconformance	10-87
10.0904	Existing Uses and Structures: Use Nonconformance.....	10-88
10.0905	Existing Structures and Uses: Other Standards and Requirements.....	10-88
10.0906	Substandard Lots	10-88
10.1000	ADMINISTRATION AND ENFORCEMENT	10-89
10.1001	Purpose.....	10-89
10.1002	Administrative Structure	10-89
10.1003	Building/Zoning Administrator.....	10-89
10.1004	Town Plan Commission	10-90
10.1100	BUILDING PERMITS/CERTIFICATE OF COMPLIANCE	10-90

10.1101	Building Permit Required.....	10-90
10.1102	Uses Not Requiring a Building Permit.....	10-91
10.1103	Occupancy Permit Required.....	10-91
10.1104	Permit Fee Required.....	10-91
10.1105	Permits that Authorize "Reasonable Accommodations": for a Disabled Person(s).....	10-91
10.1200	CONDITIONAL USE PERMITS	10-93
10.1201	Purpose	10-93
10.1202	Initiation	10-93
10.1203	Application	10-93
10.1204	Hearing on Application	10-93
10.1205	Authorization.....	10-93
10.1206	Standards Applicable to All Conditional Uses.....	10-94
10.1207	Conditions Attached to Conditional Use Permit	10-94
10.1208	Permit Fee	10-94
10.1300	ZONING BOARD OF APPEALS	10-95
10.1301	Establishment	10-95
10.1302	Membership.....	10-95
10.1303	Organization	10-96
10.1304	Powers	10-96
10.1305	Appeals and Applications.....	10-97
10.1306	Hearings	10-97
10.1307	Findings.....	10-97
10.1308	Decision.....	10-98
10.1309	Review by Court of Record.....	10-98
10.1400	AMENDMENTS	10-99
10.1401	Authority	10-99
10.1402	Initiation	10-99
10.1403	Petition	10-99
10.1404	Recommendation.....	10-100
10.1405	Hearings	10-100
10.1406	Town Board Action.....	10-101
10.1407	Protest.....	10-101
10.1408	Effective Date.....	10-101
10.1500	VIOLATIONS, PENALTIES, AND PERMIT FEES	10-102
10.1501	Violation.....	10-102
10.1502	Complaints Regarding Violations	10-102
10.1503	Penalties for Violation.....	10-102
10.1504	Abatement of Violation.....	10-102
10.1505	Permit Fees.....	10-103

LIST OF TABLES

Table 10.1: Land Use and Minimum Parking Stalls Required, Town of Casco..... 10-66

LIST OF FIGURES

Figure 10.1: Yard Requirements Applying to All Zoning Districts in the Town of Casco.... 10-25

APPENDIX

Farmland Preservation Zoning DATCP Certification Materials

10.0100 TITLE, AUTHORITY, INTENT AND PURPOSE

10.0101 AUTHORITY

Whereas the Town Board of the Town of Casco, Wisconsin, has proceeded under the provisions of Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Casco, Kewaunee County, Wisconsin, does ordain as follows:

10.0102 PURPOSE

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Casco, Wisconsin.

10.0103 INTENT

It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the town's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

10.0104 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

10.0105 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

10.0106 SEPARABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

10.0107 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

10.0108 TITLE

This ordinance shall be known, cited and referred to as: ZONING ORDINANCE,
TOWN OF CASCO, KEWAUNEE COUNTY, WISCONSIN

10.0109 EFFECTIVE DATE

This Ordinance shall be effective after a public hearing, adoption by the Town
Board and other requirements of law.

10.0200 DEFINITIONS

10.0201 GENERAL DEFINITIONS

In interpreting the various contents of the Ordinance, the following rules of construction shall apply:

- A. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected words or provisions shall apply.
 - 2. “And/or” indicates that the connected words or provisions may apply singly or in any combination.
 - 3. “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - 4. “Either ... or” indicates that the connected words or provisions shall apply singly but not in combination.
- B. In case of conflict between the text and a diagram or graphic, the text controls.
- C. All references to departments, committees, commissions, boards, or other public agencies are to those of the Town of Casco, unless otherwise indicated.
- D. All references to public officials are to those of the Town of Casco, and include designated deputies of such officials, unless otherwise indicated.
- E. The term “building” includes the word “structure.” A “building” or “structure” includes any part thereof.
- F. The term “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The term “dwelling” includes the word “residence” and the word “lot” includes the words “piece”, “plat”, or “parcel.”
- H. All references to “Title”, “Chapter”, or “Section” shall refer to this Zoning Ordinance unless another meaning is clear from the context of the reference.
- I. The words “shall,” “will,” and “must” are always mandatory and not discretionary. The word “should” indicates that which is recommended but not required; and the word “may” is permissive.
- J. The present tense includes the past and future tenses, and the future tense includes the past.
- K. The singular number includes the plural, and the plural number includes the singular.
- L. All “measured distances” shall be to the nearest “integral foot”. If a fraction is one-half foot or less, the next "integral foot" below shall be taken.

- M. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- N. Any words not herein defined shall be presumed to have their customary dictionary definitions.

10.0202 WORDS DEFINED

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Accessory building - a building, or any portion of a building, that is subordinate to the main building and that is used for a purpose incidental to the permitted use of the main building or the premises.

Accessory use – any use that is subordinate to the principal use and that is incidental to the principal use.

Agricultural accessory use - means any of the following land uses on a farm:

- A. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 1. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 2. A facility used to keep livestock on the farm.
 3. A facility used to store or process inputs primarily for agricultural uses on the farm.
 4. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 5. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 6. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- B. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

Agricultural uses - any of the following activities conducted for the purpose of producing an income or livelihood:

- A. Crop or forage production.
- B. Keeping livestock.
- C. Beekeeping.
- D. Nursery, sod, or Christmas tree production.
- E. Floriculture.

- F. Aquaculture.
- G. Fur farming.
- H. Forest management.
- I. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

Agriculture-related uses - a facility, whether or not located on a farm, which has at least one of the following as a primary and not merely incidental purpose:

- A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to farms, including farms in the A-1 zoning district.
- B. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the A-1 zoning district. Examples include feed mills and grain elevators.
- C. Slaughtering livestock, including livestock from farms in the A-1 zoning district.
- D. Marketing livestock to or from farms, including farms in the A-1 zoning district.
- E. Processing agricultural by-products or waste received directly from farms, including farms in the A-1 zoning district.

Airport - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings, or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.

Animal unit - the value used to establish the maximum number of animals permitted on a tract of land in the A-1 zoning district. Animal units are calculated by multiplying the number of animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The Animal Unit Factor for each type of livestock is set by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. NR 243.05.

Assisted living facilities - facilities for persons who need some level of care monitoring services but choose to live in a setting without 24-hour access to nursing services. Assisted living facilities (i.e., Community Based Residential Facilities, Residential Care Apartment Complex, and Adult Family Homes) are regulated by the Wisconsin Department of Health and Family Services.

Adult family home - a place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.

Community based residential facility - a place where 5 or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services, and may include up to 3 hours of nursing care per week.

Residential care apartment complex - a place where 5 or more adults reside that consists of independent apartments, each of which has: an individual lockable entrance and exit, a kitchen, including a stove, individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. Residential care apartment complex does not include a nursing home or a community-based residential facility.

Automobile Wrecking Yard - Any premises on which more than three automotive vehicles, not in operating condition, are stored in the open.

Banquet hall / Dance hall - a facility/room used for hosting a party, reception, or other social event.

Basement - a story partly underground, which, if occupied for living purposes, shall be counted as a story for the purposes of height measurement.

Bed and breakfast - any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

Buildable area - the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a permitted building and any attached accessory structures is permitted by this ordinance.

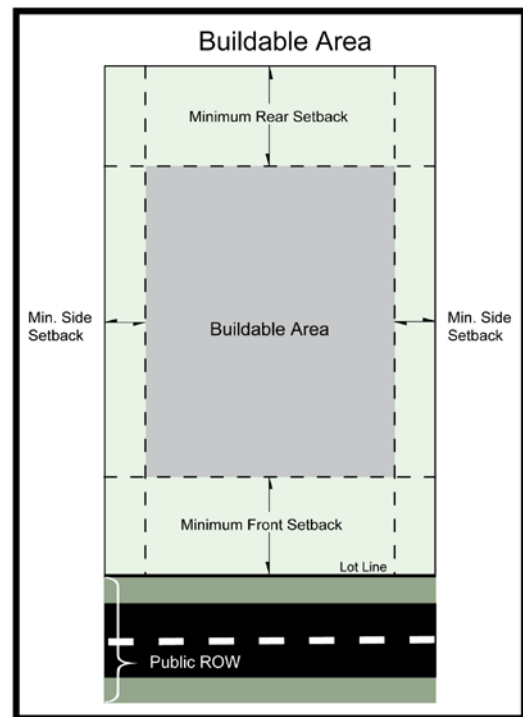
Building - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

Building, Height of - the vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of gambrel, hip or pitch roof.

Building line - a line measured across the width of the lot at that point where the main structure, including any overhang, is in accordance with setback provisions.

Camps and campgrounds – see Recreation camps and resorts

Clinic, medical or dental - an organization of specializing physicians or dentist, or both, who have their offices in a common building. A clinic shall not include in-patient care.



Clinic, veterinary - an establishment for the examination and treatment of animals, which may or may not have provision for keeping such animals overnight on the premises. A veterinarian's office, whether or not a part of his home, shall be considered a veterinary clinic.

Commercial - the offering or purchase of goods and services with the intention of making a profit.

Commercial storage – storage facilities that are rented or sometimes leased to individuals, usually storing household goods; or to small businesses, usually storing equipment, excess inventory, or archived records.

Common ownership - means ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. Common ownership includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Community living arrangement - a facility licensed and operated under the authority of the State of Wisconsin including group homes for children, foster homes, treatment foster homes, adult family homes, and Community Based Residential Facilities, but not including nursing homes or day care facilities.

Adult family home - a place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.

Community based residential facility - a place where 5 or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services, and may include up to 3 hours of nursing care per week.

Residential care apartment complex - a place where 5 or more adults reside that consists of independent apartments, each of which has: an individual lockable entrance and exit, a kitchen, including a stove, individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. Residential care apartment complex does not include a nursing home or a community-based residential facility.

Conditional use - means a use that is not permitted by right. Rather, its allowance is subject to the discretionary judgment of the Town Plan Commission, as described in Section 10.1200, Conditional Use Permits.

Contiguous - means adjacent to or sharing a common boundary. A lot, parcel, or tract is contiguous with another lot, parcel, or tract if they have all, part, or any point of any boundary line in common. Lots, parcels, or tracts that are separated by a pipeline, private road, public road, railroad, right-of-way, river, section line, stream, transportation easement, transmission line, or transmission right-of-way are contiguous.

Deer/Game farm - An area of land devoted to the production of deer, game animals, game birds, and fur animals licensed by the Wisconsin Conservation Department under § 29.573 to § 29.578, Wis. Stats. in which the animals are housed and fed under artificial conditions.

District, zoning - divisions of the town, each area being accurately defined to boundaries and locations on the official zoning map and in the zoning ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

District, Overlay - provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

Dwelling – a building, or portion thereof, including a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels and motels.

Dwelling unit – one (1) or more rooms which are arranged, designed for use as living quarters.

Dwelling unit, single family – a building designed to be occupied exclusively by one (1) family.

Dwelling unit, two family – a building designed to be occupied exclusively by two (2) families.

Dwelling unit, multi-family – a building used and designed as a residence for three (3) or more families.

Essential services - electric, telephone, gas, or water service, including the overhead, surface, or underground distribution or transmission systems necessary to supply the service. It includes the conduits, pipes, poles, towers, wires, and similar devices necessary to supply these services, but does not include any buildings necessary to supply these services. It does not include wind energy systems, communications facilities, or any structure or use listed as a permitted, accessory, or conditional structure or use in any other district.

FAA - shall mean the Federal Aviation Administration.

Farm - means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

- A. A majority of the land area is in agricultural use
- B. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.

Farm Consolidation - Means the combination of two or more farms to create a smaller number of farms.

Farm operation - means an activity conducted primarily for the production of one or more agricultural products or commodities, for home use or for sale, in a quantity sufficient to contribute to the operator's support.

Farm residence – meaning any of the following structures that is located on a farm:

- A. A single family dwelling that is located on a farm and occupied by any of the following:
 1. An owner or operator of the farm.
 2. A parent or child of an owner or operator of the farm.
 3. An individual who earns more than 50 percent of his or her gross income from the farm.

Fish hatcheries – Establishments devoted to hatching, raising or rearing fish.

Forestation - Planting trees or shrubs on burned over land, cut over land or land that was never covered by forest, consisting of 5 (five) or more acres.

Garage, private – An accessory structure to the main building which provides for the storage.

Garage, Public and Storage - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

Gross farm revenue - means the gross receipts from all agricultural uses, less the cost or other basis of livestock and other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.

Group home - any facility operated by a person required to be licensed by the State of Wisconsin under § 48.625, Wis. Stats. for the care and maintenance of 5 to 8 residents under 18 years of age.

Guest house - an accessory building or portion of a main building used to house guests of the occupants of the main building. The square footage shall be no greater than one-half the square footage of the principal building. The guest house shall not be rented or offered for rent independent of the main building.

Home occupation – A gainful occupation conducted by members of the family within his or her place of residence, where the space used is incidental to residential use. A household occupation includes such things as babysitting, dressmaking, canning, laundering and crafts, offices for commercial loggers, offices for building tradesmen, accountants, home beauty shops, lawyers, real estate agents and insurance agents. Includes home based, off-site sales (e.g., candles, cosmetics, cookware, etc.)

Hotel – A building in which lodging, with or without a meal, is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

Hunting and fishing cabins - buildings used only during hunting and fishing seasons as a base for hunting, fishing and outdoor recreation and not permanently occupied for residential use.

Junk yard or Salvage yard – An area where junk, waste, or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A salvage dealer license is required under Wis. Stat. § 218.205.

Kennel - any lot or premises on which household animals are boarded, bred, groomed, sold, or trained on a regular basis for commercial purposes.

Land fill operation – A solid waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, per Wis. Stat. Ch. 289.

Limited forestation - Planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of 5 (five) or less acres.

Livestock - means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and farm-raised fish.

