

Town of Wescott, WI  
Friday, September 23, 2022

## Chapter 285. Zoning

[HISTORY: Adopted by the Town Board of the Town of Wescott 2-16-2012 by Ord. No. 2012-03, as amended through 4-25-2018. Subsequent amendments noted where applicable.]

### ATTACHMENTS

**Attachment 1 - Table 1, Permitted and Conditional Use by Zoning District** 

**Attachment 2 - Table 2, Area and Setback Requirements** 

**Attachment 3 - Table 3, Parking Requirements by Land Use** 

## Article I. Statutory Authority and Purpose

### § 285-1. Authority.

In accordance with the authority granted by §§ 60.61, 60.62, 61.35, 62.23, 295.14 and Chapter 91 of the Wisconsin Statutes and for the purpose listed in § 62.23(7)(c) of the Wisconsin Statutes, and having been granted village powers pursuant to § 60.10 of the Wisconsin Statutes, the Town Board of Wescott, Shawano County, Wisconsin, does hereby ordain these zoning regulations.

### § 285-2. Purpose.

The purpose of this chapter is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Town; to aid in implementing the Town of Wescott Comprehensive Plan, to regulate and restrict the height, number of stories and size of yards, the density of population, location and use of buildings, structures and land for agriculture, trade, industry, residence or other purposes; and for said purposes to divide the Town into districts of such number, shape and area as are deemed best suited to carry out the said purposes.

### § 285-3. Compliance.

No land shall hereafter be used; and no building or structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this chapter.

### § 285-4. Abrogation and greater restrictions.

It is not the intent of this chapter to repeal, impair, or interfere with any existing private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use.

### § 285-5. Severability.

Should any section, clause or provisions of this chapter be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so

declared to be invalid.

## § 285-6. Repealer.

All ordinances or parts of ordinances in conflict with any of the provisions of this chapter are hereby repealed.

## § 285-7. Interpretation.

The provisions of this chapter shall be interpreted and applied as minimum regulations, shall be construed in favor of the Town, and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

## § 285-8. Title.

This chapter shall be known as and may be cited as the "Zoning Ordinance, Town of Wescott, Shawano County, Wisconsin."

# Article II. Terminology

## § 285-9. Word usage.

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

## § 285-10. Definitions.

The definitions of terms throughout this chapter shall be interpreted to have the following meanings:

### **AGRICULTURAL ACCESSORY STRUCTURE (LAND USE)**

Any building or structure on a farm that is accessory to a permitted agricultural use. Excludes uses such as sales of farm and forestry products, minor home occupation, and major home occupation.

[1]

### **BOATHOUSE**

A permanent structure used exclusively for the storage of watercraft for noncommercial purposes and associated materials and includes all structures which are totally enclosed, having roofs or walls or any combination of these structural parts.

### **BUILDING**

Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. When separated by division walls without openings, each portion of such building so separated shall be deemed a separate building.

### **BUILDING PERMIT**

A permit issued by the Town of Wescott Building Inspector.

### **BUILDING, ACCESSORY**

A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

**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 a gambrel, hip or pitch roof.

**BUILDING, MAIN**

A building constituting the principal use of a lot.

**BUSINESS**

Any lawful use, occupation, employment or enterprise where merchandise is exhibited or sold or where services are offered for compensation.

**CAMP**

To place tents, motor homes, or camping units for the purpose of encampment on a temporary basis.

**CAMPING TRAILER**

A vehicle with a collapsible or folding structure designated for human habitation and towed upon a highway by a motor vehicle.

**CAMPING UNIT**

Any portable device, no more than 400 square feet in area, including but not limited to a camping trailer, motor home, bus, van pickup truck or tent, but does not include a mobile home, manufactured home, or manufactured dwelling.

**CENTER LINE**

A line connecting points on highways from which setback lines shall be measured at any point on the highway.

**CHANNEL**

A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water which is flowing within the limits of the defined channel.

**COMMON OWNERSHIP**

Ownership by the same person or persons, or a legal entity that is 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.

**CONDOMINIUM**

A building or group of buildings in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. If a condominium is being reviewed as a site plan under this chapter, approval of said site plan is contingent upon:

- A. The Town of Wescott's approval of a preliminary condominium plat.
- B. Any applicable uses under this chapter that are within the Shawano County Shoreland Zoning authority must be reviewed and approved by Shawano County and will become a condition of the site plan review process.

Note: Shawano County Register of Deeds shall be notified that a site plan review is required by the Town of Wescott before a Condominium Declaration and/or plat is recorded.

**COTTAGE**

A dwelling or group of dwellings on one parcel available to the public for rent for recreation and vacation purposes on a short-term basis. All cottages must meet state, county and sanitary district requirements relating to water supply and wastewater treatment.

**DEPENDENT VACANT LOT OR PARCEL**

A lot or parcel of record which is not improved with a single-family dwelling which is in common ownership with an adjacent lot or parcel which is improved with a single-family dwelling.

**DWELLING UNIT**

A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease, or other occupancy, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

**DWELLING, MULTIPLE-FAMILY**

A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.

**DWELLING, ONE-FAMILY**

A detached building designed for or occupied by one family.

**DWELLING, TWO-FAMILY**

A building designed or altered to provide two attached dwelling units for two separate families, including two-flats, duplexes, and two-unit condominium buildings. The two dwelling units may or may not be located on separate lots.

**FAMILY**

A group of persons related by blood, marriage, or adoption and living together as a single housekeeping entity.

**FENCE**

A barrier intended to prevent escape or intrusion or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

**FENCE, CLOSED**

A fence whose entire length is more than 50% opaque and whose individual elements or sections are also greater than 50% opaque.

**FENCE, OPEN**

A fence whose entire length is equal to or not greater than 50% opaque and whose individual elements or sections are also equal to or not greater than 50% opaque.

**FRONTAGE**

All the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.

**GARAGE, PRIVATE**

An accessory building or space for the storage of motor-driven vehicles.

**GARAGE, PUBLIC**

Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

**INDEPENDENT VACANT LOT OR PARCEL**

A lot or parcel of record which is not improved with a single-family dwelling which is not in common ownership with an adjacent lot or parcel which is improved with a single-family dwelling.

**INSTITUTIONAL USE**

A facility that provides a public or community service, and is operated by a governmental, tax exempt, and/or not-for-profit entity.

**LAND USE PERMIT**

A permit issued by the Shawano County Zoning Administrator to verify compliance with the provisions of the County Zoning Ordinances.

**LOT**

A parcel or tract of land defined by metes and bounds description, certified survey map or subdivision plat, in one ownership and not divided by a street, nor including any land within the limits of a public or private street right-of-way. The term "record lot" should mean land designated as distinct and separate parcel on a legally recorded deed, certified survey map or plat in the Register of Deeds office.

**LOT CREATION DATE**

Lot creation date shall be determined based on the earliest evidence of title recorded in the County Register of Deed's office specifying area/size, shape, depth and width of a particular lot, which shall control for purposes of determining conformity with building site dimensional requirements.

**LOT LINE, FRONT**

A lot line that abuts a public street right-of-way. In the case of a lot that has two or more street frontages, the lot line along the street from which the building is addressed shall be the front lot line unless otherwise approved by the Zoning Administrator.

**LOT LINE, INTERIOR SIDE**

Any lot line that is not a front lot line, a street lot line, or a rear lot line.

**LOT LINE, REAR**

In the case of rectangular or most trapezoidal-shaped lots, that lot line which is parallel to and most distant from the front lot line. In the case of an irregular-shaped lot, a line at least 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be the opposite of the front lot line, as defined in this section.

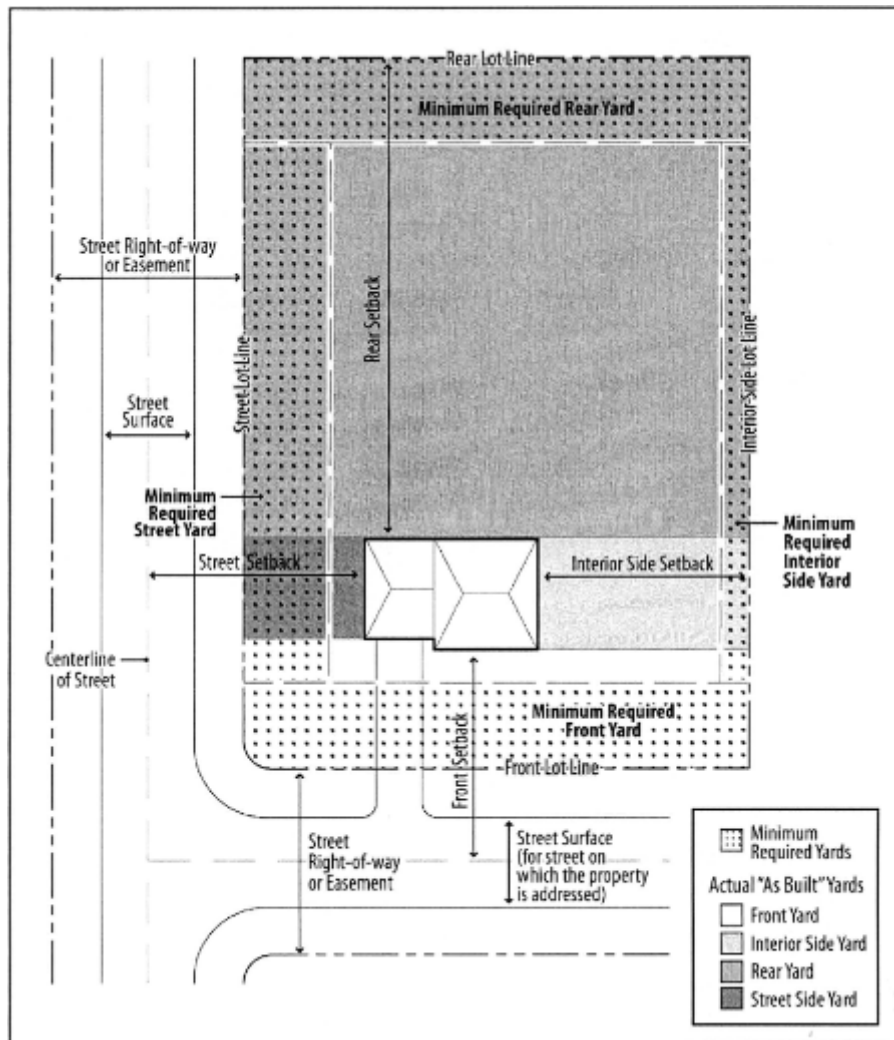
**LOT LINE, STREET**

A lot line that abuts a public street right-of-way, but is neither a front lot line nor a rear lot line, as defined in this section.

**LOT LINES**

The lines bounding a lot as defined herein (see Figure A).

**FIGURE A**



**LOT WIDTH**

The horizontal distance between street/interior side lot lines measured at right angles to the lot depth line at a midpoint between the front and rear lot line. The width of the lot at the front lot line shall not be less than 80% of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than 60% of the required lot width.

**LOT, CORNER**

A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135°.

**LOT, DEPTH**

The horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

**LOT, FLAG**

A lot which consists of a long narrow access area leading to a larger parcel of land. The access resembles a flag pole and its width is less than the minimum lot width for that specific zoning district and the larger buildable area resembles the flag.

**MANUFACTURED HOME**

A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site which is certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 through 5426.

**MOBILE HOME**

A transportable factory-built structure designed for long-term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above. Mobile homes can be required to be located in a mobile home park. Manufactured homes cannot be required to be located in a mobile home park. Mobile home does not include any camping unit.

### **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.

### **MOTOR VEHICLE**

A vehicle that has been designed to be licensed and operated on a public road.

### **NONCONFORMING USE**

A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto, which use or occupancy does not conform to the regulations of this chapter.

### **NORMAL MAINTENANCE AND REPAIR**

Normal and routine actions necessary to continue to restore the safe and healthy use of a structure that has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structural improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, and repair of exterior windows, skylights, doors, vents, siding, insulation, wiring and plumbing (that does not alter the use of the building), shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, and internal improvements within the structural envelope without doing a structural alteration. Normal maintenance and repair does not include structural modification, structural alteration, enclosure of a deck or patio, change of a roof pitch, replacement of foundational elements or similar components, or extension, enlargement, reconstruction, movement, or replacement of any structure.

### **PARCEL**

An area of land described in a single description in a deed, or in a lot or outlot on a plat or certified survey map, separately owned or capable of being separately owned.<sup>[2]</sup>

### **PROPERTY LINE**

A line that separates parcels of land.

### **RECREATIONAL VEHICLE**

A. Any of the following:

(1) **TRAVEL TRAILER**

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.

(2) **PICKUP COACH**

A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(3) **MOTOR HOME**

A vehicular type unit primarily designed as a temporary living quarters for recreational, camping, or travel use that has its own motor power.

- B. In waterfront residential, residential, manufactured home, manufactured home park, or rural residential properties under five acres in size, recreational vehicles may be used on the owner's residential parcel and considered as a temporary occupancy, subject to the availability of sanitary facilities from the residence and not exceeding the amount of days defined under "temporary occupancy" in § **285-10** of this chapter.
- C. Properties zoned Agriculture/Woodland/Open Spaces, and rural residential properties five acres or larger in size can exceed the temporary occupancy time requirement in § **285-10** of this chapter, provided they comply with the Shawano County Private On-Site Wastewater Treatment Ordinance.
- D. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repair, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.
- E. Recreational vehicles must have an approved waste disposal system and may not be permanently attached to a private sewage system as defined in Shawano County Private On-Site Wastewater Treatment System Ordinance.

#### **ROAD RIGHT-OF-WAY LINE**

A dividing line between a lot, tract or parcel of land and an abutting road.

#### **SERVICE-TYPE BUSINESSES**

Include such businesses as barbershops, beauty parlors, laundromats, music, dancing, art or photography studios, servicing, repair, home appliance or equipment and similar uses.

#### **SETBACK**

The minimum horizontal distance between any lot line, including a road right-of-way line, and the nearest point from the front, back or side of a building foundation, excepting uncovered steps of a building that faces a public right-of-way.

#### **SHORELAND ZONE**

All the lands in the Town of Wescott which are subject to the standards in the Shawano County Shoreland Zoning Ordinance.

#### **SIGN**

Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

#### **SIGN, DIRECTIONAL**

A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.

#### **SITE PLAN**

An overhead plan for a land or building development proposal, drawn to scale, that shows existing and proposed buildings, other structures, parking areas, and other existing and proposed features as may be specified in this Zoning Ordinance.

