

## **Chapter 410**

### **ZONING**

**[HISTORY: Adopted by the Town Board of the Town of Vinland as Title 13 of the 2004 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Plan Commission — See Ch. 96.**

**Adult-oriented establishments — See Ch. 155.**

**Building construction — See Ch. 190.**

**Driveways — See Ch. 206.**

**Fire prevention — See Ch. 217.**

**Outdoor furnaces — See Ch. 231.**

**Property maintenance — See Ch. 209.**

**Streets and sidewalks — See Ch. 358.**

**Subdivision of land — See Ch. 361.**

**Swimming pools — See Ch. 365.**



ARTICLE I  
**Introduction; Definitions**

**§ 410-1. Authority.**

These regulations are adopted under the authority granted by §§ 60.61, 60.62 and 62.23(7), Wis. Stats..

**§ 410-2. Short title.**

This chapter shall be known as, referred to or cited as the "Zoning Code, Town of Vinland, Winnebago County, Wisconsin."

**§ 410-3. Purpose.**

The purpose of this chapter is to promote the health, safety, prosperity, aesthetics and general welfare of the Town of Vinland.

**§ 410-4. Intent.**

It is the general intent of this chapter to:

- A. Regulate and restrict the use of all structures, lands and waters;
- B. Regulate and restrict lot coverage, population distribution, density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
- C. Secure safety from fire, flooding, panic and other dangers;
- D. Provide adequate light, air, sanitation and drainage;
- E. Prevent overcrowding; avoid undue population concentration;
- F. Facilitate the adequate provision of public facilities and utilities;
- G. Stabilize and protect property values;
- H. Further the appropriate use of land and conservation of natural resources;
- I. Preserve and promote the beauty of the Town of Vinland;
- J. Implement the Town Comprehensive Plan or plan components;
- K. Provide for the administration and enforcement of this chapter and provide penalties for its violation.

**§ 410-5. Abrogation and greater restrictions.**

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

**§ 410-6. Interpretation; standard industrial classifications.**

- A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- B. Uses allowed in commercial and industrial districts may be cross-referenced with the standard industrial classification. The SIC number is shown in ().

**§ 410-7. Effective date.<sup>1</sup>**

This chapter originally became effective as of 12:01 a.m. on the day after the last to occur of: enactment by the Town Board of the Town of Vinland; approval by the County Board of Winnebago County; referendum approval by the electors of the Town of Vinland, pursuant to §§ 61.35 and 62.23(7), Wis. Stats., of the exercise of Town zoning; and publication (February 7, 1980).

**§ 410-8. Definitions.**

- A. General terms. 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.

- B. Definitions. For the purpose of this chapter, the following definitions shall be used:

**ACCESSORY BUILDING** — A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building, not including a garage as defined herein.

**ACCESSORY USE** — A use subordinate in nature, extent or purpose to the principal use of the building or lot.<sup>2</sup>

**ADVERTISING SIGN, OUTDOOR** — A structural poster panel or painted sign, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

**ADVERTISING STRUCTURE, OUTDOOR** — A structural poster panel or painted sign, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

**AIRPORT, PUBLIC** — Any airport which complies with the definition contained in § 114.002(7), Wis. Stats.; any airport which serves or offers to serve common carriers engaged in air transport.<sup>3</sup>

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: The definition of "adult-oriented establishment," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 155 of this Code for definition of the term.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ALLEY — A way which affords only a secondary means of access to abutting property and which is not more than 24 feet wide.

APARTMENT — A portion of a residential or commercial building used as a separate housing unit.

APARTMENT HOUSE — See "dwelling, multiple."

ARTERIAL STREET — A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

AUTOMOBILE WRECKING YARD — Any properly zoned premises on which any inoperable or unlicensed automotive vehicles are stored in the open.

BASEMENT OR CELLAR — A story partly underground but having at least 1/2 of its height or more than five feet below the level of the adjoining ground. See Chs. SPS 320, 321 and 322, Wis. Adm. Code.

BOARDINGHOUSE — A building other than a hotel where meals or lodging and meals are served for compensation for not more than six persons.

BOATHOUSE — Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.

BUILDING, ALTERATIONS OF — Any change or rearrangement of the supporting members, such as bearing walls, beams, columns or girders of a building, an addition to a building or movement of a building from one location to another.

BUILDING, FRONT LINE OF — A line parallel to the street intersection; the foremost point of the building, excluding uncovered steps.

BUILDING, HEIGHT OF — The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof or to the deckline of a mansard roof or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

BUILDING, PRINCIPAL — A building in which is conducted the main use of the lot on which said building is located.

BULKHEAD LINE — A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to § 30.11, Wis. Stats. Filling and development is only permitted to the landward side of such bulkhead line.

BUSINESS — Includes the commercial, limited industrial and general industrial uses and districts as herein defined.

CARPORT — See "garage."

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 thus is that water which is flowing within the limits of the defined channel.

CLINIC — A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or nonboarding basis only.

CLUB — A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.

COMMUNITY LIVING ARRANGEMENT — The following facilities, licensed or operated or permitted under the authority of the Wisconsin Statutes: Child welfare agencies under § 48.60, Wis. Stats.; group homes under § 48.02(7), Wis. Stats.; and community-based residential facilities under § 50.01, Wis. Stats., but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including §§ 46.03(22), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.<sup>4</sup>

CONDITIONAL USE — A use of land, water or building which is allowable only after the issuance of a special permit by the Town Board under conditions specified in this chapter.<sup>5</sup>

COURT — An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two sides by the building.

CURB BREAK — Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.

CURB LEVEL — The level of the established curb in the front of the building measured at the center of such front.

DAY-CARE CENTER — A place or home which provides care for four or more children under the age of seven years for less than 24 hours a day and is licensed as provided for in § 48.65, Wis. Stats.

DWELLING GROUP — A group of two or more multifamily dwellings occupying a lot in one ownership, with any two or more dwellings having any yard or court in common.

DWELLING, MULTIPLE — A building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.

DWELLING, ONE-FAMILY — A detached building designed, arranged or used for and occupied exclusively by one family, whether attached, detached or semiattached. Shall include specially designed buildings covered by earth and manufactured homes.

DWELLING, TWO-FAMILY — A building designed, arranged or used for, or

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: The definition of "conforming use," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

occupied exclusively by, two families living independently of each other.

**DWELLING UNIT** — A building or portion thereof used exclusively for human habitation, including single-family, two-family and multifamily dwellings, but not including hotels, motels or lodging houses.

**EMERGENCY SHELTERS** — Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots or invasions.

**FAMILY** — One or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one dwelling unit shall constitute a "family." A family may include in addition thereto two but not more than two persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this section if he is dwelling for the purpose of adoption or for a foster care program.

**FARM** — Land consisting of five acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption, use or sale or are rented to others for such purposes or are enrolled in federal or state conservancy or set-aside programs. Does not apply to Farmland Preservation District.

**FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

**FOSTER FAMILY HOME** — The primary domicile of a foster parent which is for four or fewer foster children and which is licensed under § 48.62, Wis. Stats., and amendments thereto.

**FRONTAGE** — All of the property abutting on one side of a street measured along the street line.

**GARAGE** — An accessory building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.

**GARAGE, PUBLIC** — A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.

**GARAGE, STORAGE** — Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.

**GASOLINE STATION** — Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or

otherwise cleaning or servicing such vehicles.

**GROUP FOSTER HOME** — Any facility operated by a person required to be licensed by the State of Wisconsin under § 48.62, Wis. Stats., for the care and maintenance of five to eight children.

**HOME OCCUPATION** — Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building thereto, and meeting the standards of § 410-46.

**HOTEL** — A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.

**HOUSE TRAILER** — A non-self-propelled vehicle, containing living or sleeping accommodations, which is designed and used for highway travel.

**JUNKYARD** — An open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junkyard" also includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

**LOADING AREA** — A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**LOT** — A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

**LOT CORNER** — A lot located:

- (1) At the junction of and abutting two or more intersecting streets; or
- (2) At the junction of and abutting a street and the nearest shoreline or high-water line of a stormwater or floodwater runoff channel or basin; or
- (3) At the junction of and abutting two or more stormwater or floodwater runoff channels or basins; or
- (4) At and abutting the point of abrupt change of a single street where the interior angle is less than 135° and the radius of the street is less than 100 feet.

**LOT DEPTH** — The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

**LOT INTERIOR** — A lot other than a corner lot.

**LOT LINES AND AREA** — The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**LOT, REVERSED CORNER** — A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**LOT, THROUGH** — A lot having a pair of opposite lot lines along two or more

parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**LOT WIDTH** — The distance between sidelines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.

**LOT, ZONING** — A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.

**MARQUEE or CANOPY** — A roof-like structure of permanent nature which projects from the wall of the building.

**MANUFACTURED DWELLING** — A dwelling structure or component thereof, as is defined in the Wisconsin Administrative Code One- and Two-Family Uniform Dwelling Code, § SPS 320.07(52m), which bears the Wisconsin Department of Safety and Professional Services insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.<sup>6</sup>

**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, which, when placed on the site:

- (1) Is set on an enclosed continuous foundation in accordance with Ch. SPS 321, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
- (2) Is installed in accordance with the manufacturer's instructions;
- (3) Is properly connected to utilities; and
- (4) Meets other applicable standards of this chapter.

**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 or not its wheels or other rolling devices have been removed and 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 HOME PARK** — Any plot or tract of ground upon which two or more

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6. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

**MOTEL** — A series of attached, semiattached or detached sleeping units for the accommodation of transient guests.

**MOTOR FREIGHT TERMINAL** — A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

**MOTOR VEHICLE** — Any passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power.

**NONCONFORMING BUILDING OR STRUCTURE** — Any building or structure lawfully erected at the time of the enactment of this chapter which does not comply with all of the regulations of this chapter or of any amendment hereto regulating any building or structure for the zoning district in which such building or structure is located.<sup>7</sup>

**NONCONFORMING USE** — Any use of land, buildings or structures lawfully in use at the time of the enactment of this chapter which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.<sup>8</sup>

**NUISANCE** — An injurious effect on the safety, health or morals of the public or use of property which works some substantial annoyance, inconvenience or injury to the public and which causes hurt, inconvenience or damage.

**NURSERY** — Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

**NURSERY SCHOOL** — Any building used routinely for the daytime care and education of preschool-age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.

**NURSING HOME** — Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

**OVERLAY ZONE** — Zoning requirements that are described in the ordinance text, mapped, and imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

**PARKING AREA, SEMIPUBLIC** — An open area other than a street, alley or place used for temporary parking of more than four self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE** — An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways appurtenant thereto and giving access thereto.

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**PIERHEAD LINE** — A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources pursuant to § 30.13, Wis. Stats. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to § 30.12(3), Wis. Stats.<sup>9</sup>

**PLACE** — An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

**PLANNED RESIDENTIAL DEVELOPMENT** — A tract of land which contains or will contain two or more principal buildings developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.

**PROFESSIONAL HOME OFFICE** — The office of a doctor, practitioner, clergy, dentist, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession meeting the standards in § 410-46. When established in a commercial district, a beauty parlor shall be limited to three licensed operators working at any one time and a barbershop to two licensed barbers operating in not to exceed two barber chairs at any one time; and provided, further, that a beauty parlor or barbershop shall not occupy over 500 square feet of floor area, including lavatories and waiting room and only one unlighted nameplate, not exceeding four square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.

**PROPERTY LINES** — The lines bounding a platted lot as defined herein.

**PUBLIC WAY** — Any sidewalk, street, alley, highway or other public thoroughfare.

**RAILROAD RIGHT-OF-WAY** — A strip of land with tracks and auxiliary facilities for track operation but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

**RECREATIONAL VEHICLE** — Any of the following, whether it is dependent (requires camp facilities for toilet and lavatory) or self-contained (can operate independent of connections to sewer, water and electrical systems).

- (1) **CAMPING TRAILER** — A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.
- (2) **MOTOR HOME** — A portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (3) **PICKUP COACH** — A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (4) **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

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9. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

of the trailer.

- (5) TENT — A portable lodge of canvas or strong cloth, stretched and sustained by poles.
- (6) UNCLASSIFIED USES — Any similar vehicle, unit, etc., which is less than 45 feet in length.

RETENTION BASIN — A pond-type facility which provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

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. No such roadside stand shall be more than 50 square feet in ground area, and there shall not be more than one roadside stand on any one premises.

SANITARY SEWER — A constructed conduit for the collection and carrying of liquid and solid sewage wastes from two or more premises, other than stormwater, to a sewage treatment plant and which is approved by the Wisconsin Department of Natural Resources.

SCHOOL, COMMERCIAL — A school limited to special instruction, such as business, art, music, trades, handicraft, dancing or riding.

SCHOOL, PRIVATE — An elementary or intermediate school other than a parochial school, giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five days a week for a normal school year and supported by other than public funds, but not including a school for mentally disabled persons or a college or other institution of higher learning.

SETBACK — Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of or outside of and within which they may not be placed except as hereinafter provided. "Within the setback lines" means between the setback line and the highway.

SIGN — See Article VII, § 410-56, of this chapter for sign definitions.<sup>10</sup>

STABLE — The same meaning as "garage," one draft animal being considered the equivalent of one self-propelled vehicle.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF — A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property.

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10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**STREET LINE** — A dividing line between a lot, tract or parcel of land and a contiguous street.

**STRUCTURAL ALTERATION** — Any change in the bearing walls, columns, beams, girders or supporting members of a structure; any 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 or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks and disposal fields.

**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.

**TRAFFIC LANE** — A strip of roadway intended to accommodate a single lane of moving vehicles.

**TRAILER PARK** — Any lot on which are parked two or more house trailers or mobile homes for longer than 48 hours.

**UNDERLYING DISTRICT** — The zoning district assigned to the land upon which an overlay zone or district is added.

**USE** — The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained, which shall include any manner of performance of such activity with respect to the performance standards of this chapter.<sup>11</sup>

**USE, CONDITIONAL** — See definition of "conditional use" above in this section.

**USE, PERMITTED** — A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

**USE, PRINCIPAL** — The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."

**VENDING MACHINE** — A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

**YARD** — An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.

**YARD, CORNER SIDE** — A side yard which adjoins a public street.

**YARD, FRONT** — A yard extending along the full length of the front lot line between the side lot lines.

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11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

YARD, INTERIOR SIDE — A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

YARD, REAR — A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE — A yard extending along a side lot line from the front yard to the rear yard.

YARD, STREET — Yard abutting a street.

YARD, TRANSITIONAL — That yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residential district or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residential or business district.

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.

ARTICLE II  
**General Provisions**

**§ 410-9. Jurisdiction and compliance.**

- A. Jurisdiction. The jurisdiction of this chapter shall include all lands and water within the Town of Vinland, Winnebago County, Wisconsin.
- B. Compliance. No structure shall hereafter be used and no structure or part of shall hereafter be located, erected, moved, reconstructed, extended, converted or structurally altered without a zoning permit and compliance with applicable Town, County and state regulations.
- C. Land and water. Land and water within the Town of Vinland, Winnebago County, Wisconsin, is regulated by the Winnebago County Erosion Control and Stormwater Ordinance, Section 23.15 of the Town/County Zoning Ordinance adopted by the Winnebago County Board, specifically S. 10, Control of Erosion and Pollutants During Land-Disturbing Construction Activity, including: (Other reference to the County Ordinance is covered under separate ordinances.)
- (1) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other activities affecting a surface area of 4,000 square feet or more.
  - (2) Those involving excavation of filling or a combination of excavation and filling affecting 400 cubic yards or more of soil, sand or other excavation or fill material.
  - (3) Those involving public and private access driveways, streets, highways, roads or bridge construction, enlargement, relocation or reconstruction longer than 125 feet.
  - (4) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a continuous distance of 100 feet or more. The term "pipe or facility" includes, but is not limited to, utilities such as telephone, electric, gas, sanitary, stormwater, etc.
  - (5) Those involving the construction or reconstruction of a continuous distance of 100 lineal feet of road ditch, nonagricultural grass, waterway or other nonagricultural land area where drainage occurs in an open channel.
- D. All nonorganic materials used for fill shall require a zoning permit and full compliance with this chapter. **[Amended 8-11-2008]**
- (1) Site plan showing placement of nonorganic material.
  - (2) Nonorganic fill, stated in amounts, yards and/or tonnage.
  - (3) Fill requirements in all instances where nonorganic material is placed by permit; the fill shall consist of the following types of material only - brick, building stone, concrete, reinforced concrete, broken pavement; provided, however, that no asphalt pavement or products shall be allowed.

- E. Conditions addressing height fill area, slope, erosion control measures, drainage requirements or similar concerns may be required as conditions of permit requirement. The Zoning Administrator has the power to approve and issue the permit or, if excessive, the Zoning Administrator would have the right to bring permit application before the Town Board for approval.

**§ 410-10. Use restrictions.**

The following use restrictions and regulations shall apply:

- A. Principal uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in a district.
- B. Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by the Town Board, provided that such uses are similar in character to the principal uses permitted in the district.
- C. Performance standards. Performance standards listed in Article VIII shall be complied with by all uses in all districts.
- D. Conditional uses. Provisions applicable to conditional uses generally:
- (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Town Board in accordance with Article IV of this chapter, excepting those existent at the time of adoption of this chapter.
  - (2) Those existing uses which are classified as conditional uses for the district(s) in which they are located at the time of adoption of this chapter require no action by the Town Board to continue as valid conditional uses, and the same shall be deemed to be regular conditional uses.
  - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Town Board in accordance with Article IV.
  - (4) Conditional use(s) when replaced by permitted use(s) shall terminate. In such case(s), the reestablishment of any conditional use(s) shall require review, public hearing and approval by the Town Board in accordance with Article IV.
  - (5) Provisions in this chapter relating generally to conditional uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provision would then control), be deemed to be applicable to both regular and limited conditional uses.
  - (6) Conditional use permits authorized by the Town Board shall be established to both regular and limited conditional uses.<sup>12</sup>
  - (7) Conditional uses authorized by the Town Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in

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12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## Article IV.

- E. Lots abutting more restrictive districts.
- (1) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts.
  - (2) The street yard setbacks in the less restrictive district shall be modified for a distance of not less than 75 feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
  - (3) When there is a reasonable likelihood that unsewered lots will be sewered within 10 years and that the required frontage thereafter will be 100 feet or less, then the Town Board or subdivider may cause dotted lines to be drawn across the center of the lots applicable on plat and Zoning Maps so as to notify prospective purchasers of that possibility.
- F. Preservation of topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made except in compliance with Winnebago County Ordinance Section 23.15.<sup>13</sup>
- G. Decks. For purpose of this chapter, decks shall be considered a part of a building or structure.
- H. Frontline projections. No alterations to any building, except uncovered steps, shall 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.
- I. Unobstructed yards. 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.
- J. Floor size; foundation. All dwellings shall conform to a minimum floor size and be set upon a permanent footed foundation or a permanent footed slab.
- K. Height and yard exception. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
- (1) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor five stories, provided the front, side and rear yards required in the district in which such a building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.<sup>14</sup>

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13. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- (2) Chimneys; cooling towers; elevator bulkheads; fire towers; silos; monuments; penthouses; setbacks; scenery lofts; tanks, water towers; ornamental towers; spires; wireless, television or broadcasting towers, masts or aerials; telephone, telegraph and power poles and lines; microwave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this section and may be erected in accordance with other regulations or ordinances of the Town of Vinland.
  - (3) Residences in the residence and agricultural districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one foot for each foot by which such building exceeds the height limit of the district in which it is located.
  - (4) Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
  - (5) Buildings on through lots and extending from street to street may waive the requirements for rear yards by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with.
  - (6) 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.
- L. Noncomplying lots; private roads. No building permit or certificate of occupancy shall be issued by the Building Inspector for any lot which does not comply with all the regulations and standards of this chapter, except as otherwise provided by this chapter; and which does not have at least 50 feet frontage on a public street or road which is fully improved and opened in accordance with the Town standards for streets and highways, and so certified by the Town Clerk. Lots on private roads that were in existence at the time of the passage of this chapter are excluded from this road requirement.<sup>15</sup>
- M. Aesthetics.
- (1) Property value test. Aesthetics may constitute grounds for prohibiting a use, particularly if such use could depreciate the value of property in the neighborhood or impose a visual effect upon neighbors or passersby which is clearly obnoxious to the prevailing taste of the community, constituting a public nuisance. This subsection supplants, but does not supersede, other Town property maintenance and/or nuisance ordinances.
  - (2) Penalties. Any person, firm or corporation who fails to comply with the provisions of this subsection or resists enforcement shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000 and cost of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment of such forfeiture, but not

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14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

exceeding 30 days. Complete cleanup of the property must take place within 30 days of the conviction to the satisfaction of the Town Board. Each day a violation exists or continues shall constitute a separate offense.