Livestock facility - a feedlot, dairy farm, or other operation where livestock are, or will be fed, confined, maintained or stabled. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. (Also refer to *Chapter 11: Livestock Facility Siting and Licensing* of the Town of Casco Code of Ordinances)

Lot – a parcel of land abutting on a public road or other officially approved means of access, having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory buildings together with the open spaces required by this ordinance.

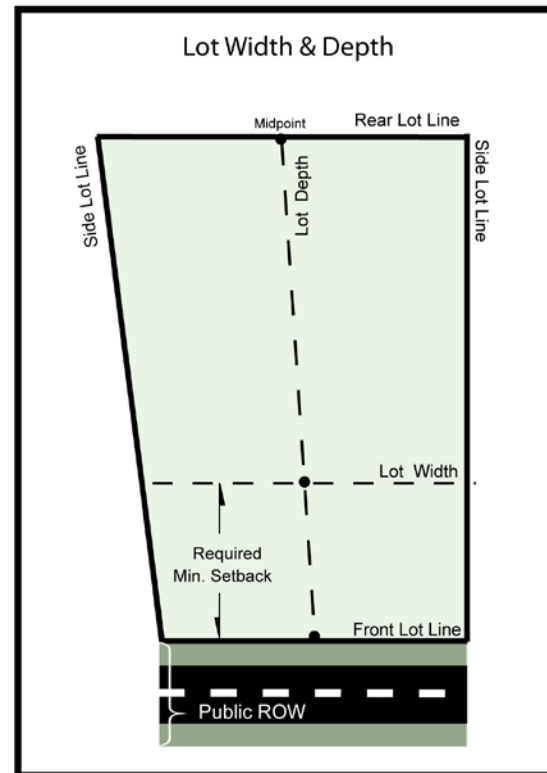
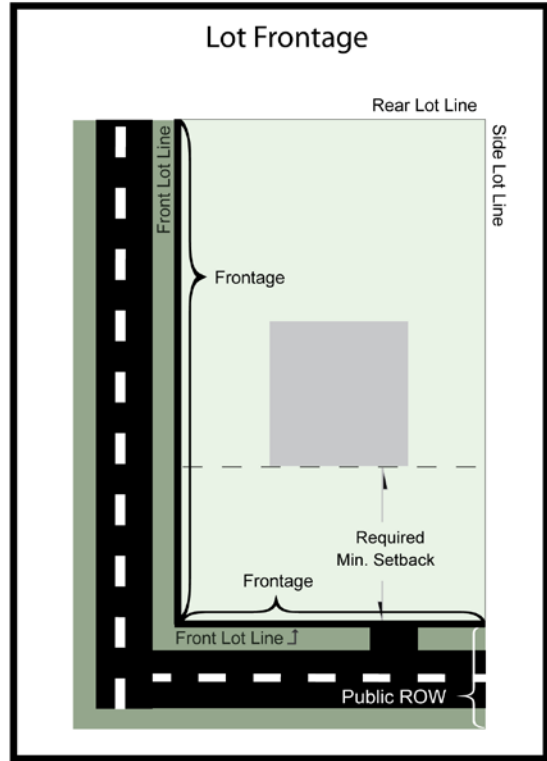
Lot, frontage – The side of a lot abutting on a road or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

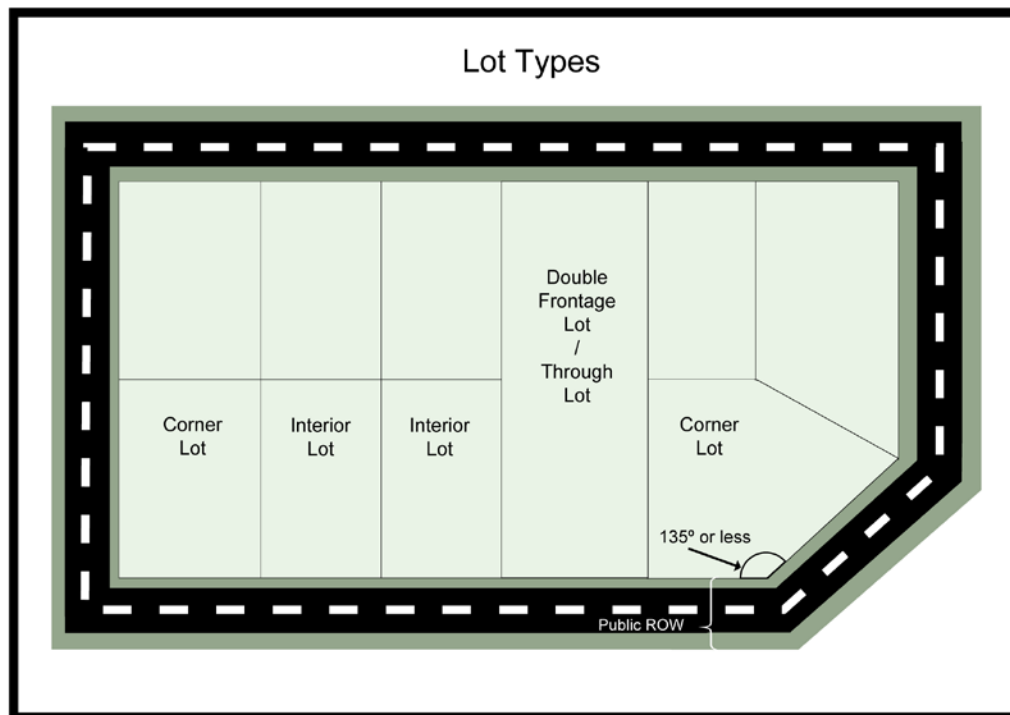
Lot, corner – A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

Lot, depth of – the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

Lot lines and area – the peripheral boundaries of a parcel of land including the road right-of-way lines and the total area lying within such boundaries.

Lot, width of – the horizontal distance between the side lot lines, measured at the rear line of the required front yard.





Lot of record – a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Kewaunee County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this Ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Kewaunee County.

Manmade pond - a pond created or constructed by human activity, such as excavating gravel, sand, stone, or topsoil from a property, but does not include a family swimming pool and manure storage pit.

Manufactured home - means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426.

Manufactured home park - means -any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Mobile Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

Mobile home – means a structure, transportable in one or more sections built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

Motel - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

Motor home – a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Nursing home – a place which provides 24-hour services including board and room to three (3) or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week, unless the facility has been designated as a community based residential facility. Nursing homes shall be licensed under Chapter 50 of the Wisconsin State Statutes.

Open space area or open space parcel - means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

Parking Space, Off-Street - For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Town.

Permitted use – means a use permitted by right, provided all requirements of this Ordinance are met.

Prime farmland - means all of the following:

1. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
2. Land, other than land described in sub 1, which is identified as prime farmland in the county's certified farmland preservation plan.

Principal building – the building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. On agricultural zoned property the principal building may include barns and structures essential to the operation of a farm.

Prior nonconforming use - means a land use that does not comply with this zoning ordinance, but which lawfully existed prior to the application of this ordinance.

Professional office – means the office of an architect, author, dentist, doctor, lawyer, minister, musician, professional engineer, or other recognized professional practitioner.

Protected farmland - means land that is any of the following:

1. Located in the A-1 zoning district certified under ch. 91, Wis. Stats.
2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
3. Covered by an agricultural conservation easement under Wis. Stat. § 93.73.
4. Otherwise legally protected from nonagricultural development.

Public hunting & fishing grounds - land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.

Reasonable accommodation - a deviation from the strict requirements of this ordinance which is necessary to provide equal housing opportunity for a disabled person or persons. An accommodation is reasonable if it does not cause an administrative burden, fiscal burden, or undue hardship on the town and does not undermine the basic purpose of this ordinance.

Recreation camps and resorts – means an area, premises, or parcel of land on which is provided facilities for overnight or short term camping in tents, bedrolls, travel trailers, pick up coaches, motor homes, or camping trailers, as defined in Chapter DHS 178 of the Wisconsin Administrative Code. Recreational camps include accessory buildings and service facilities required by the State Board of Health together with a residence or living quarters for the owner or caretaker on the premises. Recreational camps shall mean and be synonymous with camps and campgrounds for the purposes of this Ordinance.

Recreation vehicle - any unit other than a mobile or manufactured home, whether self-propelled, mounted on, or towed by another vehicle, that is used for recreational purposes. It includes, but is not limited to, an all-terrain vehicle, boat, camper, folding tent trailer, motor home, park trailer, snowmobile, travel trailer, or truck camper.

Rental cabins or cottages – buildings designed for seasonal uses and occupancy by persons other than the owner upon periodical payment.

Roadside stand – A structure not permanently fixed to the ground and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.

Salvage yard - see *Junkyard*

Seasonal Cottage – a dwelling occupied less than 181 days per year.

Setback – the distance from a lot line or other specified line to a structure or other specified point on a lot as measured perpendicularly to the lot line or other specified line.

Shooting preserve - Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.

Shoreland zoning - under an ordinance enacted by Kewaunee County under Wis. Stat. § 59.692, shoreland zoning limits or prohibits the construction or placement of buildings or structures.

Sign – any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, and model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

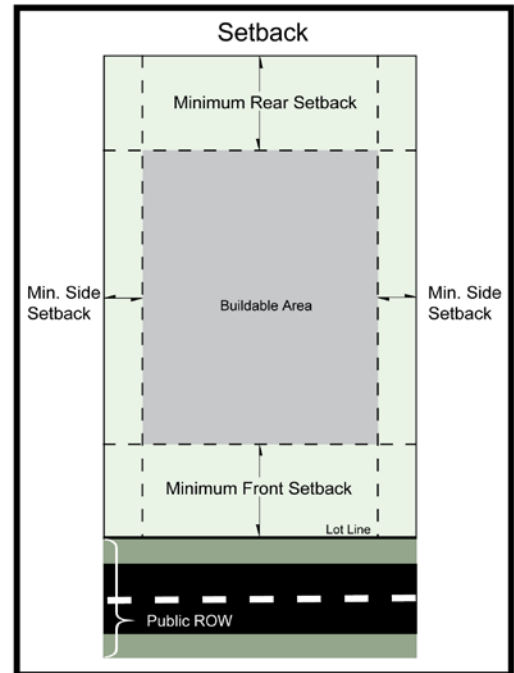
Sign, directional - means signs containing directional information about public places owned or operated by federal, state, or local governments, or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public.

Solar energy system - means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

Story – The portion of a building included between the surface of a floor and surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one half or more of its height above grade shall be deemed a story for purposes of height regulations.

Road - a right-of-way, that is dedicated to, intended to, subject to a public easement for, or that provides a roadway for general vehicular circulation and is the principal means of vehicular access to abutting properties, regardless of whether it has been developed. A road may include space for drainage, pedestrian walkways, sidewalks, and utilities.

Structural alteration - means any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.



Structure - means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

Sub-standard lot - means a lot which is recorded with the Register of Deeds prior to the adoption of this Ordinance, and is located in a zone requiring greater area, width, or other characteristics.

Surveys and plans - means surveys and plans as referred to in this ordinance and as relating to the construction of highways, shall be considered as accepted by the County or Town Board if County or Town funds have been used in the improvement carried out according to such plans.

Temporary Use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Traffic lane - means a strip of roadway intended to accommodate a single lane of moving vehicles.

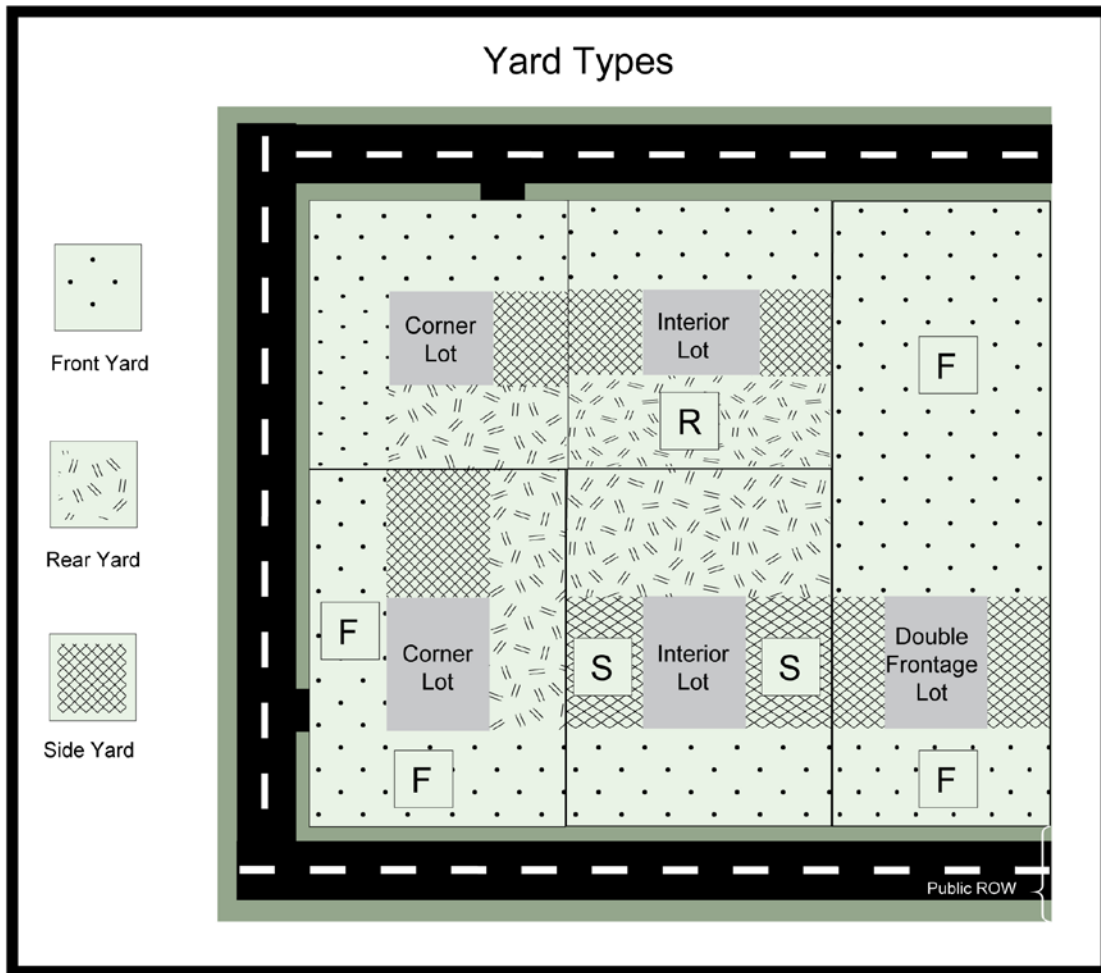
Variance – An authorization granted by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with or contrary to the dimensional standards (height, area, and size of structure; or size of yards and open spaces) contained in this Ordinance. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformity's in the district or uses in an adjoining district.