#### **STREET (ROAD), PRIVATE**

A street or driveway owned and maintained by a nonpublic entity placed on private property, or placed within a public right-of-way or public road easement only where there is a binding recorded agreement with the government with jurisdiction for ongoing private maintenance.



**STREET (ROAD), PUBLIC**

A street located within a public right-of-way or a public road easement, which is owned and maintained, upon public dedication, or deeding by the government with jurisdiction.

**STRUCTURAL ALTERATION**

Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; and change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.

**STRUCTURE**

Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting gardens, garden accessories, children's playhouses, fountains, sundials, seasonal decorations, yard lights, flag poles, walkways, at-grade patios, play equipment, signs not requiring a zoning permit, tree houses, basketball courts, tennis courts, pet houses or private kennels for two or fewer domestic animals, whirlpools, saunas, agricultural drainage systems, piers, docks, and walkways built on pilings.

**TEMPORARY OCCUPANCY**

The occupying of a recreation vehicle for a cumulative period not to exceed 15 days in any 12 months, or where the occupants of the site are nonresident tourists or vacationers, and the recreation vehicle shall be accompanied by an automobile bearing license plates issued by any other state, for an accumulated period not to exceed 15 days in any 12 months.

**TEMPORARY STRUCTURE**

A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.

**VARIANCE**

A relaxation of the terms of the chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship.

**YARD, FRONT**

A yard extending the full width of the lot, being the minimum horizontal distance between the nearest part of the main building and the front lot line.

**YARD, REAR**

A yard extending the full width of the lot, being the minimum horizontal distance between the nearest part of the main building and the rear lot line.

**YARD, SIDE**

A yard extending from the front yard to the rear yard, being the minimum horizontal distance between the nearest part of the main building and the side lot line.

**ZONING ADMINISTRATOR**

A local governmental official or designated agent which administers and enforces the Wescott Zoning Ordinance and land development regulations, including the issuance of zoning permits.

**ZONING DISTRICT**

An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

**ZONING PERMIT**

A permit issued by the Town of Wescott Zoning Administrator to verify compliance with the provisions of this Zoning Ordinance.

- [1] *Editor's Note: The definition of "adult-oriented establishment," which immediately preceded this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- [2] *Editor's Note: The definition of "prior nonconforming use," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

## Article III. Zoning Districts and Map

### § 285-11. Establishment of zoning districts.

- A. In order to carry out the purpose and provisions of this chapter, the following zoning districts in §§ **285-13** through **285-21** and their purposes are hereby established, and may be known by the accompanying abbreviations.

WR Waterfront Residential District  
 R Residential District  
 RR Rural Residential District  
 MH Manufactured Home District  
 MHP Manufactured Home Park District  
 A/W/OS Agricultural/Woodlands/Open Space District  
 B Business District  
 I Industrial District  
 I/SP Institutional/Semi-Public District

- B. Permitted and conditional uses are identified for each district in § **285-22**.
- C. Regulations for each district, including lot size, setbacks, and building height, are identified for each district in § **285-23**.
- D. Parking requirements for each land use are within Article **XII** of this chapter.

### § 285-12. Zoning Map.

The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Zoning Map for the Town of Wescott, Shawano County, Wisconsin," which map is made a part of this chapter and is on file and viewable in the Town of Wescott Town Hall. All notations and references shown on the District Map are as much a part of this chapter as though specifically described herein. Changes to the District Map must be made only as described in Article **XVII** of this chapter. When uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Maps, the following rules shall apply:

- A. The district boundaries, unless otherwise indicated, are street or highway center lines, lines parallel or perpendicular to such street, highway lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter-section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary line.
- B. When the width or lengths of boundaries are not clear, the scale of the map shall determine the approximate dimensions.
- C. When uncertainty exists as to the precise location of the floodplain zone boundary line, the floodplain boundary maps shall govern, in general, and the zoning text shall govern specifically.

- D. The Board of Appeals, in accordance with the provisions of this chapter, shall hear and decide the precise location of a zone boundary line when such line cannot otherwise be determined.

### § 285-13. Waterfront Residential (WR) District purpose.

- A. To accommodate lots platted when cottages were first built on the shores of bodies of water in the Town of Wescott. Many of these lots are narrow and are accessible only by private (cottage) roads.
- B. A common occurrence in this district is the existence of rental cottages due to the tourism industry in Wescott. Seasonal cottage rental will be permitted. Changes to the building footprint of an existing cottage will require a conditional use permit.

### § 285-14. Residential (R) District purpose.

To accommodate existing higher-density residential development.

### § 285-15. Rural Residential (RR) District purpose.

- A. To accommodate existing and future low-density residential development.
- B. Residential development shall be placed on the landscape in a fashion that allows the concentration of local services while minimizing the consumption of agricultural land, forested land, and open space.

### § 285-16. Manufactured Home (MH) District purpose.

To accommodate the location of a manufactured home that is: less than 24 feet in width; and not located in a manufactured/mobile home park.

### § 285-17. Manufactured Home Park (MHP) District purpose.

- A. To facilitate a unified development of transient stands or a manufactured home subdivision that include legally described lots under single ownership or are rented by a single owner or corporation.
- B. This district is not meant to regulate individual manufactured homes that can be built on platted lots, subject to § 285-25I of this chapter.

### § 285-18. Agricultural/Woodlands/Open Space (A/W/OS) District purpose.

- A. To preserve productive agricultural land for food and fiber production.
- B. To preserve woodlands and open space which are a critical environmental and scenic resource important to the Wescott tourism and hunting industry.
- C. To provide for nonfarm residential home sites of four lots or less created by Certified Survey Map.

### § 285-19. Business (B) District.

- A. To accommodate business development that serves the general area or tourism-oriented areas.
- B. Business land uses will be buffered from residential or other conflicting land uses.

### § 285-20. Industrial (I) District purpose.

- A. To accommodate industrial development with a variety of lot sizes that is generally light intensity (in terms of noise, dirt, smoke, odor, physical appearance, traffic generated, etc.).
- B. Industrially zoned areas shall be in areas that are well-served by the transportation system and provide buffering techniques that will minimize conflict with adjacent land uses.

### § 285-21. Institutional/Semi-Public (I/SP) District purpose.

- A. This district includes Town- or county-owned properties and/or facilities, public parks, fire stations, schools, performing arts facilities and publicly owned cemeteries.
- B. Semipublic uses include churches or church cemeteries, campgrounds or camp resorts open to the public, campgrounds associated with either a church denomination or educational institution; outdoor public recreation facilities; and airports.

## Article IV. Permitted and Conditional Uses by District

### § 285-22. Zoning district permitted and conditional uses.

The table identifies the permitted uses (P) and conditional uses (C) within the Wescott Zoning Districts.

[1]

[1] *Editor's Note: The table of permitted and conditional uses by zoning district is included as an attachment to this chapter.*

## Article V. Area and Setback Requirements

### § 285-23. Zoning area and setback requirements.

The Area and Setback Requirements table is included as an attachment to this chapter.

## Article VI. District Uses and Regulations

### § 285-24. Land use interpretation.

Article **VI** broadly categorizes potential land uses in the Town of Wescott as permitted or conditional within the zoning districts. Additional district regulations for these land uses are included in §§ **285-25** through **285-29**. The Zoning Administrator will be required, in some instances, to provide interpretation of these definitions in order to determine whether a proposed use is allowed in the applicable district. Land uses that are not specifically listed are not necessarily excluded from locating within a given zoning district.

### § 285-25. Residential uses.

- A. Single-family residence land uses consisting of a new single detached building containing one dwelling unit.
- (1) This land use includes manufactured homes as defined in § **285-10** of this chapter subject to meeting the standards in Subsection **A(3)** below.
  - (2) This land use does not include mobile homes as defined in § **285-10** of this chapter.
  - (3) All single-family residences shall meet the following requirements:
    - (a) At least 24 feet in width.
    - (b) Minimum first floor area of 960 square feet.
    - (c) Roof pitch shall not be less than a nominal 3:12 (rise to run).
    - (d) Roof overhang shall not be less than a nominal six inches excluding any gutter.
    - (e) Secured to a permanent enclosed foundation that meets all applicable state building codes or full basement, not having more than 12 inches of exposed concrete foundation above the exterior finished grade of the lot. An exception is when the grade of the lot slopes, in which case, only that portion of the foundation which is on the highest point of the lot must meet the requirements of this subsection.
- B. Two-family residence. Land uses consisting of a building containing two dwelling units. This includes dwelling units that are enclosed within a building or attached by a common floor or wall. The use shall meet the following performance standards in addition to the standards in § **285-25A(3)**:
- (1) Where each unit is located on a separate lot (i.e., zero lot line duplex), the entire building shall be constructed at one time.
  - (2) Where each unit is located on a separate lot, vertical common walls shall be a minimum one-hour fire wall and shall run from the lowest floor level (the basement, if applicable) to the underside of the roof sheathing, except that basements shall be provided across lot lines where necessary for utility services.
  - (3) The minimum livable area of each unit in the two-family residence shall be not less than 960 square feet, exclusive of attached garages, carports, or open decks.
  - (4) Matters of mutual concern to the owners due to construction, catastrophe, and maintenance shall be addressed and resolved by deed restrictions, which shall be recorded with the Shawano County Register of Deeds before a zoning permit is issued.
  - (5) An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinances shall be provided.
- C. Multifamily residence. Land uses consisting of a lot with three or more dwelling units. This includes apartment buildings and other dwelling units that are enclosed within a building or attached by a common floor or wall. The use shall meet the following standards:
- (1) Each dwelling unit may be owner-occupied or renter-occupied, with the building, lot, and/or unit in fee simple or condominium ownership.
  - (2) It must be located within a sewer district.
  - (3) No individual dwelling unit shall be less than 960 square feet in area, exclusive of common areas, hallways and basements.
- D. Residence accessory to a principal business use. Land uses consisting of a residence that is accessory to a principal business (for shopkeeper or employee, for example). This residence may be attached to the business or freestanding on the same lot as the business use.

E. Residential accessory structure:

- (1) Land uses clearly incidental to the primary residential use and includes such uses as garages, carports, storage sheds, and decks.
- (2) The structure shall not be used as a dwelling.
- (3) In Rural Residential District, a garage can be a permitted accessory use on a vacant lot.
- (4) In Waterfront Residential, Residential, and Manufactured Home Districts, a garage can be a permitted accessory use on a vacant parcel. If proposed to be constructed in advance of the principal building (dwelling), the structure shall not exceed 1,008 square feet and shall be sited with relation to appropriate locations for a future dwelling, private well, on-site waste treatment system, and driveway. The Town Plan Commission may consider waiving the maximum 1,008 square feet of size maximum on a case-by-case basis through the conditional use process.

[Amended 3-12-2020]

- (5) On structures using steel siding, all steel siding shall be a minimum of 29 gauge thickness and prefinished in an earth-tone color. Metal lap siding may not exceed an exposed width of 12 inches. The lower three feet of any exterior side wall shall be wainscoted with a different exterior surface or architectural pattern. The lower three feet of an exterior front wall shall be wainscoted with architectural masonry, brick, or natural cultured stone. The rear wall finish will be determined by the Zoning Administrator, based on the makeup and layout of the surrounding neighborhood. All steel buildings shall have a concrete floor not less than 4 inches thick and be placed on a vapor retarder with a transmission rate of not less than 0.1 perm or less. The perimeter area of a concrete floating slab shall be at least 8 inches thick for a distance of 12 inches from the outside perimeter and shall be reinforced with reinforcing bar. If a sill plate is used, it shall be from a naturally decay-resistant wood or material, or pressure-treated wood with a sill sealer installed. If no sill plate is used, then the siding starter strip shall employ a sealer to seal out weather and rodents. All fasteners in contact with chemically treated wood shall be approved for use with the specific treating chemical. All trusses or rafters shall be secured to the supporting structural framing with engineered straps or hangars. All roofs shall be vented with vented soffits and a ridge vent and shall be constructed to support a 40-pound per-square-foot roof load. A floor drain is the only plumbing that may be installed. The minimum roof pitch shall be 4:12 and roof eaves shall extend a minimum of 12 inches beyond the vertical wall. Roof eaves shall be boxed and vented. Gambrel and mansard-style roofs are prohibited. Permits shall not be issued unless plans showing compliance with the terms of this section are reviewed and approved by the Town Building Inspector.

[Amended 3-12-2020]

- (6) A recreational vehicle is not considered an accessory structure but may be used on the owner's residential parcel and considered as a temporary occupancy, subject to availability of sanitary facilities from the residence and not exceeding the amount of days defined under "temporary occupancy" in § **285-10** of this chapter.

F. Home occupation, major. A home-based business that is accessory to a principal residential use. The regulations for major home occupations are more flexible than for minor home occupations; as such, major home occupations require the issuance of a conditional use permit. Includes economic activities performed within any dwelling or residential accessory structure that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, handicrafts, small beauty salons, and small machine repair. This use shall meet the following performance standards:

- (1) When the use is conducted entirely within the confines of the principal structure or accessory structures, it shall occupy no more than 50% of the gross floor area on the floor(s) where the use takes place.

- (2) The use shall be clearly incidental and secondary to the use of the property for residential purposes, and the appearance of the structures shall not be altered or the occupation be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.
  - (3) No more than two persons in addition to those members of the family that are permanent residents of the premises shall be employed by the home occupation.
  - (4) The business of selling stocks of merchandise, supplies, or products other than those produced by the major home occupation to fill orders made by customers shall not be permitted as a major home occupation. That is, the direct retail sale of products out of the residence within which the major home occupation is located is not allowed, but a person may pick up an order they have placed. Wholesale or retail sales from within the residence or accessory structure as the primary activity or function of the major home occupation is prohibited, except for sales conducted entirely via the mail, telephone, or the internet.
  - (5) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building, or in a yard of the subject property, provided the yard area used for such display, storage, or parking is completely screened from view from all public streets and adjacent property through the use of landscaping materials or a combination of landscaping materials and a fence. No storage, display or parking of materials, goods, supplies, or equipment shall be allowed within a minimum required yard.
  - (6) There shall be sufficient off-street parking to compensate for additional parking generated by the home occupation and employees.
  - (7) Any home occupation involving the on-site sale, resale, painting, body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles shall be permitted, subject to conditions imposed by the Town Plan Commission and Town Board.
  - (8) Repair and maintenance of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles, not including body repair or painting beyond touchups, shall be permitted. Size of the operation shall be limited to up to two vehicle repair bays and no more than 10 vehicles total on-site at any time, not including property owner vehicles. No unlicensed vehicles shall be permitted at any time.
  - (9) As part of the process to grant the conditional use permit for a major home occupation, the Town may restrict the number and types of machinery and equipment used on the property, limit hours of operation, or attach other conditions to the approval to meet the standards for granting a conditional use permit in Article VIII of this chapter.
  - (10) The conditional use permit for a major home occupation shall include a condition stating how often the permit shall be reviewed for compliance with the conditions.
- G. Home occupation, minor. A small home-based business that is accessory to a principal residential use. Includes economic activities performed within any dwelling that comply with the specified requirements listed below. Examples include, but are not limited to, personal and professional services, home offices, handicrafts, and small machine repair. This use shall meet the following performance standards:
- (1) The use shall be conducted entirely within the confines of the principal residential structure or accessory residential structure.
  - (2) The use shall occupy no more than 50% of the gross floor area on the floor(s) where the use takes place.
  - (3) The use shall be clearly incidental and secondary to the use of the premises for residential purposes, and the appearance of the structure(s) shall not be altered or the occupation within the structures be conducted in a manner that would cause the premises to differ from its

residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.

