

# **Town of Winchester**

**Winnebago County, Wisconsin**

## **Chapter 17: Zoning Regulations**

**Adopted by Town of Winchester Board of Supervisors  
on February 18, 2013**

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- 17.01 Authority.** Under the provisions of Section 62.23 (7) to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purpose to divide the Town of Winchester, Winnebago County, Wisconsin, into districts of such number, shape, and areas as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation. The Town Board of the Town of Winchester, Winnebago County Wisconsin, having been granted village powers pursuant to Section 60.18 (12), does ordain as follows:
- 17.02 Purpose.** The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town. The provisions of this Chapter shall be held to be minimum requirements.
- 17.03 Intent.** It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; and to:
- (1) Preserve and protect prime agricultural lands in the Town.
  - (2) Preserve and protect the beauty of the Town.
  - (3) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
  - (4) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities.
  - (5) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways.
  - (6) Secure safety from fire, pollution, contamination and other dangers.
  - (7) Stabilize and protect existing and potential property values.
  - (8) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters.
  - (9) Further the maintenance of safe and healthful water conditions.
  - (10) Provide for and protect various suitable commercial and industrial sites.
  - (11) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.
  - (12) Implement those Town, County, watershed, and regional comprehensive plans or components of such plans adopted by the Town.
  - (13) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.
  - (14) Implement the Town of Winchester Comprehensive Plan.
- 17.04 Abrogation and Greater Restrictions.** It is not the intend of this Chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Chapter shall govern.
- 17.05 Interpretation.** 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 construed to be a limitation or repeal of any other power now possessed by the Town.
- 17.06 Title.** This Chapter shall be known and cited as the "Zoning Regulations, Town of Winchester, Winnebago

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County, Wisconsin.”

**17.07 Districts.** For the purposes of this Chapter, the Town of Winchester is hereby divided into the following districts:

- (1) A-1 Agribusiness.
- (2) A-2 General Agriculture.
- (3) A-3 Agricultural Residential.
- (4) R-1 Rural Residential.
- (5) R-2 Suburban Residential.
- (6) R-3 Two-Family Residential.
- (7) R-4 Multi-Family Residential.
- (8) R-8 Manufactured/Mobile Home Community.
- (9) B-1 Local Services.
- (10) B-2 Community Business.
- (11) B-3 General Business.
- (12) I-1 Light Industrial.
- (13) I-2 Heavy Industrial.
- (14) PDD Planned Development (Overlay) District.

**17.08 Boundaries.** The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Town of Winchester Zoning Map," which map is made a part of this Chapter and is on file in the office of the Clerk of said township. All notations and references shown on the Zoning Map are as much a part of this Chapter as though specifically described herein. The district boundaries, unless otherwise indicated, are street or highway centerlines, railroad right-of-way lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary lines. The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

**17.09 Definitions.** 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. Any words not herein defined shall be construed as defined in the state building code.

- (1) Accessory Use and Accessory Structure/Building – A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
  - (a) Pole Buildings in Residential Districts. Steel clad sheds, pole barns, and metal-roofed carports over two hundred (200) square feet of area are prohibited in all residential districts in the Town of Winchester. A pole barn is defined as any building of post and truss framing with metal roof and siding.
- (2) Adjacent – located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (3) Adult Family Home – A place licensed by the state under s. 50.033(1m), Wis. Stats.
- (4) Agricultural Use - Any of the following activities conducted for the purpose of producing an income or livelihood:
  - (a) Crop or forage production.
  - (b) Keeping livestock.



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- (c) Beekeeping.
  - (d) Nursery, sod, or Christmas tree production.
  - (e) Floriculture.
  - (f) Aquaculture.
  - (g) Fur farming.
  - (h) Forest management.
  - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  - (j) Other activities that DATCP may identify by rule.
- (5) 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:
- (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
  - (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
  - (c) Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
  - (d) Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
  - (e) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
- (6) Agricultural waste – Manure, milking center waste, and other organic waste generated by a livestock facility.
- (7) Agriculture, Crop – A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants typically grown by agricultural operations in the region are grown.
- (8) Agriculture, General – A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants are primarily grown for commercial purposes and/or livestock is raised primarily for commercial purposes.. The term does not include commercial stable, farmstand retail outlet, or agricultural product sales.
- (9) Airport, Public - Any airport which complies with the definition contained in Section 114.002 (7), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- (10) Alley - A vehicular accessway that provides primary vehicular access to the back of the lots that front on a street.
- (11) Alternative Tower Structure – Manmade towers, water towers, buildings, bell steeples, light poles, electric transmission and distribution structures, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (12) Animal Shelter – A place where stray household pets are temporarily housed.
- (13) Animal Units – A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, that are at an animal feeding operation.
- (14) Appeal – A process initiated by an aggrieved person to review a decision made pursuant to this chapter, or an alleged failure to act as required by this chapter.
- (15) Applicant – A person that submits an application as required by this Chapter.
- (16) Aquaculture – See Fish Hatchery, sec. 17.09(45).
- (17) Artisan Shop – A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

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- (18) Automobile Wrecking Yard - Any premises on which three or more automotive vehicles, not in operating condition, are stored in the open.
- (19) Base Farm Tract – All land, whether one parcel or two contiguous parcels, that is in the A-1 Agribusiness District and that is part of a single farm on the date that DATCP first certifies this ordinance, regardless of any subsequent changes in the size of the farm.
- (20) Basement - A story partly underground which, if occupied as living quarters, shall be counted as a story for purposes of height measurements.
- (21) Bed and Breakfast – Any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-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.
- (22) Bees – For the purposes of this Chapter, Bees shall include Mason Bees and Honey Bees. No other Bee species or varieties may be kept in hives.
- (23) Berm – A mound or embankment of earth typically installed to provide screening or for aesthetic effect.
- (24) Boarding House – A place, other than a hotel or restaurant, where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
- (25) Buffer Yard – A linear strip of undeveloped land, along with landscaping or a fence, that is located between two different zoning districts that have potentially incompatible characteristics. Buffer yards are intended to create separation between the incompatible land uses and eliminate or lessen the impacts (e.g., noise, dust, glare of lights, outdoor activities) of the most intrusive land use on the other.
- (26) Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by solid walls extending from the ground up, each part shall be deemed a separate building.
- (27) Building, Accessory - A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- (28) Building, Detached – A building surrounded by open space on the same lot.
- (29) Building, Height of - The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (30) Building, Main or Principal - A building constituting the principal use of a lot.
- (31) Campground – A place where members of the general public may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes. Accessory uses may include individual cabins, a dwelling unit for the manager of the campground, and one or more buildings to house a laundromat and retail sales for the convenience of campground guests, an office, maintenance equipment, supplies, and related materials.
- (32) Centerline - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- (33) 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.
- (34) Civic Use Facility – A place where large gatherings of people may assemble for public purposes. The term includes zoos, arenas, stadiums, and fairgrounds.