- (3) Failure to comply with cleanup requirements. If the property is not brought into compliance to the satisfaction of the Aesthetic Review Board upon the 30th day after conviction, the Town Board shall undertake to clean up the property at the property owner's expense. The property owner will be billed for the service provided. If payment is not made of that bill in a timely fashion, a late charge of 18% per year of the total amount shall be added to the bill and shall be placed on the tax roll at the end of the year.<sup>16</sup>

#### **§ 410-11. Reduction or joint use.**

No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

#### **§ 410-12. Site regulations.**

- A. Site suitability. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Town Board, in applying the provisions of the section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires.
- B. Street frontage. All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of 33 feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located. All lots shall also have a minimum at the street yard setback as prescribed for the particular zoning district in which the lot is located.
- C. Principal structures. All principal structures shall be located on a lot. Only one principal structure shall be located, erected or moved onto a lot except in the R-5 Planned Residential District. The Town Board may permit as a conditional use more than one principal structure per lot in any district where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Town Board may impose additional yard requirements or require a minimum separation distance between principal structures.
- D. Dedicated street. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

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16. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- E. Lots abutting more restrictive districts.
- (1) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts.
  - (2) The street yard setbacks in the less restrictive district shall be modified for a distance of not less than 75 feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
  - (3) When there is a reasonable likelihood that unsewered lots will be sewerred within 10 years and that the required frontage thereafter will be 100 feet or less, then the Town Board or subdivider may cause dotted lines to be drawn across the center of the lots applicable on plat and Zoning Maps so as to notify prospective purchasers of that possibility.
- F. Preservation of topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made except in compliance with Winnebago County Ordinance Section 23.15.<sup>17</sup>
- G. Decks. For purposes of this chapter, decks shall be considered a part of a building or structure.
- H. Frontline projections. No alterations to any building, except uncovered steps, shall 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.
- I. Unobstructed yards. 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.
- J. Floor size; foundation. All dwellings shall conform to a minimum floor size and be set upon a permanent footed foundation or a permanent footed slab.
- K. Height and yard exceptions. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
- (1) Churches, schools, hospitals, sanatoriums or other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor five stories, provided the front, side and rear yards required in the district in which such a building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
  - (2) Chimneys; cooling towers; elevator bulkheads; fire towers; silos; monuments;

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17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

penthouses; setbacks; scenery lofts; tanks, water towers; ornamental towers; spires; wireless, television or broadcasting towers, masts or aersials; telephone, telegraph and power poles and lines; microwave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this section and may be erected in accordance with other regulations or ordinances of the Town of Vinland.

- (3) Residences in the residence and agricultural districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one foot for each foot by which such building exceeds the height limit of the district in which it is located.
  - (4) Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
  - (5) Buildings on through lots and extending from street to street may waive the requirements for rear yards by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets be complied with.
  - (6) 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.
- L. Noncomplying lots; private roads. No building permit or certificate of occupancy shall be issued by the Building Inspector for any lot which does not comply with all the regulations and standards of this chapter, except as otherwise provided by this chapter, and which does not have at least 50 feet frontage on a public street or road which is fully improved and opened in accordance with the Town standards for streets and highways, as so certified by the Town Clerk. Lots on private roads that were in existence at the time of the passage of this chapter are excluded from this road requirement.<sup>18</sup>
- M. Aesthetics.
- (1) Property value test. Aesthetics may constitute grounds for prohibiting a use, particularly if such use could deprecate the value of property in the neighborhood or impose a visual effect upon neighbors or passersby which is clearly obnoxious to the prevailing taste of the community, constituting a public nuisance. This subsection supplants, but does not supersede, other Town property maintenance and/or nuisance ordinances.
  - (2) Penalties. Any person, firm or corporation who fails to comply with the provisions of this subsection or resists enforcement shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000 and cost of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment of such forfeiture, but not exceeding 30 days. Complete cleanup of the property must take place within 30 days of the conviction to the satisfaction of the Town Board. Each day a

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18. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

violation exists or continues shall constitute a separate offense.

- (3) Failure to comply with cleanup requirements. If the property is not brought into compliance to the satisfaction of the Aesthetic Review Board upon the 30th day after conviction, the Town Board shall undertake to clean up the property at the property owner's expense. The property owner will be billed for the service provided. If payment is not made of that bill in a timely fashion, a late charge of 18% per year of the total amount shall be added to the bill and shall be placed on the tax roll at the end of the year.<sup>19</sup>
- N. Restriction on dog numbers in residential districts. Unless otherwise specified, no premises in a residential district shall be used to harbor more than three dogs. Puppies whelped on any such premises as a result of fortuitous mating may be retained on the premises until they are six months old and shall not be taken account of in determining the number not in excess of three dogs hereinabove permitted on such premises. No premises in a residential district shall be used for breeding or rearing of dogs for sale or hire or for the boarding of dogs for pay. **[Amended 11-11-2002]**

#### § 410-13. Highway setback lines.

- A. Purpose. In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the Town of Vinland, Winnebago County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided; and at the waters' edge on riparian lands.
- B. Riparian land setbacks. The setback line on riparian lands shall be 75 feet from the ordinary high-water mark as defined in the Winnebago County Shoreland Zoning Ordinance.<sup>20</sup>
- C. Classes of highways and center lines. Highways are classified and the position of the center line shall be determined as follows:
- (1) Class 1 highways.
    - (a) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is the midway point between the edges of the road surface.
    - (b) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is at the center of the surfacing or pavement or, if there be none, the center of graded roadbed.
    - (c) Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.

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19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

20. Editor's Note: See Ch. 27 of the Winnebago County Code.

- (d) Private roads. The center line is at the midpoint between the edges of the road surface.
  - (2) Class 2 highways.
    - (a) County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or its agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
    - (b) County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or its agent, the County Highway Committee. The center line is the center of the surfacing or pavement or, if there be none, the center of the graded roadbed.
  - (3) Class 3 highways. State trunk highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Department of Transportation or plans accepted by the County Board and United States Highway System. The center line is the center of the roadbed or the center of the surfacing or pavement of the adjacent line if the highway is to be paved as a double-divided road.
- D. Structures prohibited within setback lines. No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established by this section and the highway, except as provided by this section, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the original effective date of this chapter shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value, as determined by the Town Assessor.
- E. Structures permitted within setback lines. The following kinds of structures may be placed between the setback line and the highway:
- (1) Open fences. (See § 410-91.)
  - (2) 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 section at his expense when necessary for the improvement of the highway.
  - (3) Underground structures not capable of being used as foundations for future prohibited over ground structures.
  - (4) Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give

due consideration to highway safety and maximum sight distances.

- (5) 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.
- F. Setback distances. Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined in Subsection C above shall be as provided by the following paragraphs of this subsection, respectively;
- (1) Improved highways. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this section prior to such improvement, the setback distance shall be that applicable to the latter classification.
  - (2) Conflicting setbacks. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
  - (3) Along highways generally. The setback distances from the center line, at any point for the respective classes of highways, shall be as follows:
    - (a) Class 1 highway: 100 feet, except in platted subdivision, where the setback distance shall be 30 feet from the right-of-way lines as shown on the recorded plat; also excepting lots abutting on private roads, where the setback distance shall be 50 feet from the right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.
    - (b) Class 2 and Class 3 highways: 100 feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway be less than 60 feet for Class 2 and Class 3 highways.
    - (c) Exceptions: where buildings, structures or uses are to be erected or established between buildings existing at the time of the adoption of this chapter, which buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each such proposed building, structure or use, provided that a setback line of more than 100 feet from the center line of the highway or 65 feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the Town harmless from additional improvement damages which might accrue when and if the highway is improved; and provided, further, that no such variation shall permit a setback less than the average setback of the adjacent buildings.
  - (4) At ordinary highway intersections. At grade intersections of highway with

highways, except those roads and streets in platted subdivisions which do not intersect Class 2 highways or Class 3 highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 50 feet back from the intersection of such setback lines.

- (5) At highway intersections with transitional widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- (6) At highway intersection with curve connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.
- (7) At railroad grade crossings. At railroad grade crossings, there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the railway right-of-way and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way.

**§ 410-14. Roof slopes and eaves dimensions for single-family dwellings.**

- A. All single-family homes, including manufactured homes but excluding mobile homes, shall be covered with a roof pitched at a minimum slope of three inches to 12 inches, which is permanently covered with nonreflective material. Such homes shall have a pitched roof and overhanging eaves with a minimum twelve-inch overhang, measured from the vertical sides of the structure. Carports shall be excluded from this requirement.
- B. Dwellings shall have roofing material of a type customarily found on conventionally constructed dwellings, including wood shakes or shingles, asphalt composition shingles, fiberglass composition shingles, but not corrugated metal or corrugated fiberglass.
- C. The Building Inspector may issue exceptions to the requirements of the above subsections when warranted by design considerations and technical information is provided supporting the feasibility of the exception, provided that such exception shall not exceed 25% of the structure's roof area (excluding carports).

**§ 410-15. Surface water drainage.**

- A. General regulations. The controlled release and storage of excess surface water runoff shall be required in combination for all commercial and industrial developments and for residential developments that contain an area in excess of five acres.
- B. Purpose. It is not the intent of this section to take land areas out of use for the sole

purpose of storing excess surface water nor to restrict land use or to increase development costs. The basic purpose of this section is to eliminate the storage transportation of excess surface water in or through habitable structures. The use of natural paths of stormwater runoff to form the bypass channel and the restriction of this channel to form storage areas is encouraged. Since political and ownership boundaries often make the use of natural drainage patterns difficult, the earthmoving that is accomplished to create the maximum land usage should also be planned to provide a bypass channel for stormwater that will not create a diversion of stormwater drainage or radically change the watershed boundaries.

- C. Surface water design considerations, general. Where required by Subsections A and B above, a complete surface water management system shall be provided in all areas within the development site for handling surface water runoff that flows into or across the site from the outside without undesired additional flooding of any other lands in the drainage basin. Soil types shall be coefficients within the basins involved. The system shall be designed in accordance with accepted engineering principles for design floods resulting from rain storms of the maximum intensity predicted for the Town area at twenty-five-year intervals. All increased runoff due to development of the land which exceeds the capacity of the percolation areas, up to and including the runoff from a twenty-five-year storm, shall be diverted into retention areas for future percolation areas, seepage basins and retention areas to handle the runoff from storms which exceed the twenty-five-year storm in duration and severity.
- D. Surface water design considerations, subdivisions and planned residential areas.
- (1) Subdivision plans and R-5 Planned Residential District shall not be approved unless all lands intended for use as building sites can be assured positive drainage, as approved by the Town. Unless other arrangements are made with the Town, the developer shall construct, install and furnish all necessary drainage structures to include pipes, catch basins, ditches, etc., as required. Construction shall conform to all Town specifications.
  - (2) The drainage system shall tie generally to existing drainage facilities covered by the Town easements or into already established natural drains not covered by Town easements where there is no question that the natural drain served the area within the development and that said drainage will not result in damage to any property rights of others. Discharge onto adjacent properties where there is no existing drainage outlet or where no natural drains exist will not be permitted without the developer acquiring the necessary easements, as determine by the Town.
  - (3) Lots shall be developed to maximize the amount of natural drainage which is percolated into the soil and to minimize direct overland runoff into adjoining streets and watercourses. Stormwater runoff from roofs and other impervious surfaces should be diverted into swales or terraces on the lot when possible. Where a positive outfall is unavailable or inadequate and the installation or revision of the outfall is not economically practical, a retention-seepage basin may be included in the drainage system. The basin shall be designed using accepted engineering practices. In all cases the basin shall be designed and located in such a manner as to cause the least amount of damage when the

design storm is exceeded. Sufficient drainage right-of-way shall be set aside to allow for egress, ingress and continuous maintenance around the perimeter of the basin.



ARTICLE III  
**Zoning Districts**

**§ 410-16. Zoning districts designated.**

For the purpose of this chapter, the Town of Vinland, Winnebago County, is hereby divided into the following 16 districts:

- R-1 Rural Residential District (nonsubdivided)
- R-2 Suburban Residential District (subdivided)
- R-3 Two-Family Residential District
- R-4 Multiple-Family Residential District (sewered)
- R-5 Planned Residential District (sewered)
- MH-1 Mobile Home District (subdivided; sewered or unsewered)
- G-1 Garage Lot District (floating)
- B-1 General Commercial District
- B-2 Highway Business Park District
- B-3 General Business District
- P-1 Institutional and Recreational Park District
- A-1 Farmland Preservation District
- A-2 General Farming District
- M-1 Light Industrial and Office District
- M-2 Heavy Industrial District
- M-3 Extraction or Landfill Overlay District

**§ 410-17. District boundaries.**

- A. Zoning Map. The boundaries of the districts enumerated in § 410-16 above are hereby established as shown on a map entitled "Zoning Map, Town of Vinland, Wisconsin," as amended periodically, which is adopted by reference and made a part hereof. The Map shall bear upon its face the attestation of the Town Chairperson and the Town Clerk and shall be available to the public in the office of the Town Clerk.
- B. Boundary lines. The boundaries shall be construed to follow corporate limits; United States Public Land Survey Lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended, unless otherwise noted on the Zoning Map.
- C. Vacation. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- D. Unzoned lands. Unzoned lands located in the Town not otherwise zoned or coming into the Town under Town zoning jurisdiction by any means shall initially be placed in the A-2 General Farming District until rezoned by the Town with

approval of the Winnebago County Board.

- E. Residential districts interpretation. The residential zoning standards of this chapter have been divided into those suitable for homesites with public sewer and those for homesites dependent upon on-site sewage disposal systems. Home sites developed on a scattered basis, disassociated from any recorded subdivision or approved planned unit development shall conform to the lot size and associated standards of the appropriate residential district designated "nonsubdivided." The reduced lot size and associated standards which accompany residential districts designated as "subdivided" shall be utilized in determining optimum land use in the process of establishing a duly recorded subdivision. Subdivided lot sizes and standards shall not be applied to any unplatted lands or assessor's plats and, when applied to existing plats, shall not allow a reduction in recorded lot size without a replat of the affected subdivision.
- F. Business district interpretation. The uses within each business district have been grouped according to the expected intensity of the commercial activity. Also, lot sizes have been adjusted according to service by public sewer or on-site sanitary system.

**§ 410-18. R-1 Rural Residential District (nonsubdivided).**

- A. Purpose. The intent of this district is to provide a lot size and associated standards for homesites developed on a scattered basis. The criteria of this district are designed to provide reliable single-family homesites in those areas where neighborhood and community facilities and services are of secondary significance to the location of the homesite itself.
- B. Permitted uses. Permitted uses in this district are as follows:
- (1) Incidental agricultural activities when the site is used as a farm homesite or the following uses, provided that they shall be of noncommercial nature:
    - (a) Nurseries and orchards.
    - (b) Raising and keeping of dogs (maximum of three per Town of Vinland Code Chapter 167, Animals, § 167-14C) - not include breeding or boarding.
    - (c) Raising of chickens, for personal use whether or not incidental to agricultural activities, requirements are not to exceed eight hens (female chickens). Roosters (male chickens) are prohibited. Containment on property is required.
    - (d) Smaller "hobby" type animals such as rabbits, hares, etc. - not to include those animals of such size or character as to normally be considered to be big game, e.g., lions, tigers, bears, etc., and not to include furbearing animals, e.g., mink, chinchilla, etc., except for rabbits. [**Amended 6-11-2013**]
- C. Conditional uses. Conditional uses in this district shall be as follows.
- (1) In addition to those stated elsewhere in this chapter, the following shall be

conditional uses:

- (a) Public, private and parochial elementary and secondary schools and all churches.
  - (b) Clubs, fraternities, lodges and meeting places of a noncommercial nature.
  - (c) Home occupations and professional offices.
  - (d) Model homes and accessory signs.
- (2) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
- (a) Utilities and associated structures, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
  - (b) Governmental and cultural uses, except the Town Hall, Town offices and Town fire stations shall be considered principal uses; they shall require a conditional use.
  - (c) One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.
- (3) Other.
- (a) The following uses, provided that they shall be of noncommercial nature and comply with Subsection C(3)(b) through (d) below:
    - [1] Raising and keeping of stable animals and all other domestic livestock.
  - (b) There shall be a minimum lot area of five acres to consider the raising and keeping of stable animals and domestic livestock.
  - (c) Where the application is for the raising and keeping of stable animals or domestic livestock or for the development of orchards or nurseries, the applicant must reserve sufficient area for the relocation of the residential structure's drain field. Such reserved area must be verified as suitable by a certified soil tester or by detailed soil maps. Furthermore, the reserved area must be safeguarded from heavy traffic and shall be located so as to comply with the setback standards of Table 383.43-1 in § SPS 383.43, Wis. Adm. Code, and the Winnebago County Sanitary Ordinance<sup>21</sup> - both for existing and future structures.
  - (d) The number of animals to be kept shall be established in the conditional use approval.

D. Basic district standards. The basic lot standards in this district shall be as follows:

- (1) Unsewered lot width: minimum 200 feet on a public road.
- (2) Unsewered lot area: minimum 43,500 square feet.

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21. Editor's Note: See Ch. 16 of the Winnebago County Code.

- (3) Sewered lot width: minimum 85 feet.
- (4) Sewered lot area: minimum 12,000 square feet.
- (5) Building height: maximum 35 feet.
- (6) Yard setbacks.
  - (a) Street:
    - [1] Minimum 50 feet (sewered).
    - [2] Minimum 50 feet (unsewered).
  - (b) Rear: minimum 25 feet (sewered or unsewered).
  - (c) Side:
    - [1] Minimum seven feet one side.
    - [2] Minimum 10 feet other side.
    - [3] Shore: minimum 75 feet.
- (7) Minimum dwelling width: 20 feet, measured from narrowest part of structure; minimum area of 1,000 square feet.
- E. Accessory uses. Permitted accessory uses in this district shall include stables, sheds and similar structures for Group 3 conditional uses, provided their combined floor area does not exceed 1% of the total lot area.
- F. Accessory structure standards. Accessory structure standards for this district, in addition to those set forth in Article XI, shall be as follows:
  - (1) Building height: maximum 18 feet.
  - (2) Yard setback.
    - (a) Street: minimum 100 feet or as specified in the conditional use approval.
    - (b) All other: minimum 50 feet.
  - (3) Confinement setbacks. The permanent confinement of animals, the placement of pens and location of structures for same shall be a minimum of 75 feet from any adjoining residence. (Said adjoining residence shall have the right to expand, remodel or reconstruct without regard for this minimum distance.)