Vision Clearance - An unoccupied triangular space at the intersection of two or more streets or highways which is bounded by the street lines or highway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street or highway line.

Wind generating equipment - is the conversion of wind energy into a useful form of energy, such as using wind turbines to make electricity, windmills for mechanical power, windpumps for water pumping or drainage.

Yard-related definitions:

1. **Yard** - an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.
2. **Yard, front** - a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed road or highway right-of-way and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
3. **Yard, rear** - a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
4. **Yard, side** - a yard extending from the front yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.



10.0300 GENERAL PROVISIONS

10.0301 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Casco.

10.0302 COMPLIANCE

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located and without the issuance of a building permit as required in Section 10.1100.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height or bulk:
 - 2. To accommodate or house a greater number of families:
 - 3. To occupy a greater percentage of lot area:
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. Noting herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which any permit has been issued before the effective date of this Ordinance and the construction of which shall have been started within six months from the date of such permit.

10.0303 SITE RESTRICTIONS

- A. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he/she bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter the Town Plan Commission may affirm, modify, or withdraw the determination of unsuitability.
- B. All Lots shall abut upon a public street, and each lot shall **have a minimum frontage of 200 feet** at the road right of way.

- C. All Principal Structures in a single-family residential district (R-1) and a multi-family residential (R-2) district shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures. However, in the A-1 Prime Agricultural Lands District (i.e., farmland preservation zoning district), a farm residence, as well as one additional farm residence, must be a conditional use granted by the Town Board and must meet the restrictions of listed in 10.0405 A.(f) of this ordinance.
- D. Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. Holding tanks will be allowed in the Town of Casco only if no other means of proper sewage disposal is available at reasonable cost. An individual landowner will be required to follow all regulations established by the Casco Town Board pursuant to the provisions of the Ordinance.

10.0304 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- A. Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- B. Accessory Uses and structures are allowed in any district, however no accessory building or use shall be constructed or developed on a parcel prior to the time of construction of the principal structure to which it is accessory, except by conditional use permit. Agricultural accessory uses in the A-1 district lacking a principal structure on the parcel are exempt from the conditional use permit provided that they are an integral part of, or is incidental to, an agricultural use on a farm.

Unattached garages or storage structures without a principal structure on the same parcel require direct access to a road.

Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Ordinance. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

Items prohibited as accessory structures. Such items as but not limited to boats, manufactured homes, buses, railroad cars, shipping containers, and trailers shall not be used as accessory structures, except as a temporary use not to exceed 30 consecutive days in a calendar year.

Items allowed as accessory structures through a conditional use permit. Semi trailers and storage containers are allowed as conditional uses under A-1 and A-2.

- C. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board in accordance with Section 10.1200 of this Ordinance.
- D. In any district, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this Ordinance, October 10, 2012, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not continuous frontage with other lots in the same ownership. This provision shall apply even through such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Such lot must meet the minimum lot size required for lots without public sewer by the Wisconsin Administrative Code. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

10.0305 LOT REDUCTION OR JOINT USE

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

10.0306 HEIGHT REGULATIONS

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- B. Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- C. Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. Communication Structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- E. Agricultural Structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- F. Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, and governmental offices and stations, may be erected to a height of 60 feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

10.0307 COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

Modifications to requirements of this Ordinance may be granted by the Plan Commission for the purpose of complying with the requirements of Title II, "Public Services," and Title III, "Public Accommodations and Commercial Facilities," of the Americans with Disabilities Act. Such compliance may require waiving or modifications to yard/setback requirements, parking requirements, sign requirements and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.

10.0308 FRONT, SIDE, AND REAR YARD REGULATION

- A. No part of the required front yard shall be used for open storage of boats, vehicles or any other equipment except for vehicular parking on driveways. All open storage areas, shall be properly landscaped.

- B. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of the yard or any other open space required for another building.
- C. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:
 - 1. Uncovered Stairs, landings, and fire escapes may project into any yard but shall not exceed six (6) feet nor be closer than three (3) feet to any lot line.
 - 2. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.
 - 3. Accessory Uses, except those within the principal residence, and detached accessory structures are permitted in the rear yard only; they shall not be closer than 10 feet to the principal structure or other accessory structure, shall not exceed 18 feet in height, shall not occupy more than 20 percent of the rear yard area, or side yard and shall not be closer than three (3) feet to any lot line nor five (5) feet to an alley line. Farm accessory building shall not be closer than 20 feet to any lot line; however any farm accessory building used for the housing of animals must be 100 feet from the side lot lines and 100 feet from the rear lot line.
 - 4. Off-street Parking is permitted in all yards of the B-1 Business District.
 - 5. Essential Services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
 - 6. Landscaping and vegetation are exempt from the yard requirements of this Ordinance except as specifically regulated.
- D. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- E. The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.
- F. Corner lot structures shall provide a front yard setback as required by this Ordinance on the street that the structure faces. A second front yard setback shall be provided on the side of the structure abutting a public or private street.
- G. Kennels, every kennel shall be located at least 200 feet from the nearest dwelling and at least 100 from any lot line.

- H. Street Setbacks (See Section 10.0404)
 - 1. Setback from a state or federal highway shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.
 - 2. Setback from a county trunk shall be 75 feet from the centerline of such county trunk or 42 feet from the right-of-way line, whichever is greater.
 - 3. Setback from all other town or local road shall be 65 feet from the centerline of such road or 30 feet from the right-of-way line, whichever is greater.

10.0309 BUILDING AREA REGULATION

The total minimum living area of a dwelling shall be 840 square feet per dwelling unit.

10.0310 PHYSICAL REQUIREMENTS APPLYING TO SINGLE AND TWO FAMILY RESIDENTIAL DWELLINGS

- A. Minimum Size:
 - 1. The total minimum living area of a dwelling shall be 840 square feet per dwelling unit.
 - 2. The minimum exterior width shall be 22 feet at its narrowest point of its first story for a depth of 20 feet, exclusive of porches (enclosed or unenclosed), garages, decks, and other similar structural additions.
- B. Foundation:
 - 1. The dwelling is set on an enclosed foundation in accordance with Sec. 70.043(1), Wisconsin Stats., and subchapters III-Excavations, IV-Footings, and V-Foundations of Ch. SPS 321, Wis. Admin. Code. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
Dwellings shall have a properly engineered, permanently attached means of support that meets the manufacturer's installation requirements and all applicable building codes.
 - 2. In addition to the requirements of paragraph 1 above any manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2,800 lb. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than 4 tie-downs.

C. Applicability of Wisconsin Uniform Dwelling Code to-Site Built Additions to Manufactured Homes:

Site built additions to a manufactured home, such as a basement, crawl spaces or room additions must meet the requirements of the Wisconsin Uniform Dwelling Code.

D. Siding Material:

Dwellings shall have exterior siding material that is residential in appearance and consists of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

E. Roof

The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run, and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles, corrugated aluminum, corrugated fiberglass, or metal roof. The roof shall have a minimum 12-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.

F. Mobility

Once placed on site, no modular home or manufactured home shall contain any wheels, hitch, or any other device facilitating its mobility.

G. Any manufactured home not meeting the requirements of this section shall only be permitted as described in Section 10.0504 of this ordinance. (Note Section 10.0504 only permits manufactured homes as a conditional use in the A-1 District and as a permitted principal use in the A-2 district)

10.0311 KEWAUNEE COUNTY SHORELAND ZONING ORDINANCE

The Town recognizes that Kewaunee County has adopted a Shoreland Zoning Ordinance in compliance with Wisconsin Statutes. Accordingly, the Zoning Administrator for the Town shall refer to Kewaunee County all applicants seeking Building Permits for structures or uses which are proposed to be located or conducted within the shoreland area subject to county regulations. If the Zoning Administrator determines that any Town Building Permit is required for such project, a Permit will not be issued within Shoreland Zoning until approval from Kewaunee County has been granted.

10.0400 ESTABLISHMENT OF DISTRICTS

10.0401 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the Town of Casco, Kewaunee County, Wisconsin, is hereby divided into the following zoning districts:

- A-1 Prime Agricultural Land District
- A-2 Agriculture - Rural Residential District
- R-1 Single Family Residential District
- R-2 Multi-family Residential District
- B-1 Business District
- I-1 General Industrial District
- C-1 Conservancy Overlay District

10.0402 ZONING MAP

Boundaries of the aforementioned zoning districts are hereby established as shown on the official zoning map entitled "Farmland Preservation Zoning Map for Town of Casco, Kewaunee County, Wisconsin" which accompanies and is incorporated as a part of this ordinance. All legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the zoning map, are as much a part of this ordinance as though they were specifically described herein.

10.0403 INTERPRETATION OF DISTRICT BOUNDARIES

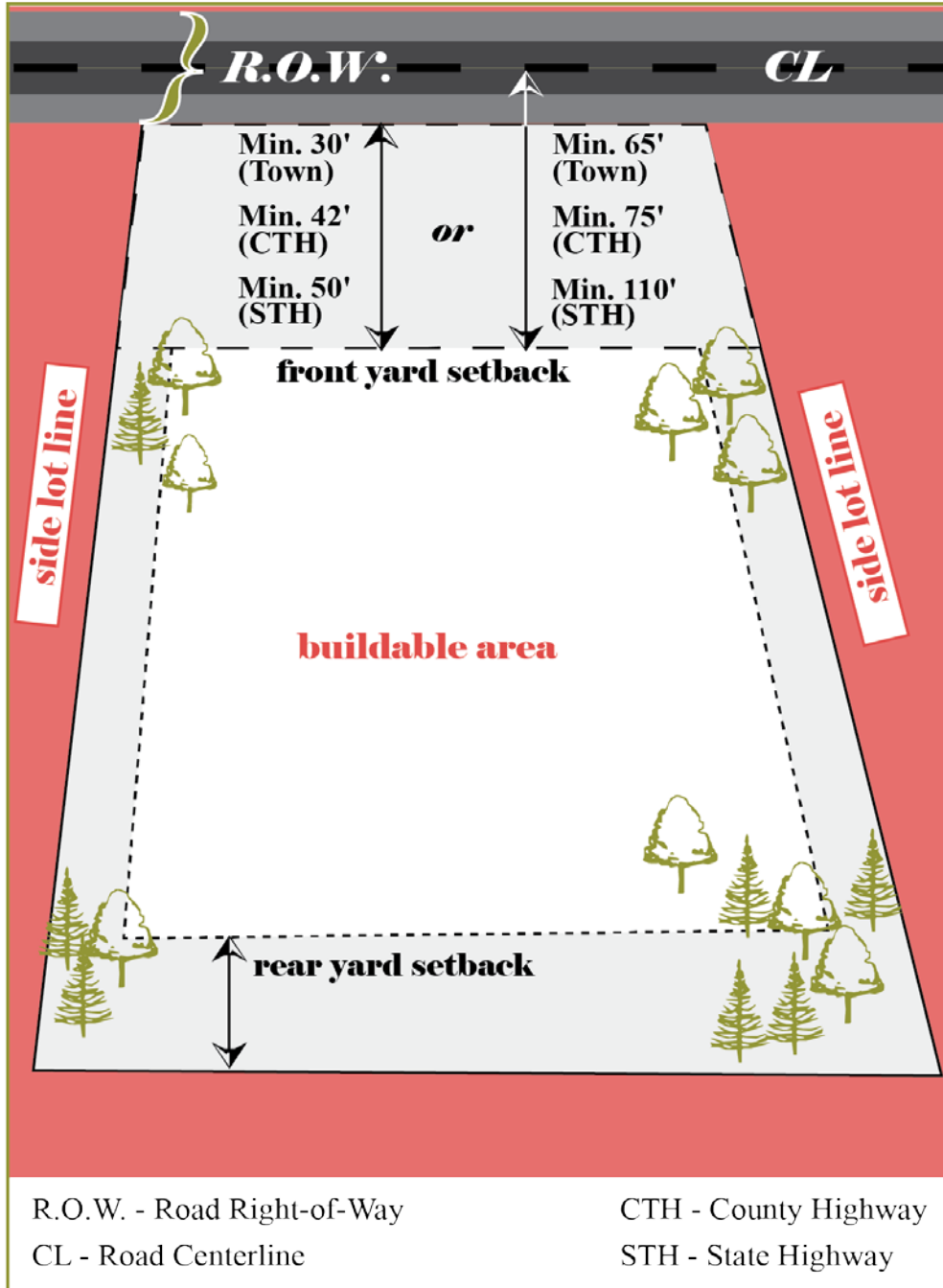
The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

- A. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right of way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of- way, unless otherwise indicated.
- C. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Town Board, after due hearing may extend the regulation for either portion of such lot.

10.0404 YARD SETBACKS FOR ALL DISTRICTS

Figure 10.1: Yard Requirements Applying to All Zoning Districts in the Town of Casco.

Front Yard setback requirements for all zoning districts.
Diagram is not to scale



10.0405 DISTRICT REGULATIONS

A. A-1 Prime Agricultural Land District

The A-1 district is intended to protect the agricultural industry from scattered nonagricultural development that may displace agricultural uses and is, therefore, not intended to accommodate future nonagricultural growth. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; or have been integral parts of such farm operations.