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- (35) Collocation – The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.
- (36) Commercial Stable – A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides. Nonresidential buildings and other structures, such as barns, stables, riding arenas, and sheds, necessary for the operation are allowed.
- (37) 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 purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- (38) Community Center – A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls.
- (39) Community Cultural Facility – A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts.
- (40) Community Garden – A place where a group of unrelated individuals grow vegetables, fruits, and flowers for their personal use. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.
- (41) Community Living Arrangement – Any one of the following facilities:
  - (a) Residential care centers for children and youth, as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.
  - (b) Group homes for children, as defined in s. 48.02(7), Wis. Stats.
  - (c) Community-based residential facilities, as defined in s. 50.01, Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.
- (42) Comprehensive Plan – The Town of Winchester Comprehensive Plan as adopted and amended.
- (43) Conditional Uses – Uses of a special nature that make it impractical to predetermine as a permitted use in a district.
- (44) Conditional Use Permit – A permit issued by the Plan Commission authorizing establishment of a conditional use consistent with the provisions of this chapter.
- (45) Condominium – A form of ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.
- (46) Conservation subdivision – A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision and retains a minimum of forty percent of the site as protected open space.
- (47) 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.
- (48) Contractor Yard – A place where a contractor or builder may establish a base of operation, which may include one or more of the following: office space; indoor and outdoor storage of construction materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

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- (49) Dam – An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water along with the impounded water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse.
- (50) Deck – An above-ground, unroofed platform extending from a building and intended for outdoor living.
- (51) Development - Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (52) Developers Agreement - An agreement by which the Town and the developer agree in reasonable detail as to all of those matters to which the provisions of this Code apply and which does not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Town.
- (53) Driveway - A private route of ingress and egress from any public right-of-way, which provides access to one (1) residential dwelling/ unit, commercial building, or property.
- (54) Dwelling – A building or portion thereof that provides living facilities for one or more families, but not including hotels, motels or boarding houses.
- (55) Dwelling Unit – One or more rooms physically arranged so as to create an independent housekeeping establishment of occupancy by one family or not more than three (3) roomers, which shall include complete toilet and kitchen facilities permanently installed.
- (56) Dwelling, One Family - A detached building designed for or occupied exclusively by one family.
- (57) Dwelling, Two Family - A detached or semidetached building designed for and occupied exclusively by two families.
- (58) Dwelling, Multi-family - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- (59) Easement – A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs. A utility easement, for example, would allow any person with a right to use the easement to install and maintain utilities across, over, or under the subject land. A road easement would likewise allow the installation and maintenance of a driveway or roadway along with ancillary utilities.
- (60) Election Campaign Period - In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election. In the case of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- (61) Electric Vehicle Infrastructure - Structures, machinery, and equipment necessary and integral to support a plug-in electric vehicle.
- (62) Electronic Message Display – A type of sign display where the message is created with a number of internal lights, such as light emitting diodes (LEDs), and which may be changed at intervals by an electronic process.
- (63) Encroachment - Any fill, structure, building, use or development in the floodway.
- (64) Erosion - The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (65) Essential Services - Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire

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- alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (66) Existing Use – Any permitted or conditional use in existence at the time of the adoption of the most recent amendment to the Zoning Ordinance.
- (67) Expansion – An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period, consistent with ATCP 51.01(14), Wis. Stats.
- (68) Family - An individual; or 2 or more persons related by blood, marriage, or adoption; or a maximum of 5 persons not so related, maintaining a common household in a dwelling unit or lodging unit.
- (69) Farm – All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
- (a) The land produces at least \$6,000 in annual *gross farm revenues* to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
  - (b) A majority of the land area is in agricultural use.
- (70) Farmstead Retail Outlet – A place where food products are offered for retail that are predominantly produced on the farm on which it is located. The term includes wine tasting rooms.
- (71) Farm Acreage – The combined total acreage of all of the following in the base farm tract:
- (a) Farms.
  - (b) Open space parcels of more than 10 acres.
- (72) Farm Operator - Any person who owns land and raises crops or livestock on that land or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation or a person who lives on land that he has historically farmed. For the purpose of this Chapter, any person who has farmed land for 5 consecutive years is deemed to have farmed it historically.
- (73) Farm Products – Agricultural, horticultural, and arboricultural crops. Animals considered within the definition of agricultural include livestock, stable animals, Bees, poultry, fur-bearing animals, and wildlife or aquatic life.
- (74) Farm Residence – Any of the following structures located on a farm:
- (a) A single-family [or duplex] residence that is the only residential structure on the farm.
  - (b) A single-family [or duplex] residence that is occupied by any of the following:
    - 1. An owner or operator of the farm.
    - 2. A parent or child of an owner or operator of the farm.
    - 3. An individual who earns more than 50 percent of his or her gross income from the farm.
  - (c) A migrant labor camp that is certified under s. 103.92, Wis. Stats.
- (75) Farmers' Market - The temporary sale of farm products at a site other than where they were grown. The sale of farm produce grown on the premises or the sale of not more than 5 bushels per day of farm produce grown off the premises is not considered a farmers market.
- (76) Fence, Open - A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.
- (77) Fence, Ornamental - A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type.
- (78) Fence, Security - A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually

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- exceed 6 feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.
- (79) Fence, Solid - A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.
- (80) Fish Hatchery - The establishment, operation, and maintenance of a facility for the purpose of breeding and propagating fish for sale, transfer, or fee fishing pursuant to Ch. 29, Wis. Stats., and Wis. Adm. Code NR 19.
- (81) Floodplain – That land which has been or may be covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.
- (82) Floor Area – The total horizontal area contained within the outside perimeter of a building.
- (83) Forestry – The harvesting, thinning, and planting of trees and related forest management activities whether for commercial or noncommercial purposes. The term includes temporary skidding yards necessary to store and sort logs harvested on the premises. The term does not include on-site processing and permanent skidding yards.
- (84) Foster Care and Treatment Foster Home – A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.
- (85) Frontage - All the property abutting on a road or street.
- (86) Fugitive Dust – The solid airborne particulate matter resulting from any activity conducted on a parcel zoned, or used for industrial or commercial purposes.
- (87) Game Farm - The establishment, operation, and maintenance of a game bird or animal farm for the purpose of breeding, propagating, killing, and selling of game birds and animals pursuant to Ch. 29, Wis. Stats., and Wis. Adm. Code NR 16 and 19.
- (88) Garage, Nonresidential – A building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises.
- (89) Garage, Off-site – A free-standing building intended to house motor vehicles, yard equipment, and household items belonging to the people that own the lot on which it is located.
- (90) Garage, Residential – A building intended to house motor vehicles, yard equipment, and household items belonging to the people occupying the principal residence on the lot. A residential garage may be detached or attached to a building with a residential use. A carport shall be considered to be a residential garage.
- (91) Greenhouse – A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight or artificial lighting. For the purpose of this definition, a mushroom farm is considered a greenhouse.
- (92) 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.
- (93) Group Daycare Center – A place licensed as a day care by the state where care is provided for 9 or more children. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.
- (94) Group Recreation Camp – A place where members of an association or other similar group, which operates the premises, and their invited guests may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes or stay overnight in a lodge, cabin, or other similar accommodation. Accessory uses may include a dwelling unit for the manager of the camp, sleeping accommodations for resident staff, and one or more buildings to house guest

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services, administrative offices, recreational facilities, maintenance equipment, supplies, and related materials. The term includes youth camps and church camps.