**§ 410-19. R-2 Suburban Residential District (subdivided).**

- A. Purpose. The intent of this district is to provide a lot size and associated standards for homesites in a duly recorded and legally maintained subdivision. The criteria of this district have been designated to provide reliable single-family homesites in those developing areas which do not have public sanitary sewer but which offer a suburban arrangement of amenities, services, facilities, etc.
- B. Permitted uses. Permitted uses in this district are as follows:

- (1) One-family dwellings on lots, which have been developed and recorded according to Ch. 236, Wis. Stats., and Chapter 361, Subdivision of Land, of this Code, for lots not served by public sanitary sewer. These shall be single-family dwellings, excluding all mobile homes; for purposes of this chapter, manufactured homes are included in the definition of single-family dwelling.
  - (2) Manufactured homes complying with all of the following requirements and limitations:
    - (a) The home shall be a double wide of at least 25 feet in width and 36 feet in length.
    - (b) The home shall be installed on an approved foundation system in conformity with the Uniform Building Code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
    - (c) The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
    - (d) The home shall be covered by a roof pitched at a minimum slope of three inches in 12 inches, which is permanently covered with nonreflective material. (See also § 410-14.)
    - (e) The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Vinland.
  - (3) Community living arrangement and day-care centers which have a capacity for eight or fewer persons.
  - (4) Foster family care.
  - (5) Home occupations and professional home offices.
- C. Conditional uses. Conditional uses in this district shall be as follows:
- (1) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
    - (a) Public, private and parochial elementary and secondary schools and all churches.
    - (b) Clubs, fraternities, lodges and meeting places of a noncommercial nature.
    - (c) Home occupations and professional offices.
    - (d) Model homes and accessory signs.
  - (2) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:

- (a) Utilities and associated structures, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
  - (b) Governmental and cultural uses, except the Town Hall, Town offices and Town fire stations shall be considered principal uses; they shall require conditional use approval.
  - (c) One-time deposit, except in a Floodplain/Shoreland District, subject to receiving DNR permits.
- D. Basic district standards. The basic lot standards in this district shall be as follows:
- (1) Unsewered lot width: minimum 100 feet.
  - (2) Unsewered lot area: minimum 43,000 square feet (unless otherwise determined by soil conditions and/or percolation rates).
  - (3) Sewered lot width: minimum 65 feet.
  - (4) Sewered lot area: minimum 9,000 square feet.
  - (5) Building height: maximum 35 feet.
  - (6) Yard setbacks.
    - (a) Street: minimum 30 feet.
    - (b) Rear: minimum 25 feet.
    - (c) Side:
      - [1] Minimum seven feet one side.
      - [2] Minimum 10 feet other side.
    - (d) Shore: minimum 75 feet.
  - (7) Minimum dwelling width: 20 feet, measured from the narrowest part of the structure; minimum area of 1,000 square feet.

**§ 410-20. R-3 Two-Family Residential District.**

- A. Purpose. The intent of this district is to provide a lot size and associated standards for a homesite which will accommodate the use of a duplex housing type. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, duplex zoning - when desired - should be applied on a district basis, adjacent to but not within the character of the single-family neighborhood in which it is to be located.
- B. Permitted uses. Permitted uses in this district are as follows:
- (1) Two-family and single-family dwellings.
  - (2) Incidental agricultural activities when such a site is utilized as a farm homesite in an A-1 or A-2 District.

- C. Conditional uses. Conditional uses in this district shall be as follows:
- (1) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
    - (a) Public, private and parochial elementary and secondary schools and all churches.
    - (b) Clubs, fraternities, lodges and meeting places of a noncommercial nature.
    - (c) Home occupations and professional offices.
    - (d) Model homes and accessory signs.
  - (2) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
    - (a) Utilities and associated structures, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
    - (b) Governmental and cultural uses, except the Town Hall, Town offices and Town fire station shall be considered principal uses; they shall require conditional use approval.
    - (c) One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.
  - (3) Senior citizen homes, nursing homes and homes for the aged.
  - (4) Day-care centers and children's nurseries.
  - (5) Medical clinics.
- D. Basic district standards. The basic lot standards in this district shall be as follows:
- (1) Unsewered lot width: minimum 200 feet.
  - (2) Unsewered lot area: minimum 43,000 square feet.
  - (3) Sewered lot width: minimum 85 feet.
  - (4) Sewered lot area: minimum 10,000 square feet.
  - (5) Building height: maximum 35 feet.
  - (6) Street yard setbacks (unsewered).
    - (a) Minimum 30 feet subdivided.
    - (b) Minimum 50 feet nonsubdivided.
  - (7) Street yard setbacks (sewered).
    - (a) Minimum 30 feet subdivided.
    - (b) Minimum 50 feet nonsubdivided.

- (8) Other yards.
  - (a) Rear: minimum 25 feet.
  - (b) Side:
    - [1] Minimum seven feet one side.
    - [2] Minimum 10 feet other side.
  - (c) Shore: minimum 75 feet.

**§ 410-21. R-4 Multiple-Family Residential District (sewered).**

- A. Purpose. The intent of this district is to provide residential development of walk-up type apartment buildings which provide rental housing to be built within the economies of scale, while retaining a relatively low density pattern. The use of this district should be applied to those locations in the neighborhood in which it will be compatible with surrounding uses; where the increased density would not create a service problem; and where the use will accommodate both the existing or anticipated character of the surrounding area and the future needs of the multiple-family development itself.
- B. Permitted uses. Permitted uses in this district shall be as follows:
  - (1) Multiple-family dwellings on lots served by public sanitary sewers.
- C. Conditional uses. Conditional uses in this district shall be as follows:
  - (1) In addition to those stated elsewhere in this chapter, the follow shall be conditional uses:
    - (a) Public, private and parochial elementary and secondary schools and all churches.
    - (b) Clubs, fraternities, lodges and meeting places of a noncommercial nature.
  - (2) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
    - (a) Utilities and associated structures, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
    - (b) Governmental and cultural uses, except the Town Hall, Town offices and Town fire stations shall be considered principal uses; they shall require conditional use approval.
    - (c) One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.
  - (3) All conditional uses specified under the R-2 Two-Family Residential District.
- D. Basic district standards. The basic lot standards in this district shall be as follows:
  - (1) Lot width: minimum 120 feet.

- (2) Lot area: minimum 15,000 square feet with an increase in area of 1,500 square feet for each added unit over a four-unit structure.
- (3) Building height: maximum 36 feet.
- (4) Yard setbacks.
  - (a) Street: minimum 40 feet.
  - (b) Rear: minimum 40 feet.
  - (c) Shore: minimum 75 feet.
  - (d) Open space: minimum 500 square feet per unit.

**§ 410-22. R-5 Planned Residential District (sewered).**

- A. Purpose. The intent of this district is to produce a total residential development area with standards designed to encourage creativity in the arrangement and placement of residential dwellings. To this end, the district allows a diversity of dwelling types, open spaces, and uses conceived and planned as comprehensive and cohesive projects. Furthermore, the application of this district should produce a more rational and economic use of land and public services while encouraging the preservation of open space.
- B. Permitted uses. All permitted structures shall be arranged and development organized following approval under the procedures established under Article IV. (Development by individual lots or condominium.)
  - (1) Attached single-family dwellings.
  - (2) Clustered single-family dwellings.
  - (3) Lot development.
  - (4) Two-family dwellings.
  - (5) Multiple-family dwellings, served by a public sanitary sewer system.
- C. Conditional uses. If project is approved under procedures in Subsection D below:
  - (1) Location, site and operational plans for all structures and improvements which serve the principal use.
  - (2) All principal, conditional and Article IV approved uses of the B-1 and B-2 Business Districts and any other business uses which will complement the density and setting of the residential development.
  - (3) Elevator apartments in excess of 35 feet in height when distance between the subject building and other structures and/or from property lines is increased at a rate of two feet for each additional five feet of height of the building over the first 35 feet of height.
  - (4) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:

- (a) Public, private and parochial elementary and secondary schools and all churches.
  - (b) Clubs, fraternities, lodges and meeting places of a noncommercial nature.
  - (c) Home occupations and professional offices.
  - (d) Model homes and accessory signs.
- (5) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
- (a) Utilities and associated structures, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
  - (b) Governmental and cultural uses, except the Town Hall, Town offices and Town fire stations shall be considered principal uses; they shall require conditional use approval.
  - (c) One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.
- (6) All conditional uses specified for the R-3 Two-Family Residential District.
- (7) Patio or zero-side-yard houses.
- (8) Single- and two-family residences with on-site sewage disposal systems, providing the overall density of the development does not exceed two dwelling units/acre.
- (9) Private roads.
- D. Approval procedures.
- (1) Application. In addition to the requirements of Article IV, there shall be a preliminary plan provided with each application. The data on this plan shall conform to the standard of Section 18.08 of the Winnebago County Subdivision Ordinance and shall also show:<sup>22</sup>
- (a) The overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces;
  - (b) Total development area (square feet);
  - (c) Total proposed number of living units;
  - (d) Total proposed building area at ground level, including garages, carports and other community facilities;
  - (e) Total open space area (square feet);

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22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (f) Total number of parking spaces.
- (2) Final plan. In the event the Town Board approves the preliminary plan or tentatively approved it with conditions, the applicant shall submit a final plan for final approval within six months. (After six months the applicant must resubmit an original application in order to be eligible for further consideration.)
- (3) Permit. Issuance of a conditional use permit for a planned residential district shall be based upon the following evaluation of the final plat:
  - (a) That the final plan conforms to the conditions for approval of the preliminary plan;
  - (b) That all basic district standards are satisfied;
  - (c) That the overall density of the project is in compliance with a comprehensive plan or, where no such plan has been duly adopted, is in the Board's judgment compatible with the surrounding areas and/or within the capacity of the community's public services;
  - (d) That public sewer and adequate water is present;
  - (e) That landscaping and grading will be done to assure compliance with §§ 410-12 and 410-15;
  - (f) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snowplows, garbage and fire trucks, the loading and unloading of furniture and other pickups and deliveries without blocking traffic.
  - (g) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;
  - (h) That adequate lighting will be provided;
  - (i) That the final plans include the planting of adequate trees and shrubs where not already present;
  - (j) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood.
  - (k) That adequate surety bonds and/or scheduling dates are provided to guarantee the improvements shown on the plans;
  - (l) That deed restrictions are included to assure the proper preservation, care and maintenance by the original and all subsequent owners of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces and park lands;
  - (m) That the final plan shall be platted and duly recorded according to the standards and procedures of the Winnebago County Subdivision

Ordinance; Chapter 361, Subdivision of Land, of this Code and Ch. 236, Wis. Stats.

- E. Basic district standards. The basic lot standards in this district shall be as follows.
- (1) Development area: minimum 10 acres under single ownership.
  - (2) Development width: minimum 80 feet.
  - (3) Open space area: minimum 20% of the development area.
  - (4) Lot area.
    - (a) Minimum 8,000 square feet per row house.
    - (b) Minimum 21,251 square feet per one-family dwelling.
    - (c) Other uses according to conditional use permit.
  - (5) Lot width: minimum 50 feet. (All lot areas to be designed by broken line on plot plan when in condominium ownership.)
  - (6) Building height: maximum 35 feet.
  - (7) Yard setbacks.
    - (a) Street: minimum 30 feet.
    - (b) Rear: minimum 25 feet.
    - (c) Side: minimum 15 feet between single- and two-family dwellings.
    - (d) Other:
      - [1] Minimum 30 feet from public street rights-of-way.
      - [2] Minimum 30 feet from exterior property lines of the development and between multiple-family and row house buildings.
      - [3] All other uses according to conditional use permit.
    - (e) Shore: minimum 75 feet.

**§ 410-23. MH-1 Mobile Home District (subdivided; sewerred or unsewered).**

- A. Purpose. The intent of this district is to provide a lot size and associated standards for mobile homes in a duly recorded and legally maintained mobile home park subdivision. The criteria of this district have been designed to provide reliable homesites in those developing areas which do or do not have public sanitary sewer and which offer a suburban arrangement of amenities, service, facilities, etc.
- B. Permitted uses. Permitted uses in this district shall be as follows:
- (1) Mobile home dwellings on lots which have been developed and recorded according to Ch. 236, Wis. Stats., the Winnebago County Subdivision Ordinance and Chapter 361, Subdivision of Land, of this Code.

C. Conditional uses. Conditional uses in this district shall be as follows.

- (1) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
  - (a) Public, private and parochial elementary and secondary schools and all churches.
  - (b) Clubs, fraternities, lodges and meeting places of noncommercial nature.
  - (c) Home occupations and professional offices.
  - (d) Model homes and accessory signs.
- (2) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
  - (a) Utilities and associated structures, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
  - (b) Governmental and cultural uses, except the Town Hall, Town offices and Town fire stations shall be considered principal uses; they shall require conditional use approval.
  - (c) One-time disposal, except in a Floodplain/Shoreland District, subject to receiving DNR permit.
- (3) Mobile home parks according to the procedures for application and permit provided under R-5 Planned Residential District, providing:
  - (a) Each mobile home shall be located on a lot of not less than 5,000 square feet.
  - (b) Each mobile home lot shall contain a parking space upon which the mobile home shall be situated, which parking space shall be gravel or paved with concrete or bituminous material.
  - (c) There shall be a system of roadways with a minimum width of 36 feet, surfaced as required by Subsection C(3)(b) above, providing access from each and every trailer and automobile parking space within such mobile home park subdivision to the public street or highway, provided that there shall not be more than two entrances from or exits to such street or highway from any one such park.
  - (d) Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted with grass, flowers, shrubs or trees, which shall not be less than 15 feet wide, except that there need not be more than a five-foot setback from an access driveway; provided, however, that such five-foot setback shall apply to the longest trailer to be accommodated within such park.
  - (e) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required

yards and open spaces, which shall not be less than 15 feet wide.

- (f) Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to Town officials for inspection.
- D. Basic district standards. The basic lot standards in this district shall be as prescribed for the R-2 Suburban Residential District.

**§ 410-24. G-1 Garage Lot District (floating).**

- A. Purpose. The intent of this district is to allow the establishment of garage lots in conjunction with existing residential lots - particularly along the water - not having sufficient area, width or depth to allow construction of a garage. This district will allow the establishment of such a garage lot directly across the road from an existing residential lot.
- B. Permitted use. One detached garage as an accessory use to an existing residential lot.
- C. Basic district standards. The basic lot standards in this district shall be as follows.
  - (1) Lot width: as required to align directly across from an existing residential lot but shall not be less than 40 feet.
  - (2) Lot area: minimum as required to meet minimum yard requirements.
  - (3) Structure height: maximum 18 feet.
  - (4) Structure floor area: maximum 900 square feet.
  - (5) Yard setbacks.
    - (a) Rear: minimum 25 feet.
    - (b) Side:
      - [1] Minimum 10 feet one side.
      - [2] Minimum 25 feet total both sides.
    - (c) Shore: minimum 50 feet.
- D. Deed restrictions. In addition, prior to the issuance of a zoning permit, the garage lot and existing related residential lot shall be deed restricted so as to treat use and transfer of ownership of the two lots as one parcel.
- E. Plan approval. Approval of building site and operational plans shall be pursuant to Article IV.

**§ 410-25. B-1 General Commercial District.**

- A. Permitted uses. The B-1 General Commercial District is intended to provide an area for the business and commercial needs of the Town. The intent of this district is to provide for an individual or a small grouping of retail and customer service

establishments which will serve the daily needs of local area residents. The physical location and arrangement of these facilities should be laid out so as to orient themselves to the local residential population to be served while remaining compatible in appearance and character with this area. The following uses of land are permitted.

- (1) General business and commercial uses which do not generate noise or odors that would create a public or private nuisance. These uses generally include:
    - (a) Banks, commercial or professional offices, telephone offices and post offices.
    - (b) Clubs, lodges and organizations.
    - (c) Places of amusement: theaters, nightclubs, bars, restaurants and related uses.
    - (d) Personal service and equipment service establishments.
    - (e) Retail stores and shops and small service businesses, such as art shops; professional studios; clothing, drug, grocery, fruit, meat, vegetable, confectionery, hardware, sporting goods, stationery, music, variety and notion stores; household appliance, fixture and furnishing stores and repair shops; stores and shops for barbers, beauticians, cabinet makers, electricians, florists, jewelers, watchmakers, locksmiths, painters, tailors, taxidermists, plumbers, shoemakers, dressmakers, pressers, photographers.
    - (f) Greenhouses.
    - (g) Other uses similar to or customarily incidental to any of the above uses.
  - (2) Churches.
  - (3) The enclosed parking of trucks as an accessory use, when used in the conducting of permitted businesses, shall be permitted for vehicles of not over 1 1/2 tons of capacity when located within 75 feet of a residence district boundary line.
- B. Conditional uses. The following are conditional uses in the B-1 District, subject to approval under Article IV.
- (1) Residential apartments may be permitted as a conditional use, provided that the quarters are an integral part of the design of the commercial activities, not exceeding 60% of the floor area of the structure.
  - (2) Agricultural implement business.
  - (3) Animal or veterinary hospital or animal sales shop.
  - (4) Automobile display and salesroom, parking lots and structures and, when accessory thereto, the retail sale of automobile parts and accessories and the washing, cleaning, greasing and servicing of automobiles, including minor adjustments and repairs, but not major rebuilding or demolition or spray

painting.

- (5) Baker, laundry or dry-cleaning establishment employing more than five people.
- (6) Billiard or pool hall or bowling alley.
- (7) Cabinet making or carpenter's shop.
- (8) Commercial recreational facilities, e.g.:
  - (a) Clubs.
  - (b) Driving ranges.
  - (c) Miniature golf.
  - (d) Skating rinks.
  - (e) Dance halls.
  - (f) Lodges.
  - (g) Physical culture.
- (9) Drive-in restaurant or food-serving facilities.
- (10) Funeral homes.
- (11) Plumbing or heating fixture or supply shop, machine shop, tin shop, sheet metal shop, welding shop, pattern shop, sign shop, printing shop, monument works or similar business or industry employing more than three persons on the premises.
- (12) Secondhand store or business dealing in secondhand goods or antiques.
- (13) Water-orientated commercial uses when on lakes and streams, e.g.:
  - (a) Bait shops.
  - (b) Bath houses.
  - (c) Bathing and fishing areas.
  - (d) Boat and marine sales.
  - (e) Boat-launching areas.
  - (f) Boat liveries.
  - (g) Boat storage.
  - (h) Repair and service marinas.
  - (i) Sales, service and repairs.
  - (j) Dance halls.

- (k) Fishing equipment sales.
  - (l) Hotels.
  - (m) Resorts.
  - (n) Restaurants.
  - (o) Campgrounds.
- C. Area, height and yard requirements.
- (1) Maximum building heights: 35 feet.
  - (2) Yard setbacks.
    - (a) Street: minimum 30 feet.
    - (b) Side: minimum 10 feet each side.
  - (3) Minimum rear yard setbacks: 25 feet, principal and accessory structures.
  - (4) Minimum lot size.
    - (a) One-acre minimum (unsewered).
    - (b) Forty thousand square feet (sewered).
  - (5) Minimum frontage.
    - (a) One hundred feet unsewered.
    - (b) Seventy-five feet sewerred.

**§ 410-26. B-2 Highway Business Park District. [Amended 2010]**

- A. Purpose. The B-2 Highway Business Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, non-nuisance-type operations and research and development institutions. The essential purpose of this district is to achieve economic development which is an asset to the owners, neighbors and the Town and to promote and maintain desirable planned economic development. In addition, the B-2 District is intended to provide appropriate locations for orderly and attractive grouping of highway-oriented commercial activities, emphasizing a business park environment.
- B. Permitted and conditional uses. The permitted and conditional uses hereunder are subject to the provisions of Article IV and Subsections C and D below.<sup>23</sup>
- (1) Permitted uses.

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23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Dwelling units (conversion units, apartments and rented rooms), provided the minimum requirements of the B-1 District are adhered to and the intent of the chapter upheld.

Agricultural uses

Gift shop

Greenways, open spaces and parking

Parks

Medical clinics

Grocery stores

Municipal service buildings and functions

Sales and storage

Medical (including physicians, dental, chiropractic, physical therapy and optometry)

Legal

Real estate offices

Counseling

Financial (banks, credit unions and brokerage)

Insurance

Travel agency

Business services (consulting, computer and employment)

Accounting

Engineering

Post office

Telephone/telecommunications operations

Educational functions (technical school, community college, etc.)

State or local office building

Office showrooms

Funeral homes

Services uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services

Telecommunications facilities

(2) Conditional uses.

Motor vehicle sales and service establishments, gas stations and public garages

Drive-in establishments serving food and beverages for consumption on the premises, entertainment and amusement establishments and parking lots

Motels, motor hotels, tourist homes and informational centers

Recreational establishments, including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses or similar uses

Automobile sales and service

Drive-in establishments serving food and beverages

Implement sales and service

Mobile home sales

Motels

Nightclubs

Restaurants

Utility lines and their appurtenances

Automobile and truck wash facilities

Building materials

Electronic and precision instruments manufacture

Food processing

Light machinery production

Printing and publishing

Trade and contractor's offices and storage

Transshipment depots

Trucking terminals

Warehousing

Child care

Veterinarian clinic

Printing

State-classified manufacturing operations

Warehousing or distribution operations, not including predominantly retail sales to customers on site.