1. Permitted Uses. The following uses are allowed in the A-1 district.
 - (a) Agricultural uses (see Section 10.0202).
 - (b) Agricultural accessory uses (see Section 10.0202), except:
 - (1) Air facilities, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, require a conditional use permit under Section 10.0405A.2.(b).
 - (2) Livestock facilities with 500 or more animal units require a conditional use permit under Section 10.0405A.2.(c).
 - (3) Riding and Boarding Stables, consistent with Wis. Stat. § 91.01(1), require a conditional use permit under Section 10.0405A.2.(l).
 - (c) Livestock facility, less than 500 animal units.
 - (d) Essential services consistent with Wis. Stat. § 91.44.
 - (e) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - (f) Undeveloped natural resource and open space areas.
2. Conditional Uses. A conditional use in the A-1 district is to permit the following uses only after public meeting and approval of the Plan Commission. The town may require a site plan approved by the Plan Commission as requirement of the conditional use. One purpose of the site plan would be to minimize the amount of agricultural land taken out of production by the conditional use.
 - (a) Agriculture-related uses (see Section 10.0202). A conditional use permit may be issued for an Agriculture-related use if all of the following apply:

- (1) The use supports agricultural uses in the A-1 zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to the B-1 or I-1 zoning districts.
 - (2) The use and its location in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
 - (3) The use and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (4) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
 - (5) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - (6) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (b) Airfields, airports, and heliports, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, however are not open to the public.
 - (c) Livestock Facility, 500 or more animal units (See *Chapter 11: Livestock Facility Siting and Licensing* of the Town of Casco Code of Ordinances).
 - (d) Bed and breakfast, consistent with Section 10.0405 A.2(m).
 - (e) Compatible infrastructure consistent with Wis. Stat. § 91.46(4), to include transportation uses, including roads, rail facilities; communication uses, including transmission lines, cell towers, antennae, and broadcast towers (except commercial radio and commercial television towers); oil, gas, and other pipelines; electrical transmission lines; wind turbines (See *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances); solar energy facilities; and drainage facilities.
 - (f) Farm residence.
 - (g) Farm residence, one additional.
 - (h) Institutional, governmental uses, and religious uses consistent with Wis. Stat. § 91.46(5) such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, churches and other religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.
 - (i) Public and private utilities consistent with Wis. Stat. § 91.46(4).
 - (j) Signs.

- (k) Quarries, sand, and gravel pits and non-metallic mining consistent with Wis. Stat. § 91.46(6).
- (l) Riding and Boarding Stables, consistent with Wis. Stat. § 91.01(1).
- (m) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (1) It is conducted on a farm by an owner or operator of that farm.
 - (2) It requires no buildings, structures, or improvements other than those described under “agricultural accessory use” or “farm residence” in Section 10.0202.
 - (3) It employs no more than 4 full-time employees annually.
 - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

3. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the A-1 district.

Prime Agricultural Land (A-1)	
Lot Size:	
Minimum lot area	35 acres
Minimum lot width at road right of way	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0404</i>
Rear and Side Yard Minimum:	
Principal and Accessory	20 ft.
Livestock Structure	100 ft.
Height:	
Maximum Farm Residence and Residential Accessory:	35 ft.
Maximum Agricultural Structures:	130 feet, unless a different maximum height is permitted by sec. 10.0306

4. Rezoning Land Out of the A-1 Prime Agricultural Land District.

- (a) Town of Casco may not rezone land out of the A-1 zoning district unless the town does all of the following prior to the rezoning:
 - (1) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - The rezoned land is better suited for a use not

allowed in the A-1 zoning district.

- The rezoning is consistent with any comprehensive plan, adopted by the local community which is in effect at the time of the rezoning.
 - The rezoning is substantially consistent with the Kewaunee County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (b) By March 1 of each year, the Zoning Administrator shall provide a report to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) identifying the number of acres that the Town has rezoned out of the A-1 zoning district during the previous calendar year and a parcel map that clearly shows the location of those acres.
- (c) By March 1 of each year, the Zoning Administrator shall submit a copy of the information that it reports to DATCP under 10.0405 A.4(b) to Kewaunee County.

B. A-2 Agricultural - Rural Residential District

The purpose of the Agricultural-Rural Residential (A-2) is to provide for the continuation of small-scale, general agriculture and related uses in those areas generally suitable for farming, but that do not necessarily meet the standards and objectives of the A-1 zoning district. The intent is to conserve areas with soils, drainage and topography generally suitable for farming, and to regulate residential, commercial and industrial development in those areas.

1. Permitted Uses. The following uses are allowed in the A-2 district.
 - (a) Single family dwellings
 - (b) Agricultural operations, including but not limited to, animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, vegetable raising, plant nurseries, orchards and crop harvesting, truck farming, horticulture or viticulture, and accessory uses
 - (c) Livestock Facility under 500 animal units
 - (d) Bed and breakfast
 - (e) Forestation (tree or shrub planting)
 - (f) Essential Services
 - (g) Accessory buildings, including buildings clearly incidental to the residential use of the property provided that no accessory building may be used as a separate dwelling unit. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal structure to which it is accessory, except by conditional use permit.
 - (h) One roadside stand per farm.
2. Conditional Uses. The following uses may be allowed in the A-2 district.
 - (a) Home Business
 - (b) Hunting cabins
 - (c) Quarries, sand, and gravel pits incidental to farm operation and non-metallic mining subject to a reclamation plan approved under the Kewaunee County Non-Metallic Mining Ordinance.
 - (d) Signs
 - (e) Utilities, that do not require authorization under Wis. Stats. 196.491(3)
 - (f) Wind turbine (See *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances)

- (g) Wireless communication tower (including commercial radio and commercial television towers)
- (h) Livestock Facility, 500 or more animal units.
- (i) Riding and Boarding Stables

3. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the A-2 district.

Agricultural - Rural Residential (A-2)	
Lot Size:	
Lot area	1.5 acres
Minimum lot width at road right of way	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0404</i>
Rear Yard Minimum:	25 ft.
Side Yard Minimum:	25 ft.
Height:	
Maximum Height:	35 ft.

4. Miscellaneous Provisions

To encourage an agricultural environment that is compatible with the character of the Town, Conditional Use Permits for uses in the A-2 zone shall not be issued without review and approval of the Town of Casco Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, etc.

C. R-1 Single Family Residential District

The primary purpose of this district is to provide for a quiet, pleasant and relatively spacious living area for residential development protected from traffic hazards and the intrusion of noncompatible land uses. The intent is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, and in areas that do not infringe on agricultural uses.

1. Permitted Uses. The following uses are allowed in the R-1 district.
 - (a) Single-family dwellings.
 - (b) Bed and breakfast
 - (c) Community living arrangement with a capacity for 8 or fewer persons served by the program
2. Accessory Uses. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal structure to which it is accessory, except by conditional use permit.
 - (a) Private Carports
 - (b) Detached Private Garages
 - (c) Home Occupations
 - (d) Day Care Home, Family
3. Conditional Uses. The following uses may be allowed in the R-1 district.
 - (a) Two Family Dwellings
 - (b) Cemeteries
 - (c) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
 - (d) Utilities
 - (e) Community living arrangement with a capacity for 9 or more persons served by the program
 - (f) Day Care Center, Group
 - (g) Manufactured Homes that meet the requirements of Section 10.0504

4. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the R-1 district.

Single Family Residential (R-1)	
Lot Size:	
Lot area	1.5 acres
Minimum lot width at road right of way	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0404</i>
Rear Yard Minimum:	25 ft.
Side Yard Minimum:	25 ft.
Height:	
Maximum Height:	35 ft.

D. R-2 Multi-Family Residential District

The primary purpose of this district is to permit the utilization of small quantities of land in predominantly agricultural areas for higher density rural residential use. As a matter of policy it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels.

1. Permitted Uses. The following uses are allowed in the R-2 district.
 - (a) Multi-family dwellings
 - (b) Single Family dwellings
 - (c) Two Family dwellings
 - (d) Community living arrangements
 - (e) Day Care Center, Group
 - (f) Day Care Home, Family
2. Accessory Uses. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal structure to which it is accessory, except by conditional use permit.
 - (a) Private carports
 - (b) Private garages
 - (c) Home occupations
3. Conditional Uses. The following uses may be allowed in the R-2 district..
 - (a) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums.
 - (b) Signs
 - (c) School and churches
 - (d) Mobile home parks
 - (e) Manufactured Homes that meet the requirements of Section 10.0504

4. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the R-2 district.

Multi-Family Residential (R-2)	
Lot Size:	
Lot area	1.5 acres
Minimum lot width at road right of way	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0404</i>
Rear Yard Minimum:	25 ft.
Side Yard Minimum:	25 ft.
Height:	
Maximum Height:	35 ft.
Density:	
Units per Acre	6

E. **B-1 Business District**

The primary purpose of the Business District is to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 District:

1. Permitted Uses. The following uses are allowed in the B-1 district
 - (a) Antique shops.
 - (b) Barber shops.
 - (c) Beauty parlors.
 - (d) Bicycle sales, rental, and repair stores.
 - (e) Book and stationary stores.
 - (f) Business machine sales and service.
 - (g) Candy and ice cream stores.
 - (h) Catering establishments.
 - (i) Child day care centers.
 - (j) Computer and data processing services.
 - (k) Dry goods stores.
 - (l) Eating and drinking places, excluding drive-ins and establishments primarily engaged in carryout service.
 - (m) Electrical and household appliance stores, including radio and television sales.
 - (n) Electrical showrooms and shops.
 - (o) Employment agencies.
 - (p) Farm implement dealers.
 - (q) Florist shops.
 - (r) Food stores, grocery stores, meat markets, bakeries and delicatessens.
 - (s) Frozen food stores, including locker rental in conjunction therewith.
 - (t) Garden supply, tool, and seed stores.
 - (u) Gift shops.
 - (v) Hardware stores.
 - (w) Hobby shops, for retail of items to be assembled or used away from the premises.

- (x) Household appliances, office equipment and other small machine sales and service.
- (y) Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
- (z) Insurance agencies.
- (aa) Launderettes, automatic, self-service only, or hand laundries employing not more than two (2) persons in addition to one (1) owner or manager.
- (bb) Leather goods and luggage stores.
- (cc) Locksmith shops.
- (dd) Miscellaneous shopping goods stores.
- (ee) Musical instrument sales and repair.
- (ff) Newspaper distribution agencies for home delivery and retail trade.
- (gg) Nurseries, lawn and garden supply stores.
- (hh) Nursing and personal care facilities.
- (ii) Office machine sales and servicing.
- (jj) Offices, business, professional, and governmental.
- (kk) Office supply stores.
- (ll) Orthopedic and medical appliance stores.
- (mm) Paint and wallpaper stores.
- (nn) Phonograph record and sheet music stores.
- (oo) Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises.
- (pp) Picture framing, when conducted for retail trade on the premises only.
- (qq) Plumbing showrooms and shops.
- (rr) Publishing and printing.
- (ss) Radio and television sales, servicing and repair shops.
- (tt) Real estate offices.
- (uu) Schools - dance, music, and business.
- (vv) Security brokers.
- (ww) Sewing machine sales and service - household appliances only.

- (xx) Shoe, clothing, and hat repair stores.
 - (yy) Sporting goods stores.
 - (zz) Taxidermists.
 - (aaa) Toy shops.
 - (bbb) Undertaking establishments and funeral parlors.
 - (ccc) Used merchandise stores.
 - (ddd) Variety stores.
 - (eee) Wearing apparel and shoe shops and accessories.
 - (fff) Accessory uses, incidental to, and on the same zoning lot as the principal use.
2. Conditional Uses. The following uses may be allowed in the B-1 district.
- (a) Animal hospitals, veterinary services, and kennels.
 - (b) Auction rooms.
 - (c) Automobile Accessory Stores and repair shops.
 - (d) Automotive services.
 - (e) Building material products sales.
 - (f) Campgrounds.
 - (g) Child Day Care Centers.
 - (h) Clubs and Lodges, nonprofit and fraternal.
 - (i) Day Care Centers, Group and Family.
 - (j) Attached dwelling units for the owner or operator of the principal use.
 - (k) Eating and drinking establishments primarily engaged in drive-in and carryout service.
 - (l) Greenhouses, commercial.
 - (m) Liquor Stores, package goods.
 - (n) Mail order houses.
 - (o) Meeting Halls.
 - (p) Mini-warehouses.
 - (q) Motor vehicle sales, Automotive Parts and Supplies.
 - (r) Off-premise signs greater than 300 square feet in size and 500 square feet or less in size.
 - (s) Parking garages or structures, other than accessory, for the

storage of private passenger automobiles only.

- (t) Parking lots, open and other than accessory.
- (u) Radio and Television Stations and Studios.
- (v) Recreational and utility trailer dealers.
- (w) Residential Care Group Homes.
- (x) Restaurants-including the serving of Alcoholic Beverages.
- (y) Schools, commercial and trade.
- (z) Taverns.
- (aa) Wind turbine (See *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances).
- (bb) Wood cabinetmaking.
- (cc) Adult entertainment business (see Section 10.0805).

3. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the B-1 district.

Business (B-1)	
Lot Size:	
Lot area	40,000 sq. ft.
Minimum lot width at road right of way	100 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0404</i>
Rear Yard Minimum:	15 ft.
Side Yard Minimum:	10 ft.
Height:	
Maximum Height:	35 ft.

F. **I-1 General Industrial District**

The I-1 General Industrial District is designed to accommodate those industrial activities which, by their character, should be relatively remote from residential and business development and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat.

1. Permitted Uses. The following uses are allowed in the I-1 district
 - (a) Accessory uses, incidental to, and on the same lot as the principal use
 - (b) Bottling companies.
 - (c) Building materials sales and storage.
 - (d) Cartage facilities.
 - (e) Contractors, architects, and engineering offices, shops, and yards.
 - (f) Dairy products.
 - (g) Electronic and scientific precision instrument manufacturing.
 - (h) Electroplating.
 - (i) Feed mills.
 - (j) Feed and seed sales.
 - (k) Food manufacture, packaging, and processing.
 - (l) Freight terminals.
 - (m) Greenhouses, wholesale.
 - (n) Laboratories, research and testing.
 - (o) Laundries.
 - (p) Light machinery products - appliances, business machines, etc.
 - (q) Lodges and offices of labor organizations.
 - (r) Machine shop.
 - (s) Mail order house.
 - (t) Metal stamping.
 - (u) Parking lots, other than accessory, and subject to the provision of the Off-Street Parking Ordinance.
 - (v) Printing and publishing establishments.
 - (w) Public utility and service uses.
 - (x) Radio and television stations and towers.