- (4) No person other than a permanent member of the resident family shall be employed on the premises.
  - (5) Shall not generate vehicular traffic beyond 15 trips per day, on an average monthly basis, above those generated by the household's use.
  - (6) The business of selling stocks of merchandise, supplies, or products other than those produced by the minor home occupation to fill orders made by customers shall not be permitted as a minor home occupation. That is, the direct retail sale of products out of the residence within which the minor home occupation is located is not allowed, but a person may pick up an order they have placed. Wholesale or retail sales from within the residence or accessory structure as the primary activity or function of the minor home occupation is prohibited, except for sales conducted entirely via the mail, telephone, or the internet.
  - (7) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling or an accessory building is prohibited, except for truck equipment.
  - (8) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
  - (9) Any minor home occupation involving the on-site sale, resale, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles shall be prohibited.
  - (10) The minor home occupation shall not involve the use of commercial vehicles for more than the weekly delivery of materials to or from the premises.
- H. Family day-care home. A dwelling unit where supervision and care and/or instruction for not more than eight children under the age of seven is provided for periods of less than 24 hours per day, and which is licensed by the Wisconsin Department of Children and Families.
- I. Manufactured home. A manufactured home that does not meet the requirements of § **285-25A(3)** may only be located in the MH Manufactured Home or the MHP Manufactured/Mobile Home Park District. The use is subject to the following standards:
- (1) The manufactured home is secured to a permanent enclosed foundation that meets all applicable state building codes or a full basement, not having more than 12 inches of exposed concrete foundation above the exterior finished grade of the lot. An exception is when the grade of the lot slopes, in which case, only that portion of the foundation which is on the highest point of the lot must meet the requirements of this subsection.
  - (2) Minimum width of 14 feet.
  - (3) Minimum first floor area of 960 square feet. Attached garages, carports, and open decks shall not be included in the minimum square footage requirement.
  - (4) The manufactured home shall have a minimum of a 3/12 pitched roof on a minimum of 75% of the structure.
  - (5) Is installed in accordance with the manufacturer's instructions.
  - (6) Is properly connected to utilities.
  - (7) All wheels, axles, transportation lights, and other related towing apparatuses shall be removed.
- J. Existing mobile home. An existing mobile home not located in a mobile home park on the effective date of this chapter shall be considered a nonconforming structure and will be permitted to remain in its original location subject to the following condition:



- (1) The mobile home may not be extended, enlarged, reconstructed, moved or structurally altered, or replaced with a different mobile home, unless the Town Zoning Administrator determines that such action:
  - (a) Will be an aesthetic improvement to the mobile home;
  - (b) Will be in fundamental harmony with surrounding uses; and
  - (c) Will comply to the extent feasible with requirements for mobile home installation in manufactured/mobile home parks.
- K. Manufactured/mobile home park. The following standards shall apply to the design, construction and maintenance of any existing or new manufactured/mobile home park and enlargement or addition to an existing community or park after the effective date of this chapter. These standards shall be additional to all state statutes, codes and regulations. Although the following standards are mandatory, nothing herein shall be construed to prevent or limit the submission of unique, innovative designs to the Plan Commission.
  - (1) Minimum size of any manufactured/mobile home park shall be 10 acres.
  - (2) No manufactured home can be moved into a manufactured/mobile home park if it is older than 10 years.
  - (3) Lot dimensions and area shall not be less than as follows:
    - (a) Minimum width: 50 feet.
    - (b) Minimum depth: 100 feet.
    - (c) Minimum area: 6,500 square feet.
  - (4) All lots shall abut on a street within the park for at least 15 feet and shall have unobstructed street access. No lot shall abut on a public street, right-of-way, or property line of the park.
  - (5) Corner lots located on the inside of any corner shall be of extra width sufficient to maintain front setback requirements on both streets.
  - (6) No more than one manufactured/mobile home shall be placed on a lot.
  - (7) No manufactured/mobile home unit shall be parked outside of a designated lot.
  - (8) The minimum width of each manufactured/mobile home shall be a minimum of 14 feet.
  - (9) Setbacks applicable to each lot:
    - (a) Minimum front yard setback: 20 feet. (All yards which abut a street are "front yards.")
    - (b) Minimum rear yard setback: 10 feet.
    - (c) Minimum distance between homes: 20 feet.
  - (10) Streets.
    - (a) Each street and parking area shall be paved.
    - (b) A streetlight shall be placed at each street corner within the park, at each entrance to the park, and at such other places along the street so that the distance between each light does not exceed 225 feet as measured down the center line of the street.
    - (c) All streets shall be maintained and plowed by the owner.
  - (11) Parking.
    - (a) Each lot shall have two off-street parking spaces having either: a minimum width of 20 feet and a minimum depth of 24 feet; or a minimum width of 12 feet and a minimum depth

of 40 feet.

- (b) If parking on any street is prohibited within the park, an additional parking area within the park shall be established containing one parking space for every five lots (of fraction thereof) which abut on a street where parking is prohibited.
  - (c) All parking shall be paved.
  - (d) No parking shall be permitted on unpaved areas (lawns).
- (12) Walkways not less than three feet wide and comprised of a hard surface shall be provided from the parking area of each lot up to and including the steps to the front door of each mobile and manufactured home.
- (13) Utilities.
- (a) Water, domestic waste disposal, natural gas (where available) and electrical utilities shall be provided to each lot.
  - (b) All utilities, including telephone and cable TV, shall be placed underground.
  - (c) Each lot shall be furnished with a minimum 200 amp electrical service.
  - (d) The owner shall install one large water meter for the entire park contained in a manhole. The design and construction of the park water distribution systems, the water meters, and the manhole shall meet such requirements as may be established.
- (14) Open areas.
- (a) Each park shall have one or more designated open area which shall be easily accessible to all park residents, which shall not include a street or the park boundary/buffer, and which shall be so located as to be free of traffic hazards.
  - (b) The total size of such open areas shall be a minimum of 5% of the total land area of the park.
  - (c) For every 25 lots in the park, there shall be at least one open area in the park having a minimum size of 50 feet by 100 feet.
- (15) Landscaping.
- (a) Each lot shall be planted with at least one tree and one shrub. The tree shall be a deciduous tree.
  - (b) All lots shall be sodded or planted in grass.
  - (c) Trees, grass and landscape material shall be properly maintained and replaced to conform to the approved landscape plans and specifications.
- (16) Park boundary/buffer.
- (a) A thirty-foot-wide buffer zone shall be established around the entire perimeter of the park.
  - (b) The buffer zone shall not be part of any lot.
  - (c) A visual screen of compact hedges, decorative fences, coniferous trees and shrubs and other landscape materials recommended by the Plan Commission and approved by the Town Board shall be installed and maintained in the buffer zone, to substantially hide the interior of the park from view from any adjacent street or property.
  - (d) The buffer zone shall be maintained by the owner free of rubbish, debris and weeds.

(17) Home installation.

- (a) Each manufactured/mobile home shall be secured with tie-downs and anchoring equipment.
- (b) All manufactured/mobile home units shall have skirts around, or other product which makes the home appear to be built upon a basement or foundation, the entire manufactured/mobile home made of plastic, fiberglass, aluminum, metal or vinyl, and shall be of a permanent color or painted to match the manufactured/mobile home so as to enhance the general appearance thereof.

(18) Accessory buildings.

- (a) Only one outbuilding may be placed on each lot.
- (b) The following setback requirements apply to each accessory building:
  - [1] Minimum front yard setback: 20 feet.
  - [2] Minimum rear yard setback: three feet.
  - [3] Minimum side yard setback: three feet.
- (c) All accessory buildings, except for automobile garages, shall be located in the rear 1/2 of the lot.
- (d) No accessory building shall exceed one story in height or 400 square feet in area.

(19) No structure may be attached or added to any manufactured/mobile home (additions), except as follows:

- (a) The proposed design and construction standards shall be submitted to the Zoning Administrator before commencement of work on the structure.
- (b) The Zoning Administrator shall review and approve the project only if the structure is designed to architecturally blend with the manufactured/mobile home.

L. Cottages for rent.

- (1) An owner of an existing cottage may update or remodel the interior or exterior of an existing cottage, provided the footprint of the cottage does not expand, necessary permits are applied for, and work is inspected.
- (2) A conditional use permit is required to enlarge the footprint of an existing cottage, or add more dwelling units by means of new construction or the purchase of existing structures either abutting or not abutting to an existing cottage.

M. Outdoor wood furnace. An outdoor accessory structure designed to heat air or water through a wood fire and then transmit that heated air or water to the principal building for direct use and/or heating the principal building. This use shall meet the following performance standards:

- (1) The outdoor wood furnace shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings.
- (2) The outdoor wood furnace shall be separated by at least 200 feet from any dwelling unit on an adjacent property.
- (3) On parcels less than five acres in area, if the outdoor wood furnace is less than 500 feet from any dwelling unit on an adjacent property, the smokestack shall be required to be raised to the height of the roofline of the dwelling that the furnace serves and a Class A (triple wall) chimney pipe shall be installed to facilitate the dispersion of smoke.

N. Bed-and-breakfast establishment. Land uses which provide lodging facilities that are operator-occupied residences providing accommodations for a charge to the public with no more than eight guest rooms for rent, provide only breakfast to customers of the place, are clearly residential

structures in design, scale, and appearance, and are licensed as a bed-and-breakfast under Wisconsin Statutes. Such land uses may provide indoor recreational facilities and passive outdoor recreation facilities, such as docks and gardens, for the exclusive use of their customers. This use shall meet the following performance standards:

- (1) No premises shall be utilized for a bed-and-breakfast unless there are at least two exits to the outdoors from such premises.
- (2) The dwelling unit in which the bed-and-breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed-and-breakfast is active, as required under the Wis. Admin. Code.
- (3) The maximum stay for any occupants of a bed-and-breakfast establishment shall be 31 consecutive days.
- (4) All such facilities shall be required to obtain a license to serve liquor, if applicable.
- (5) If on a private on-site wastewater treatment system, Ch. SPS 383, Wis. Adm. Code, regulations must be met.

O. Parking and camping restrictions for recreational uses, vehicles and equipment:

- (1) Parking and camping restrictions for independent vacant lots and parcels. It shall be unlawful for any person to camp, place, park or permit the camping, placement or parking of any camping unit, camping trailer or motor home on any independent vacant lot or parcel in the Waterfront Residential, Residential, Manufactured Home, Manufactured Home Park, or Rural Residential District under five acres in size unless located in a licensed public or commercial campground or mobile home park.<sup>[1]</sup>

[1] *Editor's Note: Original Subsection O(1), Definitions, which immediately preceded this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (2) Camping restrictions on dependent vacant lots and parcels and lots and parcels improved with a single-family dwelling. It shall be unlawful for any person to camp or permit camping with any camping unit, camping trailer or motor home for more than 15 calendar days in a calendar year, on any dependent vacant lot or parcel or any parcel improved with a single-family dwelling in any Waterfront Residential, Residential, Manufactured Home, Manufactured Home Park or Rural Residential District under five acres in size unless located in a licensed public or commercial campground or mobile home park.
- (3) Parking restrictions on dependent vacant lots and parcels and lots and parcels with a single-family dwelling. It shall be unlawful for any person to park or permit parking of any camping unit, camping trailer or motor home with wheels or any similar transporting device removed, except for ongoing repair, or fixed to the ground in any matter that would prevent or materially impair ready removal on any dependent vacant lot or parcel or any parcel improved with a single-family dwelling in any Waterfront Residential, Manufactured Home, Manufactured Home Park or Rural Residential District under five acres in size unless located in a licensed public or commercial campground or mobile home park.

## § 285-26. Agriculture/woodlands/open space.

A. Agricultural uses. Any of the following activities conducted for the purpose of producing an income or livelihood, or hobby and recreational farming:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.

- (5) Floriculture.
  - (6) Aquaculture.
  - (7) Fur farming.
  - (8) Forest management.
  - (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  - (10) Any other use that DATCP, by rule, identifies as an agricultural use.
- B. Agricultural accessory use. Land uses that include:
- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This includes:
    - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
    - (b) A facility used to keep livestock on the farm.
    - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.
    - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
    - (e) 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.
    - (f) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
  - (2) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
  - (3) A residential dwelling occupied by persons involved with the operation of the agricultural uses on the parcel.
  - (4) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
    - (a) It is conducted by the owner or operator of a farm.
    - (b) Employs part-time or full-time workers.
- C. Roadside stand. A structure not permanently fixed to the ground 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. It shall conform to setback, sign and other provisions of this chapter. If a roadside stand is determined to constitute a traffic hazard or nuisance, the Zoning Administrator may order its removal. Such removal shall be at the landowners cost if such stand was established after the effective date of this chapter. The Town shall in no way be obligated to pay the cost of removal of such stands.
- D. Processing, packing or manufacture of agricultural products. Canneries, cheese factories, condenseries, creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products of Shawano County as may have a nuisance factor not separable therefrom, such as the emission or effluence of noxious or odorous wastes or by-products.
- E. Transportation, communications, pipeline, electric transmission, utility, or drainage uses. 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 license for that use.