Offices of construction firms, shops, display rooms and enclosed storage

Laboratories, research, development and testing, and manufacturing and fabrication in conjunction with such research and development and operations

Public utilities and public services

Conference centers and hotel facilities

Uses clearly similar or incidental to those listed above

C. Lot, yard and building requirements.

- (1) Minimum dimensional requirements. To be eligible for zoning under this district, the parcel to be zoned shall be platted, shall have a minimum size of 10 acres or divided into lots with a minimum size of one acre or more each.
- (2) Lot frontage: minimum 100 feet.

- (3) Lot area: minimum one acre.
  - (4) Front yard: minimum 25 feet.
  - (5) Side yard: minimum 15 feet.
  - (6) Rear yard: minimum 30 feet.
  - (7) Building height: maximum 35 feet.
  - (8) Requirements may be modified by conditional use permit.
- D. Other requirements. Uses permitted and conditional in the B-2 District are subject to the following requirements:
- (1) No building or improvement shall be erected, placed or altered on any lands in the B-2 District until the plans for such building or improvement, including site, landscaping and building plan and specifications, have been approved by the Town Board. The Town Board shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenants placed on the land in the B-2 District.
  - (2) Design standard in the B-2 District shall include as a minimum the following standards:
    - (a) All uses shall comply with Town performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
    - (b) All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
    - (c) The building coverage on any zoning lot shall not exceed 60%, nor be less than 25%.
    - (d) All areas not covered by buildings or parking lots shall be landscaped, subject to detail requirements of restrictive covenants.
    - (e) All zoning lots abutting residentially zoned districts shall be screened.

**§ 410-27. B-3 General Business District. [Added 4-8-2013]**

- A. The primary intent of this district is to provide for the special development needs of those wholesale and retail stores, shops and services and those professional offices which, by their nature, are dependent upon a wide trade area and/or employee base. The secondary intent of this district is to provide for certain commercial activities which are uniquely oriented towards the service of highway traffic. Therefore, whether for use as a wide retail district or for use by highway business, this district should be utilized to produce a safe and orderly placement of facilities and activities along and/or with access to major traffic routes. Additionally, when applied as a wide business district, its size and location should be in relationship to the needs and economy of the entire service area.

- (1) Recommended district size: 12 to 20 acres (unsewered).
- (2) (Per 9,000 to 12,000 families): six to 10 acres (sewered).

B. Permitted uses shall include all principal uses permitted in the B-1 District. Also, the following uses and similar wholesale and retail stores, shops and services, provided that they do not have outdoor storage yards:

- Automotive parts and supply store
- Auto, truck and heavy equipment
- Sales, service, mechanical and body repair
- Boat sales, rental and repair
- Building material and product sales
- Department stores, except discount department stores and discount centers
- Exterminating shops
- Food lockers
- Food packaging and distribution
- Monument sales
- Motorcycle and recreational vehicle sales, repair and service
- Physical culture and health studios
- Printing, advertising and publishing shops
- Private clubs, lodges and indoor court facilities
- Radio broadcasting studios
- Secondhand shops
- Trade and contractors' offices
- Feed and seed stores
- Vending machine sales, service and repair
- Wholesale establishments

C. B-3 basic district standards. The basic lot standards in this district shall be as follows:

Lot			
(sewered)	Frontage:	minimum 75 feet	
	Width:	minimum 85 feet	
	Area:	minimum 15,000 square feet	
(unsewered)	Frontage:	minimum 100 feet	
	Width:	minimum 100 feet	
	Area:	minimum 30,000 square feet	
Building	Height:	maximum 35 feet	

Lot

Yards

(sewered)	Street:	minimum 30 feet
	Rear:	minimum 25 feet
	Side:	minimum 7 feet 1 side
	Shore:	minimum 10 feet either side
		minimum 75 feet
(unsewered)	Street:	minimum 50 feet
	Rear:	minimum 50 feet
	Side:	minimum 7 feet 1 side
	Shore:	minimum 10 feet either side
		minimum 75 feet

D. B-3 conditional uses. (See Article IV.) Permitted conditional uses in this district shall be as follows:

(1) All conditional uses specified under the B-1 District.

E. Approval of building site and operational plans.

(1) Highway business uses - (HB), such as:

- (a) Drive-in establishments serving food or beverages for consumption outside the structure.
- (b) Motels, mini warehouses.
- (c) Tourists' homes, provided such district is located on a state trunk or United States numbered highway.
- (d) Highway-oriented recreation, e.g., driving ranges, miniature golf.
- (e) Discount department stores and discount centers.
- (f) Home building centers, including lumberyards.
- (g) Outdoor sales, e.g., garden centers, nurseries and greenhouses.
- (h) Any B-3 principal use to be developed in an area mapped as B-3 (HB) referred to in the Town of Vinland Comprehensive Land Use Plan.

(2) Outdoor display areas when accessory to a principal use.

F. B-3 General Business District accessory uses. In addition to those accessory uses specified under Article IV, the following accessory standards shall apply in all General Business Districts:

- (1) In addition to those accessory uses specified or under a special district, the following accessory standards shall apply in all General Business Districts:
  - (a) Signs are permitted under Article VII.
- G. B-3 other requirements. Uses permitted and conditional in the B-3 District are subject to the following requirements:
  - (1) No building or improvement shall be erected, placed or altered on any lands in the B-3 District until the plans for such building or improvement, including site, landscaping and building plan and specifications, have been approved by the Town Board. The Town Board shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenants placed on the land in the B-3 District. The deed restrictions and protective covenants must be approved by the Town Board. The approved deed restrictions and protective covenants must be recorded on the land prior to rezoning to the B-3 District. A zoning permit is required.
  - (2) Design standards in the B-3 District shall include as a minimum the following standards:
    - (a) All uses shall comply with Town performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
    - (b) All business, servicing or processing, except for off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
    - (c) All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
    - (d) All zoning lots abutting residentially zoned districts shall be screened.

**§ 410-28. P-1 Institutional and Recreational Park District.**

- A. Purpose. The intent of this district is to provide an area for public and private institutional and recreational uses. The area utilized for such a district should be such that it is compatible with and is an asset to the surrounding land uses.
- B. Permitted uses. Permitted uses in this district shall be as follows.
  - (1) Public and private institutional uses such as:
    - (a) Cemeteries.
    - (b) Colleges and universities.
    - (c) Parks and playgrounds.
    - (d) Religious and charitable institutions.
    - (e) Schools.

- C. Conditional uses. Conditional uses in this district shall be as follows:
- (1) Airports, airstrips and landing fields with a minimum area of 20 acres.
  - (2) Public and quasi-public cultural recreational facilities, e.g.:
    - (a) Golf courses.
    - (b) Campgrounds.
    - (c) Driving ranges.
    - (d) Archery and firearm ranges (outdoors).
    - (e) Sports fields.
    - (f) Zoological and botanical gardens.
    - (g) Race tracks.
    - (h) Exposition and fairgrounds.
    - (i) Riding academies and stables.
  - (3) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
    - (a) Residential apartments may be permitted as a conditional use, provided that the quarters are an integral part of the design of the commercial activities not exceeding 60% of the floor area of the structure.
    - (b) Public passenger transportation terminals, such as heliports, bus and rail depots - except airports, airstrips and landing fields, provided all principal structures and uses are not less than 100 feet from any residential district boundary.
    - (c) Vehicle service, washing, repair stations, garages, taxi stands, public parking lots, and self-service and full-service gas stations:
      - [1] Group 3 standards - gas pump yards. All: minimum 30 feet.
      - [2] Group 3 standards - canopy yards. Street: minimum 18 feet.
    - (d) Planned Business District with minimum of four acres in one ownership and with a minimum frontage of 200 feet, subject to the approval procedures provided under the R-5 Planned Residential District.
- D. Accessory uses. Permitted accessory uses in this district shall be as follows:
- (1) In addition to those accessory uses specified under this subsection, the following accessory standards shall apply in all agricultural districts:
    - (a) Security fences are permitted on the property line but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or chain-link fencing.

- (b) Signs are permitted according to Article VII.
- (c) One roadside stand on any one farm shall be permitted, providing it will be used only for the sale of the farm products raised on the farm.
- (d) Outbuildings.
- (2) Clubs, taverns, nightclubs, restaurants and convenience goods and services, etc., when supportive of the principal use.
- (3) All equipment and improvements used in conjunction with the principal use.
- E. Basic district standards. The basic lot standards in this district shall be as follows:
  - (1) Lot width: minimum 200 feet.
  - (2) Lot area: minimum 43,000 square feet.
  - (3) Building height: maximum 50 feet.
  - (4) Yard setbacks.
    - (a) Street: minimum 75 feet.
    - (b) Rear: minimum 50 feet.
    - (c) Side: minimum 15 feet each.
    - (d) Shore: minimum 75 feet.

**§ 410-29. Farmland Preservation - A-1 (Zoning District 11). [Added 12-10-2012]**

- A. The purpose of Farmland Preservation District(s) are to:
  - (1) Preserve agricultural land for food and fiber production;
  - (2) Protect productive farms;
  - (3) Maintain a viable agricultural base to support agricultural processing and service industries;
  - (4) Prevent conflicts between incompatible uses;
  - (5) Reduce costs of providing services to scattered nonfarm uses;
  - (6) Implement the provisions of the county agricultural plan when adopted and periodically revised; and
  - (7) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under § 71.613, Wis. Stats.
- B. Definitions. In this section the following terms shall have the meanings indicated:
 

ACCESSORY USE — Any of the following land uses on a farm:

  - (1) A building, structure or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:

- (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 use on the farm.
  - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
  - (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.
  - (f) 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.
  - (g) 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 farm residence, including normal residential appurtenances.
  - (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 on a farm by an owner or operator of that farm.
    - (b) It requires no buildings, structures or improvements other than those described in Subsection B(1) or (3).
    - (c) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
    - (d) Employs no more than four full-time employees annually.

AGRICULTURAL USE — Any of the following activities conducted for the purpose of producing an income or livelihood:

- (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.

AGRICULTURE-RELATED USE — A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

- (1) Providing agricultural supplies, agricultural equipment, agriculture inputs or agricultural services directly to farms, including farms in the Farmland Preservation Zoning District.
- (2) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Farmland Preservation Zoning District.
- (3) Slaughtering livestock, including livestock from farms in the Farmland Preservation Zoning District.
- (4) Marketing livestock to or from farms, including farms in the Farmland Preservation Zoning District.
- (5) Processing agricultural by-products or wastes received directly from farms, including farms in the Farmland Preservation Zoning District.

BASE FARM TRACT — All land, whether one parcel or two or more contiguous parcels, which is in a Farmland Preservation Zoning District and is part of a single farm on March 1, 2011, regardless of any subsequent changes in the size of the farm.

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

CONTIGUOUS — Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

FARM — All land under common ownership that is primarily devoted to agriculture use. **[Amended 10-8-2014]**

FARM ACREAGE — The combined total acreage of all of the following in the base farm tract:

- (1) Farms.
- (2) Open space parcels of more than five acres.

FARM RESIDENCE — Any of the following structures located on a farm:

- (1) A single-family (or duplex) residence that is the only residential structure on the farm.
- (2) A single-family (or duplex) residence that is occupied by any of the following:

- (a) An owner or operator of the farm.
- (b) A parent or child of an owner or operator of the farm.
- (c) An individual who earns more than 50% of his or her gross income from the farm.

(3) A migrant labor camp that is certified under § 103.92, Wis. Stats.

**GROSS FARM REVENUE** — Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter but does not include rent paid to the landowner.

**LIVESTOCK** — Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

**NONFARM RESIDENCE** — Any residence other than a farm residence.

**NONFARM RESIDENTIAL ACREAGE** — The combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town Board has approved nonfarm residence, all parcels five acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be five acres.

**OPEN SPACE PARCEL** — A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

**PERSON** — An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

**PRIME FARMLAND** — All of the following:

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

**PRIOR NONCONFORMING USE** — A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this section.

**PROTECTED FARMLAND** — Land that is any of the following:

- (1) Located in a Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- (2) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- (3) Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- (4) Otherwise legally protected from nonagricultural development.

- C. Authority. The Town of Vinland has adopted and administers the farmland preservation zoning ordinance in this section in accordance with Wis. Stats. §§ 59.69, 60.61, 60.62 and 62.23.
- D. Land use in Farmland Preservation Zoning District, general. Only the following land uses are allowed in a Farmland Preservation Zoning District:
- (1) Uses allowed under permitted uses.
  - (2) Uses allowed under conditional uses permit.
  - (3) Prior nonconforming uses, subject to § 60.61, Wis. Stats.
- E. Permitted use.
- (1) Agricultural uses.
  - (2) Accessory uses, including:
    - (a) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.
  - (3) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under § 91.46, Wis. Stats. **[Amended 10-8-2014]**
  - (4) Undeveloped natural resource and open space areas.
  - (5) A transportation, utility, communication or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.<sup>24</sup>
  - (6) Security fences are permitted on the property line but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or chain-link fencing.
  - (7) Signs are permitted according to Article VII.
  - (8) One roadside stand on any one farm shall be permitted, providing it will be only used for the sale of the farm products raised on said farm.<sup>25</sup>
- F. Conditional uses. The Vinland Town Board may issue a conditional use permit for the uses below, provided it is allowed as a conditional use under § 91.46, Wis. Stats.
- (1) Transportation, communications, pipeline, electric transmission, utility or drainage uses that qualify under § 91.46(4), Wis. Stats.
  - (2) Government, institutional, religious or nonprofit community uses that qualify under § 91.46(5), Wis. Stats. **[Amended 10-8-2014]**

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24. Editor's Note: Original subsection (E)(6), which immediately followed this subsection, was repealed 10-8-2014.

25. Editor's Note: Original subsection (E)(10), which immediately followed this subsection, was repealed 10-8-2014.

- (3) Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats.
- (4) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Ch. 295, Wis. Stats.
- (5) Agriculture-related uses if conditions in Subsection F(5)(a) through (f) below are met.
  - (a) The use supports agricultural uses in the Farmland Preservation Zoning District in direct and significant ways and is more suited to a Farmland Preservation Zoning District than to an industrial or commercial zoning district.
  - (b) The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the Farmland Preservation Zoning District.
  - (c) The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - (d) The use is reasonably designed to minimize conversion of land at and around the use site from agricultural use or open space use.
  - (e) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  - (f) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (6) Nonfarm residence. The Town Board may issue a conditional use permit for a single proposed nonfarm residence if all the following standards will be met when the approved nonfarm residence comes into existence:
  - (a) If the nonfarm residence will be located in a base farm tract:
    - [1] The ratio of nonfarm residential acreage to farm acreage in the base farm tract will not exceed 1:20.
    - [2] There will be no more than four dwelling units in nonfarm residences nor, for a new nonfarm residence, more than five dwelling units in residences of any kind on the base farm tract after the residence is constructed or converted into a nonfarm residence.
  - (b) Regardless of whether the nonfarm residence is located in a base farm tract, neither the nonfarm residence, nor the parcel on which the nonfarm residence is located, will do any of the following:
    - [1] Convert prime farmland from agricultural use or convert land previously used as crop land, other than a wood lot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
    - [2] Significantly impair or limit the current or future agricultural use of

any other protected farmland.

- (7) Nonfarm residential clusters. The Town Board may issue a single conditional use permit authorizing two or more proposed nonfarm residences if all of the following apply:
- (a) The conditional use permit includes all of the following information: **[Amended 10-8-2014]**
    - [1] The total number of nonfarm residences authorized by the permit.
    - [2] A legal or survey description of each parcel on which a nonfarm residence is authorized.
    - [3] The number of nonfarm residences authorized on each parcel under Subdivision F(7)(a)[2] if more than one.
    - [4] The number of dwelling units authorized in each authorized nonfarm residence, if more than one.
  - (b) Each of the parcels described under Subsection F(7)(a)[2] shares a boundary with at least one other parcel described under Subsection F(7)(a)[2]. **[Amended 10-8-2014]**
  - (c) Each of the proposed nonfarm residences will meet all of the standards under Subsection F(6) when all of the proposed nonfarm residences have come into existence.
  - (d) The conditional use permit prohibits all of the following: **[Amended 10-8-2014]**
    - [1] Any further division of any parcel described in Subsection F(7)(a)[2].
    - [2] Any nonfarm residence or dwelling unit on a parcel identified in Subsection F(7)(a)[2], other than a nonfarm residence or dwelling unit identified in the permit.<sup>26</sup>
- G. Basic district standards. The basic new farm residence lot standard shall be a minimum setback of 75 feet from road right-of-way; minimum 300 feet of road frontage; lot setbacks of a minimum of 75 feet from street, minimum of 50 feet from rear, and minimum of 15 feet from side, 75 feet from navigable high-water line.
- H. Site plan requirement. If a new nonfarm or farm residence is to be constructed on a parcel in the Farmland Preservation District, the applicant shall first submit for Town Board approval a site plan showing, at a minimum, residence location and farm drainage tile locations, along with a proposed drainage plan. Applicable § 91.46, Wis. Stats., criteria shall be complied with.
- I. Rezoning land out of a Farmland Preservation Zoning District.
- (1) The Town Board may only grant rezoning land out of a Farmland Preservation

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26. Editor's Note: Original subsection (F)(8), which immediately followed this subsection, was repealed 10-8-2014.

District if the Town Board finds that Subsection I(1)(a) through (d) are true after a public hearing.

- (a) The land is better suited for a use not allowed in the Farmland Preservation Zoning District.
  - (b) The rezoning is consistent with any Comprehensive Plan adopted by the Town Board which is in effect at the time of rezoning.
  - (c) The rezoning is substantially consistent with the Winnebago County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
  - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection I(1)(a) above does not apply to any of the following:
- (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
  - (b) A rezoning that makes the Farmland Preservation Ordinance Map more consistent with the Winnebago County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1 of each year, the Town shall submit to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to the County of Winnebago a report of the number of acres rezoned out of the Farmland Preservation Zoning District and a map that shows the location of those acres.

#### **§ 410-30. A-2 General Farming District.**

- A. Purpose. The intent of this district is to allow the development of small-scale farming activities characterized by the mixed use of the traditional family farm along with residential growth, although agriculture is to be recognized as the dominant activity in the district.
- B. Permitted uses. Permitted uses in this district are as follows:
  - (1) All uses permitted in the A-1 District.
  - (2) One-family dwellings, whether or not accessory to farm operations. These dwellings shall adhere to the standards of the applicable residential districts. Furthermore, while the zoning districts shall remain A-2 General Farming, those residences not accessory to the principal farm operation shall be restricted to the principal, accessory and conditional uses of the affected residential uses. Single-family dwellings shall contain a minimum width of 20 feet, measured from the narrowest part of the structure, and a minimum area of 1,000 square feet.
- C. Conditional uses. Conditional uses in this district shall be as follows when developed according to basic district standards - farm:

- (1) In addition to those accessory uses specified under this subsection, the following accessory standards shall apply in all agricultural districts:
    - (a) Security fences are permitted on the property line but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or chain-link fencing.
    - (b) Signs are permitted according to Article VII.
    - (c) One roadside stand on any one farm shall be permitted, providing it will be used only for the sale of the farm products raised on said farm.
    - (d) Outbuildings.
  - (2) All conditional uses specified under the applicable residential use, R-1 for single family; R-3 duplex when not, according to basic district standards - farm.
- D. Basic district standards. The basic lot standards for residential uses in this district shall be those of the applicable residential district, R-1 to R-3, except that all new homes built during and after 1999 shall have a minimum setback of 75 feet from the road right-of-way. (Note: This provision prohibits construction of new residential development within the A-2 General Farming District on lots without at least a minimum of 300 feet of frontage and specifies that no residential development be allowed in the A-2 General Farming District without a variance from the minimum three-hundred-foot frontage requirement. The Town Board also reserves the right to adjust the building site location when based on natural features, such as wetlands, woodlots and percolation location. **[Amended 9-10-2007 by Res. No. 9-4-07-1]**)
- (1) Farm/residence frontage: minimum 300 feet.
  - (2) Farm area: minimum five acres, including land area to the middle of the public right-of-way. (Note: Any new parcel less than five acres would require a zoning change.)
  - (3) Structure height: no maximum.
  - (4) Yard setbacks.
    - (a) Street: minimum 75 feet.
    - (b) Rear: minimum 50 feet.
    - (c) Side: minimum 15 feet each.
    - (d) Shore: minimum 75 feet.

**§ 410-31. M-1 Light Industrial and Office District.**

- A. Purpose. The intent of this district is to provide for the development of clean industrial employment centers within the immediate vicinity of residential neighborhoods.