- (95) Hazard – A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.
- (96) Hazardous Substance – A material regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 1101-11050, as may be amended.
- (97) Hazardous Waste – A waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.
- (98) High-water Mark or Elevation - The average annual high water level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.
- (99) Hobby Farm – A small agricultural holding that is maintained without expectation of being the primary source of income.
- (100) Home Occupation, Major – An occupation, profession, enterprise, or similar commercial activity that is conducted within a dwelling unit and/or an accessory building and that is compatible in size and scope in a residential setting. The term does not include hobbies or similar noncommercial activities.
- (101) Home Occupation, Minor – An occupation, profession, enterprise, or similar commercial activity that is conducted entirely within a dwelling unit and that is compatible in size and scope in a residential setting. The term does not include hobbies or similar noncommercial activities.
- (102) Hospice Care Center – A place licensed by the state that provides palliative and supportive care and a place of residence to individuals with terminal illness and provides or arranges for short-term inpatient care as needed.
- (103) Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- (104) Household Livestock – A place where livestock are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of an animal as part of a 4-H or similar educational project shall not be considered a commercial purpose.
- (105) Hunting Preserve – A place where the public or those with a membership can, for a fee or other consideration, hunt game animals not confined within a fenced enclosure. This use may include one or more buildings and other structures directly related to operation of this use, such as an office, structures and enclosures for rearing game animals for hunting purposes, and buildings for housing maintenance equipment, supplies, and related materials. The term does not include lands leased for private, individual use.
- (106) Impervious Surface – The portion of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. It includes areas of compacted soil, buildings, and nonporous surfaces such as sidewalks, parking lots, driveways, and similar features.
- (107) Junk Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.
- (108) Kennel, Commercial – A place where 4 or more dogs or other similar domesticated animals over 6 months of age are housed for the purpose of boarding, breeding, training, or sale. The term

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- includes boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.
- (109) Kennel, Hobby – In the A-1 or A-2 zoning districts, a place where 6 or more dogs or other domesticated animals over 6 months of age are housed. In all other zoning districts, a place where 4 or more dogs or other domesticated animals over 6 months of age are housed.
- (110) Kennel, Private – In the A-1 or A-2 zoning districts, a place where no more than 5 dogs or other domesticated animals over 6 months of age are housed. In all other zoning districts, a place where no more than 3 dogs or other domesticated animals over 6 months of age are housed.
- (111) Land – The earth, water, and air, above, below, or on the surface.
- (112) Landmark - Any structure or improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the community, State, or nation and which has been designated as a landmark pursuant to the provisions of this Chapter.
- (113) Land Owner or Landowners- Any person holding title to or having an interest in land.
- (114) Land Use – As the context indicates:
- (a) The development that has occurred on the land.
  - (b) Development that is proposed for the land.
  - (c) The use permitted for the land under this chapter.
- (115) Land Use, Accessory – A land use that is incidental and subordinate to and customarily found with a principal land use.
- (116) Land use, Conditional – A land use that would not be appropriate generally or without restriction throughout a specified area, but if controlled as to the number, area, location, or relation to the surrounding properties by the imposition of appropriate conditions, could promote the public health, safety, or general welfare.
- (117) Land Use, Permitted – A land use that is allowed throughout a specified area. Land uses permitted by right may be reviewed through a site review process and shall otherwise be reviewed to ensure that all provisions of local, state, and federal regulations are met.
- (118) Land Use, Principal – The dominant land use or uses of a parcel of land.
- (119) Land Use, Temporary – A land use which is on a parcel of land for a limited and specified period of time.
- (120) Land User - Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his land.
- (121) Landmark Site - Any parcel of land of historical significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and, which has been designated as a landmark site pursuant to the provisions of this Chapter; or a parcel of land, or part thereof, on which is located a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.
- (122) Landscaping Plan – A drawing of a subject property that shows existing and/or proposed landscaping elements and other features as required by this chapter. Depending on the nature of the development project, the content of a landscaping plan can be shown on a site plan.
- (123) Livestock.
- (a) General - Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
  - (b) Under ATCP-51, Wis. Stats. - Domestic animals traditionally used in the State of Wisconsin in the production of food, fiber or other animal products. Livestock includes cattle, swine, poultry, sheep and goats. Livestock does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (124) Livestock Facility – A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period, consistent with ATCP 51.01(19), Wis. Stats.



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- (125) Livestock Structure – A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility.
- (126) Live/work unit - A single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial, light manufacturing, or office use and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant. Live/work units shall not be permissible in residential zoning districts.
- (127) Loading Area – An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer, or truck.
- (128) Lodging House - A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the family.
- (129) Lot (and Zoning Lot) – A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.
- (130) Lot, Corner – A lot situated at the junction of and fronting on two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (131) Lot, Flag – A lot with access provided by a corridor from a street to the bulk of the lot.
- (132) Lot, Interior – A lot that abuts only one street.
- (133) Lot, Through – A lot having a frontage on two streets that are more or less parallel to one another.
- (134) Lot Area – As the context would indicate, lot area can refer to the minimum required area, actual area, or proposed area.
- (135) Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- (136) Lot Frontage – The linear distance a lot abuts on a street right-of-way or other similar feature. As the context would indicate, lot frontage can refer to the minimum required distance, actual distance, or proposed distance.
- (137) Lot Line – See property boundary line.
- (138) Lot Line, Front – A property boundary line described for each of the following types of lots:
  - (a) Interior lot, the property boundary line abutting a street; or, on a corner lot, the shorter property boundary line abutting a street.
  - (b) Through lot, the property boundary line abutting the street providing the primary access to the lot.
  - (c) Flag lot, the interior property boundary line most parallel to and nearest the street from which access is obtained.
- (139) Lot Line, Rear – A property boundary line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.
- (140) Lot Line, Side - A property boundary line that is not a front or rear lot line.
- (141) Lot Width - The distance between sides of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot at both the building line and the waterline.
- (142) Low-impact Stormwater Design (or Low Impact Development) – A design approach to stormwater management intended to mimic the predevelopment hydrology of a site. Initial site design strategies include minimizing impervious surfaces and the integration of existing wetlands, riparian areas, and other environmentally sensitive natural resources into the overall site design. Manmade features, generally distributed throughout the site, are also used to store, infiltrate, evaporate, and detain stormwater runoff. Examples of such features include bios wales, rain gardens, and pervious surfaces.

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- (143) Manufactured Home – A factory-built, single-family structure that is manufactured in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (as evidenced by the presence of a manufacturer’s certification label on the unit.
- (144) Migrant Labor Camp – Living quarters under the control and supervision of any person for any migrant worker or any other person who is not related by blood, marriage, or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state. The term does not include a premises occupied by the employer as a personal residence and by no more than two migrant workers or any accommodation subject to chapter 50 of the Wisconsin Statutes.
- (145) Migrant Worker – This term shall have the meaning under s. 103.90(5), Wis. Stats.
- (146) Mixed-use Housing – One or more dwelling units located in a building, commonly on the second floor, that also houses a commercial land use, such as a retail use or a professional office.
- (147) Mobile Home - That 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 Chapter, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, 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.
- (148) Mobile Home Pad – The area of a mobile home space that has been prepared for the placement of a mobile home or a manufactured home.
- (149) Mobile Home Park - Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- (150) Mobile Home Space – A designated area of a mobile home park that is designed to accommodate either one manufactured home or one mobile home for exclusive use of the occupants.
- (151) Modular Home – A dwelling unit that meets local building codes and which was constructed off site in a factory as separate modules which are joined together and set on a permanent foundation.
- (152) Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.
- (153) Mulch – A nonliving organic or inorganic material customarily used in landscape design to retard erosion, retain soil moisture, maintain even soil temperature, control weeds, and/or enrich the soil. Examples of materials often used include tree bark, wood chips, and decorative stones.
- (154) Nonconforming Building – A building that at the time of construction conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.
- (155) Nonconforming Lot – A lot or parcel existing at the time of the passage of this Chapter or amendments which does not conform to the regulations of this Chapter or amendments thereto.
- (156) Nonconforming Structure – A structure that at the time of construction or placement conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.
- (157) Nonconforming Use - A building or premises lawfully used or occupied at the time of the passage of this Chapter or amendments, which use, or occupancy does not conform to the regulations of this Chapter or amendments thereto.
- (158) Nonfarm Residence – Any residence other than a farm residence.