- (y) Sign manufacture.
 - (z) Sporting goods manufacture.
 - (aa) Warehouses.
 - (bb) Welding shop.
 - (cc) Woodworking and wood products.
2. Conditional Uses. The following uses may be allowed in the I-1 district.
- (a) Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities.
 - (b) Auto wrecking yard, junk yards, salvage yards.
 - (c) Grain storage and processing.
 - (d) Heavy machinery production.
 - (e) Off-premise signs greater than 300 square feet in size and 500 square feet or less in size.
 - (f) Paint products manufacture.
 - (g) Petroleum products storage or processing.
 - (h) Plastics manufacture.
 - (i) Sand, gravel, and stone extraction, see Section 10.0803.
 - (j) Solar panels.
 - (k) Solid waste recycling facility, solid waste transfer facility, and solid waste storage facility.
 - (l) Steel manufacture.
 - (m) Wastewater treatment plants, municipal.
 - (n) Wind turbine (See *Chapter 9: Wind Energy Facilities and Windmills of the Town of Casco Code of Ordinances*).

3. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the I-1 district.

General Industrial (I-1)	
Lot Size:	
Lot area	40,000 sq. ft.
Minimum lot width at road right of way	100 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0404</i>
Rear Yard Minimum:	20 ft.
Side Yard Minimum:	10 ft.
Height:	
Maximum Height:	60 ft.

4. Other Requirements

No use shall be established, maintained, or conducted in any I-1 District that causes any of the following:

- (a) Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
- (b) Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
- (c) A harmful discharge of waste material.

G. **C-1 Conservancy Overlay District**

Provisions for this district shall be identical to those of the *Kewaunee County Shoreland Zoning Ordinance* adopted October 1, 2016, as amended from time to time by the Board of Supervisors of Kewaunee County.

10.0500 MANUFACTURED HOMES & MANUFACTURED HOMPE PARKS

10.0501 PURPOSE

The purpose of these regulations is to provide for the orderly and well planned development of manufactured home parks and to allow for the location of manufactured homes in certain districts.

10.0502 DEFINITIONS

Manufactured Home - Manufactured home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426.

Manufactured Home Park - Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

Mobile Home - Mobile home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

Occupied Area - That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.

Pad - A concrete slab or its equivalent, as determined by the Town Zoning Administrator, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.

Park Management - The person who owns or has charge, care or control of the manufactured home park.

Person - Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.

Space - A plot of ground in a manufactured home park designed for the location of only one (1) manufactured home.

Unit - One (1) manufactured home.

10.0503 GENERAL REQUIREMENTS

- A. It shall be unlawful, except as provided in this Ordinance for any person to park any manufactured home on any street, alley or highway or other public place of on any tract of land owned by any person, within the Town of Casco.
- B. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- C. No person shall park or occupy any manufactured home on any premises which is situated outside an approved manufactured home park, except as permitted under Section 10.0504. Parking of only one (1) unoccupied manufactured home, mobile home, or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:
 - 1. Within an accessory private garage building or in a rear yard during the entire year.
 - 2. Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so parked may have the drawbar protrude into the front yard setback area.
 - 3. Within the front yard setback area for a maximum period of two (2) weeks during the period indicated in (2) above to permit preparation and cleaning of the unit.
- D. Except as permitted under Section 10.0503(C), mobile homes are permitted only in manufactured home parks.
- E. Replacement of any legally existing manufactured home is allowed in each zoning district.
- F. All manufactured homes manufactured for or used for human habitation must meet the construction standards contained in Wisconsin Administration Code Chapter SPS 321.

10.0504 PERMIT REQUIRED FOR MANUFACTURED HOMES NOT LOCATED IN A MANUFACTURED HOME PARK

- A. Manufactured Homes are a conditional use in the R-1 Single Family Residential District and the R-2 Multi Family Residential District provided that the manufactured home meets the requirements of Section 10.0309 Physical Requirements Applying to Single and Two Family Residential Dwellings.

- B. A manufactured home, as a farm residence, may be permitted as a conditional use on individual lots in the A-1 Prime Agricultural Land District. Manufactured homes are permitted principal uses on individual lots in the A-2 Agricultural-Rural Residential District. Manufactured homes in the A-1 and A-2 districts must adhere to the following:
1. A proposed site plan shall be submitted with the building permit application to the Zoning Administration for review and approval by the Plan Commission and shall include the size of the manufactured home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.
 2. To help ensure that the manufactured home is compatible with site-built housing, the manufactured home shall comply with the following design standards:
 - (a) The manufactured home is set on an enclosed foundation in accordance with Sec. 70.043(1), Wisconsin Stats., and subchapters III-Excavations, IV-Footings, and V-Foundations of Ch. SPS 321, Wis. Admin. Code. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - (b) The manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2800 lb. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than 4 tie-downs.
 - (c) The manufactured home is installed in accordance with the manufacturer's instructions and is properly connected to utilities.
 - (d) The hitch and wheels must be removed.
 - (e) The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run, and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles, corrugated aluminum, corrugated fiberglass, or metal roof. The roof shall have a minimum 8-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.
 - (f) The dwelling shall have exterior siding material that is residential in appearance and consist of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles shakes, or similar material, smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used,

the siding material need not extend below the top of the foundation.

3. All other district regulations shall apply.
4. No manufactured home shall be located in the Town of Casco after six (6) months unless it meets the requirements of a permanent dwelling and is taxed accordingly, or located in a manufactured home park licensed and approved by the Town Board.

10.0505 LICENSE FOR MANUFACTURED HOME PARK: APPLICATION AND ISSUANCE

- A. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of Casco without first securing a license for each park from the Town Board, pursuant to this section. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this section for additional periods of one (1) year.
- B. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of One Hundred (\$100.00) Dollars and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of one thousand (\$1,000.00) dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
- C. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan at a minimum scale of 1" = 50 feet showing the following,

either existing or as proposed:

1. The extent and area for park purposes.
2. Roadway and driveways.
3. Location of manufactured home spaces.
4. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
5. Complete layout of storm, sanitary and water systems for service building and spaces.
6. Method and plan of garbage removal.
7. Plan for electrical or gas lighting of spaces.
8. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

10.0506 REVOCATION AND SUSPENSION

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058 (2) (d), Wisconsin Statutes.

10.0507 LOCATION OF MANUFACTURED HOME PARKS

Manufactured home parks as a conditional use are permitted in any A-2 Agricultural-Rural Residential District and any Multi-family district subject to the regulations of this ordinance.

10.0508 MANUFACTURED HOME PARK PLAN

The manufactured home park shall conform to the following requirements:

- A. Manufactured home spaces shall be clearly defined and shall consist of a minimum of 4,200 square feet and a width of not less than 40 feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of 40,000 square feet and a width of not less than 100 feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than 30 feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.

- B. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
- C. All manufactured homes within a manufactured home park shall be parked within the designated spaces.
- D. For the protection of abutting property owners as well as mobile homeowners, a 25 foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior 25 foot buffer strip.
- E. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
 - 1. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
 - 2. The hitch used for pulling the manufactured home may protrude into the front yard setback.
- F. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section 10.0508(E).
- G. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.
- H. A minimum of 200 square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in 10.0508(D) and 10.0508(E) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
- I. In no case shall a manufactured home and its accessory buildings occupy more than 36 percent of a space.
- J. All manufactured homes in manufactured home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- K. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected.

This subsection shall not apply to addition or awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback, side yard and rear yard requirements for manufactured home units.

- L. The manufactured home park shall comply with the Wisconsin Administration Code Chapter SPS 385, except when this Ordinance is more restrictive.

10.0509 SANITARIAN REGULATIONS

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Kewaunee County.

10.0510 OPERATION OF MANUFACTURED HOME PARKS: RESPONSIBILITY OF PARK MANAGEMENT

- A. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
- B. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
 - 1. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
 - (a) Names and addresses of all owners and occupants of each manufactured home.
 - (b) Number of children of school age.
 - (c) State of legal residence.
 - (d) Dates of entrance and departure of each manufactured home.
 - (e) Make, model, year, and serial number of license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.
 - (f) Place of employment of each occupant, if any.
 - 2. Notify park occupants of the provision of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
 - 3. Notify the health officer immediately of any suspected communicable or contagious disease within the park.

4. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tiedowns.
5. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

10.0511 VARIANCES

The requirements of Section 10.0508 (A), (D), (E), (F), (G), and (H) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance; however, they shall apply to new manufactured home parks and to additions to existing manufactured home parks.

10.0512 MONTHLY PARKING FEE

- A. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the town of Casco a monthly parking fee determined in accordance with Section 66.058 (3) of the Wisconsin State Statutes which is hereby adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each manufactured and mobile home owner. Said licensee shall be liable to the town for any default in payment of the monthly parking permit fee by the manufactured home or mobile home owner.
- B. Licensees of manufactured home parks and owners of land on which are parked any occupied, nonexempt mobile or manufactured homes shall furnish information to the Town Clerk on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.058 (3) (c) and (e) of the Wisconsin Statutes.

10.0600 REGULATIONS OF SIGNS

10.0601 PURPOSE OF SIGN REGULATIONS

The purpose of this Ordinance is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Casco.

10.0602 DEFINITIONS

Animated Signs - A sign with action or motion, flashing, color changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, revolving or changeable message signs.

Architectural Projection - Shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

Area of Copy - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, or decoration of a wall sign.

Area of Sign - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign-face surface.

Background Area of Sign - The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

Billboard - See "Off-Premise Signs"

Building Facade - That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building Facade Facing - A resurfacing of an existing facade with approved material illuminated or non-illuminated.

Business Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.

Canopy Sign - Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this Ordinance, canopy signs shall be controlled by the rules governing projecting signs.

Changeable Message Sign - A sign, such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

Directional Sign - On-premise incidental signs designed to guide or direct pedestrians or vehicular traffic.

Double Faced Sign - A sign with copy on two (2) parallel faces that are back to back, facing in opposite directions.

Free Standing Signs - A sign which is supported by one or more columns, uprights or braces, in or upon the ground.

Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

Ground Sign - A sign erected on one or more freestanding supports or uprights and not attached to any building.

Gross Area - The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area or Copy apply.

Height of Sign - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

Illuminated Signs - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

Legal Nonconforming Sign - A nonconforming sign that did meet code regulations when it was originally installed.

Marquee - Marquee is a permanent roofed structure attached to and supported by the building and projection over public property.

Marquee Sign - Any sign attached to or constructed in a marquee.

Multiple Copy Sign - A sign which advertises other than the name of the business and the principal product or service.

Nonconforming Sign - A sign that does not meet code regulations.

Off-Premise Sign - A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.

On-Premise Sign - Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.

Projecting Sign - A sign, normally double faced, which is attached to and projects from a structure or building facia.

Revolving Sign - A sign which revolves three hundred sixty (360) degrees but does not exceed eight (8) r.p.m.

Roof Sign - A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

Sign Structure - Any structure which supports or is capable of supporting any sign, as defined in this code. A sign structure may be a single pole or may or may not be an integral part of the building.

Temporary Sign - A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

Swinging Sign - A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Under Marquee Sign - A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of-way.

Wall Sign - A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and which does not exceed more than six (6) feet above the parapet, eaves, or building facade of the building on which it is located or a sign which is painted on any exterior wall.

Window Sign - A sign installed on a window for purposes of viewing from outside the premises.

Zoning of Land Use - Shall mean the land use district as established by the Town Board.

10.0603 GENERAL REQUIREMENTS

A. Scope

This ordinance pertains to and regulates all billboards and signs in the Town of Casco.

B. Animated Signs and Residential Requirements

No animated signs shall be erected or maintained in any residential district. No animated signs shall be erected or maintained closer than two hundred (200) feet from any residential dwelling.

C. Marquee Signs

Marquee signs may be placed on, attached to, or constructed in a marquee. Marquee signs shall be limited to the size of the marquee.

- D. **Building Facade Signs**
Copy area of a building facade facing shall not exceed forty (40) percent of the background facing to which it is applied.
- E. **Wall Sign**
Background area of wall signs shall not exceed thirty (30) percent of the building facade or four (4) square feet per lineal foot of the elevation upon which they are placed, whichever is greater.
- F. **Portable Signs**
Transportable signs of durable construction on wheels, skids, legs, stake(s) or framing, including trailers, used for advertising or promotional purposes are prohibited.
- G. **Multiple Copy Signs**
1. Copy area of multiple copy signs not to exceed thirty (30) percent of background to which applied.
 2. Principle identification sign is a sign which identifies only the name of the business and the principal product or service. These signs are not subject to any limitation of copy area to background.
- H. **Free Standing Sign**
Free standing signs shall be located within the property lines and shall have a minimum clearance of ten (10) feet.
- I. **Ground Signs or Billboards**
1. Such signs shall be located back of the street line a distance equal to, and not less than, the height of the sign.
 2. A ground sign, any part of which is located in the building setback of the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height. Only one (1) ground sign shall be allowed in the front building setback per zoning parcel.
 3. Any ground sign or projecting sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall be not more than three (3) feet in height.
- J. **Maximum Area of Signs**
The maximum area of signs shall be the accumulation of the area of all signs located on a parcel of record. The maximum area of signs may differ according to the zoning classification of a lot.

K. Roof Signs

Roof signs are only allowed in the Business and Industrial Districts and must meet the following requirements:

1. The highest point of the sign shall not exceed the highest point of the building on which the sign is situated.

L. Stability

Signs shall be constructed so that they will withstand a wind pressure of a least thirty (30) pounds per square foot surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported that they will not be a menace to persons or property. No sign shall be suspended by chains or other devices that will allow the sign to swing, due to wind action.

M. Illumination

All electrical signs shall conform to State electrical requirements. Illumination shall be directed entirely on the sign.

N. Maintenance of Signs

All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.

O. Removal of Obsolete, Non-maintained, or Abandoned Signs

All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed by the business or property owner within ninety (90) days after the receipt of removal notice, or, upon failure of such removal, the town shall remove such signs at the expense of the property owner.

P. Location

All free standing and ground signs shall be located within the property lines.

Q. No sign facing a Residential District shall be closer than twenty-five (25) feet to that district line.

R. Safety Standards

All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the Zoning Administrator, shall be relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.

- S. No sign built within one hundred (100) feet of an intersection shall have less than ten (10) feet of underclearance, unless erected on or against an existing building. Off-premise business signs shall not be located within the front yard setbacks, where such setbacks are established.

10.0604 PERMITS REQUIRED

- A. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Casco without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this ordinance. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
- B. Application for a Permit
Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator. The applicant shall provide all information required on the application for the permit.
- C. Permit Fees
Application for permit shall be filed with the Zoning Administrator, together with a permit fee for each sign as established by the Town Board.

10.0605 SIGNS NOT REQUIRING A PERMIT

- A. Construction Signs
Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
- B. Directional and Instructional Non-Electric Signs
Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking area, entrances and exits.
- C. Government Signs
Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- D. House Numbers and Name Plates
House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.