- F. Performance standard for animals. Animals are a conditional use for smaller Rural Residential parcels and parcels zoned Waterfront Residential. Animals are a permitted use in Agricultural, Woodlands, and Open Spaces and Rural Residential larger parcels if they meet the following performance standard:
- (1) Five-acre minimum parcel with a minimum of three acres of clear land. Clear land excludes heavily wooded, swamp, wetlands, buildings and driveways.
  - (2) Large animals are 200 pounds or larger and one large animal is allowed per acre of clear land.
  - (3) Small animals are under 200 pounds and two small animals are allowed per acre of clear land.
  - (4) Poultry and rabbits are allowed at six per acre of clear land.  
[Amended 7-8-2021 by Ord. No. 2021-03]
  - (5) Or any combination of numbers 2, 3, or 4.
  - (6) Game farms are a conditional use.
  - (7) For the Residential and Manufactured Home Districts or those districts listed above that do not comply with the acreage requirement, the keeping of chickens is permissible, provided the following performance standards can be met:  
[Added 7-8-2021 by Ord. No. 2021-03]
    - (a) No property owner can keep a rooster, and no free roaming of chickens are allowed.
    - (b) Coops shall be elevated off the ground if not placed on a hard surface, such as concrete, patio block or crushed stone.
    - (c) A signed letter from adjoining neighbors shall be required stating they are aware of the intent to place chickens on the property and that they have no objections.
    - (d) Should a signed letter not be attained, the property owner shall erect a fence shielding the coop and any outdoor run/exercise area from the adjoining neighbors. Fence height shall be six feet.
    - (e) No coop can be located in the front yard (roadside) of any property.
    - (f) Any outdoor run/exercise area shall be fully fenced, including the top portion.
    - (g) Any stored feed shall be kept in a rodentproof container.
    - (h) The coop shall be sized to provide each chicken kept with three square feet.
    - (i) Any outside run/exercise area shall not exceed 60 square feet of area.
    - (j) All coops shall be set back a minimum of 25 feet from an adjoining dwelling and cannot be located any closer than five feet from a property line.
    - (k) A land use permit must be obtained from the Town of Wescott in order to keep chickens.

## § 285-27. Business uses.

- A. Personal or professional service. Land uses that are exclusively indoor whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include, but are not limited to, professional services, insurance services, realty

offices, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses.

- B. Indoor sales and service. Land uses which conduct or display sales or rental merchandise or equipment, or nonpersonal or nonprofessional services, entirely within an enclosed building. This includes general merchandise stores, grocery stores, bait shops, sporting goods stores, antique stores, gift shops, laundromats, artisan and artist studios, bakeries, and the like. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as "light industrial activities as an accessory to retail sales or service."
- C. Long-term outdoor display and sale. Land uses which conduct sales or display merchandise or equipment on a long-term basis outside of an enclosed building as a principal accessory use of the lot. Examples of such land uses would include vehicle and equipment sales and rental, manufactured housing sales, monument sales, and garden centers. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk or salvage yard or other permanent outdoor land uses specifically defined by the Zoning Ordinance. All storage of equipment shall be at least 100 feet from highways or roads and at least 200 feet from any residential property. If the Plan Commission and Town Board deems the operations will take on characteristics of a junkyard, they may require a hedge planting of sufficient size to screen the area from the public right-of-way or adjoining properties. Not providing acceptable screening may result in the withdrawal of the conditional use permit and discontinuance of the business.
- D. Maintenance service. Land uses which perform maintenance services (including repair) either within or outside an enclosed building. If the Plan Commission and Town Board deem the operations will take on characteristics of a junkyard, they may require a hedge planting of sufficient size to screen the area from the public right-of-way or adjoining properties. Not providing acceptable screening may result in the withdrawal of the conditional use permit and discontinuance of the business.
- E. In-vehicle sales and service. Land uses which perform sales and/or services to persons in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes.
- F. Resort establishment. Land uses which provide overnight housing in individual rooms, suites of rooms, cabins, or cottages. Such land uses may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to nonlodgers are not considered accessory uses and therefore require review as a separate land use. The maximum number of occupancy units in a resort shall not exceed a density of 10 units per acre in any zoning district.
- G. Group day-care center facility. Land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day-care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day-care centers are not considered as accessory uses and therefore require review as a separate land use.
- H. Animal boarding or breeding facility. Land uses where three or more animals six months of age or older are bred by a person providing facilities for breeding and the offspring are sold, or where such animals are received for care, training, and boarding for compensation, not including a small animal hospital, clinic, or pet shop. These uses include exercise yards, fields, training areas, and trails.
- I. Adult-oriented establishments. Land uses that include any facility involving the display of sexually oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons

displaying and/or touching sexually specified areas. This type of activity is a permitted use but is regulated by the Town of Wescott's Adult Oriented Establishments Ordinance.

- J. Personal storage facility. Land uses oriented to the indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses."
- K. Portable storage facility. Land uses that include shipping containers, semi-trailers, portable on demand storage (PODS<sup>®</sup>), and store and move (SAM) containers that are intended for temporary storage while an individual or business is relocating. Such storage facilities shall need a permit which regulates the length of time a portable storage facility is allowed on the specified premises.
- L. Indoor storage or wholesaling. Any land use primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses, including mail order and catalog sales. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. This use does not include personal or portable storage facilities. Retail outlets associated with this principal use shall be considered an accessory use.
- M. Vehicle course or track. Any privately operated track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, motorcycles, motocross bikes, dirt bikes, snowmobiles, or go-carts. Such uses occasionally are operated for recreational purposes for family use. This use shall meet the following standards:
  - (1) Minimum lot size shall be five acres.
  - (2) If such abuts any residentially zoned or used property, all track facilities shall be located a minimum of 200 feet from such property and such use shall not be permitted to have night lighting nor operate between 8:00 p.m. and 8:00 a.m.
  - (3) Such uses may be subject to enforcement actions under Chapter **210**, Nuisances, for noise, dust, or other impacts.
- N. Marinas and docking facilities. Land uses including a dock or basin providing secure moorings for watercraft or the rental of watercraft. This use may also include boat repair, chartering, supply, fueling, boat ramps, and other facilities.
  - (1) Facilities shall be located at least 500 feet from public bathing beaches and parks.
  - (2) Facilities shall be designed and constructed as to not interfere with adjacent riparian owner's uses of the water for swimming, fishing or boating; nor interfere or obstruct the public's free navigation.
  - (3) Fueling pumps and tanks shall be located two feet above the normal water elevation, and no fuel hose shall extend beyond a point necessary to fuel boats as the closest proximity to land.
  - (4) Marinas shall be equipped with facilities for the disposition of domestic waste from boats.
  - (5) If holding tanks are utilized, they shall be located above the normal high-water elevation. Holding tanks located on sites subject to flooding shall be floodproofed.
  - (6) If located within a Floodplain Zone subject to periodic flooding, the provisions of the Shawano County Floodplain Zoning Ordinance and Shawano County Shoreland Zoning Ordinance shall also apply.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

## § 285-28. Industrial uses.

- A. Light industrial activity as an accessory to retail sales or service. Land uses that include any light industrial activity conducted exclusively indoors which is clearly incidental to indoor sales or



service, on the same site.

- B. Light industrial. Land uses with operations that:
- (1) Are conducted entirely within an enclosed building.
  - (2) Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line.
  - (3) Do not pose a significant safety hazard (such as danger of explosion).
  - (4) Comply with all of the applicable performance standards.
- C. Contractor shop. Land uses that include businesses engaged in contract services or labor, such as contractors involved with landscaping: building construction or carpentry: and electrical, plumbing, or heating systems. Often involves accessory equipment storage yards and rental of equipment commonly used by contractors. Retail outlets associated with this principal use shall be considered an accessory use.
- D. Filling and grading. The filling, grading, lagooning or dredging of 30 cubic yards or greater of material. Such temporary land use/activity shall be subject to the following performance standards:
- (1) No filling, grading, lagooning, or dredging that would result in substantial detriment to navigable waters by reason of erosion, sedimentation, impairment of fish and aquatic life, or which would obstruct flood flows or increase flood stages, shall be permitted.
  - (2) Where applicable, a State of Wisconsin permit when required by the Wisconsin Statutes or other applicable state or county regulations shall be obtained prior to any filling, grading, lagooning, or dredging activity.
  - (3) Placement of 30 cubic yards of fill or greater on an annual basis requires a zoning permit; placement of 200 cubic yards of fill or greater also requires a conditional use permit. Fill for building footprint is exempt and placement is calculated on an annual basis.
  - (4) Placement of fill for the following purposes is exempt from the permit requirement:
    - (a) Under a slab or inside the confines of a structure as part of a permitted construction project.
    - (b) Construction or maintenance of residential driveways or parking areas.
- E. Mineral extraction (nonmetallic). Nonmetallic land uses include operations or activities for extraction from the earth, for sale or use by the operator, of mineral aggregates such as stone, sand and gravel, and nonmetallic minerals, related operations or activities such as drilling and blasting, excavations, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
- (1) The operation complies with Subch. I of Ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of the local ordinance under § 295.13 or 295.14, Wis. Stats., and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
  - (2) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - (3) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (4) Provided mineral extraction operations shall take place for less than four years, the land shall be restored to agricultural production within another two years (unless the Town Board grants a renewal of the license).

- (5) An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.
  - (6) Reclamation shall be consistent with the Shawano County "Non-Metallic Reclamation Ordinance" #5-01, adopted by the Shawano County Board on June 27, 2001.
  - (7) The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a three to one horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this chapter; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Town Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site; however, the proposed reuse of the site for a dumping grounds shall have the concurrence of the Town Board.
  - (8) Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residential district or residential subdivision, or within 300 feet of any building occupied for residential purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.
  - (9) The permit shall be for a period of time as stated in the application or as modified by the Plan Commission and Town Board. The Plan Commission and Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
  - (10) No permit shall be granted for a period of time exceeding four years, unless approved by the Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this chapter and the permit issued hereunder. A public hearing will be required prior to renewal.
  - (11) The fee for filing shall be in an amount as set from time to time by resolution of the Town Board, plus actual Town expenses. Permit fees shall be paid to the Town of Wescott.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
  - (12) Approval from the Wisconsin Department of Natural Resources may be needed if the operations are located within an area regulated by the Shawano County Shoreland Zoning Ordinance.
  - (13) All existing mineral extraction operations lawfully operated prior to the adoption date of this chapter shall be considered legal, but nonconforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this chapter.
- F. Public utility or public service corporation building or structures, provided the Plan Commission and Town Board shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
- G. Salvage or junkyard. Land uses that include any land or structure used for a salvaging operation, including but not limited to the aboveground outdoor storage, collection, recycling, dismantlement, and/or sale of items listed in § **285-28G(1)**. Licensed recycling facilities involving on-site outdoor storage of salvage materials are not included in this land use.

- (1) "Junk" shall include, but is not limited to: old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; inoperable appliances and machinery; and unlicensed motor vehicles or no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.
- (2) The area on the premises where junk is kept (other than indoors) shall be enclosed by a wall or fence except for entrances and exits.
  - (a) Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the business.
  - (b) When two or more vehicle dismantling yards, junk and salvage yards, and/or vehicle impounding yards have a common boundary line, a solid wall or solid fence shall not be required on such common boundary line; provided, however, that a solid wall or solid fence shall enclose the entire combined area devoted to such uses.
  - (c) Fences and walls shall be of uniform heights in relation to the ground upon which they stand. They shall be a minimum of eight feet high or a height sufficient to screen salvage from view and shall not exceed 12 feet in height. They shall be of wood or metal painted one inconspicuous earth-tone color, and shall enclose the entire site.
  - (d) Junk or salvage materials shall not be piled higher than the height of the fence, not against the fence.
  - (e) An unobstructed interior firebreak 16 feet in width shall be maintained adjacent to the fence or wall and completely surrounding the junk or salvage yard.
- (3) A vegetated buffer area is required to create additional screening and containment of salvage and to soften the appearance of the fence or wall.
  - (a) The buffer area cannot substitute for a fence or wall and berms cannot substitute for either.
  - (b) No buildings, structures, outdoor storage areas or other facilities shall be located in any part of a buffer area.
  - (c) The buffer area must be at least 25 feet wide adjacent to the exterior of the fence or wall.
  - (d) The buffer area shall be planted and maintained with a continuous stand of mixed trees and shrubs sufficient to extend above the fence or wall and obscure the majority of it from view within five years.
- (4) All buildings, structures, outdoor storage areas, other facilities and the required fence or wall shall be set back at least 300 feet from public roadways and 100 feet from rear and side lot lines.
- (5) No oil, grease, tires, gasoline, rubber, plastic asphalt or similar material shall be burned at any time, and all other burning shall be in accordance with applicable state and local regulations.
- (6) All junk and salvage yards shall be maintained so as to avoid creating a public or private nuisance, including but not limited to any offensive or noxious sounds or odors and breeding or harboring of rats, flies, mosquitoes, or other vectors.
- (7) Drainage facilities shall be established to protect surface and groundwater resources.
- (8) Noxious weeds shall be controlled.

- (9) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects may be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
  - (10) No materials or wastes shall be deposited on a site so as to allow their transportation off the site by normal natural causes.
  - (11) No such facility shall discharge at any point into any public or private sewage disposal system or waterway, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources and the Wisconsin Department of Safety and Professional Services.
  - (12) Toxic and hazardous materials including, but not limited to, gasoline, oil, antifreeze, brake fluids, Freon and transmission oil shall be removed from any scrapped engines, vehicles, appliances or containers on the premises and shall be recycled or disposed of in compliance with applicable regulations.
  - (13) Violation of salvation or junk regulations will be enforced according to § **285-93** and violators may be fined according to § **285-94**.
- H. Solid or hazardous waste facility. Land uses that include any area, lot, land, parcel, building, or structure, or part thereof, used for deposit, disposal, processing, or transfer of solid, demolition, or hazardous waste.
- (1) Solid or hazardous waste facilities that otherwise would meet the tests of applicability, but that are on the same land where the waste is generated and are conducted as part of the farm or business (other than waste treatment/disposal business) on that land.
  - (2) Any waste facility to which this chapter applies must have advance approval and the issuance of a conditional use permit by the Town Board of the Town of Wescott before operations may be commenced.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
  - (3) To approve such a facility, the Town must determine that the facility will not harm the health, safety and welfare of the community and the good order and convenience of the community and the public.
  - (4) In making approvals, the Town is encouraged to impose reasonable requirements on applications in order to avoid nuisance conditions.
  - (5) The intent of this chapter is that dumps and waste facilities will be regulated within the process of the Wisconsin Waste Facility Siting Law<sup>[1]</sup> and that precise application of standards and conditions will be determined within that process.