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- (159) Nonfarm Residential Acreage – The combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town of Winchester has approved nonfarm residences, all parcels of 10 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 10 acres.
- (160) Nonmetallic Mineral – A product, commodity, or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc, and topsoil.
- (161) Nursing Home – A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include:
- (a) A convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual.
  - (b) A hospice as defined in state law.
  - (c) A residential care apartment complex as defined in state law.
- (162) Occupancy – The purpose for which a building, or part thereof, is used or intended to be used.
- (163) Outdoor Furnace – An apparatus designed to burn solid or liquid combustible materials (e.g., corn, ear corn, wood, wood pellets, coal, and fuel oil) to produce heat and/or heat water for a building in which it is not located.
- (164) Overlay District - Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.
- (165) Overnight Lodging – A place where individual guest rooms with private bathrooms are offered to transient guests for rent. This use may also include recreational/fitness rooms and a food service area for the exclusive use of guests and banquet facilities for meetings and other gatherings. The term includes hotels and motels but does not include bed and breakfasts.
- (166) Parking Space – An area permanently reserved and maintained for the parking of one motor vehicle which meets the dimensional standards of this chapter.
- (167) Patio – An at-grade surfaced area intended for outdoor living that may be next to a building or separated from a building.
- (168) Permanent Foundation – A continuous foundation wall at the perimeter of a building.
- (169) Person – An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (170) Pier (see also wharf) – A structure extending into navigable waters from the shore with water on both sides, that is built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.
- (171) Planned Unit Development - The Planned Unit Development (PUD) is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD will allow for flexibility and overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land

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use density and other standards or use requirements set forth in the underlying basic zoning district. All provisions for PUD shall be complied with as stated in the Zoning Code.

- (172) Prime Farmland – All of the following:
- (a) 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.
  - (b) Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.
- (173) Principal Use or Structure - The main use of land or structures as distinguished from a secondary or accessory use.
- (174) Professional Office (and Professional Services) - The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession.
- (175) Property Boundary Line – A line dividing one parcel of land from another.
- (176) Protected Farmland – Land that is any of the following:
- (a) Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats. or subsequent stats.
  - (b) Covered by a farmland preservation agreement under ch. 91, Wis. Stats. or subsequent stats.
  - (c) Covered by an agricultural conservation easement under s. 93.73, Wis. Stats. or subsequent stats.
  - (d) Otherwise legally protected from nonagricultural development.
- (177) Recreational Vehicle – A vehicular type unit primarily designed as a temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.
- (178) Relocatable Building – A portable building or enclosed trailer temporarily placed on a parcel that may be used in conjunction with the principal use of the property. For example, relocatable buildings are used to house students during a construction project or accommodate enrollment in excess of the principal building's design capacity. A mobile home or manufactured home is not considered a relocatable building.
- (179) Resort – A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities, such as golf, horseback riding, or lake/beach access, a resort may also include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.
- (180) Retirement Home – A place where individuals, generally 62 years of age or older, may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include limited on-site commercial and medical facilities for the exclusive use of residents.
- (181) Right-of-Way – A strip of land dedicated or acquired for public use.
- (182) 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.
- (183) Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources.
- (184) Screen – A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.
- (185) Seasonal Product Sales – An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the event.

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Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween.

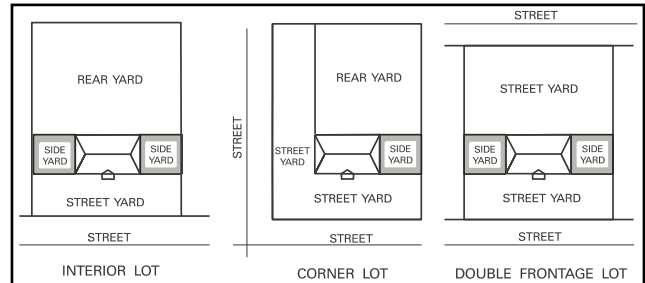
- (186) Setback - Lines established along highways at specified distances from the centerline, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines" means between the setback line and the highway.
- (187) Shorelands - Those lands lying within 1,000 feet from a lake or pond of flowage, and 300 feet from a river or stream or to the landward side of the floodplain, from the ordinary high water mark of navigable waters, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river, those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history, and such lands are maintained in nonstructural agricultural use.
- (188) Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- (189) Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- (190) Site-built Home - A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on site. Also known as a "conventional home" or "stick-built home."
- (191) Site Plan - A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter.
- (192) Solar Energy System, Building Mounted - An installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.
- (193) Solar Energy System, Free-standing - An installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building.
- (194) Stable - Stable shall have the same meaning as garage, one draft animal being considered the equivalent of one self-propelled vehicle.
- (195) Stormwater - Water, and the materials it carries, that results from a rainfall event or melting snow or ice.
- (196) Stormwater Management Facility - A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.
- (197) Stream - A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.
- (198) Street - All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21 feet or more in width.
- (199) Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- (200) Structural Alteration - Any change in a supporting member of a structure such as foundation, bearing wall, column, beam or girder, footing, or pile, or any substantial change in the roof structure or in an exterior wall.
- (201) 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, in-ground pools, and wells.
- (202) Structure, Temporary - 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.

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- (203) Substandard Lot – A lot, with or without a structure, having a lesser dimension or area, or both, than what is required for the zoning district in which it is located.
- (204) Temporary Shelter – A place where abuse victims or homeless individuals are temporarily housed and provided with ancillary services.
- (205) Townhouse – A building containing 3 or more dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance.
- (206) Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
- (207) Twin Home – A building containing 2 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance.
- (208) Unspecified Public Use – A place, whether in public or private ownership, that is used or intended for a public purpose as determined by the zoning administrator.
- (209) Utilities - Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (210) Utility Installation, Major – A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, and water towers.
- (211) Utility Installation, Minor – A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use.
- (212) Utility Maintenance Yard – A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.
- (213) Variance - An authorization granted by the Board of Zoning Appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.
- (214) Veterinary Clinic, General – A place where medical services for small and large animals, such as horses and livestock, are offered. This use may include office space, medical labs, appurtenant facilities, and indoor and outdoor enclosures for animals under the immediate medical care of a veterinarian.
- (215) Veterinary Clinic, Small Animal – A place where medical services for small household animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, and animal hospitals.
- (216) Wetland – An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and otherwise meets the definition as identified by the US Army Corps of Engineers and/or Wisconsin Department of Natural Resources.
- (217) Wharf (see also Pier) – A structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed.