- E. Interior Signs
Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this ordinance.
- F. Memorial Signs and Plaques
Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
- G. No Trespassing or No Dumping Signs
No trespassing, no hunting and no dumping signs not to exceed one and one-half (1-1/2) square feet in area per sign.
- H. Public Notices
Official notices posted by public officers or employers in the performance of their duties.
- I. Public Signs
Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.
- J. Political and Campaign Signs
Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
1. Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 4 days following the election. Election campaign signs may not be placed within the public right-of-way.
 2. Each sign, except billboards, shall not exceed sixteen (16) square feet in non-residential zoning districts and eight (8) square feet in residential zoning districts.
 3. No sign shall be located with fifteen (15) feet of the public right-of-way at a street intersection, nor over the right-of-way.
 4. No political and campaign sign in a residential zoning district may not be illuminated
- K. Real Estate Signs
One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.

1. In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
2. In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.

L. Temporary Window Signs

In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed fifty (50) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.

M. On-Premise Symbols or Insignia

Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

N. On-Premise Temporary Signs

Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.

O. Seasonal Signs

Temporary signs not exceeding 16 square feet in area pertaining to the sale of seasonal products (e.g., campfire wood, Christmas trees), provided such signs are posted not more than 90 days.

P. Vehicular Signs

Truck, bus, trailer, or other vehicle, while operating in the normal course of business, which is not primarily the display of signs. Any sign mounted, attached, or painted on a truck, bus, trailer, or other vehicle when parked, stored, or displayed conspicuously are considered portable signs within the meaning of these regulations and are prohibited.

Q. Neighborhood Identification Signs

In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.

R. Awnings

Awnings with signs consisting of one (1) line of copy upon the border of the awnings.

S. Home Occupation Signs

A sign, not exceeding two (2) square feet in size, which is located on the property to which the sign pertains.

T. Agriculture Test Plot Signs

Agriculture test plot signs mark test plot areas on a farm and includes a sign identifying the manufacturer of the seed being tested. Signs shall be permitted only during the growing season and shall be removed within 7 days after harvest of the test plot crop is completed and in any event shall be removed prior to December 1st of each year.

10.0606 SPECIFIC ZONING DISTRICT REQUIREMENTS

A. All Residential Districts and Agriculture Districts

In the Residential Districts and Agriculture Districts, the following non-flashing, non-illuminated signs are allowed under the conditions specified.

1. Real Estate Signs. Real estate signs, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight (8) square feet in area. Corner lots shall be permitted two (2) such signs, one facing each street.
2. Nameplate Signs. Nameplate signs, not to exceed two (2) square feet, located on the premises. Corner lots shall be permitted two (2) such signs, one (1) facing each street.
3. Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty-two (32) square feet in area for one (1) farm. Height of this respective sign shall not exceed eight (8) feet.
4. Bulletin Boards. Bulletin boards or similar devices for churches and religious institutions shall not exceed thirty-two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet and may not be located within the building setback lines.
5. Memorial Signs. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.
6. Official Signs. Official signs, such as traffic control, parking restrictions, information and notices.
7. Home Occupation Signs. A home occupation sign shall not exceed two (2) square feet in size and shall be located on the property to which the sign pertains.

B. All Business District and Industrial Districts

1. Projection

In these Districts, where limitations are imposed by this ordinance on the projection of signs, from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a

marquee or canopy shall be affixed flat to the vertical face thereof.

2. Mounting

All signs shall be mounted in one of the following manners:

- (a) Flat against a building or wall.
- (b) Back to back in pairs, so that back of sign will be screened from public view.
- (c) In clusters in an arrangement which will screen the back of the signs from public view.
- (d) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment

C. B-1 District

In the B-1 District, business signs and advertising devices are permitted, subjected to the following conditions:

1. Area. The gross area in square feet of all signs on a zoning lot shall not exceed three hundred (300) square feet.
2. Height. No sign shall exceed a height of thirty (30) feet.
3. Number of Ground Signs. One (1) ground sign shall be allowed per zoning lot.
4. Setbacks. Signs shall meet all yard requirements of the zoning district, excepting those instances as set forth in Section 10.0603 (I) 1, 2, and 3 of this ordinance.

D. I-1 District

In the I-1 District business signs are permitted, subject to the following conditions:

1. Area
The gross area in square feet of all signs on a zoning lot shall not exceed four hundred (400) square feet.
2. Height
No sign shall exceed a height of thirty (30) feet.
3. Number of Ground Signs
One (1) ground sign shall be allowed per zoning parcel.
4. Setbacks
Signs shall meet all yard requirements of the zoning district, excepting those instances as set forth in Section 10.0603 (I) 1, 2, and 3 of this ordinance.

10.0607 OFF-PREMISE POSTER PANEL AND PAINTED ADVERTISING SIGNS

- A. All off-premise poster panel and painted bulletin signs are prohibited in the Town of Casco regardless of the nature, size and location, except as provided herein.
- B. Off-premise poster panel and painted bulletin signs shall not be erected in the Town of Casco in any location, unless a permit is first obtained therefor from the Town of Casco Zoning Administrator. Said permit shall not be issued unless a complete application, as requested by the Town of Casco Zoning Administrator, is filed at the time of the application for the permit.
- C. In issuing permits for off-premise poster panel and painted bulletin signs in the Town of Casco, the Town Zoning Administrator shall see that the following restrictions are complied with:
 - 1. All off-premise signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, or those of red, green, or amber color at intersections, are prohibited. Lights from any illumination shall be shaded, shielded, or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed, when facing a residential zone. There shall be no direct illumination upon a roadway, or no glare or source of light shall be visible.
 - 2. There shall be no off-premise signs of any nature in the town located within seventy-five (75) feet of a residential district.
 - 3. There shall be no off-premise signs in the town which are more than thirty (30) feet in height above the adjacent street level.
 - 4. On all off-premise signs in the town, there shall be a spacing of five hundred (500) feet between any signs three hundred (300) square feet or less, and least one thousand (1,000) feet between any signs of three hundred one (301) square feet or more.
 - 5. No off-premise signs shall be greater than three hundred (300) square feet in size and shall be permitted in industrial districts and business districts only. Off-premise signs greater than three hundred (300) feet, but less than five hundred one (501) square feet may be allowed as a Conditional Use in the Business and Industrial zones.
 - 6. No off-premise sign permitted by this ordinance, or any other ordinance of the town, shall in any manner project over the right-of-way of any highway or roadway in the town.
 - 7. No more than two off-premise signs per zoning lot, subject to spacing requirements, or one painted bulletin is permitted on the same zoning lot.

8. No off-premise business sign may be located within the front yard or corner side yard setback of any zoning district.
9. Any off-premise sign for advertising purposes in the town shall have at least ten (10) feet of underclearance, unless erected upon or against an existing building.
10. No off-premise advertising signs shall be allowed to be placed on the roof of an existing building.

10.0608 ALTERATION - RELOCATION

No sign or billboard in the Town of Casco shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this Ordinance. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith shall not be deemed to be alterations within the meaning of this ordinance.

10.0609 NOTIFICATION OF NON-CONFORMANCE

- A. After enactment of this Ordinance the Zoning Administrator shall survey the Town of Casco to inventory all signs. Upon determination that a sign is non-conforming, the Zoning Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 1. The sign's non-conformity.
 2. Whether the sign is eligible for characterization as a legal non-conforming or is unlawful.
- B. Signs Eligible for Characterization as Legal Non-Conforming
Any sign located within the Town of Casco on the date of adoption of this Ordinance, which does not conform with the provisions of this Ordinance is eligible for characterization as a legal non-conforming sign and is permitted, providing it also meets the following requirements:
 1. The sign was covered by a proper sign permit prior to the date of adoption of this Ordinance.
 2. If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this Ordinance.
- C. Loss of Legal Non-conforming Status
A sign loses its non-conforming status if one or more of the following occurs:
 1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Ordinance that it was before alteration.

2. The sign is relocated.
3. The sign fails to conform to the Ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.
4. On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Ordinance with a new permit secured, therefore, or shall be removed.

D. Legal Non-Conforming Sign Maintenance and Repair

Nothing in this Ordinance shall relieve the owner or user of a legal non-conforming sign or the owner of the property in which the sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs.

10.0610 REMOVAL AND DISPOSITION OF SIGNS

A. Maintenance and Repair

1. Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
2. The Zoning Administrator shall require compliance with all standards of this Ordinance. If the sign is not modified to comply with safety standards outlined in this Ordinance, the Zoning Administrator shall require its removal in accordance with this section.

B. Abandoned Signs

All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the Town of Casco may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

C. Deteriorated or Dilapidated Signs

The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of Wisconsin Statutes 66.05.

10.0611 PENALTY

The remedies in this section for violations, or for failure to comply with the provisions of this Ordinance, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

A. Remedies

Violation or failure to comply with the provisions of this section is unlawful.

1. Any sign erected without a permit shall be removed at the owner's expense, or brought into compliance within thirty (30) days of written notification of the Zoning Administrator. In the event that the owner does not remove, or bring into compliance, the Zoning Administrator may order removal or compliance within this section.
2. Any person who violates any provision of this section shall, upon conviction, forfeit not less than ten (10) dollars, nor more than two hundred (200) dollars, together with the costs of prosecution, including all attorney fees and any and all other charges associated with the proceedings. Each violation and each day a violation continues or occurs shall constitute a separate offense.
3. This section shall not preclude the town from maintaining any appropriate action to prevent or remove a violation of this section.

10.0700 PARKING, AND TRAFFIC VISIBILITY, ACCESS

10.0701 PARKING

- A. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
- B. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
- C. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- D. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
- E. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- F. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- G. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- H. None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. Required Number of Parking Stalls

Table 10.1: Land Use and Minimum Parking Stalls Required, Town of Casco.

Use	Minimum Parking Required
Single-family dwellings and manufactured homes	Two (2) spaces for each dwelling unit
Multiple-family dwellings	One and a half (1.5) spaces for each dwelling unit
Motels, hotels	One (1) space for each guest room plus one (1) space for each three (3) employees
Hospitals, clubs, lodges,	One (1) space for each two (2) beds plus dormitories, and lodging one (1) space for each three (3) and boarding houses employees
Sanitariums, institutions,	One (1) space for each five (5) beds rest and nursing homes plus one (1) space for each three (3) employees
Medical and dental clinics	Five (5) spaces for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	One (1) space for each five (5) seats
Colleges, secondary and elementary schools	One (1) space for each two (2) employees plus one (1) space for each 10 students of 16 years of age or more
Restaurants, bars, places of entertainment, repair shops, and retail and service stores	One (1) space for each 150 square feet of floor area and one (1) space for each two (2) employees
Manufacturing and processing plants, laboratories, and warehouses	One (1) space for each two (2) employees
Financial institutions, and government, and offices	One (1) space for each 300 square feet business, of floor area and one (1) space for each professional two (2) employees
Funeral Homes	One (1) space for each four (4) seats
Bowling alleys	Five (5) spaces for each alley
Lodges and clubs	One (1) space for each five (5) members
Automobile repair garages	One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area used for repair work
Gasoline filling stations	Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant

Uses Not Listed: In the case of structures or uses not mentioned in 10.0701(I), the provision for a use which is similar shall apply.

- J. Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways if needed as determined by the Zoning Administrator.

10.0702 TRAFFIC VISIBILITY

No obstructions such as structures, parking, or vegetation or farm crops shall be permitted in any district between the heights of two and one-half (2-1/2) feet and 10 feet above the plane through the mean centerline within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 100 feet from their intersection. In the Case of Arterial Streets intersection with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 125 feet.

10.0703 LOADING REQUIREMENTS

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

10.0704 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

- A. Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.
- B. Openings for vehicular ingress and egress shall not be less than 24 feet at the street line nor more than 35 feet.
- C. Vehicular entrances and exits to drive-in theaters; banks; and restaurants; motels, funeral homes; vehicular sales, service, washing, and repair stations; garages; or public parking lots and shall be not less than 200 feet from any pedestrian entrance or exit to a school college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

10.0800 SUPPLEMENTARY USE REGULATIONS

10.0801 FENCES AND HEDGES

A. Definition

For the purposes of this Ordinance a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement or other material. The term "fence" shall be construed to include planting, such as hedges.

B. Location

Fences may be located on lot lines if the adjoining property owner(s) approves in writing. Such written approval must be filed with the Zoning Administrator prior to construction erection, or planting of the fence. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life and limb, shall be erected along or within four (4) feet of any public streets, sidewalks, or alleys in the village.

C. Construction and Maintenance

Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Every fence shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the Town health or welfare, is a public nuisance, and the Town may commence property proceedings for the abatement thereof. Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted.

D. Residential Fences

No fence or hedges exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way, except in rear yard setback where there is no access to a street right-of-way, the maximum height may be six (6) feet. The maximum height of fences or any other boundary line shall not be more than six (6) feet in height, except the hedges may be permitted to grow to their natural height. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited. The most attractive side of a fence shall face adjoining property.

E. Commercial, Agricultural, Industrial Fences

Fences used for industrial, commercial, agricultural, purposes shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into

the lot proper.

F. Fences Required for Certain Swimming Pools

All permanent in-ground or above ground private swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have intermediate rails or an ornamental pattern such that an object larger than nine (9) inches in diameter cannot pass through.

10.0802 JUNK YARDS, SALVAGE YARDS, RECYCLING, STORAGE OR TRANSFER FACILITY

A. Conditional Use

Junk or salvage yard, recycling, storage or transfer facility, shall be a conditional use and shall only be permitted in A-2, and I-1 Districts. However, except for residential uses, the storage, transfer, or processing of garbage is prohibited in all districts.

B. Procedure

Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 10.1200 of this Ordinance.

C. Fees

Each application shall be accompanied by a fee as established by the Town Board, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Town.

D. Operational Plan

The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the town highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Plan Commission may require.

E. Restoration Plan

The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.

F. State Licenses

Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.

G. Bond

No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.

H. Term of Permit

The permit shall be in effect for one year, subject to termination by the Town

Board after notice and hearing for violations of the Plan of Operations or Restoration Plan, and may be renewed by the Town Board if the operations are in reasonable compliance with the terms of the existing permit.