[1] *Editor's Note: See § 289.21 et seq., Wis. Stats..*

## § 285-29. Institutional/semipublic.

- A. Governmental, institutional, religious, or nonprofit community uses. This type of use can generally be compatible with residential land uses, such as small churches, small private schools, small clinics, post offices, town hall, fire stations, funeral homes, and recreational or fraternal facilities such as clubs and lodges, meeting halls, and community centers.
- B. Outdoor public recreation - passive. Land uses that include recreational uses located on public or private property which involves passive recreational activities that are open to the public or to customers, patrons, or members.
  - (1) Passive uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, ski trails, horse trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

- (2) Waterfront recreational uses shall adhere to the following provisions:
    - (a) The area shall be compatible with adjacent land or water uses.
    - (b) The provisions of the Shawano County Shoreland Zoning Ordinance shall apply.
    - (c) Entrances and exits are designed and located as to not interfere with the public's or adjacent landowner's access to public waters.
    - (d) Any lighting facilities are designed as to minimize reflection or glare on or over the water except navigation aids.
  - (3) Maintenance and storage buildings, parking lots and sanitary facilities are effectively screened from the water and adjacent properties by vegetative growth.
- C. Outdoor public recreation - active. Land uses that include recreational uses located on public or private property which involves active recreational activities that are open to the public or to customers, patrons, or members.
- (1) Active uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, and similar land uses.
  - (2) Waterfront recreational uses, including bleachers, spectator stands, motor-driven rides, concession stands and similar uses are effectively screened from adjacent properties by vegetative growth.
  - (3) Shooting ranges for firearms shall adhere to the following provisions (as determined by the Plan Commission and Town Board):
    - (a) Potential hazards to adjacent uses.
    - (b) Topography and ground cover.
    - (c) Noise.
    - (d) The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable waters, public or private roads or drives; toward any building or structure not directly toward any population concentration which is located within 1/2 mile.
    - (e) An adequate shot fall or bullet impact area.
    - (f) A defined firing line or firing direction.
    - (g) Adequate target backstops for the firing of rifled arms.
- D. Campground or camping resort.
- (1) A campground is any premises designed, maintained, intended, or used for the purpose of providing campsites for overnight, temporary sleeping accommodations for recreation or travel by persons paying a fee. Campgrounds include sites that accommodate portable camping units. Camping units within campgrounds may not be placed or attached to a permanent foundation or structure at the campsite, except that attachment to an approved sewage disposal system or to an approved water supply system is permitted.
  - (2) A camping resort is similar to a campground, except that camping resorts include sites that may accommodate a variety of both portable and permanent/semipermanent camping units. Camping units and other structures within camping resorts may be placed or attached to a permanent foundation or structure at the campsite, including attachment to an approved sewage disposal system or to an approved water supply system is permitted.
  - (3) All new or expanded campgrounds or camping resorts shall include the following information in their application:

- (a) A written description of the proposed operation, including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances that the campground will be developed and operated in accordance with all approved plans.
  - (b) A campground or camping resort plan map(s), drawn to scale, and including the proposed layout; location of campsites, roads, parking areas, site boundaries; topography lines; minimum required yards; existing and proposed buildings and other structures; common recreational facilities; water supplies; sanitary waste disposal systems; grading plan and stormwater management system; covered refuse storage areas; existing natural features including waterways, wetlands, floodplains, and shoreland areas; existing and proposed vegetation and recreation areas, and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of access roadways, camping unit siting, site grading and stormwater management, and utility placement.
- (4) Campground or camping resort shall meet the following performance standards:
- (a) Camping units shall not be occupied by the same party for periods of time longer than six continuous months in any twelve-month period, except as may be further limited by State Statutes or Administrative Rules.
  - (b) Campground or camping resort shall have direct access to a public road, with no more than two camp road access points to each abutting public road for the first 100 campsites, plus one additional access for each 100 sites thereafter.
  - (c) Camp sites and access roads shall be located, graded, and maintained so as to provide each site with positive site drainage and be free from flooding and control dust.
  - (d) Minimum lot size for any campground or camping resort established after February 16, 2012, shall be 10 acres.
  - (e) Maximum gross density shall be eight individual campsites per acre. No more than 10% of the site used in the calculation of maximum density shall include floodplains or wetlands. Campgrounds that existed prior to February 16, 2012 and that have a gross density greater than eight campsites per acre may expand the number of campsites only if additional, contiguous acreage is added to the campground such that the existing density is not exceeded.
  - (f) Each individual campsite shall have sufficient area for one camping unit on that site, with at least a fifteen-foot minimum yard between the camping unit and the site access roadway, and 10 feet to any side or rear campsite lot line. In the absence of readily definable lot lines, a ten-foot minimum required yard shall be maintained between the nearest part of the camping unit and any adjacent camping unit. Individual campsites shall have at least 30 feet of width and 40 feet of depth. Such standards shall also apply to allowed tourist rooming houses in approved camping resorts.
  - (g) Separate areas may be designated as a campground for group camping in tents. Within each group camping area, no more than 20 tents containing no more than 80 persons per acre shall be permitted. The group camping area must be provided with proper sanitary service as required by state statutes.
  - (h) Each campground or camping resort may have one single-family dwelling for the private use and occupation of the owners or caretakers of the campground.
  - (i) Each campground or camping resort may, for only those persons camping on site, provide for purchases of sundry supplies, cooked meals, and drinks including alcoholic beverages, if so licensed by the Town of Wescott.
  - (j) Each campground or camping resort may accommodate common recreational facilities and amenities such as swimming pools, tennis courts, and other similar facilities.

- (k) New or expanded campgrounds or camping resorts may be required to provide a landscaped buffer where the use abuts a residential use or a residential zoning district.
  - (l) Each campground or camping resort established after February 16, 2012, shall provide a minimum of 200 square feet per camping unit or one continuous acre of common recreation open space, whichever is greater. Yard areas within minimum required setbacks around the perimeter of the campground and land within landscaped transitional yards may not be counted towards meeting this requirement. Such standards shall also apply to allowed tourist rooming houses in approved camping resorts.
  - (m) Each campground or camping resort shall be maintained under a common ownership so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilet, laundry, and washrooms, and refuse areas, and for enforcement of campsite cleanliness.
  - (n) For areas of a camping resort designated for and/or occupied by mobile/manufactured homes, camping cabins, park models, yurts, or other permanent or semipermanent units, including dwellings that meet the definition of a tourist rooming house, there shall be a forty-foot landscaped transitional yard between the exterior boundaries of such areas and adjacent properties or public roads.
  - (o) Each campground and camping resort shall comply with all state regulations applicable to campgrounds, except as may be permitted through other licenses or approvals from the state.
  - (p) In addition to any state required license fee, each operator of a campground or camping resort shall provide the Town of Wescott with an annual fee (determined annually and on file at the Town Clerk's office) to enable the Town of Wescott to confirm compliance with the standards of this chapter and fulfill state reporting requirements.
  - (q) Generator use shall be limited to the hours of 7:00 a.m. to 10:00 p.m.
- E. Airport. Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

## Article VII. General Provisions

### § 285-30. Compliance.

No zoning permit shall be issued by the Zoning Administrator for any lot which does not comply with all the regulations and standards of this chapter and does not have frontage on a public street or road which is not fully improved and opened in accordance with the Town standards for streets and highways. The only exceptions to this are: lots that have access to a public road by an easement recorded with the Shawano County Register of Deeds; and lots on private roads that have been excluded from Town road standards as of the adoption date of this chapter.

### § 285-31. Existing conditions.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this chapter.

### § 285-32. Use and height.

- A. The use and height of a building hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
- B. An exception to the maximum height in all zoning districts listed in § 285-23 can only be granted subject to a conditional use permit. This applies to any type of building, cooling towers, elevator bulkheads, silos, monuments, penthouses, masts or aerials.
- C. Wireless or television/broadcasting towers, telephone, telegraph and power poles and lines, microwave radio relay structures, and necessary mechanical appurtenances are hereby exempted from the height regulations of this chapter.
- D. No alterations to any building, except uncovered steps or handicap ramps, may project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.
- E. Where a housing project consisting of a group of two or more buildings containing four or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this chapter to the individual building units, the Town Board, following recommendation from the Plan Commission, may approve a development plan, provided it complies with the regulations of this chapter as applied to the entire project.
- F. Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches, and/or up to 48 inches for solar heating systems.
- G. All dwellings shall conform to minimum floor size and be securely anchored to a permanent footed foundation or slip.

## § 285-33. Area and dimension standards.

- A. Open or enclosed fire escapes and fire towers may project into a required yard not more than five feet, provided they be so located as not to obstruct light and ventilation.
- B. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of buildings be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- C. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- D. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
- E. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot except for multiple-family and condominium developments.
- F. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this chapter.
- G. In the Business or Industrial Districts, wherever a lot abuts upon a public road or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection



with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

- H. Any side yard or rear yard abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

## § 285-34. Accessory buildings.

- A. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard.
- B. The side and rear yard requirement for an accessory building or structure that is detached from the principal building and 200 square feet or less in size shall be 7.5 feet. Accessory buildings larger than 200 square feet in size will comply with the required setbacks in § 285-23, Table 2.
- C. Boathouses are not allowed in any zoning district (Ord. No. 2000-10, Boathouses). Any existing boathouse shall be considered nonconforming.

## § 285-35. Fences.

- A. Any segment of a fence located in a vision triangle shall be an open fence being 2 1/2 feet maximum height from preconstruction grade to the top of the fence segment.
- B. Barbed-wire fences, electrical or razor-type fences, single-, double- or triple-strand fences, are prohibited except in the Agricultural/Woodlands/Open Space or Industrial Zoning Districts.
- C. For all zoning districts other than Agricultural/Woodlands/Open Spaces Zoning District, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and or/vinyl coated chain-link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Zoning Administrator. Only wood, brick, vinyl or stone materials can be used in the front yard.
- D. The finished side of the fence shall be erected to face the adjacent property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.
- E. Fences shall be maintained in good repair as to structure and appearance.
- F. Horizontal and vertical support posts are to be inside of the fence area or otherwise hidden from both the neighbor's and general public's view.
- G. Fences are not allowed on any public right-of-way.
- H. No fence shall be made of, in whole or in part, cloth, canvas or other like material.
- I. Property owners shall be responsible for the maintenance of the fencing on their property, and for removal of any fence if it becomes unsightly or a menace to public safety, health or welfare.
- J. Fences shall be maintained in an upright condition.
- K. Missing boards, pickets or posts shall be replaced with material of the same type and quality.
- L. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- M. All exposed steel, except the galvanized metal fences, shall have a colored finished coat applied to them and shall be preserved against rust and corrosion.
- N. The Zoning Administrator reserves the right to have the fence ordered removed or altered if it is evident the structure is impeding, or negatively impacting, the drainage on adjacent parcels or to a

navigable body of water. Note: Fences may also be subject to the Shawano County Shoreland Zoning Ordinance.

- O. Maximum height of a fence is six feet in a rear yard and in a side yard except for the first 15 feet back from a public right-of-way, in which case, only an open fence of 2 1/2 feet is permitted. [Amended 12-15-2020 by Ord. No. 2020-09]
- P. In an Industrial District or as part of a conditional use for a junkyard, the maximum height of a fence is 10 feet.
- Q. In an Industrial District, a barbed wire shall be permitted only if the lowest strand is at least six feet above grade, and when used for security purposes in addition to a regular fence.
- R. A land use permit shall be required for the erection of any fence except for those used for agricultural purposes. [Amended 3-12-2020]
- S. All fences requiring a land use permit shall be off-set two feet from adjoining property lines. [Amended 3-12-2020]

## § 285-36. Unlicensed motor vehicles.

- A. No unlicensed motor vehicles can be stored in the front yard of any zoning district.
- B. No more than one unlicensed motor vehicle can be stored in the side or rear yard in the Waterfront Residential, Residential, Rural Residential, Manufactured Home Park, and Institutional/Semi-Public Zoning Districts.
- C. More than one unlicensed motor vehicle may be stored in the Agriculture/Woodlands/Open Space, Business, and Industrial Zoning Districts subject to the approval of a conditional use permit.

## § 285-37. Recreational vehicles.

- A. Recreational vehicles stored in residential district must be owned by the owner of the property.
- B. No more than two recreational vehicles may be stored on a single property in a Residential Zoning District.

## § 285-38. Number of dogs.

No more than three adult dogs can be kept on any property unless the use of the property is for an animal boarding or breeding facility or veterinary clinic.

# Article VIII. Conditional Uses

## § 285-39. Purpose.

A "conditional use" is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. Conditional uses may be appropriate within a specific zone, provided conditions can be met that ensure no adverse effects to the Town's and immediate vicinity's health, general welfare, safety, and economic prosperity. Considerations for these uses include, but are not limited to, established character and quality of the area, general compatibility with surroundings, traffic impact and circulation, environmental impacts, the demand for related services, and the possible hazardous, harmful, noxious,

offensive, or nuisance effects resulting from noise, dust, smoke, or odor. It is hereby declared the policy and purpose of this chapter to employ the conditional use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.

## § 285-40. Procedure and meetings.

The following procedure shall be followed to obtain a Conditional Use permit:

- A. Application. An owner or owner's designated agent shall complete and file a conditional use application form with the Zoning Administrator accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Town Board by resolution, to cover costs of public notice and administrative review. Ten copies of a scalable site plan will be required with the written application.
- B. Public hearing. After receiving the request, the Town Clerk shall refer the matter to the Plan Commission, which shall hold a public hearing advertised by a Class 2 notice.
- C. Action by Plan Commission. The Plan Commission shall, within 30 days of the public hearing, make a report and recommendation of approval or denial of the conditional use permit with any conditions it may deem appropriate to the Town Board applicant. In making its decision, the Commission shall keep a written record of findings relative to the standards for considering a conditional use application, as listed in § **285-43**.  
[Amended 3-12-2020]
- D. Action by Town Board. The Town Board shall, within 30 days of Plan Commission action, act to approve or deny the conditional use permit by resolution.

## § 285-41. Application requirements.

The applicant shall provide the following information on the conditional use application form:

- A. Applicant and property owner's name, address, and telephone number.
- B. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use designations.
- C. Description of conditional use being requested.
- D. Written justification for the conditional use being requested and supporting documentation describing how the applicant believes that the request conforms to the standards for conditional uses listed in § **285-43**.

## § 285-42. Site plan requirements.

Submission of a conditional use permit request will need to include a site plan based on Article **X** of this chapter.