- B. Permitted uses. Permitted uses shall include, but without limitation by such enumeration, the following:
- (1) All uses permitted in B-1 and B-2 Districts.
  - (2) Warehousing.
  - (3) Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication and similar small industries.
  - (4) Manufacture, fabrication, packing, packaging, processing and assembly of confections, cosmetics, electrical appliances, electronic devices, foods (except garbage, fish and fish products, meat and meat products and pea vineries) and instruments.
  - (5) Manufacturing and bottling of nonalcoholic beverages.
  - (6) Painting, printing, publishing establishments.
  - (7) Commercial bakeries and trade and contractors' offices.
- C. Conditional uses. Conditional uses shall be as follows.
- (1) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
    - (a) Public passenger transportation terminals, except airports, airstrips and landing fields, provided all principal structures and uses are not less than 100 feet from any residential district or use.
    - (b) Animal hospitals, provided all principal structures and uses are not less than 100 feet from any residential district.
  - (2) Outside storage yards.
- D. Basic district standards. The basic lot standards in this district shall be as follows.
- (1) Building height: maximum 45 feet.
  - (2) Accessory building height: maximum 30 feet.
  - (3) Lot area. Minimum as necessary to comply with all district regulations.
  - (4) Yard setbacks.
    - (a) Street: minimum 50 feet on all streets, the opposite side of which lies in a more restrictive district in this or a neighboring municipality; minimum 30 feet on streets, both sides which lie within this or a less restrictive district (wherein there shall be no structure of any kind or parking of automobiles).
    - (b) Side and rear: minimum 25 feet, except where property is adjacent to residential districts it shall not be less than 50 feet.
    - (c) Shore: minimum 75 feet.

- E. Approval of building site and operational plans (according to Article IV procedures). Such approval is required for all structures and substantial improvements for principal uses, subject to the following:
- (1) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.
  - (2) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.
  - (3) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any residential district.
  - (4) No toxic matter, noxious matter, smoke or gas and no odorous or particulate matter shall be detectable beyond the lot lines.
  - (5) The storage or use of chemicals, either solid, liquid or gas, shall be subject to the following conditions:
    - (a) The storage, utilization or manufacturing of material or products ranging from incombustible to moderate burning is permitted.
    - (b) The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted, providing the following conditions are met: Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire-extinguishing system.
    - (c) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.
- F. Accessory use. In addition to those accessory uses and standards specified under individual districts, the following accessory standards shall apply in industrial districts:
- (1) Security fences are permitted as prescribed in § 410-91.
  - (2) Outdoor lighting installations are permitted in all yard areas but no closer than three feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
  - (3) Signs are permitted according to Article VII.
  - (4) Parking is required according to Article VI.
  - (5) Storage facilities, power supply buildings and other uses normally supportive of the principal use.

**§ 410-32. M-2 Heavy Industrial District.**

- A. Purpose. The intent of this district is to provide for industrial uses often considered offensive or unique by nature. Therefore, the location of this district often requires isolation from most of the community's population or placement within an industrial park.
- B. Permitted uses. The following uses and similar uses are permitted, subject to prior approval by the Town Board.
- (1) All permitted uses in the B-2 Highway Business Park District.
  - (2) All permitted uses in the M-1 Light Industrial and Office District.
  - (3) Freight yards, freight terminals and transshipment depots.
  - (4) Inside storage warehouses.
  - (5) Breweries.
  - (6) Crematories.
  - (7) All other manufacturing, assembling or processing not otherwise requiring a conditional use permit.
  - (8) Vehicle body shops, vehicle wholesale and auction centers, but not including the storage of junked or wrecked vehicles.
- C. Conditional uses.
- (1) In addition to those stated elsewhere in this chapter, the following shall be conditional uses:
    - (a) Public passenger transportation terminals, except airports, airstrips and landing fields, provided all principal structures and uses are not less than 100 feet from any residential district boundary.
    - (b) Animal hospitals, provided all principal structures and uses are not less than 100 feet from any residential district.
  - (2) Airports, airstrips and landing fields, provided the site area is not less than 20 acres and provided they meet FAA requirements.
  - (3) The following and similar uses, provided such uses shall be at least 600 feet from any residential or public district.
    - (a) Manufacturing and processing of such items as:
      - [1] Abrasives.
      - [2] Acetylene.
      - [3] Acid.
      - [4] Alkalies.
      - [5] Ammonia.

- [6] Asbestos.
- [7] Asphalt.
- [8] Batteries.
- [9] Bedding.
- [10] Bleach.
- [11] Bond.
- [12] Cabbage.
- [13] Candles.
- [14] Carpeting.
- [15] Celluloid.
- [16] Cement.
- [17] Cereals.
- [18] Charcoal.
- [19] Chemicals.
- [20] Chlorine.
- [21] Coat tar.
- [22] Coffee.
- [23] Coke.
- [24] Condenseries.
- [25] Cordage.
- [26] Creameries.
- [27] Creosote.
- [28] Dextrine.
- [29] Disinfectant.
- [30] Dye.
- [31] Excelsior.
- [32] Felt.
- [33] Fish.
- [34] Fuel.

- [35] Furs.
- [36] Gelatin.
- [37] Glucose.
- [38] Gypsum.
- [39] Hair products.
- [40] Ice.
- [41] Ink.
- [42] Insecticide.
- [43] Lampblack.
- [44] Line.
- [45] Line products.
- [46] Linoleum.
- [47] Matches.
- [48] Meat.
- [49] Oilcloth.
- [50] Paint.
- [51] Paper.
- [52] Peas.
- [53] Perfume.
- [54] Pickles.
- [55] Plaster.
- [56] Plaster of paris.
- [57] Plastics.
- [58] Poison.
- [59] Polish.
- [60] Potash.
- [61] Pulp.
- [62] Pyroxylin.
- [63] Radium.

- [64] Rope.
- [65] Rubber.
- [66] Sausage.
- [67] Shoddy.
- [68] Shoe and lampblacking.
- [69] Size.
- [70] Starch.
- [71] Stove polish.
- [72] Textiles.
- [73] Varnish.

- (b) Manufacturing, processing and storage of building materials, explosives, dry ice, fat fertilizer, flammables, gasoline, glue, grains, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.

- [1] The storage of flammables and gasoline in excess of 10,000 gallons shall require diking and underlying in accordance with applicable state requirements.

- (c) Manufacture and bottling of alcohol beverages; bag cleaning, bleacheries, canneries; cold storage warehouses; electric- and steam-generating plants; electroplating; enameling; forges, foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards, tanneries; and weaving.

- (d) Outside storage and manufacturing areas.

- (e) Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential, public and semipublic districts.

- (f) Commercial service facilities, such as restaurants and fueling stations, provided all such services are physically and sale-wise oriented toward industrial district users and employees, and other users are only incidental customers.

- (4) All conditional uses under B-2 Highway Business Park District.

D. Basic district standards.

- (1) Building height: no maximum.

- (2) Yard setbacks.

- (a) Street: minimum 30 feet.

- (b) Rear: minimum 25 feet.
  - (c) Side:
    - [1] Minimum seven feet one side.
    - [2] Minimum 10 feet other side.
  - (d) Shore: minimum 75 feet.
- E. Approval of building site and operational plans (according to Article IV procedures).
- (1) All structures and substantial improvements for principal uses.
  - (2) All such uses listed under the B-2 Highway Business Park District.
  - (3) All such uses listed under the M-1 Light Industrial District.
- F. Accessory uses. In addition to those accessory uses and standards specified under individual districts, the following accessory standards shall apply in industrial districts:
- (1) Security fences are permitted as prescribed in § 410-91.
  - (2) Outdoor lighting installations are permitted in all yards, but no closer than three feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
  - (3) Signs are permitted according to Article VII.
  - (4) Parking is required according to Article VI.
  - (5) Storage facilities, power supply buildings and other uses normally supportive of the principal use.

**§ 410-33. M-3 Extraction or Landfill Overlay District. [Amended 6-9-2014; effective 6-24-2014]**

(An underlying zoning district is required in conjunction with this section.)

- A. Purpose. The intent of this district is to provide a means of properly regulating and reclaiming sites which are located primarily by their geological characteristics rather than a planning and zoning process. All uses in the M-3 Extraction or Landfill Overlay District are excluded from the Town of Vinland A-1 Farmland Preservation District.
- B. Permitted uses. Mineral extraction operations and landfill sites that are presently in existence.
- C. Conditional uses. Conditional uses in the district shall include all conditional uses listed in the underlying district. In addition, the following are permitted conditional uses:

- (1) Extension of legally existing mineral extraction operation or the creation of a new such extraction operation.
- (2) New mineral extraction operations and the following: landfills; solid waste management facilities; recycling centers; bioremediation sites; and soil extraction or scraping for purposes of obtaining fill material for such large-scale operations as landfill sealing, roadbed construction, etc.; or similar uses. These uses shall be a conditional use in all zoning district except in the R-1, R-2, R-3, R-4, R-5 and MH-1 Districts. Conditional use procedures, as described in Article IV, shall be adhered to as well as the requirements of this section.

D. Basic district standards.

- (1) Basic standards. The basic standards in this district shall be controlled by those of the underlying district unless more restrictive standards are established in the conditional use approval. Also, excavations or fill areas within 200 feet from any right-of-way or property line shall not be permitted unless the Town Board determines that the operational plans adequately provide for:
  - (a) Safety of abutting land uses and for safe ingress to, egress from and traffic flow past the site.
  - (b) Aesthetic screening from abutting properties.
  - (c) Dust control from the operation and/or any stockpiling.
  - (d) Staging of the operation to produce a minimal time frame between commencing of operations and restoration within this two-hundred-foot area.
- (2) Permit validity; operational requirements. The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years; a shorter period may be established by Town Board action. Modification or additional conditions may be imposed upon application for renewal. Operational requirements shall include the following, where applicable:
  - (a) Fencing or other suitable barriers shall be erected as necessary to protect the public.
  - (b) Machinery, roads and equipment used in the extractive operation shall be constructed, maintained and operated in such a manner as to minimize dust.
  - (c) Crushing, washing, refining or other processing, other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.
  - (d) Planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Town and other applicable agencies.

- (e) Hours of operation may be established.
  - (3) Plan of reclamation. A reclamation plan meeting the standards of Ch. NR 135, Wis. Adm. Code, shall be submitted and approved by Winnebago County and other applicable agencies.
- E. Existing operations. Existing operations shall be subject to the following further requirements:
- (1) Permit. Within 60 days after the original adoption of this section, all existing extractive operations shall be required to register with the Zoning Administrator, submitting pertinent data relative to the present operation, including the boundaries of the actual operation and of the ownership. A permit shall be granted to such existing operation, subject to compliance with the operational requirements listed above, where they can be reasonably applied under existing circumstances.
  - (2) Plan for restoration. There shall be required within one year after original adoption of this section the submission of a plan for restoration of the site of existing extractive operations as provided above. The plan for restoration in such case shall not, however, impose requirements which are economically or for engineering reasons unreasonable with respect to conditions resulting from operations prior to enactment of this section.
- F. Renewal permit. Within two years after the original date of this section, any such existing operation unless permitted as a use by right shall be required to make application for a renewal permit the same as for reapplication in the case of a new operation under this section.
- G. Plan of operation. All mineral extraction operations including those operations and activities which lawfully existed prior to the original adoption of this section shall prepare a plan of operation for the site, which shall include the following information:
- (1) Statement of ownership of the parcel and control of the operations.
  - (2) A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and rights-of-way on or abutting the site; existing water bodies, watercourses and drainageways and proposed modifications; estimated direction of flow of groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.
  - (3) Cross sections of the site, drawn to scale, showing the vertical extent of existing and proposed excavations.

ARTICLE IV  
**Conditional Uses**

**§ 410-34. Statement of purpose.**

The development and execution of this article is based upon the division of the Town of Vinland into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land or public facilities and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

**§ 410-35. Authority of Town Board; requirements.**

- A. The Town Board hereby authorizes the Zoning Administrator to issue a conditional use permit after review, public hearing and approval from the Town Board, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this chapter and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Town Board action, and the resulting conditional use permit, when for limited conditional use, shall specify the period of time for which effective, if specified; the name of the permittee; the location and legal description of the affected premises. Prior to the granting of a conditional use, the Town Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- B. Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways and within 1/2 mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Town Board shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.
- C. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, may be required by the Town Board upon its findings that these are necessary to fulfill the purpose and intent of this chapter.
- D. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.

**§ 410-36. Initiation of conditional use.**

Any person, firm, corporation or organization having a freehold interest or a possessory

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

#### **§ 410-37. Application for conditional use.**

An application for a conditional use shall be filed, along with the fee prescribed in the current Town Fee Schedule,<sup>27</sup> on a form prescribed by the Town. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in § 410-40 hereinafter. The Town Board may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filing, grading and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

#### **§ 410-38. Hearing of application.**

All requests for conditional uses shall be to the Town Board. Upon receipt of the application and statement referred to in § 410-37 above, the Town Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Town Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Town Board shall, by rule, prescribe from time to time.

#### **§ 410-39. Notice of hearing on application.<sup>28</sup>**

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 notice under Wisconsin Statutes in the official Town newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator/Permit Issuer, members of the Town Board, and the owners of record as listed in the office of the Town Assessor who are owners of property in whole or in part situated within 300 feet of the boundaries of the properties affected, said notice to be sent at least 10 days prior to the date of such public hearing. Within 60 days after an application has been filed, the Town Board shall take formal action.

#### **§ 410-40. Standards for conditional uses.**

- A. Standards. No application for a conditional use shall be granted by the Town Board, unless the Town Board shall find all of the following conditions are present:
- (1) That the establishment, maintenance or operation of the conditional use will

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27. Editor's Note: The Town's Fee Schedule is on file in the Town's offices.

28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use, and the proposed use is compatible with the use of adjacent land.
  - (3) 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.
  - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
  - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
  - (7) That the proposed use does not violate floodplain regulations governing the site.
  - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- B. Application of standards. When applying the above standards to any new construction of a building or an addition to an existing building, the Town Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- C. Additional considerations. In addition, in passing upon a conditional use permit, the Town Board shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
  - (2) The prevention and control of water pollution including sedimentation.
  - (3) Existing topographic and drainage features and vegetative cover on the site.
  - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
  - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (6) The location of the site with respect to existing or future access roads.
  - (7) The need of the proposed use for a shoreland location.
  - (8) Its compatibility with uses on adjacent land.

- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

**§ 410-41. Denial of conditional use permit.**

Whenever a decision of denial of a conditional use application is made by the Town Board, the Town Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Town Board has used in determining that each standard was not met.

**§ 410-42. Conditions and guarantees.**

The following conditions shall apply to all conditional uses:

- A. Conditions. Prior to the granting of any conditional use, the Town Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community and to secure compliance with standards and requirements specified in § 410-40 above. In all cases in which conditional uses are granted, the Town shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitations because of specific enumeration:
  - (1) Landscaping;
  - (2) Type of construction;
  - (3) Construction commencement and completion dates;
  - (4) Sureties;
  - (5) Lighting;
  - (6) Fencing;
  - (7) Operational control;
  - (8) Hours of operation;
  - (9) Traffic circulation;
  - (10) Deed restrictions;
  - (11) Access restrictions;
  - (12) Setbacks and yards;
  - (13) Type of shore cover;
  - (14) Specified sewage disposal and water supply systems;
  - (15) Planting screens;

- (16) Piers and docks;
  - (17) Increased parking; and
  - (18) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- B. Site review. The Town Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Town Board may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- C. Alteration of conditional use. No alteration of a conditional use shall be permitted unless approved by the Town Board.
- D. Architectural treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Town Board may require the use of certain general types of exterior construction materials and/or architectural treatment.

#### **§ 410-43. Validity of conditional use permit.**

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within 24 months of the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction is commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the Town Clerk shall notify the holder by certified mail of such revocation. The Town Board may extend such permit for a period of 90 days for justifiable cause, if application is made to the Town Board at least 30 days before expiration of said permit.

#### **§ 410-44. Complaints regarding conditional uses.**

The Town Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator/Permit Issuer to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a conditional use imposed prior to or after approval, or violation of any other provision of this chapter. Upon written complaint by any citizen or official, the Town Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in § 410-40 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in § 410-39 above. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Town Board may, in order to bring the subject conditional use into compliance with the standards set forth in § 410-40 or conditions previously imposed by the Town Board, modify existing conditions upon

such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that standards in § 410-40A and B will be met, the Town Board may revoke the subject conditional approval and direct the Zoning Administrator/Permit Issuer and the Town Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Town Board shall be furnished to the current owner of the conditional use, in writing, stating the reasons therefor.

**§ 410-45. Bed-and-breakfast establishments.**

- A. As conditional use. Bed-and-breakfast establishments shall be considered conditional uses and may be permitted in residence districts pursuant to this article.
- B. Definition. "Bed-and-breakfast establishment" means any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- C. State standards. Bed-and-breakfast establishments shall comply with the standards of Ch. ATCP 73, Wis. Adm. Code.

**§ 410-46. Home occupations.**

- A. Intent. The intent of this section is to provide a means to accommodate a small family home-based business or professional home office as a permitted or conditional use without the necessity of a rezoning into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- B. Restrictions on home occupations. Except under the limited permitted use exception provided in Subsection C below, home occupations and professional home offices are a conditional use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:
  - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
  - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
  - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
  - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
  - (5) Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall comply with district sign regulations.

- (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (7) The Town Board may determine the percentage of the property that may be devoted to the occupation, but it shall not exceed 30%.
- (8) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited. Retail sales are not permitted.
- (9) The types and number of equipment or machinery may be restricted by the Town Board.
- (10) Sale or transfer of the property shall cause the conditional use permit to be null and void.
- (11) Under no circumstances shall a vehicle repair or bodywork business qualify as a home occupation.
- (12) One nonresident employee may be employed on the premises.

C. Permitted use exception.

- (1) A home occupation or professional home office under this section may be maintained in any residential or agricultural district as a permitted use, as opposed to a conditional use, if the standards of Subsection B above are complied with, and no sign is erected or maintained regarding the home occupation, no more than one person works on the premises, no customers regularly come to the house, and the business is service-oriented and not engaged in retail trade.
- (2) Home-based hair and beauty salons shall require issuance of a conditional use permit.
- (3) Farm produce stands are conditional uses under §§ 410-18C and 410-21D.

**§ 410-47. Fees for applications for landfill conditional uses.**

- A. Fee imposed. In addition to the other provisions for conditional uses under the Town of Vinland Zoning Code, where application is made for a conditional use for landfill purposes the application shall be accompanied by payment of the fee prescribed by this section, which shall be used to defray the costs and expenses incurred by the Town in its review and analysis of such application for environmental and technological adequacy.
- B. Payment of fee. The fee for review of an application for a written conditional use permit for a landfill, including modification of a landfill, shall be paid to the Town Clerk at the time of filing of the application for a permit to establish or modify the landfill within the Town. The Clerk shall immediately remit the fee payment to the Town Treasurer, who shall receipt therefor. No application shall be processed until the fee is paid.
- C. No transferability, prorating or refunding. Except as provided in Subsection E

below, the permit application fee established by this section shall not be transferable, proratable or refundable.

- D. Fee established. The fee for investigation and review of the permit application is 0.50% of the total project costs, but not less than \$5,000. As used in this section, the "total project cost" means and includes all engineering fees associated with plan review, initial site report, feasibility report and plan of operation and total estimated construction costs of the entire facility, whether or not intended to be developed in cells or modules, and including those portions of the facility or site whereon refuse or solid waste has previously been deposited. The fee shall be paid in cash or by certified check or money order.
- E. Use of fee. Upon receipt of an application fee for a permit as provided in this section, the Town Treasurer shall deposit the fee in a separate account in the Town treasury to be used only for purposes of payment of the costs of reviewing the application, including any reasonable and necessary legal fees, fees of technical consultants, including engineering fees, costs of hydrologic tests, costs of well testing, costs of noticing, conducting and recording proceedings of public hearings, costs of site visits and other investigations, but not limited by the foregoing enumerations, as the Town Board determines to be necessary to assure that the facility is or will be operated to prevent damage or injury to the health, safety or welfare of the inhabitants and frequenters of the Town of Vinland. Any interest earned on the funds in the fee account shall be credited to the original payment and usable for the same purposes. Any amounts remaining in the application fee account upon final issuance of the written permit or final determination of the Town Board, and after expiration of any appeal period or final judgment of any court on any appeal or challenge to the issuance of the permit, shall be refunded to the applicant. In the event that an application is withdrawn, the Town Clerk shall, within 60 days after notice of withdrawal, make a final accounting of the fee account and refund to the applicant any balance remaining which is not necessary to meet any outstanding obligations incurred by the Town on account of the application.
- F. Accountability for use of funds. Other than as provided in Subsection E, the Town, Town Board or Town Clerk shall not be accountable to the applicant for the use or appropriation of the application fees. It is the intent of the Town Board by adoption of this section that the Town Board shall have full discretion in determining the scope of the investigation and review of the application, including the right to select and employ consultants and obtain all necessary information to protect the health, safety and welfare of person within or coming within the Town. The Town Board shall not be required to accept the conclusions, determinations or data compiled by any other unit of government or agency thereof or any expert or consultant employed by the applicant without independent investigation.