I. Inspection

The Zoning Administrator shall inspect the operations at least semi-annually to insure compliance, and the reasonable fees of such inspection, as fixed by the Town board at the time of granting the permit, shall be paid by the applicant.

J. Fencing

1. Junk or salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.

2. Junk or salvage materials shall not be piled higher than the height of the fence.

3. For fire protection, an unobstructed fire break shall be maintained, one rod in width and completely surrounding the salvage or junk yard.

10.0803 QUARRIES AND MINES

A. Applicability

The following regulations shall apply to mining operations on activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending. Such quarries and mines may be permitted as a conditional use in the A-1 (per Wis. Stat. § 91.46(6)), A-2, and I-1 Zoning Districts.

B. Exempt Activities

These regulations do not apply to the following activities:

1. Excavations or grading by a person solely for domestic use at his or her residence.

2. Excavations or grading conducted for highway construction purposes within the highway right-of-way.

3. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.

4. Excavations for building construction purposes.

C. Permit

The application for a conditional use permit shall be submitted to the Town Zoning Administrator on forms provided by the Town of Casco. The application shall be signed and dated by the applicant and shall be accompanied by information which shall include but not be limited to the following:

1. General Information
The name and address of the operator.
2. Lease(s)
A signed copy of the lease(s) or a letter(s) signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Ordinance. The expiration date of the lease of agreement shall clearly be indicated thereon.
3. Legal Description
A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
4. General Map
Two copies of a general map which shall be drawn at a scale of no less than one inch equals 200 feet and shall include the following:
 - (a) Property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.
 - (b) Topography of affected lands at intervals no larger than ten feet.
 - (c) Location and names of all streams and roads, on or within 300 feet of the project site.
 - (d) Location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land is used.
 - (e) Boundaries of previous excavations on the site.
 - (f) Location and description of mining site boundary stakes and permanent reference point. Boundary stakes may not be required for projects which are to be completed in six months or less.
5. Operation Plan
All horizontal and vertical measurements shall be referenced to a permanent reference point. The operation plan shall include two copies of maps, information about the site, a description of the proposed mining operation, methods and procedures to be used in mining the site and a proposed timetable for completion of various stages of the operation as follows:
 - (a) Observed or estimated depth to groundwater.
 - (b) Type of mining and processing.

- (c) Estimated total volume of materials to be extracted.
- (d) A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
- (e) Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.
- (f) Plan view drawing and a description of the sequential stages of mining. The drawing shall show the location of the stage boundary stakes, the location and extent of the mining site to include but not be limited to mining refuse dumps, sediment and/or wash ponds, and sediment basins.
- (g) Two copies of a plan showing temporary erosion control measures to be used during excavation.
 - (1) Temporary stabilization measures shall describe how such things as haul roads and stockpiles will be dealt with to minimize erosion and contamination of surface and groundwater.
 - (2) Temporary stabilization measures may be ordered by field directive by the Zoning Administrator or his designee to correct situations which arise out of the operation of a project site.
 - (3) Temporary stabilization may include but need not be limited to the following: Silt fencing, bale check dams, sod strips, rock riprap, hard surfacing through the use of concrete or blacktop, slope or highwall reduction, temporary seeding, erosion mat placement, mulching and sediment basin construction.
- (h) Proposed truck and machinery access to the site.
- (i) Types and location of temporary or permanent buildings and structures to be erected on the site.
- (j) Approximate number of trucks and other types of machinery to be used at the site.
- (k) Proposed hours of operation

6. Reclamation Plan

All horizontal and vertical measurements shall be referenced to a permanent reference point. The reclamation plan including maps, information about the site, a description of the proposed reclamation including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the mining site shall be provided as follows:

- (a) Two copies of a plan and description of the proposed reclamation including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures.
- (b) Description of topsoil stripping, stabilization and conservation methods that will be used during replacement.
- (c) Two copies of a plan and description of anticipated final topography, water impoundments, artificial lakes, and anticipated future land use of the site.
- (d) Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining.
- (e) The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.
- (f) A seeding plan which shall include methods of seedbed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.
- (g) A timetable of the commencement, duration, and cessation of reclamation activities.

7. Other Information

The Plan Commission and the Town Board may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.

D. Conditions

These conditions shall apply to the Permit in addition to those established under Section 10.1200. (Note: conditions may include hours of operation see Section 10.1207)

- 1. No fixed machinery shall be erected or maintained within 200 feet of any property or street right-of-way.
- 2. No excavation shall take place within 100 feet of any property line or 100 feet of an existing or platted street right-of-way.

3. Screening, sitting, washing, crushing or other forms of processing shall be conducted upon the premises shall be at least 500 feet from any residential zone.
4. The following conditions shall apply to reclamation work:
 - (a) Slopes
No site shall exceed a three (3) feet horizontal to one foot vertical incline. This angle of repose shall extend vertically six (6) feet below the lowest seasonal groundwater level. This angle of repose may be modified to a flatter but not a steeper angle if it is shown that the material to be excavated or to be used in reclamation of the site will be unstable at three-to-one (3:1) ratio.
 - (b) Topsoil Storage and Reapplication
All topsoil on a mining site shall be saved for future application unless it can be proven that it is not all needed for reclamation. Topsoil shall be reapplied to the slopes as uniformly as possible. Sites which lack adequate topsoil shall have the topsoil applied preferentially to the sloped areas.
 - (c) Seeding/Revegetation/Stabilization
Seeding shall be done in accordance with a Soil Conservation Service Critical Area Plan or Wisconsin Department of Transportation, Road and Bridge Standards, 1981 Edition, Section 630, entitled, "Seeding", except that seeding rates listed in subsection 630.3.3.4.2 shall be doubled.
5. Standards Applied to all Permits:
 - (a) Right of Access
The filing of an application shall grant the Town the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Ordinance.
 - (b) Boundary Staking
All excavation and phase boundaries shall be staked or otherwise marked and other operator shall notify the department that the site is staked at least two work days prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the Town. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.
 - (c) Permit Period
Permits shall be granted for a specified period of time not to exceed two (2) years based on the nature of the operation.

(d) Limits of Operation

Projects shall be limited to approved dimensions and depths.

(e) Conflicts with other Regulations

It is the responsibility of the operator to obtain any local, state and federal permits or approvals.

(f) Compliance with Reclamation

The operator shall comply with progressive and final reclamation plans for the site.

(g) Notification of Commencement and Cessation

The operator shall notify the department, in writing, at least fifteen (15) work days prior to initial mining operations and at least thirty (30) work days prior to final completion of project reclamation. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Town for approval of the reclamation before entering the next stage.

(h) Other Standards

The Town may apply such other requirements as are necessary to ensure progressive and final reclamation in a manner consistent with this ordinance and to limit environmental pollution.

6. Renewal of Permit

(a) Requests for permit renewal must be submitted in writing to the Town Zoning Administrator prior to the 60 days expiration date of the existing permit.

(b) Permit renewals may be granted by the Town Board for not more than the duration of the original permit.

(c) No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.

(d) Permit renewals may be conditioned upon correction of any unanticipated environmental pollution occurring during the original permit.

7. Project Site Modification or Enlargement and Transfer of Permit

(a) Site Modification

An operator may apply, in writing, to the Town Zoning Administrator, for a modification or cancellation of a permit or for a change in the reclamation plan for a project site. This application shall identify the area to be removed as affected by a change on the operation and reclamation plans.

(b) Transfer of Permit

When one operator succeeds to the interest of another in an uncompleted site, the Town Board shall release the first operator of the responsibilities imposed by the permit only if:

- (1) Both operators are in compliance with the requirements and standards of this ordinance.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.

(c) Site Enlargement

Any proposed enlargement may be approved by the Town Board subject to the Town Board's evaluation of the revised reclamation plan.

8. Fees

- (a) The application for a permit shall be accompanied by a permit fee established by the Town Board.
- (b) The Applicant shall furnish the necessary sureties which will enable the town to perform the planned restoration of the site in event of default by the applicant. The form and type of such sureties shall be approved by the Town Attorney.

10.0804 MOBILE TOWER SITING REGULATIONS

A. Purpose.

The purpose of this ordinance is to regulate by conditional use permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. Authority.

The town board has the specific authority under s. 62.23(7) and 66.0404, Wis. Stats., to adopt and enforce this section.

C. Definitions.

All definitions contained in s. 66.0404(1), Wis. Stats., are hereby incorporated by reference.

D. Siting and Construction of Any New Mobile Service Support Structure and Facilities.

1. Application Process

- (a) A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.
- (b) A conditional use application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

- (c) A conditional use application will be provided by the Zoning Administrator upon request to any applicant.
- (d) If an applicant submits to the town an application for a conditional use permit, per Section 10.1203, to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (e) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.
 - (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of its final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0804(D)(1)(b)(6).
- (g) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning regulation does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

E. Class 1 Collocation

1. Application Process

- (a) A conditional use permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable

with this permit.

- (b) A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) A permit application will be provided by the Zoning Administrator upon request to any applicant.
- (d) If an applicant submits to the town an application for a conditional use permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (e) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.
 - (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of its final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0804(E)(1)(b)(6).
- (g) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- (h) The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

F. Class 2 Collocation.

1. Application Process

- (a) A conditional use permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the conditional use permit.
- (b) A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.

- (c) A permit application will be provided by the Zoning Administrator upon request to any applicant.
- (d) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject (see Section 10.0804).
- (e) If an applicant submits to the town an application for a permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (f) Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
 - (1) Make a final decision whether to approve or disapprove the application.
 - (2) Notify the applicant, in writing, of its final decision.
 - (3) If the application is approved, issue the applicant the relevant permit.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - (5) The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

G. Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$3,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

10.0805 ADULT ENTERTAINMENT BUSINESS

Adult entertainment businesses that are sexually orientated businesses are permitted only as conditional use in the B-1 Business District and are subject to the following.

- A. It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and to impose restriction upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town’s interest in the present and future character of its community development.
- B. The following uses shall only be permitted as herein provided:
 - 1. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
 - 2. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.
- C. Definitions
 - 1. As used herein, “nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.
 - 2. As used herein, “sexual conduct” means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.
- D. The above conditional uses shall be subject to the following provisions:
 - 1. No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, museum, or playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.
 - 2. No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential in the same or a contiguous town or municipality.

3. The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under subparagraph (B)(1) or (B)(2) of this subsection, the applicant shall furnish representative samples of the materials to be dealt in.
4. The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within 500 feet of the proposed establishment.
5. Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semipublic areas.
6. All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semipublic area.
7. In case of a protest signed by 20 percent or more of the persons of the area within 500 feet of the proposed establishment, the grant of such permit shall require a two-thirds vote of the Town Board.
8. The Town Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use permits, consider the protection of property values in the affected area; the preservation of neighborhoods, the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; and any other factor created by the type of use being considered, along with the health, safety and general welfare of the community.

10.0806 SITE PLAN REVIEW AND APPROVAL AND ARCHITECTURAL CONTROL

A. Purpose and Intent

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit in the B-1 and I-1 Districts for new construction or additions without first obtaining the approval of the Plan Commission of a site plan in as set forth in this section.

The Town Plan Commission shall insure that such construction is in accord

with the official map, subdivision ordinance and comprehensive plan of the town of Casco and other applicable codes and ordinances of the town of Casco.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

B. Exceptions

Residential development having four or fewer dwelling units on a lot of record are exempt from the site plan review.

C. Fee

All site plans submitted to the Town of Casco for review and approval shall be accompanied by a review fee as established from time to time by the Town Board.

D. Principles

To implement and define criteria for the purposes set forth in Section 10.0806 (A), the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

1. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
3. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
4. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
5. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.

6. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

E. Site Plan Materials

Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following. The Zoning Administrator may waive certain plan data if it is unreasonable given the scale of development:

1. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
2. Name of project noted.
3. Owner's and/or developer's name and address noted.
4. Architect and/or engineer's name and address noted.
5. Date of plan submittal.
6. Scale of drawing noted on plan.
7. North arrow shown.
8. Existing and proposed topography shown at a contour interval not less than two (2) feet.
9. The characteristics of soils related to contemplated specific uses.
10. Total number of parking spaces noted including location and dimension.
11. Dimensions of lot.
12. The type, size, and location of all structures with all building dimensions shown including setbacks.
13. Indicate height of building(s).
14. Existing and proposed street names indicated.
15. Indicate existing and proposed rights-of-way and widths.
16. Locate existing and general location of proposed sanitary disposal systems.
17. Locate any proposed storm water management facilities, including detention/retention areas.
18. Locate existing trees and wetlands.
19. Note location, extent, and type of proposed plantings.
20. Note location of pedestrian sidewalks and walkways.

21. A graphic outline of any development staging which is planned is required to be shown on the site plan.
22. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
23. A certified survey may be required by the Plan Commission.

F. Review and Findings

The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

G. Sureties

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to Section 10.1000 of this ordinance.

10.0807 WIND ENERGY FACILITIES AND WINDMILLS

For regulations on wind energy systems in the Town of Casco, refer to *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances.

10.0900 NONCONFORMING USES AND STRUCTURES

10.0901 PURPOSE AND INTENT

The purpose and intent of this section is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue. Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this Ordinance is subject to the regulation which follows.

10.0902 BUILDINGS UNDER CONSTRUCTION

Buildings or structures on which construction was started or for which a construction contract was entered into before the effective date of this Ordinance, October 10, 2012, may be constructed notwithstanding this Ordinance, provided that the construction was legal and had received any necessary permits under the ordinances in effect on the date the construction project commenced.

10.0903 EXISTING STRUCTURES: DIMENSIONAL NONCONFORMANCE

Buildings which were constructed prior to the effective date of this Ordinance, which are conforming to the Ordinance as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the following requirements:

- A. Repairs and improvements of a maintenance nature are allowed.
- B. Alterations, additions and expansions which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Ordinance are allowed.
- C. Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this Ordinance, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that they do not exceed 50 percent of current full market value of the structure or building.
- D. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
- E. No building or structure shall be moved in whole or in part to any other location on the same lot, or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.

10.0904 EXISTING USES AND STRUCTURES: USE NONCONFORMANCE

Land uses or uses of structures which were established prior to the effective date of this Ordinance, October 10,2012, which are nonconforming as to use may be continued provided that:

- A. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that use or structure shall conform to this Ordinance.
- B. A nonconforming use may be changed to another nonconforming use only as a conditional use provided no structural alterations are to be made. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.
- C. A nonconforming use that expands or enlarges shall lose its status and rights as a nonconforming use.