## § 285-43. Standards for granting conditional use permits.

No conditional use permit shall be recommended by the Plan Commission or approved by the Town Board unless it shall find that:

- A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards in the public roads.

## § 285-44. Optional standards for granting conditional use permits.

The Plan Commission and Town Board may require the following additional standards when considering a conditional use permit:

- A. Increased setbacks and yards.
- B. Specifications for water supply, liquid waste, and solid waste disposal facilities.
- C. Sureties, operational controls, erosion prevention measures.
- D. Location of the use.
- E. Other requirements found necessary to fulfill the purpose and intent of this chapter.
- F. A financial guarantee may be required to insure compliance with such requirements.

## § 285-45. Conditions, guarantees and validity period.

The following conditions, guarantees and validity period may be imposed upon the granting of a conditional use permit:

- A. Prior to the granting of any conditional use permit, the Plan Commission may recommend and the Town Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in §§ **285-43** and **285-44**. In all cases in which conditional uses are subject to conditions, the Plan Commission may recommend and the Town Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).
- B. Conditional use permits shall be issued permanently or for a specified period of time as may be specified by the Town Board upon recommendation of the Plan Commission and shall be an obligation of any party to whom a property may be transferred or assigned.
- C. If a building permit has not been obtained or the conditional use has not been established within 12 months of the issuance of the conditional use permit, the conditional use permit expires.
- D. Any party who has been issued a conditional use permit by the Town shall notify the Town, in writing, that they are seeking a continuance or extension of any conditional use permit that has an expiration date as established by Town Board. Such notification shall be submitted to the Zoning Administer 30 days prior to the conditional use permit expiration date.

- E. A conditional use permit shall become effective upon approval by the Town Board. A record of the conditional use permit shall be maintained in the Town Hall.
- F. A conditional use permit may be revoked by the Town Board for failure to comply with all provisions of such permit, provided that a 30 days' notice has been given by first class mail to the operator or owner of such use of the intent to revoke.

## Article IX. Nonconforming Uses, Structures, Lots, and Signs

### § 285-46. Applicability and intent.

Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this chapter which would not be permitted or permissible by the provisions of this chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this chapter to permit such nonconformities to continue, subject to certain restrictions.

### § 285-47. Abolishment.

If a nonconforming use or structure is discontinued for a period of 12 consecutive months, any future use of the land or structure shall conform to the provisions of this chapter.

### § 285-48. Nonconforming uses of land.

Where at the effective date of adoption or amendment of this chapter a use of land exists which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued, subject to the following restrictions:

- A. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this chapter.
- B. Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this chapter.
- C. When such use is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a use allowed as a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
- D. No additional structure in connection with such use shall be erected.

### § 285-49. Nonconforming uses of structures.

Where at the effective date of adoption or amendment of this chapter the use of a structure exists which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued subject to the following restrictions:

- A. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is a permitted or conditional use in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this chapter. Any nonconforming use that occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be

extended to occupy any land outside the building, nor any other building not used for such nonconforming use.

- C. There may be a change in tenancy, ownership, or management of a nonconforming use, provided there is no change in the nature or character of such nonconforming use.
- D. When such use of a structure is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
- E. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

## § 285-50. Nonconforming structures.

Where at the effective date of adoption or amendment of this chapter a structure exists which could not be erected in the district in which it is located by reason of restriction on area or coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

- A. Any new expansion, enlargement, reconstruction, or structural alteration shall comply with all the provisions of this chapter.
- B. Such structure shall not be moved unless it complies with all the provisions of this chapter.
- C. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.
- D. Normal maintenance and repair as defined in § 285-10 of this chapter are permitted.

## § 285-51. Nonconforming characteristics of use.

If characteristics of use such as lighting, parking, noise or other matters pertaining to the use of land, structures and premises are made nonconforming by the provisions of this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

## § 285-52. Nonconforming lots of record.

- A. In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.
- 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 effective date of adoption or amendment of this chapter, the lands involved shall be considered to be in individual parcel for the purposes of this chapter, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.<sup>[1]</sup>

- [1] *Editor's Note: Original Section 18.09.8, Nonconforming signs, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

## § 285-53. Casual, temporary, or illegal use.

The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

## § 285-54. Repairs and maintenance.

Nothing in this chapter shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

## Article X. Site Plan

### § 285-55. Purpose and intent.

The purpose of this chapter is to establish rules, regulations, standards, and procedures for the review and approval of a site plan that would involve an increase in the footprint of an existing cottage or expansion of the number of cottages, or conversion of cottages into condominium units, a new or expanded multi-tenant building, business, or industrial use, in order to:

- A. Provide for safe, efficient vehicular and pedestrian circulation.
- B. Provide for screening, landscaping, signage, and lighting.
- C. Ensure efficient, safe, and attractive land development.
- D. Provide for compliance with minimum design standards to ensure proper building arrangements and minimal adverse effect on adjacent properties.
- E. Develop proper safeguards to minimize the impact on the environment.
- F. Insure the provision of an adequate water supply, drainage, and stormwater management, sanitary facilities, and other utilities and services.
- G. Implement the recommendations of the Town of Wescott Comprehensive Plan

### § 285-56. Applicability.

A site plan application will be required for the following:

- A. The conversion of multifamily or cottage dwelling units into condominium ownership.
- B. The expansion of an existing or construction of a business or industrial land use (see Table 1<sup>[1]</sup>) in the Agricultural/Woodlands/Open Space, Business or Industrial Zoning Districts.

- [1] *Editor's Note: Table 1 is included as an attachment to this chapter.*

### § 285-57. Procedure and administration.

- A. Presubmittal meeting. Prior to the submittal of a site plan, the developer shall meet with the Zoning Administrator to discuss zoning district, site plan, timelines, and other Town requirements. Such

meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Town.

- B. Plan Commission input. A petitioner may request a preliminary meeting with the Plan Commission (at no fee) to seek preliminary input and thoughts from the Commission regarding the possibilities for a successful petition.
- C. Scope of review. The Zoning Administrator, when evaluating a site plan, will consider the following aspects, based on its complexity, size, scope and impact to the surrounding property owners:
  - (1) The relationship of the site plan to the adopted Comprehensive Plan and policies.
  - (2) Parking layout so as to:
    - (a) Minimize dangerous traffic movements.
    - (b) Achieve efficient traffic flow.
    - (c) Provide for the optimum number of parking spaces, while maintaining Town design standards.
    - (d) Provide for pedestrian safety.
  - (3) Provisions for surface and subsurface drainage and for connections to water and sewer lines, so as not to overload existing public utility lines nor increase the danger of erosion, flooding, landslide or other endangerment of adjacent or surrounding properties.
  - (4) Landscaping, so as to:
    - (a) Maintain existing mature trees and shrubs when designing the development or redevelopment of the site, construction and after construction.
    - (b) Buffer adjacent incompatible uses.
    - (c) Screen unsightly activities from public view.
    - (d) Break up large expanses of asphalt and buildings with plant material.
    - (e) Provide an aesthetically pleasing landscaping design.
    - (f) Location of principal structures, accessory structures, lighting, freestanding signs, refuse containers, mechanical equipment, etc., so that their location and proportion does not impede safe and efficient traffic flow or adversely impact the development of adjacent property or the character of the surrounding neighborhood.
    - (g) All electrical, telephone and cable lines shall be placed underground whenever practical.
- D. Application for site plan review. An application shall be made on Town forms provided by the Town Clerk, and shall be fully, accurately and legibly completed, with submission of one plan drawn to an engineering scale no greater than one inch equals 40 feet, plus 10 copies of a complete set of legible plans reduced in size to 11 inches by 17 inches. The petitioner shall file said application with the Town Clerk, who will then establish a meeting date for the Plan Commission to review the application.

## § 285-58. Application requirements.

- A. Fee. Payment of a fee shall be submitted with the application. The amount of the fee is on record in the Town Clerk's office.
- B. Written application. Every applicant for a site plan review shall complete an application form, with supplementary attachments, if necessary, containing the following information:



- (1) Name, address, and phone number of the owner and architect or engineer.
  - (2) Date of the application.
  - (3) Identification of the property in question by street address and by parcel number. If there is no street address, the applicant shall provide a description of the location of the property in relation to surrounding streets and properties.
  - (4) Description of the nature of the proposed development or redevelopment, and the proposed land use(s), including accessory uses.
  - (5) If applicable, a copy of the condominium declaration.
- C. Site plan requirements. The information required for site plan review will depend on the complexity, size, scope, and impact to surrounding property owners. At or following the presubmittal meeting, the Town will inform the applicant which items listed in this section will be required, and if there is any additional information needed to fully understand the impact, a project may have in a given location in the community.
- (1) Name of project/development.
  - (2) Location of project/development by street address and/or tax parcel number.
  - (3) Adjacent street names and street rights-of-way width(s) and recorded property lines and their dimensions.
  - (4) North arrow and scale.
  - (5) All locations of the existing structures that will be converted to a condominium or enlargement of existing structures and their relationship to surrounding principal or accessory structures, including the use of each structure, their dimensions and their locations on the parcel.
  - (6) Closest boundary line of the property and dimensions of the setback from said property line to the existence of a condominium conversion or expansion of an existing structure. Minimum setbacks based on the zoning district would need to be met. If setbacks cannot be met, the applicant would need to apply for a variance before the Board of Appeals.
  - (7) Identify all exterior lighting fixtures, if any, mounted on the building along with the light dispersion pattern. The Town has the option of requiring a cutoff shielded light fixture that reflects light downward and does not disperse into adjacent properties.
  - (8) One-foot contours on the subject property and extending from the subject property a minimum distance of 25 feet in all directions.
  - (9) Stormwater ponds, drainage ditches, water bodies, wetlands, and floodplains.
  - (10) The location of proposed and existing signage and the location and type of all proposed and existing exterior lighting fixtures.
  - (11) Existing and proposed driveways and parking lots including pavement markings to show traffic flow; parking stall sizes and layout, a note on the plan to show calculations for parking and loading requirements; handicap stalls and ramps; loading zones; driveway widths and radii or flares on driveway aprons to public streets.
  - (12) For drive-through uses, show vehicle stacking spaces and pedestrian access to entry doors that do not cross drive-through lanes.
  - (13) Identify snow storage areas located outside of setbacks, required parking areas, and vision clearance triangles.
  - (14) The location and extent of all existing and proposed outdoor storage and outdoor display.

- (15) The location and detail of refuse containers and their enclosures, existing and proposed sidewalks with grade elevations and handicap access at driveways, bicycle storage racks, traffic control dividers, tree islands and other similar improvements.
- (16) If located in a sanitary district that provides public water, show on-site fire hydrants, Fire Department hose connections, and the respective flow calculations to meet the International Fire Code for installed fire protection systems.
- (17) When abutting a site plan project, any public or private street shall be identified with the location of driveways on opposite street frontages.
- (18) List all existing and proposed grades for first floor elevations. If available, locate and label underground or overhead utility lines (existing or proposed), easements, sanitary sewer (manholes, laterals and cleanouts), storm sewer (manholes, laterals and catch basins), water (laterals, fire lines, valves and meters), fire hydrants, gas, telephone, cable and electric lines. If existing utilities are to be abandoned, clearly state the method of abandonment.
- (19) Provide cross-sections for all pavement and identify depth of base gravel base and thickness of hard-surfaced pavement (concrete or asphalt compacted).
- (20) Parking or wheel blocks shall be installed if appropriate clearance for vehicle overhang is not provided.
- (21) Identify streams, wetlands, channels, ditches and other watercourses on the site and on adjacent properties.
- (22) If in the floodplain, identify the flood fringe, floodway and flood storage areas.
- (23) Location of all mechanical equipment and the manner in which it will be enclosed or screened. Rooftop equipment must be integrated into the design of the structure, enclosed, or screened from ground-level view to the extent practicable.
- (24) Loading docks and areas should be located on the side or rear of the building(s).
- (25) An industrial or business parcel abutting a residential district shall provide a suitable buffer of plant materials, fencing or both, to shield the residential area from the business or industrial area. Where the transition from business or industrial to residential is a public street, the front yard of an Industrial District use shall be substantially landscaped, as determined by the Plan Commission and Town Board.
- (26) If abutting an existing owner-occupied residence, a petitioner who desires to build a new cottage or convert a residential home to a cottage shall provide a buffer in the form of a solid wood fence at least six feet in height for the length of the abutting property except for the front setback from a private or public street, where the fence shall be no higher than three feet.

## § 285-59. Review by Plan Commission.

- A. The Plan Commission, in its consideration of the submitted complete application, shall take into account the purpose and intent of this chapter and criteria for review. The Plan Commission, in reviewing the application, may require such additional measures and/or modifications as it deems necessary to accomplish these objectives.
- B. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of a site plan until a revision depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may conditionally approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of Town Administrator.
- C. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised

application has been approved by one of the two above procedures as directed by the Plan Commission.

- D. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.
- E. At the discretion of the Plan Commission, neighbors abutting a project that requires site plan review could be notified of an upcoming Plan Commission meeting.

## § 285-60. Modification of approved site plan.

Any substantial variation between development and/or land use activity on the subject property and the approved site plan is a violation of this chapter. An approved site plan shall be revised and approved via the procedures of this chapter, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan prior to the initiation of said modifications.

## § 285-61. Revocation.

The approval of any site plan required by this section shall remain valid for one year after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this chapter, "actual construction" shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction. If an approved site plan expires for any reason, any subsequent development or use of the property shall require a new site plan review application.

## § 285-62. Appeals.

[Amended 3-12-2020]

Any person or persons aggrieved by any decisions of the Plan Commission related to a site plan denial may appeal the Town Board of Appeals, accompanied by an application form and filing fee. Such appeal shall be filed with the Town Clerk within 30 days after final Plan Commission action.

## § 285-63. Violation.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Construction of other activities contrary to the approved site plan, or in the absence of an approved site plan, shall be a violation of this article and shall be punishable as provided in Article **XV** of this chapter.

# Article XI. Signage

## § 285-64. Purpose.

The purpose of this regulation is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards. The provisions herein shall be binding upon every owner of a building, every lessee and every person in charge or responsible for who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Town with the exception of painting, posting and general maintenance. The following definitions apply to this regulation:

**ABANDONED SIGN**

A sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises on which the sign is located.

**ALTERATION**

Any modification in the size, shape, height, dimensions, location or mounting of a sign for any reason other than routine maintenance.

**ANIMATED SIGN**

A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electric, or electronic means.