ARTICLE V  
**Nonconforming Uses, Structures and Lots**

**§ 410-48. Existing nonconforming uses.**

- A. Continuation. Except as otherwise specifically provided in this chapter, the lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter; provided, however:
- (1) Only that portion of the land or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.
  - (2) The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of it becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this chapter.
  - (3) Substitution of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring use.
- B. Abolishment or replacement of existing nonconforming use. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. Pursuant to § 62.23(7)(hc), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to the size, location and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction or improvement of said structure. The size of the restored structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.<sup>29</sup>

**§ 410-49. Existing nonconforming structures.**

- A. Generally. The existing lawful use of a building or premises at the time of the enactment or amendment of this section may be continued although such use does not conform with the regulations for the district in which it is located. Except in the agricultural districts, such nonconforming uses shall not be extended. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this section.

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29. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- B. Structural alterations. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- C. Existing legal nonconforming uses. It shall be established that those homes built prior to March 8, 1999, shall not be infringed upon and are to be kept whole. This means those homes that exceed the maximum three-hundred-foot setback shall be allowed to be extended, enlarged, reconstructed, substituted or structurally altered. Also, all the outbuildings that are nonagricultural shall be allowed the same rights as the home. (Note: Side yard/rear yard standards and square footage required for A-2 zoning with an R-1 use shall apply for these outbuildings.)

**§ 410-50. Changes and substitutions.**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Town Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all conditions required by the Town Board.

ARTICLE VI  
**Traffic Visibility, Loading, Parking and Access**

**§ 410-51. Traffic visibility.**

- A. On a corner lot in all zoning districts, no fence, wall hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines 25 feet from the point of intersection.
- B. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

**§ 410-52. Loading requirements.**

- A. Loading space requirements. On every lot on which a new business, trade or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

<b>Use</b>	<b>Floor Area (square feet)</b>	<b>Loading Space</b>
Retail, wholesale warehouse, service, manufacturing, and industrial establishments	2,000 to 10,000	1
	10,000 to 20,000	1
	20,000 to 40,000	2
	40,000 to 60,000	3
	Each additional 50,000	1
Motels, schools, offices, hospitals, places of public assembly	50,000 to 10,000	2
	10,000 to 50,000	2
	50,000 to 100,000	2
	Each additional 25,000	1
Funeral homes	2,500 to 4,000	1
	4,000 to 6,000	1
	Each additional 10,000	1

- B. Multiple or mixed uses. Where a building is devoted to more than one use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

- C. Location. Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
- D. Design standards. Each off-street loading space shall have a width of at least 12 feet, a length of at least 40 feet, and a vertical clearance of at least 15 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to 10 feet in width, 25 feet in length, and eight feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight feet in height.
- E. Surfacing. All open off-street loading berths shall be improved with a compacted gravel base, not less than seven inches thick, surfaced with not less than two inches of asphalt or treated with some comparable all-weather dustless material.
- F. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence district.
- G. Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- H. Central loading. Central loading facilities may be substituted for loading berths on the individual zoning lots, provided the following conditions are fulfilled:
  - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
  - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
  - (3) No zoning lot served shall be more than 300 feet removed from the central loading area.
  - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall not be less than seven feet in width and have a clearance of not less than seven feet.

#### **§ 410-53. Parking requirements.**

All new parking lots and all alterations of existing lots shall be subject to the approval of the Town Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located in a fire district as designated on the Official Map, there shall be provided at the time any use or building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:

- A. Access. Adequate access to a public street shall be provided for each parking space.

- B. Design standards. Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet. Such space shall have a vertical clearance of at least 6 1/2 feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall be not less than 24 feet wide for 90° parking, 18 feet wide for 60° parking, 15 feet wide for 45° parking (angle shall be measured between center line of parking space and center line of aisle), and 12 feet wide for parallel parking. For parallel parking, the minimum length of the parking space shall be increased to 23 feet. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- C. Location. Off-street parking is permitted in all yards of all districts, except in the front yards of single-family and two-family residence districts, but shall not be closer than five feet to a side lot line, right-of-way line or rear lot line.<sup>30</sup>
- D. Surfacing. All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds (normally a two-inch blacktop on a four-inch base or, in the alternative, five inches of portland cement will meet this requirement). Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- E. Landscaping requirements.
- (1) Landscaping. All public and private off-street parking areas which serve five vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this chapter shall be provided with accessory landscape areas totaling not less than 10% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet.
  - (2) Location. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provisions for maintenance by the property owner, shall be subject to review by the Zoning Administrator/Permit Issuer.
  - (3) Plans. All plans for such proposed parking areas, prior to submission to the Town Board for approval, shall include a topographic survey or grading plan which shows existing and proposed grades and locations of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
  - (4) Special residential requirements. Those parking areas for five or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of five feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five feet from said lot line. Said

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30. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

fence shall be located a minimum of one foot from the said lot line.

- (5) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in association with unenclosed parking facilities provided in residence districts.
- (6) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three footcandles measured at the lot line.

F. Number of stalls. Number of parking stalls required for newly created parking lots are shown in the following table:

<b>Use</b>	<b>Minimum Parking Required</b>
Single-family dwellings and mobile homes.	2 stalls for each dwelling unit
Multifamily dwellings	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with 1/2 of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Town Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees.
Sororities, lodges, clubs, dormitories, rooming houses and boardinghouses	1 stall for each bed plus 1 stall for each 3 employees
Institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each student auto permitted
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 100 square feet of retail floor area, plus 1 stall per employee
Manufacturing and processing plants, laboratories and warehouses	1 stall for every 3 employees; number of employees shall be construed to mean the maximum number on the premises at one time

<b>Use</b>	<b>Minimum Parking Required</b>
Financial institutions, business, government and professional offices	1 stall for each 200 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus 1 space for each 300 square feet of outdoor display area for each motor vehicle to be displayed (This requirement does not include service garages.)
Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

G. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls where floor space is indicated above as a basis for determining the amount of off-street parking required.

H. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

I. Changes in buildings or use. Wherever a building or use is changed, structurally altered or enlarged to create a need for an increase of 50% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

J. Off-lot parking.

(1) Required off-street parking spaces shall be located on the same lot with the principal use or, when the requirements cannot be met, such parking spaces may be located off lot, provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Town Attorney.

(2) Off-lot parking spaces for residential uses shall be within 250 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved, while the farthest portions of a parking lot for all other uses shall be within 300 feet of the entrance of the establishment.

(3) Accessory parking may be located in residential districts, provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.

(4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of 10 feet from any interior lot line, except if the adjoining

lot is used for legally conforming parking purposes.

**§ 410-54. Highway access.**

- A. Private access restricted. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street, without permission of the highway agency that has access control jurisdiction.
- B. Public or private access prohibited. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
  - (1) Freeways, interstate highways and their interchanges or turning lanes nor to intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
  - (2) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
  - (3) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- C. Public access barriers. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways.
- D. Temporary access. Temporary access to the above right-of-way may be granted by the permit issuer after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

ARTICLE VII  
**Signs, Canopies, Awnings and Billboards**

**§ 410-55. Purpose of sign, canopy and awning regulations.**

A. Statement of purpose.

- (1) The purpose of this article 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, awnings, canopies and billboards.
- (2) In addition, this article is intended to protect the public health, safety and general welfare by:
  - (a) Promoting well-maintained and attractive signs within the Town of Vinland;
  - (b) Providing for adequate business identification, advertising and communication; and
  - (c) Protecting the safety and efficiency of the Town's transportation network by reducing confusion or distraction to motorists and enhancing motorists' ability to see pedestrians, obstacles, other vehicles and official traffic signs, signals or devices by minimizing a proliferation of messages for the motorist.
- (3) The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Town of Vinland; painting, posting and general maintenance are excepted.

B. Statement of authority. This chapter is adopted pursuant to authority, power and duties granted to the Town Board in the exercise of village powers under § 60.10, Wis. Stats., as well as authority under § 60.23, Wis. Stats., to regulate and control persons in the Town in certain uses, activities, businesses and operations within the Town.

**§ 410-56. Signs, canopies, awnings and billboards definitions.**

The following terms, as defined in this section, are used in this article:

**AREA OF SIGN** — The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight straight lines.

**AWNING** — A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.

**BILLBOARD** — Any outdoor sign, display, device, notice, figure, painting, drawing, mural, message, placard, poster or other thing which is designed, intended or used to advertise or inform, any part of which is visible from any place on the traveled way of any Town, County, state or federal highway or roadway and which is larger than 75 square feet in total area.

**BLANKETING** — The unreasonable obstruction of view of a sign caused by the placement of another sign.

**CANOPY** — A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.

**DAY** — A "day" shall be designated as a period of time in terms of calendar days.

**DIRECTIONAL SIGN** — A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.<sup>31</sup>

**DIRECTLY ILLUMINATED SIGN** — Any sign designated to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

**DIRECTORY SIGN** — Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupancy commercial and industrial buildings.

**ELECTRONIC MESSAGE UNIT SIGN** — Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or other noncommercial activities or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.<sup>32</sup>

**FLASHING SIGN** — Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

**FREESTANDING (GROUND AND/OR POLE SIGN)** — Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

**IDENTIFICATION SIGN** — Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises, or combination of these.

**INDIRECTLY ILLUMINATED SIGN** — A sign that is illuminated from a source outside of the actual sign.

**MARQUEE SIGN** — Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**NONCONFORMING SIGN** — Any sign which does not conform to the regulations of this chapter.

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31. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II). This definition was moved from § 410-8 of this chapter.

32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

OFF-PREMISES SIGN — Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.

POLITICAL SIGN — Any sign displaying a candidate for an election or a current election's subject matter.

PORTABLE SIGN/MESSAGE BOARDS — Any sign not permanently attached to the ground, which is designed to be easily moved from one location to another.

PROJECTING SIGN — Any sign extending more than 18 inches, but less than four feet, from the face of a wall or building; such sign may not extend more than three feet onto the right-of-way.

REAL ESTATE SIGN — Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

ROOF SIGN — Any sign erected upon or over the roof or parapet of any building.

SIGN — Any outdoor display, device, notice, figure, painting, drawing, mural, message, placard, poster or other thing which is designed, intended or used to advertise or inform, and in which any part of the advertising or informative content is visible from any place on the traveled way of any portion of a Town, County, state or federal highway or roadway, and which is less than 75 square feet in total area.

TEMPORARY SIGN — Any sign which is erected or displayed for a limited period of time, not to exceed 28 consecutive days, or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this chapter, a portable sign is not a temporary sign.

WALL SIGN — Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than 16 inches from such wall.

WINDOW SIGN — Any sign located completely within an enclosed building and visible from a public way. For purposes of this chapter, a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

#### **§ 410-57. Required permits for signs, canopies, awnings and billboards.**

- A. Application. Except those specified in § 410-58, no sign, billboard, awning or canopy shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Town of Vinland. If the sign will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, a building permit from the Building Inspector shall also be required. Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator/Permit Issuer. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- B. Required information. Application for a sign permit shall be made in writing upon forms furnished by the Town which contain the following information about the sign: dimensions, including 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 business name is involved.

- C. Permit fees. Required permit fees shall be paid to the Town Clerk for each sign permit issued under this article; provided, however, that a fee shall not be charged for putting an existing sign in conformity with this article or for a copy change when no change in business name is involved.
- D. Inspection. The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator/Permit Issuer, who will assure the sign complies with the regulations of this article. If a building permit was also required, the applicant shall also notify the Building Inspector.
- E. Appeals. The Zoning Administrator/Permit Issuer may, at any time for a violation of this article, revoke a permit or require changes so the sign conforms with this article. The holder of a revoked permit shall be entitled to an appeal before the Town Board. Any person, firm or corporation aggrieved by any permit denial or decision by the Zoning Administrator/Permit Issuer relative to the provisions of these sign regulations may appeal and seek review of such decision by the Town Board.

**§ 410-58. Signs not requiring permit.**

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water:

- A. Commercial, industrial and planned unit development (commercial/industrial) districts.
  - (1) Warning signs not to exceed four square feet located on the premises.
  - (2) Memorial signs, tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
  - (3) Official signs, such as traffic control, parking restriction, information and notices.
  - (4) Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.
  - (5) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
  - (6) Signs not exceeding two square feet in area and bearing only property numbers, post box numbers or names of occupants of premises.
  - (7) Flags and insignia of any government, except when displayed in connection with commercial promotion.
  - (8) Legal notices, identification, information or directional signs erected by

governmental bodies.

- (9) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (10) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (11) Political message signs during an election campaign period, as defined in § 12.04(1), Wis. Stats. Political signs may be posted 60 days before an election and must be removed within 10 days after said election. Said sign shall be a maximum of 32 square feet. Such signs shall only be erected on private property with the permission of the owner or occupant.<sup>33</sup>
- (12) Window signs are allowed with no permits.
- (13) Bills, posters and banners shall be allowed with no permits.
- (14) Unlighted real estate signs advertising the sale or lease of the premises on which the sign is located, provided in residential districts, are limited to nine square feet and one sign per street frontage; and in all other districts, they are limited to 32 square feet. Permanent rental signs, such as for apartments, shall be limited to 12 square feet.
- (15) Bulletin boards and identification signs for public, charitable or civic institutions, apartments, planned residential developments and subdivisions and model homes, in residential districts, provided they:
  - (a) Do not exceed 32 square feet in area; except model homes are not to exceed 16 square feet in area;
  - (b) Are located a minimum of 22 feet from the right-of-way.
  - (c) Conform to the other yard requirements of the base district;
  - (d) Do not exceed in height 10 feet above the crown of the road.

**B. Residential, conservancy and agricultural districts.**

- (1) Signs over show windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two square feet.
- (2) Memorial signs, tablets, names of buildings and dates of erection, when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (3) Official signs, such as traffic control, parking restrictions, information and notices.
- (4) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning

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33. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

district in which the same are located.

- (5) House numbers or signs identifying parks or country clubs or official bulletin boards.
- (6) Political message signs during an election campaign period, as defined in § 12.04(1), Wis. Stats. Political signs may be posted 60 days before an election and must be removed within 10 days after said election. Said signs shall be a maximum of eight square feet. Such signs shall only be erected on private property with the permission of the owner or occupant.<sup>34</sup>
- (7) Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.
- (8) Unlighted real estate signs advertising the sale or lease of the premises on which the sign is located, provided in residential districts, are limited to nine square feet and one sign per street frontage; and in all other districts they are limited to 32 square feet. Permanent rental signs, such as for apartments, shall be limited to 12 square feet.
- (9) Bulletin boards and identification signs for public, charitable or civic institutions, apartments, planned residential developments and subdivisions and model homes, in residential districts, provided they:
  - (a) Do not exceed 32 square feet in area; except model homes are not to exceed 16 square feet in area;
  - (b) Are located a minimum of 10 feet from the right-of-way;
  - (c) Conform to the other yard requirements of the basic district;
  - (d) Do not exceed in height 10 feet above the crown of the road.
- (10) Directional signs in all agricultural districts, according to § 410-59F.<sup>35</sup>
- (11) Farm names and identification signs in all agricultural districts.

**§ 410-59. Permitted commercial and industrial signs.**

- A. Permitted signs. Business signs as defined herein are permitted in all business, industrial and public and semipublic districts following issuance of a sign permit.
- B. Business sign clearance standards.
  - (1) Projecting signs. Projecting signs shall not be less than 10 feet above the grade nor 15 feet above a driveway or an alley.
  - (2) Freestanding signs.
    - (a) If located above a walkway or driving area, freestanding signs shall not be less than 10 feet above a walkway nor less than 15 feet above a

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34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

35. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

driveway or an alley.

- (b) If located within 100 feet of an intersection of a driveway or roadway, freestanding signs shall not be less than 10 feet above existing grade or grade of existing structure at the time of permit approval.

C. Business sign standards.

- (1) Street setback: minimum 10 feet, unless otherwise specified in conditional use approval.
- (2) All other district yards. The setback minimum shall be the same as for the basic district, unless otherwise specified in conditional use approval.
- (3) Size.
  - (a) Area: no minimum.
  - (b) Area maximum: 100 square feet per side, including all faces combined.
- (4) Height: a maximum of 35 feet above the crown of the road.

D. Off-premises signs. Off-premises advertising signs are permitted in the B-2 and B-3 Districts and all industrial districts, subject to the following:

- (1) Street setback: minimum 10 feet, unless otherwise specified in conditional use approval.
- (2) All other district yards. The setback minimum shall be the same as for the basic district unless otherwise specified in conditional use approval.
- (3) Size.
  - (a) Area: maximum 32 square feet per side, including all faces combined.
  - (b) Area: no minimum.
- (4) Height: a maximum of 25 feet above the existing grade or grade of existing structure at the time of permit approval.

E. Directional signs permitted. Directional signs are permitted in B-1 and B-2 Business Districts, subject to the following:

- (1) Size. Area: maximum 32 square feet per side, including faces combined.
- (2) Height: a maximum of 25 feet above existing grade of existing structure at the time of permit approval.
- (3) Setbacks.
  - (a) Street: minimum three feet.
  - (b) Side: minimum three feet.
- (4) Number: no more than four for any single business or organization.

- F. Advertising and directional signs. Clearance standards:
- (1) Height. Projecting signs shall not be less than 10 feet above the grade nor 15 feet above a driveway or an alley.
  - (2) Freestanding signs.
    - (a) Freestanding signs located above a walkway or driving area shall not be less than 10 feet above a driveway or an alley.
    - (b) Freestanding signs located within 100 feet of an intersection of a driveway or a roadway shall not be less than 10 feet above existing grade or grade of existing structure at the time of permit approval.
- G. Lighting. Business and industrial signs may be internally lighted or illuminated by a hooded reflector; provided, however, that such lighting shall be arranged to prevent glare, and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs or signs having moving parts, or signs which may be mistaken for traffic signal devices or which diminish the visibility or effectiveness of such traffic signal devices, are prohibited.
- H. Signs causing obstruction prohibited. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for legal ventilation, is prohibited.
- I. Signs at intersection prohibited. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.

#### **§ 410-60. Permitted residential signs.**

In addition for those permitted signs not requiring a permit pursuant to § 410-58B, the following nonflashing, nonilluminated signs are permitted under the conditions specified in all residential and planned unit development (residential) districts established by this chapter.

- A. Nameplate and identification signs. Subject to the following:
- (1) Area and content - residential. There shall be not more than one nameplate, not exceeding four square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation. On a corner lot, two such nameplates for each dwelling unit (one facing each street) shall be permitted.<sup>36</sup>
  - (2) Projecting. Such signs shall be affixed flat against the wall of the building.
  - (3) Height. No sign shall project higher than one story or 15 feet above curb level, whichever is lower.
- B. "For sale" and "to rent" signs. Subject to the following:

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36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Area and number. There shall be not more than one sign per zoning lot, except that on a corner zoning lot two signs (one facing each street) shall be permitted. No sign shall exceed eight square feet in area nor be closer than 12 feet to any other zoning lot.
  - (2) Height. No sign shall project higher than one story or 15 feet above curb level, whichever is lower, when attached to a building; detached or freestanding signs shall not be more than four feet in height, measured from the soil grade to the top of the signpost.
- C. Signs accessory to parking area. Subject to the following:
- (1) Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of two square feet, shall be permitted. On a corner lot, two such signs (one facing each street) shall be permitted.<sup>37</sup>
  - (2) Projection. No sign shall project beyond the property line into the public way.
  - (3) Height. No sign shall project higher than seven feet above curb level.
- D. Signs accessory to roadside stands. Subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
  - (2) Area and number. The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit) as the roadside stand, and there shall be not more than two signs per lot. No sign shall exceed 12 square feet in area nor be closer than 50 feet from any other zoning lot.
  - (3) Projection. No sign shall project beyond the property line into the public way.
  - (4) Height. No sign shall project higher than 15 feet above curb level.
  - (5) Permit. A sign permit is required for this type of sign.
- E. Temporary signs accessory to subdivision developments or other permitted improvements in residential districts. Subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction or for the identification of other nonresidential uses under construction.
  - (2) Area, number and setback. Such signs shall not exceed two in number for each subdivision nor 50 square feet each in area. They shall observe the front yard requirement of the principal use and shall be located 50 feet from all other boundaries of the site.
  - (3) Height. No sign shall project higher than eight feet above curb level.