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- (218) Wildlife Park – A place where the public can, for a fee or other consideration, view free-roaming wildlife from a motor vehicle. This use may include one or more buildings and other structures directly related to operation of this use, such as an office, structures and enclosures for rearing wild animals, and buildings for housing maintenance equipment, supplies, and related materials.
- (219) Wind Test Tower – A tower on which equipment is attached that measures parameters needed to assess the site’s suitability for a wind energy system.
- (220) Working Farm – A farm whose agricultural land and buildings are in active use for crop production and/or the raising of livestock.
- (221) Yard - An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (222) Yard, Rear - A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot (see illustration).
- (223) Yard, Side - A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard (see illustration).
- (224) Yard, street - A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard (see illustration).
- (225) Yard Sale – A temporary event where used household items are offered for sale.
- (226) Zoning Administrator – The individual so designated by the Plan Commission to perform those duties as enumerated in this chapter and as authorized by state law.
- (227) Zoning Permit – A written permit issued for a specified parcel of land prior to the issuance of a building permit to ensure that the proposed use is consistent with the zoning requirements of the zoning district in which it is to be located.



**17.10 General Use Provisions.**

- (1) The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
- (2) The existing lawful use of a building or premises at the time of the enactment or amendment of this Chapter may be continued although such use does not conform with the regulations for the district in which it is located, but such nonconforming use shall not be extended. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this Chapter.
- (3) 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 restrictive classification. Whenever a nonconforming use has been changed to a more restrictive nonconforming use or a conforming use, such use shall not thereafter be changed to a less restrictive use.

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- (4) If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
- (5) When a nonconforming mobile home or a building containing a nonconforming use is damaged by fire, explosion, or act of God to the extent of more than 50% of its current value, as determined by the local assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50% of the value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.
- (6) Accessory Buildings in Non-Agricultural Zoning Districts.
  - (a) Accessory buildings in Non-Agricultural Zoning Districts are not permissible until the associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure provided the following requirements are met:
    - 1. The floor area of the accessory building shall not exceed 120 square feet.
    - 2. The total height of the accessory building shall not exceed 8 feet 6 inches as measured from the grade elevation to the highest point on the roof.
    - 3. There shall be no patio doors or other glazing in the building except for one window per wall, or two skylights in the roof; said window not to exceed four square feet, skylight glazing not to exceed 4 square feet per skylight. If windows or skylights are desired the building shall be constructed utilizing the option of - 433 windows in walls or skylights in the roof system, but not both nor a combination thereof.
    - 4. Not more than one entrance door, not to exceed six feet in width, shall be permitted.
    - 5. There shall be no water service, sanitary waste disposal, or electricity connected to the accessory building.
    - 6. Living Quarters Prohibited. Accessory structures shall not contain living quarters.
- (7) Accessory Buildings in Street yards in Agricultural Zoning Districts.
  - (a) A-1 Agribusiness District and A-2 General Agricultural District.
    - 1. Accessory buildings are permitted in the street yard in the A-1 and A-2 Districts provided that the accessory building meets the street yard setback as defined in Section 17.30 and 17.31 of this Chapter.
- (8) Pole Buildings in Residential Districts. Steel clad sheds, pole barns, and metal-roofed carports over two hundred (200) square feet of area are prohibited in all residential districts in the Town of Winchester. A pole barn is defined as any building of post and truss framing with metal roof and siding.

**17.11 General Yard and Space Provisions.**

- (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or other open space required for another building.
- (3) Every structure hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case, shall there be more than one principal structure on one lot.



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- (4) Every part of a required yard in a residential zoning district shall be open to the sky unobstructed, except the accessory buildings in a rear yard and side yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches.
- (5) Any side yard or rear yard abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- (6) 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.
- (7) Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this Chapter to the individual building units, the Board of Appeals may approve a development plan provided it complies with the regulations of this Chapter as applied to the whole plat.
- (8) Garage lots. Any garage lot that existed prior to the adoption of this Chapter shall be designated a permitted use. Upon adoption of this Chapter no additional garage lots shall be allowed in the Town of Winchester.
- (9) Bufferyards and Landscaping. Bufferyards and landscaping shall be consistent with the Town of Winchester 'Guidelines for Bufferyards and Landscaping.'

**17.12 Effective Date.** The effective date of this Chapter is April 30, 2013; and as certified by DATCP on January 14, 2014; and as subsequently amended from time to time.

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

**17.13 Exceptions.**

- (1) 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:
  - (a) Churches, schools, hospitals, sanatoriums, and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such buildings are to be located are each increased at least 1 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.
  - (b) Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, stacks, 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 Chapter and may be erected in accordance with the other regulations or Chapters of the Town of Winchester.
  - (c) Where a lot abuts on 2 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.
  - (d) Buildings on through lots and extending from street to street may waive the requirements for a rear yard 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 is complied with.

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- (e) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of passage of this Chapter, such lot may be occupied by 1 family.
- (f) Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard regulations applicable to the main building shall be applied to the accessory building.
- (g) Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they are so located as not to obstruct light and ventilation.

**17.14 Code Compliance and Permits.** 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.

**17.15 Road Design Standards and Dedication.** Any new road constructed as part of a residential development or similar development in the Town shall conform and comply in all respects with the following standards:

- (1) No Town road will be accepted by dedication unless the person desiring to dedicate to the Town that said road shall have first obtained the approval of the Town Board of the points of access to existing Town roads and shall have improved the said roadway to the grade and road base requirements of the Board and shall have provided documentation that the roadways to be dedicated are free from liens, encumbrances or other impairments to clear title of the property.
- (2) The liability for accident or injury occurring on any proposed roadway shall be the liability of the owner until dedication is completed and the Town Board unconditionally accepts the road.
- (3) Failure to obtain and comply with Town Board requirements shall constitute basis for refusal to accept said dedication. The Town will not maintain Town roads until dedication is completed and accepted by the Town and the first road construction phase is conditionally accepted by the Town Board. No home construction shall be commenced until the road is conditionally approved and accepted by the Town.
- (4) Streetlight Installation. (To be agreed upon by the Town Board and the Developer).
  - (a) Streetlights, if desired by the Developer, shall be installed in accordance with the Town of Winchester street lighting policy.
  - (b) The cost of installation shall be paid by the Developer in accordance with the procedures listed under new street construction, as adopted by the Town Board.
- (5) The Town public roads and streets shall be installed by private construction contract (as more fully described below).
- (6) Private construction of all new Town roads and streets shall be as follows:
  - (a) Prior to the private construction of any Town road or street in the Town of Winchester, the Developer shall enter into a Roadway Development Agreement (hereinafter referred to as "Agreement" in this section) with the Town. The Agreement shall be established by the Town Board, by resolution, and the content and form of the Agreement shall be modified on a case-by-case basis at the sole discretion of the Town Board. The Agreement shall be approved by the Town prior to the commencement of construction of the street or road. The Agreement shall include, but shall not be limited to, the following:
    - 1. The Developer shall provide a financial guarantee to the Town to pay for the cost of any and all phase(s) of street construction the Developer intends to complete pursuant to the Agreement. The financial guarantee shall be approved by the Town prior to the commencement of any construction of any portion of the street or road. The financial guarantee to the Town shall be provided in any of the following forms:
      - a. Irrevocable letter of credit.
      - b. Escrowed funds.