**BILLBOARD**

An off-premises sign that is larger than 32 square feet in area.

**DIRECTIONAL SIGN, OFF-PREMISES**

A sign intended solely for the purpose of directing people to a specific use and not located on the lot which contains the use for which directions are being provided.

**DIRECTIONAL SIGN, ON-PREMISES**

A sign intended solely for the purpose of directing people to a specific business, department, use area, or destination within a development or lot and which is located on the same lot which contains the business, department, use area, or destination for which the directions are being provided.

**GROUND SIGN**

A sign which is supported by two or more columns, poles, uprights, or braces placed in or upon the ground, or set within a foundation, and is not part of a building.

**MURAL**

A painting or pictorial representation applied to or incorporated into a structure or wall, that can be viewed from public places, alleys, or rights-of-way.

**NONCONFORMING USE**

A continued and lawful use of a sign lawfully installed in accordance with laws and ordinances prevailing at the time of installation.

**OFF-PREMISES SIGN**

A sign not larger than 32 square feet that is not located on the lot on which the individual, firm, association, corporation, profession, business, commodity, or product promoted on the sign is located.

**ON-PREMISES SIGN**

A sign located on the same lot on which the individual, firm, association, corporation, profession, business, commodity, or product promoted on the sign is located.

**PORTABLE SIGN**

A sign that is not permanently affixed to a building, structure, or the ground, is not designed to be permanently affixed to a building, structure, or the ground, and is designed to be moved from one location to another.

**PROJECTING SIGN**

A sign, generally oriented perpendicular to the face of a building wall, which is attached to a building and which extends more than six inches from a building wall, typically having two viewable sides.

**SIGN**

Any device visible from a public place which operates and is designed to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

### **TEMPORARY SIGN**

Any sign that is erected or displayed for a limited period of time. For purposes of this chapter, a portable sign is not a temporary sign.

### **WALL SIGN**

A sign mounted flat against and projection less than 15 inches from a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs or murals.

### **WINDOW SIGN**

A sign affixed to the surface of a window with a message intended to be visible to the exterior environment.

## **§ 285-65. Application process.**

[Amended 7-8-2021 by Ord. No. 2021-03]

No sign, unless listed in § **285-66**, shall be located, erected, moved, reconstructed, extended, enlarged, converted or otherwise altered without a sign permit and without being in conformity of the provisions of this chapter. An application for a sign permit must be submitted to the Zoning Administrator and contain the sign dimensions, display surface, materials, illumination, wiring, height above grade, distance from lot lines, and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in the existing sign dimension is involved. A permit fee shall be determined by the Town Board and shall be paid to the Town Clerk for each sign application. If a sign is not installed within six months following the issuance of a sign permit, the permit is void.

## **§ 285-66. Signs not needing permit.**

The following signs do not require a permit, provided that they are not located in a public road right-of-way or in, on, or over public water or erected or maintained at the intersection of the streets in such a manner as to obstruct a clear vision of the intersection.

- A. Warning signs not to exceed four square feet located on the premises.
- B. Signs erected by the Town or any government agency or utility, including traffic control, parking restrictions, utility, safety, railroad crossings, legal notices and identification signs for public facilities and events.
- C. Temporary signs in residential districts including, but not limited to, signs advertising for rummage or garage sales, real estate signs that advertise the sale, rental, or lease of the premises upon which the sign is temporarily located, contractor signs during the time in which a contractor is performing work on a structure or building located on the premises upon which the sign is temporarily located, political signs and the like. Temporary signs in residential districts must not exceed 32 square feet in total area. One sign may be displayed per 30 feet of frontage at any one time on a lot located in a residential zoning district. All signs must be removed within 10 days after the applicable event, such as the sale, lease, contracted work, or election has concluded.
- D. Temporary signs in nonresidential zoning districts including, but not limited to, on-premises or off-premises signs advertising special events or sales, real estate signs that advertise the sale, rental or lease of the premises or business upon which the sign is temporarily located, contractor signs during the time in which a contractor is performing work on a structure or building upon which the sign is temporarily located, and political signs. Temporary signs in nonresidential zoning districts

must not to exceed 32 square feet in total area. Two signs may be displayed per 30 feet of frontage at any one time on a lot located in a nonresidential zoning district. All signs must be removed within 10 days after the applicable event, such as the sale, lease, contracted work, or election, has concluded.

E. Flags and insignia up to 15 square feet in area.

F. House numbers.<sup>[1]</sup>

[1] *Editor's Note: Former Subsection G, regarding off-premises and on-premises directional signs, which immediately followed, was repealed 7-8-2021 by Ord. No. 2021-03.*

## § 285-67. Sign requirements in Business and Industrial Districts.

- A. Ground signs shall meet all yard requirements for the district in which they are located and shall be limited to only one sign for each street frontage. Such signs shall not exceed eight feet in height and 32 square feet in total area. Such signs shall not be erected so that they impede visibility for safe pedestrian and/or vehicle movement.
- B. Projecting signs shall not exceed 24 square feet in area; not extend more than five feet from the wall to which it is attached; be at least seven feet above the grade directly below the sign; and not extend above the building's roof.
- C. Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of the wall surface; shall not exceed 150 square feet in area for any one business; and shall not exceed 20 feet in height above the street grade. Wall signs may only advertise on-site businesses.
- D. Murals are only permissible upon the grant of a conditional use permit.
- E. Business and industrial signs may be internally lighted by a hooded reflector, provided that such lighting shall be arranged to prevent glare and that no sign shall be lighted by a lighting of intermittent or varying intensity.
- F. No sign or advertising device shall be erected or maintained at the intersection of the streets in such a manner as to obstruct a clear vision of the intersection.

## § 285-68. Prohibited signs.

The following signs are prohibited:

- A. Billboards.
- B. Animated or blinking signs, signs having moving parts, or signs which may be mistaken for traffic signal devices.
- C. Signs that have any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, other than reader or message boards displaying time, temperature, and other community messages, reviewed by the Zoning Administrator.
- D. Signs that create a hazard to vehicular traffic or a nuisance to adjoining residential property.
- E. Signs on public rights-of-way, except for public entity signs for traffic control, parking and directional signs as authorized by this chapter.

## § 285-69. Sign removal or rebuilding.

All signs shall be removed or rebuilt by the owner or lessee of the premises upon which the sign is located if in the judgment of the Town such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe. If the owner or lessee fails to remove it, the Town may remove the sign at the cost of the owner, following adequate notice. The cost to remove the sign may be placed on the owner's tax bill as a special charge.

## § 285-70. Portable signs.

Portable signs shall be limited in use to 15 days at a time subject to approval by the Town; provided, however, that such signs shall not be displayed more frequently than four to six times per calendar year at any one location and not more than 60 total days per year. The maximum size of a portable sign shall be 32 square feet on each face, back-to-back. Portable signs shall not be located in any public rights-of-way.

## § 285-71. Temporary signs.

The placement of a temporary sign on a parcel may not exceed 28 consecutive days unless the sign is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed nine square feet in area.

## § 285-72. Construction and maintenance standards.

- A. All signs shall be constructed and mounted so as to comply with state building and electrical codes.
- B. No sign or any part thereof, or anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.
- C. No sign or any part thereof, or anchor, brace or guide rod shall be attached, erected, or maintained which may cover or obstruct any door, doorway, or window of any building which may hinder or prevent ingress or egress through such door, doorway, or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.
- D. Signs must be designed and constructed to withstand winds during typical Wisconsin storm events regardless of location.
- E. No freestanding sign shall be erected at any location which is not designed and constructed with footings for support of such sign which extend not less than 42 inches below the existing ground level.
- F. No sign attached to a building which is permitted to project away from the building wall shall be designed and constructed when the attachment to such wall extends above a point of bearing with the roof rafters.
- G. All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.
- H. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- I. The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this section, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a zoning permit.

- J. The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

## § 285-73. Loss of nonconforming sign status.

A sign loses its nonconforming status if one or more of the following occurs:

- A. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:
- (1) Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.
  - (2) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.
- B. The sign fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
- C. Nothing in this chapter shall relieve the owner or lessee of a legal nonconforming sign from the provisions of this chapter regarding safety, maintenance and repair of signs.

## § 285-74. Severability.

If any word, sentence, section, or portion of this chapter is invalidated by any court or competent jurisdiction, the remaining words, sentences, sections, or portions will not be affected and will continue in full force and effect.

# Article XII. Parking and Loading Requirements

## § 285-75. Purpose.

Adequate off-street parking facilities shall be provided for all uses which generate vehicular traffic and all required parking spaces shall have adequate access to a public road or street. Specific parking requirements are identified for the land uses defined in §§ 285-25 through 285-29.

## § 285-76. Standards.

- A. When a particular use is not listed, the parking requirement shall be that of the most similar use.
- B. When two or more uses are combined, the total parking requirement shall be equal to the sum of the spaces required for each use, unless it is demonstrated by the applicant to the satisfaction of the Plan Commission that the combined uses result in a reduction of necessary parking spaces.
- C. Parking access aisles shall have the following minimum widths:
- (1) Two-way aisles:
    - (a) Perpendicular parking: 24 feet.
    - (b) Angled or parallel parking: 18 feet.
  - (2) One-way aisles:



- (a) Perpendicular parking: 20 feet.
  - (b) Sixty-degree angled parking: 18 feet.
  - (c) Forty-five-degree angled parking: 13 feet.
  - (d) Thirty-degree angled parking: 11 feet.
  - (e) Parallel parking: 12 feet.
- D. If the degree of angle of parking provided is not listed, the aisle width required shall be the next largest angle of parking shown above.
- E. All required parking spaces shall have a minimum area of 180 square feet with a minimum width of 10 feet and a minimum length of 18 feet.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- F. Not more than one parking space within a private garage or private carport shall be rented or leased to a nonresident of the premises.
- G. No parking space shall be located less than 10 feet from any front lot line and shall be located no less than five feet from any side or rear lot line.
- H. Parking that meets the number, location, and configuration required by the Americans with Disabilities Act (ADA) Standards for Accessible Design shall also be provided. These spaces count toward the number otherwise required for each use.
- I. All business and industrial uses shall provide sufficient off-street loading space so that no public street, road or alley will be blocked by such activities.

## § 285-77. Number of parking stalls by land use.

The table of required parking spaces is included as an attachment to this chapter.

## Article XIII. Highway Setback Lines and Permits

### § 285-78. Purpose.

In order to promote and enhance the public safety, general welfare and convenience, it is necessary that road or highway setback lines be established in the Town of Wescott, Shawano County, Wisconsin.

### § 285-79. Applicability.

Road or highway setbacks as defined in § **285-80** are applicable on all Town, county or state highways within the boundaries of the Town of Wescott. Where a road or highway is on the dividing line of the City of Shawano, this section is not intended to be effective on the side within the City of Shawano, nor on the side within another Town where the road or highway is located on a Town boundary.

### § 285-80. Minimum required setback for front yard.

<b>Table 4: Front Yard Setbacks</b>
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Jurisdiction of Public Road	Minimum Required Front Yard from Center Line of Paved or Gravel Roadway Surface (feet)	Minimum Required Front Yard from Closest Public Road Right-of-Way or Easement Line if no Paved or Gravel Road Surface (feet)
Jurisdiction of Public Road	Minimum Required Front Yard from Center Line of Paved or Gravel Roadway Surface (feet)	Minimum Required Front Yard from Closest Public Road Right-of-Way or Easement Line if no Paved or Gravel Road Surface (feet)
Town road	50	17
County trunk highway	65	35
State trunk or U.S. highway	75	45

**EXCEPTIONS:**

1. In no case shall a building be set back less than 25 feet from the nearest state trunk or U.S. highway right-of-way line.
2. Where each of the two adjoining lots on either side of a lot contains at least one preexisting principal building, the minimum required front yard setback on the lot may be reduced to a number equal the average setback of the closest principal buildings to the public street on the adjoining lots, except where such setback would be in violation of exception 1.

**§ 285-81. Road access permit.**

- A. A permit will be issued specifically for construction of a driveway (with not greater than zero pitch for the first 15 feet of the driveway) that connects to a Town road to ensure that there is no hazard to snowplows.
- B. Property owners are required (when possible), to construct driveways with a downward pitch leading away from the Town road.
- C. The actual pitch is to be determined by individual circumstances interpreted by a representative of the Town Board.
- D. A new driveway shall be constructed as to provide a twelve-foot-wide base.
- E. The permit will be issued regardless of whether the property is agricultural, residential, business, or industrial.
- F. The Town Board will set a reasonable cost for the permit, reviewed annually, and will be on file in the Town Clerk's office.
- G. Any new driveway (upon adoption of this chapter) that extends further than 500 feet from a public right-of-way must have a passing lane for emergency vehicles (maintained in all weather conditions) and a paved 100-foot diameter turnaround adjacent to the residence, reviewable and acceptable to the local fire department of jurisdiction. The passing lane must have an eighteen-foot-wide base and run 40 feet for every 250 feet of driveway.

**§ 285-82. Structures prohibited within setback lines.**

- A. No new building, mobile home, or other structure or part thereof shall be placed between the setback lines established by this chapter and the highway, except as provided by this chapter.

- B. No building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this chapter shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof.
- C. If any building or structure other than a sign is destroyed or damaged, the rebuilding or reconstruction of the building or structure will be governed by § 285-50.
- D. If any sign is destroyed or damaged, the rebuilding or reconstruction of the sign will be governed by § 285-73.

### § 285-83. Structures permitted within setback lines.

The following kinds of structures may be placed between the setback line and the highway:

- A. Open fences.
- B. Telephone, telegraph and power transmission poles and lines and microwave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner files with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this chapter at his expense, when necessary for the improvement of the highway.
- C. Underground structures not capable of being used as foundations for future prohibited overground structures.
- D. Access or service highways constructed according to plans as approved by the Town Board. In giving such approval, the Town Board shall give due consideration to highway safety and maximum sight distances.
- E. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

### § 285-84. Vision triangle.

- A. In each quadrant of every public road right-of-way intersection or public road easement intersection (including street-railroad intersections), there shall be a vision triangle per the following standards (see Figure 1).
- B. Within the vision triangle, no object over 2.5 feet in height above the roadbeds shall be allowed, except for transparent fences; telecommunication and power transmission poles, lines, and portable equipment; field crops; and deciduous trees with mature canopies beginning greater than eight feet from the ground.
- C. A railroad shall be considered the equivalent of a 55 mph road for the purposes of calculating the required vision triangle.