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37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (4) Time limitations. The sign or signs shall be removed by the applicant or property owner within two years of the date of the issuance of a sign permit.
- F. Subdivision identification signs. Subject to the following:
- (1) Content. The signs shall bear only the name of the subdivision or development.
  - (2) Area and number. There shall be not more than two signs located at each entrance to a subdivision. No sign shall exceed 32 square feet in area. Such identification signs shall only be erected after review and approved by the Zoning Administrator/Permit Issuer.
  - (3) Height. No sign shall project higher than 12 feet above curb level; the Town Board may, however, temporarily authorize a larger sign for a period not to exceed two years.
  - (4) Permit. A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Zoning Administrator/Permit Issuer for approval. The location of any such sign shall be at the discretion of the Zoning Administrator/Permit Issuer based upon the character of the area, the type and purpose of the sign and the length of time permitted.
- G. Nonflashing, illuminated church bulletins. Subject to the following:
- (1) Area and number. There shall be not more than one sign per lot, except that on a corner lot, two signs (one facing each street) shall be permitted. No sign shall exceed 16 square feet in area nor be closer than eight feet from any other zoning lot.
  - (2) Projection. No sign shall project beyond the property line into the public way.
  - (3) Height. No sign shall project higher than one story or 15 feet above the curb level, whichever is lower.

#### **§ 410-61. Landscape features.**

Landscape features, such as plant materials, berms, boulders, fencing and similar design elements incorporated or in conjunction with the freestanding signs, are encouraged and shall not be counted as allowable sign area.

#### **§ 410-62. Prohibited signs.**

- A. Traffic interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- B. Moving or flashing signs. No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those

giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.

- C. Signs on public right-of-way. Signs shall not be permitted on public right-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this chapter, or be located within five feet of a property line.
- D. Other prohibited signs. The following types and classes of signs are prohibited from being placed, erected or maintained in any area or district within the Town:
  - (1) Unsafe signs. Signs or billboards which are unsafe or in a state of disrepair, so as to be dangerous or cause a hazard to persons, animals or property.
  - (2) Signs attached to natural objects. Signs which are attached to trees or other natural objects, except "No Trespassing" signs, which may be placed on trees by the owner or occupant of the premises.
  - (3) Signs on vehicles, trailers or buildings. Signs which are painted or placed directly on temporarily parked vehicles, trailers or buildings, unless the sign is directly related to the use of the premises in or on which is located.
  - (4) Roof signs. Signs and billboards on roofs.
  - (5) Nonaccessory signs. Signs or billboards which are not directly related to the use of the premises in or on which they are located, except directional signs specifically authorized under this chapter.
  - (6) Abandoned signs. Signs or billboards that advertise an activity, business product or service no longer conducted or available on the premises on which the sign is located.

**§ 410-63. Dangerous and abandoned signs.**

- A. Removal of dangerous signs. All signs shall be removed by the owner or lessee of the premises upon which the sign is located if, in the judgment of the Zoning Administrator/Permit Issuer, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Zoning Administrator/Permit Issuer may remove the sign at cost of the owner following adequate written notice. The owner may appeal the decision of the Zoning Administrator/Permit Issuer to the Town Board.
- B. Abandoned signs. Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premises sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator/Permit Issuer shall give the owner 60 days' written notice to remove said sign, and thereafter, upon the owner's or lessee's failure to comply, may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator/Permit Issuer

may take any other appropriate legal action necessary to attain compliance.

- C. Violation. All signs constructed or maintained in violation of any of the provisions of this article after the date of adoption are hereby declared public nuisances within the meaning of this Code. In addition to the penalty provisions for violations of this article, the Zoning Administrator/Permit Issuer or Town Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

**§ 410-64. Variances or exception. [Amended 6-9-2014, effective 6-24-2014]**

Variances or exceptions to these sign regulations may be granted by the Board of Appeals.

**§ 410-65. Construction and maintenance regulations for signs.**

- A. Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Zoning Administrator/Permit Issuer and/or Building Inspector.
- B. General requirements.
- (1) Construction standards. All signs, except flat signs and those signs weighing less than 10 pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
  - (2) Illumination signs. Any illumination signs shall not interfere with surrounding properties or traffic.
  - (3) Roof signs. No sign shall be located so as to project above the parapet line unless approved by the Zoning Administrator/Permit Issuer.
  - (4) Projection. Signs, including supports, shall not interfere with surrounding properties or traffic.
  - (5) Prohibited mounting. No signs shall be painted on, attached to or affixed to any trees, rocks or other similar organic or inorganic natural matter, including utility poles or apparatus.
  - (6) Blanketing. Blanketing of signs on buildings shall not be allowed.
  - (7) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural conditions, well painted and clean at all times, and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

**§ 410-66. Special sign requirements.**

- A. Electronic message unit signs.
- (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
  - (2) Segmented messages must be displayed for not less than 1/2 second and not more than 10 seconds.
  - (3) Traveling messages may travel no slower than 16 light columns per second and no faster than 32 columns per second.
- B. Portable signs/message boards. Portable, temporary and mobile mounted signs and movable message boards are permitted in the B-2 and B-3 Districts and shall be limited in use to 15 days at a time following approval by the Zoning Administrator/Permit Issuer; provided, however, that the Zoning Administrator/Permit Issuer shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than four times per calendar year at any one location, not more than 15 days each time. The maximum size of a portable sign/message board shall be 10 square feet on each face, back to back. Portable signs/message boards shall not be located in any public rights-of-way and shall be securely fastened to prevent any hazardous condition.
- C. Searchlights. The Zoning Administrator/Permit Issuer may permit the temporary use of a searchlight for advertising purposes in any district, provided that the searchlight will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of time longer than five days in any six-month period.
- D. Parking signs. Parking area signs are permitted as an accessory use to all parking areas in all districts, subject to the following:
- (1) Standards:
    - (a) Size/area: maximum two square feet.<sup>38</sup>
    - (b) Number: maximum one sign per each entrance and exit.
    - (c) Yard, all: minimum, projection must be within property lines.
    - (d) Height: maximum seven feet above crown of the road.
- E. Facing. No business, advertising or directional sign, except those permitted in § 410-58, shall be permitted to face a residential or public and semipublic district within 50 feet of such district boundary.
- F. Distance standards.
- (1) No advertising or directional sign shall be located closer than 1,320 feet to any other advertising or directional sign, regardless of municipal boundaries, street classification, topography, etc.

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38. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Business signs shall be allowed at a distance of one business sign per lot of record, except that, where a multiple frontage lot occurs, each frontage shall be allowed one business sign.

**§ 410-67. Nonconforming signs.**

- A. Signs eligible for characterization as legal nonconforming. Any sign located within the Town of Vinland limits as of the date of adoption of this article, or any amendment adopted hereafter, which does not conform with the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted.<sup>39</sup>
- B. Loss of legal nonconforming status. A sign loses its nonconforming status if one or more of the following occurs:
  - (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or act of God; or is structurally altered in any way, except for normal maintenance and repair, the sign may be reconstructed and used as before if it is reconstructed within three months after such calamity, unless the damage to the sign is 50% or more of its replacement value; in which case, the constructed sign shall comply with the provisions of this article.
  - (2) The sign is relocated.
  - (3) The signs fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
  - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this article, with a new permit secured therefor, or shall be removed.
- C. Legal nonconforming sign maintenance and repair. Nothing in this article shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

**§ 410-68. Awnings and canopies.**

- A. Permitted awnings. No awnings (noncollapsible type) shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
  - (1) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
  - (2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall not be less than seven feet above the level of public sidewalk or public thoroughfare.
  - (3) Setback from curblines. No awning shall extend within one foot of the curblines.

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39. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Permitted canopies. No canopies shall be erected or maintained except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located.
- (1) Support. The structural support of all canopies shall be approved by the Zoning Administrator/Permit Issuer as in compliance with the Building Code of the Town and shall meet state building codes. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in § 410-65 of this chapter. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
  - (2) Height above sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet above the level of the sidewalk or public thoroughfare.
  - (3) Setback from curb. No canopy shall extend beyond a point of two feet from the curbline.

**§ 410-69. Violations.**

- A. Construction without permit. Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- B. Compliance notice.
- (1) If the Zoning Administrator/Permit Issuer finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, he shall give written notice to the sign owner and to the property owner.
  - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five days after such notice, the Zoning Administrator/Permit Issuer may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this article.
- C. Violations and penalties. Any person who shall violate any of the provisions of this article shall be subject to a penalty which shall be as follows:
- (1) Any person found guilty of violating any part of this article who has previously been notified of being in violation or been convicted of violating the same article within one year shall, upon conviction thereof, be subject to a forfeiture as prescribed by § 1-4 of this Code for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
  - (2) Each violation and each day a violation continues or occurs shall constitute a

separate offense. Nothing in this article shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this article.

ARTICLE VIII  
**Performance Standards**

**§ 410-70. Intent.**

It is the intent of this article to use performance standards for the regulation of uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. The standards contained in this article shall not be applicable to properties zoned agricultural. This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following environmental performance standards.

**§ 410-71. Noise.**

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 11:00 p.m. and 70 dBA from 11:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- A. Noises not directly under the control of the property owner.
- B. Noises from temporary construction or maintenance activities during daylight hours.
- C. Noises from emergency, safety or warning devices.

**§ 410-72. Vibration.**

- A. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- B. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

**§ 410-73. Glare and heat.**

No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises; exempt are activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

**§ 410-74. Odor.**

No operation or activity shall emit any substance or combination of substances in such

quantities that create an objectionable odor as defined in § NR 429.03, Wis. Adm. Code.

**§ 410-75. Fire and explosive hazards.**

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system.

**§ 410-76. Pollution.**

- A. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Ch. NR 431, Wis. Adm. Code.
- B. No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly, ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718 in an industrial district. Fugitive emissions shall not exceed the ambient standards for respiratory dust as established by the United States Environmental Protection Agency, currently known as the PM Standard.

**§ 410-77. Hazardous pollutants.**

- A. Pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Ch. NR 445, Wis. Adm. Code.
- B. Liquid or solid wastes. No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage person or property.

**§ 410-78. Radioactivity and electrical disturbances.**

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**§ 410-79. Refuse.**

All waste material, debris, refuse or garbage not disposed of through the public sanitary

sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.



ARTICLE IX  
**Wind Energy Systems**

**§ 410-80. Conditional use permits required for wind energy systems.**

The State Public Service Commission is now responsible for promulgating regulations for the installation and use of wind energy systems and, per § 196.378(4g)(b), Wis. Stats., no political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive than the rules promulgated by the Commission. To the extent any provision in this article is deemed unconstitutional or in violation of state law it will not be enforced; all other provisions will be enforced in their entirety.<sup>40</sup>

**A. Approval required.**

- (1) No owner shall, within the Town of Vinland on a nonagricultural parcel, build, construct, use or place any type or kind of wind energy system in any residential district without holding the appropriate conditional use permit for said system.
- (2) No wind energy system shall be erected in an agriculturally zoned district unless such system is located a minimum of 100 feet from a residential property line.
- (3) A conditional use permit is not required to locate a wind energy system on all agriculturally zoned parcels; however, in such an instance, a permit, without a conditional use hearing, shall be obtained pursuant to § 410-81.

**B. Separate permit required for each system.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.

**C. Basis of approval.** The Town Board shall base its determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Town and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor, and such other factors as would be appropriate to carry out the intent of this chapter.

**D. Definitions.** As used in this section, the following terms shall have the meanings indicated:

WIND ENERGY SYSTEMS — "Windmills" which are used to produce electrical or mechanical power.

**§ 410-81. Permit procedure.**

**A. Application.** The permit application for a wind energy system shall be made to the

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40. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Zoning Administrator/Permit Issuer on forms provided by the Town of Vinland. The application shall include the following information:

- (1) The name and address of the applicant.
  - (2) The address of the property on which the system will be located.
  - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served, showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
  - (4) An accurate and complete written description of the use for which a special grant is being requested, including pertinent statistics and operational characteristics.
  - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
  - (6) Any other information which the Zoning Administrator, Town Board or Building Inspector may deem to be necessary to the proper review of the application.
  - (7) The Zoning Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Town Board.
- B. Hearing. Upon referral of the application, the Town Board shall schedule a public hearing thereof following the procedures for conditional use permits in Article IV.
- C. Determination. Following public hearing and necessary study and investigation, the Town Board shall, as soon as practical, render its decision and a copy be made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Town Board may impose any conditions or exemptions necessary to minimize any burden on the person affected by granting the special use permit.
- D. Termination. When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by action of the Town Board following a public hearing thereon.

- E. Changes. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Town Board and if, in the opinion of the Town Board, such change or addition constitutes a substantial alteration, a public hearing before the Town Board shall be required and notice thereof be given.
- F. Approval does not waive permit requirements. The approval of a permit under this article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

**§ 410-82. Specific requirements.**

- A. Additional standards. Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this section in addition to those found elsewhere in this article.
- B. Application. Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served, showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- C. Construction. Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot in area.
- D. Noise. The maximum level of noise permitted to be generated by a wind energy conversion system shall be 50 decibels, as measured on a dB(A) scale, measured at the lot line.
- E. Electromagnetic interference. Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- F. Location and height. Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this chapter; however, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use

permit application.

- G. Fence required. All wind energy conversion systems shall be surrounded by a security fence not less than six feet in height. A sign shall be posted on the fence warning of high voltage. (The Town Board may adjust or delete the fence requirement if health and safety concerns are satisfied based on engineered design.) **[Amended 9-13-2000]**
- H. Utility company notification. The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

ARTICLE X  
**Wireless Telecommunications Systems**

**§ 410-83. Definitions.**

For the purpose of this chapter and any permit issued in accordance herewith, the following terms, phrases, words and their derivations shall have the meanings given herein unless otherwise specifically provided for in this chapter or unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of the Town of Vinland:

**ANTENNA** — Any structure or device for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

**ENTITY** — Any individual, corporation, partnership, association or other legal entity which seeks to provide a wireless telecommunications system.

**FCC** — The Federal Communications Commission or its legally appointed successor.

**PERMITTEE** — Any entity or its legal successor in interest who is issued a wireless telecommunications permit and/or a structure location permit in accordance with the provisions of this chapter for the erection, construction, reconstruction, operation, dismantling, testing, use, maintenance, repair, rebuilding, or replacing of a wireless telecommunications system in the Town.

**STREET** — Any area established for vehicular or public access use of the entire width between the property lines of every way publicly maintained when any part thereof is open for public purposes. "Street" includes, but is not limited to, a highway, avenue, road, alley, right-of-way, lane, boulevard, concourse, bridge, tunnel, parkways and waterways.

**STRUCTURE LOCATION PERMIT** — A permit issued by the Zoning Administrator which authorizes the location of an antenna or tower at a particular geographic location.

**TOTAL GROSS REVENUE** — All cash, credits or other property of any kind or nature reported as revenue items to the permittee's audited financial statements arising from or attributable to the sale, lease, rental or exchange of wireless telecommunications services or the equipment by the permittee within the Town or in any way derived from the operation of its wireless telecommunications system, including, but not limited to, any interconnection between its system and the Town and any system whatsoever. This shall be the basis for computing the fee imposed pursuant to § 410-84B(2). Such sum shall not include any bad debts, deposits, promotional or vendor discounts or credits or sales, service, occupation or other excise tax to the extent that such taxes are charged separately from normal services charges and are remitted by the permittee directly to the taxing authority.

**TOWER** — Any ground-, building- or roof-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna.

**TOWN ENGINEER** — The Town Engineer of the Town of Vinland.

**WIRELESS TELECOMMUNICATIONS PERMIT** — The privilege granted by the

Town by which it authorizes an entity to erect, construct, reconstruct, operate, dismantle, test, use, maintain, repair, build or replace a wireless telecommunications system. Any permit issued in accordance herewith shall be a nonexclusive permit.

**WIRELESS TELECOMMUNICATIONS SERVICE** — A licensed commercial wireless telecommunications service, including cellular, personal communication services ("PCS"), specialized mobile radio ("SMR"), enhanced specialized mobilized radio ("ESMR") paging, and similar services that are marketed to the general public.

**§ 410-84. License requirements; fees.**

The authority of municipalities to regulate the placement of wireless telecommunications systems was limited by 2013 Act 20, which added § 66.0404, Mobile tower siting regulations, to the Wisconsin Statutes. To the extent any provision in this article is deemed unconstitutional or in violation of state law it will not be enforced; all other provisions will be enforced in their entirety.<sup>41</sup>

- A. No entity may construct, operate or continue to operate a wireless telecommunications system within the Town without having been issued a wireless telecommunications permit by the Zoning Administrator.<sup>42</sup>
- B. Structure location permit fees shall be as set forth in the Town's Fee Schedule.<sup>43</sup>
- C. The request fee shall be paid to the Zoning Administrator at the time of making application for a structure location permit. The annual structure location permit fee provided for in Subsection B above shall be paid to the Zoning Administrator annually on or before October 1 of each calendar year for the portion of the wireless telecommunications system within the Town right-of-way on January 1 of that year; a prorated license fee, based upon the calendar quarter in which the application is filed, shall be paid at the time of the application for a structure location permit. Such quarterly fees are due on January 1, April 1, July 1 and September 1.
- D. Fees not paid within 10 days after the due date shall incur interest at the rate of 1 1/2% per month from the date due until paid.
- E. The acceptance of any fee payment required hereunder by the Town shall not be construed as an acknowledgement that the payment paid is the correct amount due, nor shall such acceptance of payment be construed as release of any claim which the Town may have for additional sums due and payable.

**§ 410-85. Conditions of permit.**

- A. Any wireless telecommunications permit or structure permit issued by the Town shall be a nonexclusive permit for the use of those areas within the Town specified in the wireless telecommunications permit or structure location permit.
- B. Any wireless telecommunications permit or structure location permit issued by the Town shall continue in full force and effect so long as the permittee is in

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41. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

42. Editor's Note: Original subsection (b)(2), which immediately followed this subsection, was repealed 9-10-2012.

43. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). The Town's Fee Schedule is on file in the Town's offices.

compliance with this chapter, all applicable federal, state and local ordinances and regulations, and the space occupied is not deemed to be needed by the Town for any other public purpose.

- C. In the event any wireless telecommunications permit or structure location permit is revoked by the Town, the wireless telecommunications system shall, at the sole option of the Town, be removed within 30 days at the sole expense of the permittee.

**§ 410-86. Permit locations and conditions.**

Antennas and towers authorized by a structure location permit shall comply with the following requirements:

- A. A proposal for a new antenna or tower shall not be approved unless the Town finds that the telecommunications equipment planned for a proposed antenna cannot be accommodated on an existing or approved tower within a one-mile radius of the proposed location due to one or more of the following reasons:
- (1) The planned equipment would exceed the structural capacity of an existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing unit or approved tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
  - (2) The equipment would cause interference materially impacting the usability of other existing or approved equipment at the tower as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
  - (3) Existing or approved towers within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer.
  - (4) Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower.
- B. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height, and for at least one additional user if the tower is 60 feet to 100 feet in height. Towers must be designed to allow for future rearrangements of antennas upon the tower and to accept antennas mounted at varying heights. All towers shall be erected and constructed in such a manner as to comply with all applicable Town ordinances. All towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. Towers shall not be illuminated by artificial means and shall not display strobe lights, except if such lighting is specifically required by federal Aviation Administration (FAA) or other state or federal authority. Any permittee seeking to operate a Wireless telecommunications systems shall provide the Town with a letter of intent signed by the tower owner committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet

objectively reasonable terms and conditions for shared use.