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2. The financial guarantee described above shall be in an amount sufficient to pay for the entire construction costs of the road and/or street as determined by the Town.
3. The Developer shall provide documentation that the portion of any roadways being dedicated as public right-of-way are or will be, at the time of dedication, free from all liens or encumbrances or other impairment to clear title of the property.
4. The Developer has completed some construction as defined in Section (6)(a) of the Agreement. Further provisions concerning the written application to the Town shall be as follows:
  - a. The Town agrees to accept the grades of the existing gravel and final grades shall be constructed with a uniform 3" asphalt pavement.
  - b. The Developer shall pay the entire cost of the construction inspection, observation and review of the plan as described herein. Specifically, the Developer shall pay the Town costs for plan review, and the review of the following: construction and pavement installation.
  - c. The Developer shall pay for all fees for submittal of the plans as described herein as set forth in the Town Fee Schedule on file with the Town.
  - d. The Developer shall pay the total project costs. Total project costs shall consist of construction costs through and including chip sealing, asphalt, engineering, administrative, and legal fees applicable to the project and costs related to the construction of the roadway, as required, with said payments being made directly to the appropriate party (with copies verifying payment provided to the Town). Any and all costs incurred by the Town for the roadway construction, including engineering, administrative, and legal fees, shall be billed by the Town to the Developer.
- (b) The private construction of all Town roads as described herein shall comply with all ordinance requirements and resolution requirements of the Town.
- (c) The road shall be constructed as described in the Agreement. The Developer shall then be required to construct the road in conformity with all Town ordinances and resolutions as described herein. The Developer agrees to accept full liability for premature failure of the asphaltic paving. Premature failure is defined as displacement or breakup of asphaltic pavement within three (3) years of final paving.
- (d) If the actual construction costs exceed the financial guarantee to the Town (as described above), the difference shall be made up in either of the following ways:
  1. On or before thirty (30) days from the date of notice from the Town to the Developer of a shortfall, the Developer shall provide an increase of financial guarantee to cover the increased costs; or,
  2. In the event the Developer does not provide the increased financial guarantee described above, then the increased cost amount shall be placed on the tax roll as a special assessment, with said assessment being split equally against all lots within the affected subdivision.
- (e) During the course of construction, the Town's engineer shall inspect the asphalt installation and report the results of this inspection to the Town and Developer. After the asphalt has been satisfactorily constructed, the Town's engineer shall verify in writing the road was constructed in general conformance with Town specifications and the Agreement.
- (f) The Town and or its authorized agent has the sole discretion to inspect the installation of all Town roads during any part of the construction process, including installation of all asphalt surface course, asphalt binder course, aggregate base course, roadway subgrade elevations and restoration work.
- (g) In the event during the roadway construction process the Town determines there is inadequate construction, or construction not in conformity with the submitted plans, or not in conformity

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with the Towns' standards and general specifications, then the Town or its authorized agent shall provide written notice to the Developer. Upon receipt of the written notice, the Developer shall cease all future construction of the road until such time as the deficiencies are satisfied and corrected as determined by the Town of its authorized agent. In that event, the Developer shall have fifteen (15) days to correct all deficiencies as described herein. In the event the fifteen (15) day time frame is not met, then the Town, at the Town's discretion, shall have the authority to make arrangements to have the deficiencies corrected, have the roadway properly constructed. And have the financial guarantees applied to the construction costs.

- (h) Prior to acceptance of the project, the Town's engineer shall submit" record drawings" to the Town showing actual locations and elevations and culverts.
- (i) After subgrade, crushed aggregate base coarse, and ditches have been satisfactorily constructed, the Town's engineer has submitted all necessary grade checks and record drawings, and the Developer provides the Town with lien waivers for all work performed and materials used on the project, the Town Board will conditionally approve the gravel roads. The conditions that will be placed on the approval will include that the Developer is responsible for the maintenance of the gravel roads and ditches until such time as the Town accepts the chip sealed roads as set forth under item (6)(b) above. Conditional approval by the Town Board of the graveled road base coarse as set forth on under item (6)(a) above, along with the rip-rap required in item (6)(b) will allow building permits to be issued as long as roads are properly maintained.
- (j) After conditional approval of a gravel road, the road shall receive two layers of seal coat with aggregate covering (double chip seal) in accordance with item (6)(a) above. Prior to the seal coating, roads shall be brought to the plan elevations, grades, and shape. At this time it is the Developer's responsibility to ensure that vegetation is well established in all ditches and terraces in all road rights-of-way and in ditches and easements. After the road is seal coated, the Town will accept the roads into the Town road system and will assume maintenance responsibility, however, said maintenance costs will be billed to the developer, except for snow plowing. The Town of Winchester will assume complete maintenance of the road following completion of the asphalt paving as set forth under item (6)(c) above and other parts of this Agreement and is accepted and approved by the Town Board.

**17.16 Nonconforming Uses.**

- (1) Applicability and Intent. Any use of land or structures, or any lot or structure which existed at the effective date of adoption or amendment of this Chapter which would not be permitted or permissible by the provisions of this Chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this Chapter to permit such non-conformities to continue, subject to restrictions.
- (2) Non-conforming Uses of Land and Structures. No such non-conforming use of any land or structure shall be extended or enlarged. If such nonconforming use is discontinued for a period of 12 consecutive or for 18 accumulative months during any three-year period, any future use of such land or structure shall conform to this Chapter.
- (3) Non-conforming Structures. No such structure shall be altered in any manner, which would increase the degree of nonconformity. The total structural repairs or alterations in such a nonconforming structure shall not during its life exceed 50 percent of the replacement cost of the structure.
- (4) Non-conforming Lots of Record. In any residential district, a single-family dwelling and customary accessory structure may be erected on a single lot of record at the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet the

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requirements of lot area, lot width or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the Board of Appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Chapter, the lands involved shall be considered to be an individual parcel for the purpose of this Chapter and no portion of such parcel shall be used, divided or sold which does not meet the lot area and lot width requirements for the district in which it is located.

- (5) Repairs and Maintenance. Nothing in this Chapter shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.
- (6) Existing Special Exceptions. Any use or structure existing at the effective date of adoption or amendment of this Chapter which is classified as a special exception in the district in which it is located shall be deemed to have been granted approval by the Plan Commission, subject to maintaining the character and intent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval of the Plan Commission as provided in this Chapter.

**17.17 Through 17.29 Reserved.**

**17.30 A-1 Agribusiness District.**

- (1) Purpose. This district is intended to accommodate large-scale agricultural uses and related support services. It includes those areas of the county where productive agricultural lands predominate and can be used for the production of forest products, crops, and livestock, including large livestock operations. Because the primary intent of this district is agricultural production, incompatible urban uses are not permitted. It is designed to meet the requirements of a certified farmland preservation zoning ordinance under ch. 91, Wis. Stats. The purpose of the A-1 District also includes:
  - (a) Preserving productive agricultural land for food and fiber production.
  - (b) Preserving productive farms by preventing land use conflicts between incompatible uses and controlling public service costs.
  - (c) Maintaining a viable agricultural base to support agricultural processing and service industries.
  - (d) Preventing conflicts between incompatible uses.
  - (e) Reducing costs of providing services to scattered non-farm uses.
  - (f) Pacing and shape growth.
  - (g) Implementing the provisions of the county agricultural plan as adopted and revised.
  - (h) Complying with the provisions of the Working Lands Program to permit eligible landowners to receive tax credits under the appropriate sections of the law.
  - (i) Implementing the Town of Winchester Comprehensive Plan.
- (2) Permitted Uses. The following uses are permitted within the A-1 District:
  - (a) Agricultural Uses (this includes: Agricultural, crop; Agriculture, general, fewer than 500 animal units; and Forestry as identified in this Chapter).
  - (b) Greenhouse – less than 8 ft. in height and less than 100 sq. ft. in horizontal area.
  - (c) Sewage sludge disposal, consistent with ch. 283 Wis. Stats..
  - (d) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under Sec. 17.30(5)(d) of this Chapter.
  - (e) Community garden.
  - (f) Recreation trail.
  - (g) Undeveloped natural resource and open space areas.