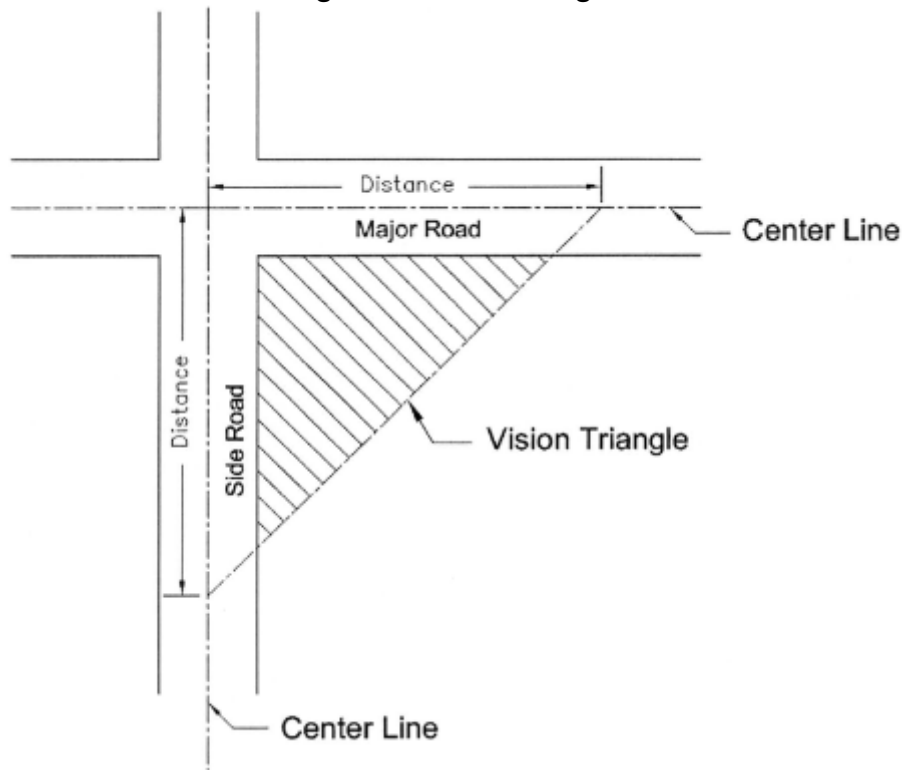
Posted Speed (mph)*	Major Road Distance (feet)**	Side Road Distance (feet)	
		Through movement possible from side road**	No through movement possible from side road ("T" intersection)***
25	90	90	75

Table 5: Dimensional Requirements for Vision Triangles			
Posted Speed (mph)*	Major Road Distance (feet)**	Side Road Distance (feet)	
		Through movement possible from side road**	No through movement possible from side road ("T" intersection)***
30	105	105	75
35	120	120	75
40	135	135	75
45	150	150	75
50	165	165	75
55	180	180	75

**NOTES:**

- \* Use the posted speed of the main road and side road to determine the respective distances.
- \*\* Based on distance traveled in two seconds at posted speed plus 5 mph.
- \*\*\* Based on a distance traveled in 2 seconds at 25 mph because vehicle approaching intersection on side road has to slow down to make a turn.

**Figure 1: Vision Triangle**



## Article XIV. Zoning Board of Appeals

Under the provisions of § 62.23(7)(e), Wisconsin Statutes, there is hereby established a Board of Appeals.

### § 285-85. Organization of Board of Appeals.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Appeals shall consist of five members appointed by the Town Chairperson and subject to confirmation of the Town Board for terms of three years. The members of the Board shall serve at such compensation to be fixed by resolution. The Town Chairperson shall designate one of the members Chairperson. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

## § 285-86. Meetings of Board of Appeals.

The Board shall adopt rules in accordance with the provisions of this article. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 and shall be a public record.

## § 285-87. Power of Board of Appeals.

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this chapter.
  - (1) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the Town affected by any decision of the Zoning Administrator. Such appeal shall be taken within 20 days of filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the appeals action was taken.
  - (2) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class 2 notice under Chapter 985, Wis. Stats., as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.  
[Amended 12-9-2021 by Ord. No. 2021-06]
- B. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- C. To interpret the provisions of this chapter where the street layout on the ground differs from Official Zoning Map.
- D. To authorize upon appeal in specific cases, a variance from the standards of the chapter as will not be contrary to the public interest. A variance for uses shall not be granted by the Board of Appeals.

## § 285-88. Application for variance.

- A. An application for one of the variances of land specified in this chapter shall be made by filing a written application on a form provided by the Town or its representative and pay a processing fee as identified on the form. Such applications shall:
  - (1) State the name and address of applicant and owner.
  - (2) State the location of property for which the variance is sought.
  - (3) State the specific variance desired.

- (4) State the facts sufficient and demonstrate that the findings prescribed in § 285-89 exist and support such statements with any plans and/or data as are required by the Board.
- B. The Board shall hold a public hearing on such matter and give notice as provided in the state statutes.

## § 285-89. Findings by Board of Appeals.

The power to authorize a variance from the requirements of the chapter shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this chapter. Variances shall only be granted when the Board of Appeals finds that:

- A. The variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of this chapter.
- B. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district.
- C. Special circumstances and conditions exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.
- D. The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.
- E. Greater profitability, lack of knowledge of restrictions and other variances granted under similar circumstances are not being considered as sufficient cause for a variance.
- F. Nonconforming uses of neighboring lands, structures or buildings in the same district, and permitted or nonconforming uses of lands, structures or buildings in other districts are not being considered as grounds for issuance of a variance.
- G. That the variance is compatible with adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district.

## § 285-90. Exercise of power.

- A. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a variance.
- B. The concurring vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.
- C. Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the Board if it grants the application for variance.
- D. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the Town Board.
- E. No variance shall be issued unless the Board shall find that the variance is consistent with the spirit, purpose and intent of this chapter, will not substantially and permanently injure the

appropriate use of neighboring property, and will serve the public convenience and welfare and that such building or use shall comply with all other regulations in the district in which it is proposed to be located.

## Article XV. Enforcement and Penalties

### § 285-91. Zoning Administrator.

The Zoning Administrator will be appointed by the Town Chairman and confirmed by the Town Board.

### § 285-92. Duties and powers.

The Zoning Administrator shall:

- A. Examine all applications for zoning permits and approve such permits only where there is compliance with the provisions of this chapter.
- B. Conduct inspections to determine compliance or noncompliance with the provisions of this chapter.
- C. Subject to Town Board approval, issue stop, cease, and desist orders, and orders requiring the correction of all conditions found to be in violation of the provisions of this chapter. Such written orders shall be served personally or by certified mail upon persons deemed by the Zoning Administrator to be violating the provisions of this chapter. It shall be unlawful for any persons to violate any such order issued by the Zoning Administrator.
- D. With approval of the Town Board, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent any violation of this chapter.
- E. Revoke by order any zoning permit approved under a misstatement of fact or contrary to the law or provisions of this chapter.
- F. Maintain a map or maps of all conditional uses and maintain a file on each.
- G. Upon request of the Town Board, Town Board Chairperson, Plan Commission, or Board of Appeals, present to such persons or bodies facts, records, or reports which are requested to assist in making decisions, or in any other way as requested.

### § 285-93. Zoning permit.

- A. No vacant land shall be occupied or used, and no building or mobile home hereafter erected, altered or moved shall be occupied until the zoning permit shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter. Such certificate shall be issued only when the building or premises and the proposed use thereof conform to all the requirements of this chapter.
- B. Under such rules and regulations as may be established by the Town Board, the Zoning Administrator may issue a temporary zoning permit for part of a dwelling.
- C. Upon written request from the owner, the Zoning Administrator shall issue a zoning permit for any building or premises existing at the time of the adoption of this chapter, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the chapter.
- D. All dimensions shown relating to the location and size of the lot being issued a zoning permit shall be based upon an actual survey, or 125% of the setback required. The lot and the location of the

building thereon shall be staked out on the ground before construction is started.

- E. The above requirements as to a zoning permit shall not apply to roadside stands, nor to farm buildings having a ground area of less than 300 square feet and not intended for human habitation. It shall be sufficient for the owner or his agent, in applying for a zoning permit, to supply the Zoning Administrator with information necessary to show compliance with health, sanitary and safety provisions of the state codes and with the requirements of this chapter.
- F. Accessory structures under 200 square feet require a no fee permit.

## § 285-94. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates this chapter shall, upon conviction, be subject to the forfeiture amount in the Fine and Forfeiture Schedule of the Town of Wescott that shall be as set from time to time by resolution by the Town of Wescott. Each violation and each day a violation continues or occurs shall constitute a separate offense.

## § 285-95. Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this chapter or of any ordinance or other regulation made under the authority conferred hereby, the proper authorities of the Town, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

## § 285-96. Shorelands.

- A. Shawano County has a Shoreland Zoning Ordinance that regulates any development or building of a structure within: 300 feet of a navigable creek, stream, or river or to the landward side of the floodplain; or 1,000 feet of a flowage, pond, or lake. Before construction begins within these distances, a land use permit must be applied for at the Shawano County Zoning Office. Shoreland Zoning Maps are available for visual inspection in the Shawano County Zoning Office. If necessary, a conclusive determination of navigability can be made through an on-site visit by the Shawano County Zoning Office staff or Wisconsin Department of Natural Resources staff.
- B. The Wescott Zoning Ordinance also regulates land use within the County Shoreland Zoning jurisdiction, and a building permit must be obtained from Town's Building Inspector prior to construction within the Shoreland Zoning boundary. Before a permit can be issued, the applicant must provide the Zoning Administrator with correspondence from Shawano County that the proposed use of the property is in compliance with the County's Shoreland Zoning Ordinance.

## § 285-97. Wetlands.

The Wisconsin Department of Natural Resources (DNR) has established setback requirements based on the quality of a wetland area. The general location of wetlands can be found on the Wisconsin Wetland Inventory Maps located at the County Zoning Office. A conclusive determination of the location of a possible wetland area can only be made through an on-site visit by a DNR certified wetland specialist and verified by the DNR resources staff.



## Article XVI. Fees

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

### § 285-98. Zoning permit.

A fee in an amount determined by the Town Board is required to be paid by the applicant for a zoning permit. The fee shall be paid to the Town Treasurer. The fees for the associated zoning permits shall be in an amount as set from time to time by resolution of the Town Board, plus actual Town expenses; fees shall be paid to the Town of Wescott.

### § 285-99. Board of Appeals.

All persons, firms, or corporations that petition to the Board of Appeals shall pay a fee that will defray administrative costs of elected or appointed Town officials, Planning Consultant/Town Attorney's time (if necessary), and legally required advertising costs. This provision shall not apply to amendments initiated by the Town Plan Commission. This fee shall not be required if the Town Board initiates a petition. The fees for the Board of Appeals shall be in an amount as set from time to time by resolution of the Town Board, plus actual Town expenses; fees shall be paid to the Town of Wescott.

### § 285-100. Plan Commission.

All persons, firms, or corporations that petition for a change in zoning or conditional use shall pay a fee that will defray administrative costs of elected or appointed Town officials, Planning Consultant/Town Attorney's time (if necessary), and legally required advertising costs. This provision shall not apply to amendments initiated by the Town Plan Commission. The fees for Plan Commission shall be in an amount as set from time to time by resolution of the Town Board, plus actual Town expenses; fees shall be paid to the Town of Wescott.

## Article XVII. Code Administration

### § 285-101. Administration of chapter.

The administration of this chapter is hereby vested in the following offices of the Town of Wescott:

- A. Town Board of Wescott.
- B. Plan Commission.
- C. Board of Appeals.
- D. Zoning Administrator.
- E. Building Inspector.
- F. Town Constable, when granted authority by action of the Town Board

### § 285-102. Duties.

The duties of the Town Board, Plan Commission, or designated staff include:

- A. Provide necessary forms and applications for permits.

- B. Issue zoning and sign permits where the provisions of this chapter have been complied with.
- C. Issue conditional use permits and certificates of compliance.
- D. Identify and keep an accurate file of all nonconforming uses and structures.
- E. Review at public hearings all petitions for rezoning and amendments to this chapter and make recommendations to the Town Board.
- F. Maintain complete files of applications, permits, and other relevant information.
- G. Upon reasonable cause to revoke any zoning permit and issue cease-and-desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter.

## § 285-103. Zoning ordinance amendments.

Anyone that desires to amend the zoning district boundaries or of the regulations contained in this chapter must obtain a petition from the Town Clerk, filling out the petition completely, and file the petition with the appropriate fee and a list of property owners within 500 feet of the petitioned property in the Agricultural and Industrial District and 300 feet in all other districts. All fees are nonrefundable. No application shall be accepted by the Zoning Administrator until deemed complete as judged by the Zoning Administrator and until the application is signed and all fees established have been paid in full.

## § 285-104. Public hearing and notice.

- A. Required hearing. No amendment of this chapter shall become effective until it is forwarded to the Plan Commission for review and recommendation. Once the Plan Commission forwards their recommendation to the Town Board, a public hearing is scheduled to allow parties in interest and citizens to be heard. If the Plan Commission does not provide a recommendation within 90 days, the Town Board may proceed to hold a public hearing without the recommendation.
- B. Notice of hearing. A Class 2 notice under Chapter 985, Wis. Stats. The Town Clerk will also notify property owners within 500 feet in the Agricultural and Industrial District and 300 feet in all other districts sent by first-class mail.  
[Amended 12-9-2021 by Ord. No. 2021-06]
- C. Notification to adjoining municipality. At least 10 days before the public hearing, a written notice of such hearing shall also be given to the Clerk of any municipality whose boundaries are within 500 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

## § 285-105. Approval of amendment.

- A. Following the public hearing and after careful consideration of the Plan Commission's recommendations and findings of fact, the Town Board shall take action to approve, amend, or deny the proposed amendment or to refer it back to the Plan Commission for reconsideration. In taking action, the Town Board shall include findings of fact.
- B. If the Town Board approves the zoning amendment, it is forwarded to the county and shall only become effective upon approval by the County Board of Supervisors.

## § 285-106. Rezoning findings of fact.

- A. Upon consideration of the Plan Commission's recommendations and "findings of fact," the Town Board must make a motion to either send the rezoning back to the Plan Commission for further consideration, approve the rezoning, or deny the rezoning. The Town Board has the option of revising the Plan Commission's "finding of fact" in their motion.
- B. The Town will enforce the "findings of fact" according to Article **XV**, Enforcement and Penalties, of this chapter.