10.0905 EXISTING STRUCTURES AND USES: OTHER STANDARDS AND REQUIREMENTS

In accordance with Section 60.61 (5m) of the Wisconsin State Statutes, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored to the size*, location, and use that it had immediately before the damage or destruction occurred, or it must comply with the requirements of this Ordinance.

*The size of such nonconforming structure may be enlarged if such enlargement is made necessary for the structure to comply with applicable state and federal requirements.

10.0906 SUBSTANDARD LOTS

In any residential or agricultural district except for the A-1 District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date October 10, 2012 or amendments of this Ordinance provided that:

- A. All the district requirements shall be complied with insofar as practical but shall not be less than the following:

<u>Lot</u>	
Width	Minimum: 65 ft.
Area	Minimum: 10,000 sq. ft.
- B. Compliance with the standards of the Kewaunee County Sanitary Code shall be a condition for the granting of a building permit.
- C. Substandard lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is issued by the Board of Appeals.

10.1000 ADMINISTRATION AND ENFORCEMENT

10.1001 PURPOSE

This section of the Ordinance shall set forth the requirements to adequately provide for the proper administration and enforcement of this Ordinance.

10.1002 ADMINISTRATIVE STRUCTURE

This Ordinance hereby establishes a Town Building/Zoning Administrator, and Town Plan Commission.

10.1003 BUILDING/ZONING ADMINISTRATOR

- A. The Town Board of Casco shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce the provisions of this Ordinance. The Town of Casco Zoning Administrator shall have the following responsibilities and duties:
1. Issue all land use and building permits and make and maintain records thereof.
 2. Issue all rezoning certificates and make and maintain records thereof.
 3. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.
 4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
 5. Forward to the Town of Casco Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Zoning Administrator.
 6. Forward to the Board of Appeals applications of appeals, variances, or other matters on which the Board of Appeals is required to pass under this Ordinance.
 7. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
 8. Initiate, direct and review from time to time, a study of the provisions of this Ordinance and to make reports of its recommendations to the Town Plan Commission.
 9. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing, the person responsible for such violation and ordering the action necessary to correct it.

10.1004 TOWN PLAN COMMISSION

- A. The Town Plan Commission shall perform the duties of the Town Plan Commission as set forth in Wis. Stats. 62.23. (Also see Section 2.1200 in *Chapter 2: Town Administration and Personnel* of the Town of Casco Code of Ordinances).

10.1100 BUILDING PERMITS/CERTIFICATE OF COMPLIANCE

10.1101 BUILDING PERMIT REQUIRED

No structure (including decks) shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Zoning Administrator, unless otherwise exempted pursuant to Section 10.1102 of this Ordinance. Applications for building permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

- A. Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- B. Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of Survey prepared by a registered land surveyor at a minimum scale of 1 inch to 100 feet showing the location, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed front, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
- D. Proposed Sewage Disposal if municipal sewerage service is not available. This plan shall include a copy of the permit issued by Kewaunee County for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- E. Proposed Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 112 of the Wisconsin Administrative Code.
- F. Additional Information as may be required by the Town Plan Commission, and Zoning Administration.

- G. A Building Permit shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

10.1102 USES NOT REQUIRING A BUILDING PERMIT

No building permit shall be required for any of the following uses.

- A. For building an accessory building less than 100 square feet in area.
- B. For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use or extend a nonconformity.
- C. For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

10.1103 OCCUPANCY PERMIT REQUIRED

- A. No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no non-conforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Zoning Administrator. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such permit shall be applied for at the time of occupancy of any land and/or building.
- B. No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Zoning Administrator. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for an occupancy permit shall be made in the same manner as for a building permit pursuant to Section 10.1101 of this Ordinance.

10.1104 PERMIT FEE REQUIRED

Applications for building permits and occupancy permits shall be accompanied by a fee as established by the Town Board.

10.1105 PERMITS THAT AUTHORIZE "REASONABLE ACCOMMODATIONS": FOR A DISABLED PERSON(S).

- A. The Zoning Administrator will use a Building Permit that waives specified Zoning Ordinance requirements, if the Zoning Administrator determines that both of the following conditions have been met.
 - 1. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation is:

- (a) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
 - (b) The minimum accommodations that will give the handicapped or disabled persons adequate relief.
 - 2. The accommodation will not unreasonably undermine the basic purposes the Zoning Ordinance seeks to achieve.
- B. If the Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a Building Permit waiving compliance with specified zoning requirements, the Building Permit must:
 - 1. State that issuance of the Building Permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and
 - 2. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the Building Permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the Town Zoning Administrator specifies in writing, reason for not including the condition. If the Building Permit includes this condition, the property owner must notify the Zoning Administrator not more than 30 days after the handicapped or disabled person vacates the property.
- C. In cases where the Zoning Administrator issues a handicapped or disabled person a Building Permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the Building Permit will not become effective until the property owner:
 - 1. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the Building Permit is authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and
 - 2. Records the affidavit with the Town Clerk.

10.1200 CONDITIONAL USE PERMITS

10.1201 PURPOSE

The purpose of conditional uses is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

10.1202 INITIATION

Any person having a freehold interest in land, or a possessory interest entitles to exclusive possession or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

10.1203 APPLICATION

The application for a conditional use shall be filed with the Town of Casco Plan Commission on a form so prescribed by the Town of Casco. The application shall be accompanied by such plans and/or data prescribed by the Town Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board. In order to secure evidence upon which to base its recommendation, the Plan Commission may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Ordinance.

10.1204 HEARING ON APPLICATION

Upon receipt in proper form of the written recommendation referred to in Subsection 10.1203, the Town Plan Commission shall hold at least one (1) public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before the Commission shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as owners of property within 200 feet of the proposed conditional use.

10.1205 AUTHORIZATION

For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

10.1206 STANDARDS APPLICABLE TO ALL CONDITIONAL USES

In passing upon a Conditional Use Permit application, the Plan Commission and Town Board shall consider the following factors:

- A. The location, nature, and size of the proposed use.
- B. The size of the site in relation to it.
- C. The location of the site with respect to existing or future roads giving access to it.
- D. Its compatibility with existing uses on land adjacent thereto.
- E. Its harmony with the future development of the district.
- F. Existing topography, drainage, soil types, and vegetative cover.
- G. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

10.1207 CONDITIONS ATTACHED TO CONDITIONAL USE PERMIT

- A. Upon consideration of the factors listed above, and upon recommendation of the Plan Commission, the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
- B. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

10.1208 PERMIT FEE

Applications shall be accompanied by a fee as established by the Town Board.

10.1300 ZONING BOARD OF APPEALS

10.1301 ESTABLISHMENT

There is hereby established a Board of Appeals for the Town for the purpose of hearing appeals and applications, and granting variances to the provisions of this Zoning Ordinance.

10.1302 MEMBERSHIP

- F. The board of appeals shall consist of 5 members appointed by the Town Chairperson subject to confirmation of the Town Board.
 - 1. Members of the Board of Appeals shall be appointed for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years.
 - 2. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Chairperson for cause upon written charges and after public hearing.
- G. The members serve at the pleasure of the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.
- H. The Chairperson shall designate one of the members as chairperson. A Secretary shall be elected by the Zoning Board of Appeals.
- I. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- J. The Chairperson shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for.
 - 1. Annually, the Chairperson shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent.
 - 2. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- K. The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
- L. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.

10.1303 ORGANIZATION

- A. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- B. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record. Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.

10.1304 POWERS

The Board of Appeals shall have the following powers:

- A. Errors
To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Plan Commission or Zoning Administrator in the enforcement of codes, regulations or ordinances under their jurisdiction.
- B. Variances
To hear and grant appeals for variances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances and self-imposed hardships variances shall not be granted.
- C. Permits
The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issuance of a permit.
- D. Assistance
The Board may request assistance from other town and county officials, departments, commissions and boards.
- E. Oaths
The Chairman shall administer oaths and may compel the attendance of witnesses.

10.1305 APPEALS AND APPLICATIONS

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, committee, board or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within two hundred (200) feet.
- B. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 10.1100 for a Building Permit.
- C. Additional Information required by the Town Plan Commission, Board of Appeals or Zoning Administrator.
- D. Fee Receipt from the Town Clerk in the amount established by the Town Board.

10.1306 HEARINGS

The Board of Appeals shall hold a public hearing within 30 days of receiving written application for the hearing; give public notice of the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes; and shall give due notice to the parties of interest, the Zoning Administrator and the Town Plan Commission, as well as owners of property located within 100 feet of the property in appeal. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

10.1307 FINDINGS

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings:

- A. **Preservation of Intent**
No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- B. **Exceptional Circumstances**
There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance
No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of Property Rights
The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of Detriment
No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

10.1308 DECISION

- A. The Board of appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building/ Zoning Administrator and Town Plan Commission.
 - 1. Conditions may be placed upon any Building Permit ordered or authorized by the Board.
 - 2. Variances granted or building permits directed by the board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- B. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.
- C. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Ordinance.

10.1309 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

10.1400 AMENDMENTS

10.1401 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board of Casco may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto.

10.1402 INITIATION

A change or amendment may be initiated by the Town Board, Town Plan Commission or by a petition of one or more of the owners or lessees or property within the area affected by the change.

10.1403 PETITION

Petition for any change to the district boundaries or amendments to the regulation shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- A. Petitioners name, address, phone number, and interest in property (owner, broker, etc.).
- B. Existing and proposed zoning district.
- C. Proposed use (a statement of the type, extent, area, etc., of any development project).
- D. Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- E. Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
- F. Legal description of property to be rezoned.
- G. Plot plan or survey plat drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimension, the location and classification of adjacent zoning districts, and the location and existing uses and buildings of all properties within 200 feet of the area proposed to be rezoned.
- H. Additional information as may be requested by the Casco Plan Commission.
- I. Fee receipt in the amount established by the Town Board.

10.1404 RECOMMENDATION

The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend to the Town Board in writing that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- A. Existing uses or property within the general area of the property in question.
- B. Zoning classification of property within the general area of the property in question.
- C. Suitability of the property in question to the uses permitted under the existing zoning classification.
- D. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- E. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
- F. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
- G. That the proposed date of the requested zoning map amendment is reasonable given the timing of the proposed use.
- H. In addition to the above in the case of map amendment request for rezoning of lands in the A-1 Prime Agricultural Land District, the Plan Commission and Town Board shall follow the provisions of Section 10.0405A.(5) Rezoning of Prime Agricultural Lands District of this ordinance.

10.1405 HEARINGS

The Town Board shall, after publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each proposed amendment. The notice shall list the time, place, and the changes or amendments proposed. The Town Clerk shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and to all property owners within one hundred (100) feet of the areas of land included within the proposed amendment.

10.1406 TOWN BOARD ACTION

Following such hearing and after careful consideration of the Town Plan Commission's written report and recommendations, the Town Board shall vote on the passage of the proposed changes or amendments. The Town Plan Commission's recommendations may be only overruled by a unanimous vote of the full Town Board membership.

10.1407 PROTEST

In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

10.1408 EFFECTIVE DATE

The amending ordinance shall become effective immediately after adoption by the Town Board, and publication or posting as provided by law.

10.1500 VIOLATIONS, PENALTIES, AND PERMIT FEES

10.1501 VIOLATION

It shall be unlawful to construct, erect, reconstruct, alter, convert, or maintain any building or structure, or to develop or use, any land, water or air in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Administrator, the Town Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

10.1502 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

10.1503 PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Town of Casco. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10 and not more than \$500 or in lieu of payment thereof be imprisoned for not more than 30 days, and in addition shall pay all attorney fees and any and all other costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town of Casco from taking such other lawful action as is necessary to prevent or remedy any violation.

10.1504 ABATEMENT OF VIOLATION

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

10.1505 PERMIT FEES

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Town Clerk to help defray the cost of administration, investigation, advertising, and processing of permits, licenses and variances. The permits for which a fee is required are the Building Permit, Occupancy Permit, Conditional Use Permit, Sign Permit, Quarry and Mine, Junk Yard and Salvage Yard Permit. A fee is required for a manufactured home park. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate, except where specifically listed in this Ordinance.

This Page Intentionally Left Blank

APPENDIX:

**FARMLAND PRESERVATION ZONING
DATCP CERTIFICATION MATERIALS**

This Page Intentionally Left Blank

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

TOWN OF CASCO, KEWAUNEE COUNTY FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP).	DARM Docket No. 061-12875-O-17 F-0817 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2027
--	--

INTRODUCTION

The Town of Casco in Kewaunee County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the town’s formerly certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28.

(2) The Town of Casco is a town in the State of Wisconsin. The Town of Casco is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of Casco previously had a certified farmland preservation zoning ordinance.

(8) Kewaunee County has a certified farmland preservation plan. This plan is currently certified through December 31, 2026.

(9) On June 30, 2017, DATCP received an application from the Town of Casco, in which the county asked DATCP to certify the Town's farmland preservation ordinance. The Town of Casco submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) The farmland preservation zoning ordinance is part of the general Town of Casco General Zoning Ordinance, and is intertwined with other provisions of that zoning code. The ordinance includes an ordinance text, together with an ordinance map.

(11) On July 5, 2017, DATCP confirmed by letter that the Town of Casco certification application was complete, and that DATCP would proceed to review the complete application.

(12) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an ordinance may not exceed 10 years. See s. 91.36(2)(b), Wis. Stats.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of Casco in its application for certification of a farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Casco farmland preservation ordinance, consisting of a proposed ordinance text dated July 14, 2017 and map dated July 14, 2017, meet certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2027.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Casco adopting the ordinance, in the form certified, before December 31, 2017.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Casco farmland preservation ordinance, consisting of the proposed ordinance text dated July 14, 2017 and maps dated July 14, 2017 are hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of Casco is the A-1 Prime Agricultural Land district.

(3) This certification is contingent upon the Town of Casco adopting the ordinance, in the form certified, before December 31, 2017.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2027.

Dated this 22nd day of August, 2017

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 

Jeff Lyon, Deputy Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Casco

Copies to:

Edith Lauscher, Town of Casco Zoning Administrator
E4794 Lonesome Lane
Kewaunee, WI 54216

Prepared by:



Bay-Lake Regional Planning Commission

425 South Adams Street, Suite 201

Green Bay, WI 54301

920 448 2820

www.baylakerpc.org