**§ 410-87. Use of streets and pole attachments.**

- A. Before commencing construction of a wireless telecommunications systems in, above, over, under, across, through or in any way connected with the streets, public ways or public places of the Town, the permittee shall first obtain the written approval of, and all other necessary permits from, all appropriate Town agencies, including, but not limited to, the Zoning Administrator. Applications for such approval shall be made in the form prescribed by the Town Engineer.
- B. Upon obtaining such written approval, the permittee shall give the Town Engineer and any other appropriate agency written notice within a reasonable time for proposed construction, but in no event shall such notice be given less than 10 days before commencement of such construction, except for emergency repairs of existing lines and cables.
- C. Any entity that submits a request for a wireless telecommunications permit in accordance herewith shall include therein proposed agreements for the use of existing towers and antennas, if applicable, with the owner(s) of such facilities to be used or affected by the construction of the proposed wireless telecommunications system.
- D. It shall be unlawful for the permittee or any other person or entity to open or otherwise disturb the surface of any street, sidewalk, driveway, public way or other public place for any purpose whatsoever without first obtaining approval to do so after proceeding in the manner described in Subsections A and B. Violation of this subsection shall subject the permittee to all penalties and remedies prescribed herein and to all other remedies, legal or equitable, which are available to the Town.
- E. The permittee shall restore any street or sidewalk it has disturbed in accordance with the provisions of the Town's standard specifications for streets and sidewalks and, shall at its own cost and expense, restore and replace any other property disturbed, damaged or in any way injured by or on account of its activities to as good as the condition such property was in immediately prior to the disturbance, damage or injury, or pay the fair market value of such property to its owner(s), or shall make such other repairs or restoration as outlined in the approved permit.
- F. The permittee shall, at its own cost and expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from such street or other public place, any of its property when required to do so by the Town because of street or other public excavation, construction, repair, regrading or grading, traffic conditions, installation of sewers, drains, water pipes, Town-owned power or signal lines, tracts, vacation or relocation of streets or any other type of construction or improvement of a public agency, or any type of improvement necessary for the public health, safety or welfare, or upon termination or expiration of the permit.
- G. The permittee shall maintain all wires, conduits, cables or other real and personal property and facilities in good condition, order and repair. The permittee shall provide indemnity insurance and performance bonds or demonstrate financial

responsibility as shall comply with all rules and regulations issued by the Town Engineer governing the construction and installation of wireless telecommunications systems.

- H. The permittee shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, public ways and public places within the Town and shall furnish, as soon as they are available, two complete copies of such maps and records, including as-built drawings, to the Town Engineer.
- I. The permittee shall comply with all rules and regulations issued by the Town Engineer governing the construction and installation of wireless telecommunications systems.<sup>44</sup>

**§ 410-88. Restrictions on assignment, transfer, sale and subleasing.**

- A. The rights and privileges hereby granted are considered personal, and if the permittee sells, assigns, transfers, leases or pledges such rights or privileges, or both, in whole or in part, either directly or by operation of the law, then the Town shall have the right to terminate any and all permits issued hereunder for no other cause. The Town shall terminate such permits in writing, by certified mail, return receipt requested, to the permittee, and such termination shall be effective 60 days from said date of mailing. The rights and privileges hereby granted shall not be mortgaged or encumbered without the prior consent and approval of the Town given by written resolution.
- B. In addition to the provisions of termination provided for in Subsection A, the Town shall have the right to terminate any and all permits issued hereunder upon any actual or pending change in, or transfer of, acquisition by any other party, or control of permittee. The word "control" as used in this context is not limited to major stockholders, but includes actual working control in whatever manner exercised. The permittee shall annually submit to the Town a list of all shareholders and a list of all officers and directors. By acceptance of the wireless telecommunications permit, the permittee specifically agrees that any violation of this section shall, at the Town's option, cause any and all permits granted the permittee under this section to be revoked.

**§ 410-89. Reports.**

- A. Entities requesting a wireless telecommunications permit may be required by the Town to submit evidence of financial capability to construct and operate a wireless telecommunications system. Such evidence may include, but is not limited to, previous years' audited financial statements for the entity, individual financial statements of principals or investors, or such other financial information as the Town may desire.
- B. The permittee shall provide the Town with a written statement from an independent certified public accountant within 120 days after the close of the calendar year that such certified public accountant has reviewed the books and records of the

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44. Editor's Note: The original penalty section for this article, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

permittee as they related to any permits issued under this section and, based upon such review, the certified public accountant believes the payment received by the Town properly reflects the fee due to the Town with respect to this section. The Town shall have the right to reasonable inspection of the permittee's books and records during normal business hours.

ARTICLE XI  
**Accessory Uses and Structures; Fences**

**§ 410-90. Accessory uses or structures.**

- A. Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- B. Placement restrictions. An accessory use or structure may be established subject to the following regulations (these restrictions shall not apply to accessory buildings in agricultural, business or industrial districts):
- (1) Attached accessory building size limits. No attached accessory building or structure shall exceed the height of the principal building or structure.
  - (2) Attached accessory buildings' yard requirements. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
  - (3) Detached accessory nongarage buildings. No detached accessory building (nongarage) shall occupy more than 30% of the required front yard or be larger than 24 feet by 36 feet (whichever is more restrictive) or be located within three feet of any other accessory building or within five feet of a lot line. An accessory building shall not be nearer than 10 feet to the principal structure unless the applicable Building Code regulations in regard to one-hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
  - (4) Residential attached garages. Attached garages shall comply with the setback requirements applicable for principal structures on the lot. **[Amended 11-10-2014]**
  - (5) Residential detached garages. Detached garages are permitted in the rear yard and side yards only. They shall not be closer than 10 feet to the principal structure. Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements. **[Amended 11-10-2014]**
    - (a) R-1 garage. The floor area for a garage(s) on a lot with a single-family use in an R-1 Residential District shall:
      - [1] For residential properties less than one acre in size, the maximum size of the detached garage shall not exceed 1,200 square feet plus 1% of the lot size. The structure shall not be closer than five feet to any lot line or five feet from any alley. One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.

- [2] If the residential property is one acre or greater but less than five acres, the maximum size of the detached garage(s) shall be 1,500 square feet plus 1% of the lot size. Up to two structures shall be permitted, and these shall not be closer than five feet to any lot line or five feet to any alley. One structure, up to 100 square feet, will be exempted from the calculation of permitted square footage and shall not be counted in the number of structures permitted.
- (6) Residential attached garages. Garages, when attached, shall comply with the dimensional requirements of the zoning district in which located. Attached garages shall comply with the setback requirements applicable for principal structures on the lot.
- (7) Residential detached garages. Detached garages are permitted in the rear yard and side yards only. Garages in all residential districts or on a lot where the principal use is residential shall conform to the following floor area requirements.
- (a) R-1 garage. The floor area for a garage(s) on a lot with a single-family use in an R-1 Residential District shall:
- [1] For lots one acre or more, not exceed 1,200 square feet in area for any one single garage, nor 1,600 square feet in area for combined total;
- [2] For lots two acres or more, not exceed 1,600 square feet in area for any one single garage, nor 2,000 square feet in area for any combined total;
- [3] For lots three acres or more, not exceed 2,400 square feet in area for any combined total.
- (b) R-2 District garage area. The floor area for a garage(s) in an R-2 Residential District shall not exceed 1,200 square feet in area — neither singularly nor combined.
- (c) R-3 Duplex District garage area. The floor area for a garage on a lot with a duplex use and not accessory to a farm shall not exceed 900 square feet for a single garage, nor shall any combined total exceed 1,200 square feet.
- (d) R-4 Multifamily District garage area. The floor area for a garage on a lot with a multiple-family use shall not exceed 870 square feet for a single garage, nor shall the combined total exceed 265 square feet per dwelling unit, unless otherwise specified in a conditional use approval.
- (e) Setback between two garages. Two or more garages on any one lot having a residential use shall have a minimum of 10 feet of yard between them.
- C. Use restrictions — residential district. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations defined and authorized herein and shall not be occupied as a dwelling unit.

- D. Use restrictions — nonresidential districts. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.
- E. Reversed corner lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five feet to the side line of the adjacent structure.
- F. Landscaping and decorative uses. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- G. Temporary uses. Temporary accessory uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of the permanent structure, may be permitted by the Zoning Administrator/Permit Issuer and shall be removed within 30 days of occupancy of the project.
- H. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, following approval by the Town Board, provided as follows:
  - (1) That such private garage shall be located not less than five feet from the front lot line;
  - (2) That the floor level of such private garage shall not be more than one foot above the curb level; and
  - (3) That at least 1/2 the height of such private garage shall be below the mean grade of the front yard.
- I. Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- J. Lawn accessories. Walks, drives, paved terraces and purely decorative garden accessories, such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.
- K. Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six feet in height and a terrace of at least three feet in width shall be provided between any series of such walls; and provided, further, that along a street frontage no such wall shall be closer than three feet to the property line.

#### **§ 410-91. Fences.**

- A. Definitions. For the purpose of this section, the following terms shall have the meaning indicated:

ARCHITECTURAL OR AESTHETIC FENCE — A fence constructed to enhance the appearance of the structure or the landscape.

BOUNDARY FENCE — A fence placed near the property lines of adjacent properties. **[Amended 5-10-2011]**

FENCE — Any artificially constructed barrier of any materials erected to enclose or screen areas of land or limit ingress/egress thereto. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

PICKET FENCE — A fence having a pointed post, stake, pole or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

PROTECTIVE FENCE — A fence constructed to enclose a hazard to the public health, safety and welfare.

- B. Residential, commercial and industrial fence permits required. No person shall erect a fence in the Town within a residential, commercial or industrial zoned property without first obtaining a fence permit from the Zoning Administrator. A fee will be charged. The applicant shall provide the Zoning Administrator with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this section.
- C. Height of fences regulated.
- (1) Except as provided in § 410-51, a fence or wall may be erected, placed or maintained along a lot line on residential, commercial and industrial zoned property or adjacent thereto to a height not exceeding six feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of 2 1/2 feet. Where such lot line is adjacent to a nonresidential zoned property, there shall be an eight-foot limit on the height of a fence or wall along such lot line.
  - (2) No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property adjacent to a residentially zoned property to a height exceeding eight feet.
  - (3) In any residential district, no fence or wall shall be erected, constructed or maintained to a height exceeding four feet above the street grade nearest thereto within 25 feet of the intersection of any street lines or of street lines projected. (See § 410-51.)
- D. Setback for residential fence.
- (1) Fences in or adjacent to a residential property shall be constructed inside the fence owner's lot lines. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines. Fences shall be located no closer than two feet to a right-of-way. **[Amended 5-10-2011]**
  - (2) Front yard fences shall be of an open type (50% or less opaque) and shall not exceed four feet in height.
  - (3) In those cases where the rear yard is a shore yard, fences located between the

shore-yard setback line and half the distance to the ordinary high-water mark shall adhere to the rear-yard standards. The remaining shore yard shall adhere to the street-yard standards.

- E. Industrial/commercial security fences. Security fences are permitted in industrial/commercial districts on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire, wrought iron or chain-link fencing, unless otherwise provided by conditional use permit (i.e., solid fence). Reference § 410-51.
- F. Prohibited fences. No residential fence shall be constructed which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially/commercial zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area.
- G. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of the fence shall face adjoining property.
- H. Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.
- I. Nonconforming fences. Any fence existing on the effective date of this Code and not in conformance with this section may be maintained, but any alteration, modification or improvement of more than 50% of said fence shall result in the entire fence being brought into compliance with this section.
- J. Location determination. The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property. In a dispute, the Town Board shall serve as fence viewers per the Wisconsin Statutes.

**§ 410-92. Standards for boathouses.**

Boathouses may be located within a shore yard but shall be not closer than five feet to the average annual high-water elevation of the stream, lake, pond, wetland or other navigable water. In no case, however, shall boathouses be located below a high-water elevation, nor shall boathouses be used for human habitation. Furthermore, boathouses shall not:

- A. Exceed one boathouse for each shoreland lot;
- B. Exceed a height of 15 feet above the high-water elevation;
- C. Exceed 500 square feet in horizontal area covered; and
- D. Be closer than three feet to any side lot line.

**§ 410-93. Construction of ponds.**

- A. Permit required for construction of ponds. No person shall construct, enlarge or modify any pond, borrow pit or pool of water out of doors and containing over 500 gallons of water or having a water depth of two feet or more without obtaining a permit from the Town of Vinland pursuant to the procedures set forth in Subsection B.
- B. Procedure for obtaining a permit. An application for a permit required by Subsection A shall be commenced by written application to the Town of Vinland Zoning Administrator, which shall state the name and address of the owner of the property in question and shall describe in detail the construction or other modification of the body of water in question. In addition, the application shall state in reasonable detail:
- (1) The effect of the proposed construction or modification on the drainage of adjacent and surrounding property.
  - (2) Health hazards caused by or arising out of water stagnation or insect growth.
  - (3) Public safety and liability risks.
  - (4) A plan to eliminate or minimize any of the harmful effects, hazards and risks.
- C. Fencing required. For every person who is in possession of land within the Town of Vinland on which there is a pond, a fence is required if the pond is located within 250 feet from another residence. Such fence or other solid structure shall be not less than 44 inches in height and shall completely enclose such pond area. There shall be no openings permitted in such fences or solid structures larger than six inches square, except for gates or doors. Any gates in such fences shall have self-closing and self-latching devices which shall be on the inside of the gate at least 30 inches above grade and shall be designed and able to keep the gate closed at all times.
- D. Fee. There shall be a fee as prescribed in the current Town Fee Schedule for every approved pond permit.<sup>45</sup>
- E. Disclaimer of liability. The issuance of a permit under this section is expressly not a warranty or endorsement of the design of the proposed body of water, including its effect on surrounding property and groundwater, its safety and health effects or otherwise.
- F. Maintenance of pond. Should any work performed under a permit issued pursuant to this section become a public nuisance, the Town Board may order it abated.

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45. Editor's Note: The Town's Fee Schedule is on file in the Town's offices.

ARTICLE XII  
**Modifications**

**§ 410-94. Height modifications.**

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

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

**§ 410-95. Yard modifications.**

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- A. Uncovered stair restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line, and must be eight feet or more above the ground.
- B. Architectural projection restrictions. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard (setback requirements), but such projection shall not exceed two feet.
- C. Cul-de-sac and curve restrictions. Residential lot frontage on culs-de-sac and curves may be less than 60 feet, provided the width at the building setback line is at least 60 feet and the street frontage is no less than 45 feet.
- D. Essential services exemptions. Essential services, utilities, electric power and

communication transmission lines are exempt from the yard and distance requirements of this chapter.

ARTICLE XIII  
**Administration**

**§ 410-96. General administrative system.**

This chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator/Permit Issuer" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and Zoning Map, and amending the text of this chapter, require review and action by the Town Board. A Zoning Board of Appeals is provided to assure proper administration of the chapter and to avoid arbitrariness.

**§ 410-97. Zoning Administrator/Permit Issuer.**

- A. The Zoning Administrator/Permit Issuer is hereby designated as the primary administrative officer for the provisions of this chapter and shall be referred to as the "Zoning Administrator/Permit Issuer." The Zoning Administrator/Permit Issuer shall be appointed by resolution of the Town Board. The duty of the Zoning Administrator/Permit Issuer shall be to interpret and administer this chapter and to issue all permits required by this chapter. The Zoning Administrator/Permit Issuer shall further:
- (1) Issue all zoning certificates and make and maintain records.
  - (2) Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this chapter.
  - (3) Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments, conditional uses, variances, appeals and application therefor.
  - (4) Provide and maintain a public information function relative to all matters arising out of this chapter.
  - (5) Receive, file and forward to the Town Clerk, all applications for amendments to this chapter.
  - (6) Receive, file and forward to the Town Board all applications for conditional uses.
  - (7) Receive, file and forward to the Board of Appeals all application for appeals, variances or other matters on which the Board of Appeals is required to act under this chapter and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Town Board.
- B. Due to the size of the Town of Vinland, it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator/Permit Issuer on a part-time basis. It is therefore provided that the function of the Zoning Administrator/Permit Issuer can be delegated to a committee of the Board, to another Town official, or a single member of the Board or the Town Chairperson. An officer other than a Board member or another employee of the Town may also

be designated to handle the duties of Zoning Administrator/Permit Issuer on a part-time basis in addition to the other duties performed by such person.

**§ 410-98. Violations and penalties.**

- A. Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the provisions of this chapter. In case of any violations, the Town Board, the Zoning Administrator/Permit Issuer or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this chapter or cause a structure to be vacated or removed.
- B. Remedial action. Whenever an order of the Zoning Administrator/Permit Issuer has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Town Board, the Zoning Administrator/Permit Issuer or the Town Attorney may institute appropriate legal action or proceedings.
- C. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter or any order of the Zoning Administrator/Permit Issuer issued in accordance with this chapter or who resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in § 1-4 of this Code.

ARTICLE XIV  
**Changes and Amendments**

**§ 410-99. Authority.**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Town may, by ordinance, change the district boundaries established by this chapter and the Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review of the Town Board.

**§ 410-100. Initiation of changes or amendments.**

- A. Initiation. A change or amendment may be initiated by the Town Board or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- B. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
  - (1) A plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
  - (2) The owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
  - (3) Additional information required by the Town Board.
- C. Action. The Town Board shall hold a public hearing as provided for in § 62.23(7)(d), Wis. Stats., and review all proposed changes and amendments. The Town Board shall determine whether the petition be granted as requested, modified or denied.

**§ 410-101. Protest.**

- A. In the event of a protest against an amendment to the Zoning Map, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Town Board membership.
- B. In the event of protest against amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, it shall require a 3/4 vote of the full Town Board membership to adopt such amendment.



ARTICLE XV  
Appeals

**§ 410-102. Appeals to Zoning Board of Appeals.**

- A. Scope of appeals. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be taken within 30 days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the grounds thereof, together with payment of a filing fee as may be established by the Town Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken.<sup>46</sup>
- B. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, on due cause shown.
- C. Powers of Zoning Board of Appeals. In addition to these powers enumerated elsewhere in this Code, the Board of Appeals shall have the following powers:
- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administration/Permit Issuer or Building Inspector.
  - (2) Variances. To hear and grant appeals for variances in accordance with the procedures and requirements of § 410-105. Use variances shall not be granted.<sup>47</sup>
  - (3) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Board has made a review and recommendation.
  - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
  - (5) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Town Board had made a review and recommendation.

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46. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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- (6) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involved the erection of a substantial structure and are compatible with the neighboring uses and the Town Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- (7) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

### **§ 410-103. Hearing on appeals.**

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall be mailed not less than five days prior to the hearing to the fee owners of records of all land within 100 feet of any part of the subject building or premises involved in the appeal.

### **§ 410-104. Decisions of Board of Appeals.**

- A. Time frame. The Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of its decision to the appellant or applicant and the Zoning Administrator/Permit Issuer.
- B. Conditions. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- C. Validity. Variances, substitutions or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

### **§ 410-105. Variations.**

- A. Purpose.
  - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this chapter would cause him/her undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
  - (2) The Board of Appeals may authorize, upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.

- (3) For the purpose of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- B. Application for variation. The application for variation shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
  - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
  - (3) Address and description of the property.
  - (4) A site plan showing an accurate depiction of the property.
  - (5) Additional information required by the Town Engineer, Town Board, Plan Commission, Zoning Board of Appeals or Zoning Administrator/Permit Issuer.
  - (6) Fee receipt in the amount as determined by the Town Board.
- C. Public hearing on application. The Board of Appeals shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Town, and shall give due notice to the parties in interest, the Zoning Administrator/Permit Issuer and the Town Board. At the hearing, the appellant or applicant may appear in person, by agent or attorney. The Board of Appeals shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- D. Action of the Board. For the Board of Appeals to grant a variance, it must find that:
- (1) Denial of the variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed. If a variance is to be granted, the Board of Appeals shall find that no reasonable use may be made of the property unless a variance is given.
  - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

- (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
  - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
  - (5) The proposed variation will not undermine the spirit and general and specific purposes of this chapter.
- E. Conditions. The Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

**§ 410-106. Review by court of record.**

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