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- (h) Keeping of Bees, consistent with Chapter 17.46(24).
  - (i) 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.
  - (j) Other uses identified by the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) by rule.
- (3) Permitted Accessory Uses. The following accessory uses are permitted within the A-1 District:
- (a) Adult family home, consistent with sec. 91.01(1)(d), Wis. Stats..
  - (b) Amateur radio antenna.
  - (c) Backyard chickens.
  - (d) Boat dock - appurtenant to a single-family residence.
  - (e) Boathouse - appurtenant to a single-family residence.
  - (f) Commercial truck parking - appurtenant to a single-family residence.
  - (g) Exterior communication device - appurtenant to a single-family residence.
  - (h) Family daycare home - appurtenant to a single-family residence and consistent with sec. 91.01(1)(d), Wis. Stats.
  - (i) Farm building storage.
  - (j) Farm residence, excluding Migrant Labor Camp.
  - (k) Fence.
  - (l) Foster home and treatment foster home, consistent with sec. 91.01(1)(d), Wis. Stats.
  - (m) Garage, residential - appurtenant to a single-family residence.
  - (n) Garden.
  - (o) Greenhouse - appurtenant to a single-family residence; 8 ft. or more in height and 100 sq. ft. or more in horizontal area.
  - (p) Home occupation, minor - appurtenant to a single-family residence and consistent with sec. 91.01(1)(d), Wis. Stats.
  - (q) Hot tub - appurtenant to a single-family residence.
  - (r) Kennel, private consistent with sec. 91.01(1)(d), Wis. Stats.
  - (s) Outdoor furnace, appurtenant to a single-family residence.
  - (t) Parking lot (on-site), consistent with sec. 91.01(1)(d), Wis. Stats.
  - (u) Play structure, appurtenant to a single-family residence.
  - (v) Pond.
  - (w) Rural accessory building, consistent with sec. 91.01(1)(a), Wis. Stats.
  - (x) Swimming pool, appurtenant to a single-family residence.
  - (y) Utility cabinet, appurtenant to a single-family residence.
  - (z) Yard shed, appurtenant to a single-family residence.
  - (aa) Electric vehicle infrastructure; charging levels 1, 2, and 3.
- (4) Permitted Temporary Uses. The following temporary uses are permitted within the A-1 District:
- (a) Agricultural product sales, on-site.
  - (b) Farmers market.
  - (c) Wind test tower.
  - (d) Yard Sale.
- (5) Conditional Uses. The following uses require a conditional use permit within the A-1 District:
- (a) Agriculture-related use.
  - (b) A new or expanded livestock facility used to keep more than 500 animal units, consistent with 17.30(9) of this Chapter.
  - (c) Nonfarm residence, consistent with 17.30(8)(e) of this Chapter.
  - (d) Nonfarm residential cluster, consistent with Chapter 17.30(8)(f) of this Chapter.
  - (e) Dam, consistent with sec. 91.46(4), Wis. Stats.

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- (f) Migrant labor camp as certified under sec. 103.92, Wis. Stats.
- (g) Veterinary clinic, general, primarily serving livestock.
- (h) Cemetery, consistent with sec. 91.46(5), Wis. Stats.
- (i) Worship facility, consistent with sec. 91.46(5), Wis. Stats.
- (j) Stormwater management facility, consistent with sec. 91.46(4), Wis. Stats.
- (k) Telecommunications facility, unconcealed, consistent with sec. 91.46(4), Wis. Stats.
- (l) Utility installation, major, consistent with sec. 91.46(4), Wis. Stats.
- (m) Nonmetallic mine, consistent with sec. 91.46(6).
- (n) Batching plant associated with a nonmetallic mine, consistent with sec. 91.46, Wis. Stats.
- (o) Biofuels production plant, consistent with sec. 91.46(4), Wis. Stats.
- (p) Wind energy systems, consistent with sec. 91.46(4), Wis. Stats.
- (6) Conditional Accessory Uses. The following accessory uses require a conditional use permit within the A-1 District:
  - (a) Bed and Breakfast, consistent with sec. 91.01(1)(d), Wis. Stats.
  - (b) Farmstead retail outlet, consistent with sec. 91.01(1)(d), Wis. Stats.
  - (c) Kennel, hobby, consistent with sec. 91.01(1)(d), Wis. Stats.
- (7) Conditional Temporary Uses. The following temporary uses require a conditional user permit within the A-1 District:
  - (a) Seasonal product sales.
  - (b) Snow disposal site.
- (8) Special Requirements for Certain Land Uses.
  - (a) Agriculture-related uses. Subject to the general requirements under this division, the Plan Commission may approve agriculture-related uses in the A-1 District as a conditional use only if all of the following apply:
    1. The proposed use is allowable under ch. 91, Wis. Stats.
    2. The use supports agricultural uses in the A-1 District in direct and significant ways, and is more suited to the A-1 District than to any other zoning district.
    3. The use and its location in the A-1 District are consistent with the purposes of the A-1 District.
    4. The use and its location in the A-1 District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    5. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
    6. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
    7. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
  - (b) Nonmetallic mine. Subject to the general requirements under this division, the Plan Commission may approve a nonmetallic mine in the A-1 District as a conditional use only if all of the following apply:
    1. The operation complies with:
      - a. Subchapter I of ch. 295, Wis. Stats., and administrative rules promulgated under that subchapter.
      - b. Applicable provisions of Chapter 20 of the Winnebago County general code.
      - c. Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.
    2. The use and the location of such use in the A-1 District are consistent with the purposes of the A-1 District.
    3. The use and the location of such use in the A-1 District are reasonable and appropriate,

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- considering alternative locations outside the A-1 District, or are specifically approved under state or federal law.
4. The use is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  5. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  6. Following cessation of this use, all disturbed areas will be restored to a condition suitable for agricultural use consistent with a written restoration plan as approved under Chapter 20 of the Winnebago County general code.
- (c) Government and nonprofit community uses, including cemeteries and worship facilities. Subject to the general requirements under this division, the Plan Commission may approve government and nonprofit community uses in the A-1 District as a conditional use only if all of the following apply:
1. The use and the location of such use in the A-1 District are consistent with the purposes of the A-1 District.
  2. The use and the location of such use in the A-1 District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (d) Specified infrastructure, including dams, stormwater management facilities, telecommunications facilities, utilities installations, wind energy systems, and biofuels production plants. Subject to the general requirements under this Chapter, the Plan Commission may approve certain types of compatible infrastructure in the A-1 District as a conditional use only if all of the following apply:
1. The use and the location of such use in the A-1 District are consistent with the purposes of the A-1 District.
  2. The use and the location of such use in the A-1 District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (e) Nonfarm residences. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies if the Plan Commission determines that all of the following apply:
1. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.
  2. There will not be more than 4 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 and converted to a nonfarm residence.
  3. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm parcel, will not do any of



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the following:

- a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
  - b. Significantly impair or limit the current or future agricultural use of other protected farmland.
- (f) Nonfarm Residential Clusters. The Plan Commission may issue one conditional use permit that covers more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes of this Chapter if all of the following apply:
1. The parcels on which the nonfarm residences would be located are contiguous.
  2. Each nonfarm residence in a nonfarm residential cluster conforms in all respects to the requirements of 17.30(8)(f) of this Chapter.
  3. The Town of Winchester imposes legal restrictions on the construction of the nonfarm residences so that if all of the nonfarm residences were constructed, each would fully satisfy the requirements of this Chapter.
- (9) Regulations and Standards.
- (a) General.
1. The Town Board makes the following findings regarding this section:
    - a. The state legislature adopted s. 93.90, Wis. Stats., (Livestock Facility Siting Law) to govern livestock facilities, which is implemented by administrative rule under ch. ATCP 51, Wis. Admin. Code.
    - b. The Livestock Facility Site Law allows local jurisdictions to review livestock facilities with 500 animal units or more as a conditional use.
  2. Standards for livestock facilities with fewer than 500 animal units. There are no special standards that apply to general agriculture with fewer than 500 animal units.
  3. Standards for livestock facilities with 500 animal units or more. A livestock facility with 500 animal units or more shall comply in all respects with sec. 93.90(3), Wis. Stats.
  4. Location of livestock structures. The location of livestock structures shall comply in all respects with ATCP 51.12, Wis. Stats.
  5. Wells. All water wells located within a livestock facility shall comply with chs. NR 811 and 812, Wis. Admin. Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, Wis. Admin. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
- (b) Dimensional standards.
1. Lot density. The ratio of nonfarm residential acreage to farm acreage in the base farm tract after the effective date of this Chapter shall not exceed 1:20, with a maximum of 4 nonfarm dwellings for a base farm tract, and a maximum of 5 farm residences of any kind on the base farm tract.
  2. Minimum lot size.
    - a. Residential – 43,000 sq. ft. A lot created after the effective date of this Chapter may not contain more than 2 acres of land previously used to produce forage or a crop.
    - b. Farm – 5 acres.
    - c. Nonresidential/nonfarm – 43,000 sq. ft.
  3. Minimum lot width.

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- a. Residential – 100 ft.
- b. Farm – 200 ft.
- c. Nonresidential/nonfarm – 200 ft.
- 4. Minimum road frontage.
  - a. Residential – 60 ft.
  - b. Farm – 200 ft.
  - c. Nonresidential/nonfarm – 200 ft.
- (c) Minimum setback.
  - 1. Street yard.
    - a. Residential – 30 ft.
    - b. Farm – 75 ft.
    - c. Nonresidential/Nonfarm – Same as residential.
  - 2. Side yard.
    - a. Residential – 20 ft. on each side for a principal building; 15 ft. on each side for an accessory building.
    - b. Farm – 15 ft.
    - c. Nonresidential/nonfarm – Same as residential.
  - 3. Rear yard.
    - a. Residential – 25 ft. for a principal building; 15 ft. for a detached accessory building.
    - b. Farm – 50 ft.
    - c. Nonresidential/nonfarm – Same as residential.
- (d) Maximum building height.
  - 1. Principal building.
    - a. Residential – 35 ft.
    - b. Farm – The distance from the structure/building to the closest property boundary line.
    - c. Nonresidential/nonfarm – 35 ft.
  - 2. Accessory Building.
    - a. Residential – 18 ft. to the midway point of the roof pitch permitted; in excess of 18 ft. but no greater than 35 ft. maximum peak height as a conditional use.
    - b. Farm – The distance from the structure/building to the closest property boundary line.
    - c. Nonresidential/nonfarm – 18 ft.
- (e) Floor area.
  - 1. Principal building, minimum.
    - a. Residential – 1,000 sq. ft.
    - b. Farm – none.
    - c. Nonresidential/nonfarm – none.
  - 2. Accessory building, maximum.
    - a. Residential – 1,500 sq. ft. permitted; in excess of 1,500 sq. ft. as a conditional use.
    - b. Farm – none.
    - c. Nonresidential/nonfarm – Same as residential.
- (f) Maximum number of detached accessory buildings.
  - 1. Residential – no limitation.
  - 2. Farm – no limitation.
  - 3. Nonresidential/nonfarm – 2.
- (10) Rezoning Land out of a Farmland Preservation Zoning District.
  - (a) Except as provided in sec. 17.30(10)(b), the Town of Winchester may not rezone land out of a farmland preservation zoning district unless it does all of the following prior to the rezoning:
    - 1. Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

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- a. The rezoned land is better suited for a use not allowed in the A-1 Agribusiness district.
  - b. The rezoning is consistent with the Town of Winchester Comprehensive Plan, adopted by the Plan Commission, which is in effect at the time of the 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.
- (b) Sec. 17.30(10)(a) does not apply to any of the following:
1. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
  2. A rezoning that makes the farmland preservation zoning 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.
- (c) By March 1 of each year, the Town of Winchester shall submit to DATCP a report of the number of acres rezoned out of the A-1 Agribusiness District during the previous year and a map that clearly shows the location of those areas. A copy of this report shall also be provided to the Winnebago County Zoning Department.

**17.31 A-2 General Agricultural District.**

- (1) Purpose. This district is intended to accommodate both large and small-scale farms and hobby farms. Although scattered residential lots are allowed, agriculture is the predominant land use. This district should be located in those areas suitable for agriculture, but not for large-scale agricultural operations, and adjacent to urbanizing areas.
- (2) Permitted Uses. The following uses are permitted within the A-2 District:
  - (a) Agriculture, crop.
  - (b) Agriculture, general, fewer than 500 animal units.
  - (c) Agriculture-related use.
  - (d) Greenhouse.
  - (e) Forestry.
  - (f) Sewage sludge disposal.
  - (g) Community garden.
  - (h) Park.
  - (i) Recreation trail.
  - (j) Stormwater management facility.
  - (k) Telecommunications facility, concealed.
  - (l) Utility installation, minor.
  - (m) Railroad line.
  - (n) Street.
  - (o) Composting facility.
  - (p) Keeping of Bees, consistent with Chapter 17.46(24).
- (3) Permitted Accessory uses. The following accessory uses are permitted within the A-2 District:
  - (a) Adult family home, exclusive to principal residential use.
  - (b) Amateur radio antenna.
  - (d) Backyard chickens.
  - (e) Boat dock.
  - (f) Boathouse - exclusive to principal residential use.

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- (g) Commercial truck parking - exclusive to principal residential use.
  - (h) Exterior communication device - exclusive to principal residential use.
  - (i) Family daycare home - exclusive to principal residential use.
  - (j) Farm residence.
  - (k) Fence.
  - (l) Foster home and treatment foster home.
  - (m) Garage, residential - exclusive to principal residential use.
  - (n) Garden.
  - (o) Greenhouse - exclusive to principal residential use; 8 ft. or more in height and 100 sq. ft. or more in horizontal area.
  - (p) Home occupation, minor - exclusive to principal residential use.
  - (q) Hot tub - exclusive to principal residential use.
  - (r) Kennel, private.
  - (s) Outdoor furnace.
  - (t) Parking lot (on-site).
  - (u) Play structure.
  - (v) Pond.
  - (w) Rural accessory building.
  - (x) Swimming pool.
  - (y) Utility cabinet.
  - (z) Yard shed.
  - (aa) Electric vehicle infrastructure; charging levels 1, 2, and 3.
  - (bb) Campground.
  - (cc) Group recreation camp.
  - (dd) Resort.
  - (ee) Commercial stable.
  - (ff) Landscape business.
  - (gg) Veterinary clinic, general.
  - (hh) Animal shelter.
  - (ii) Cemetery.
  - (jj) Maintenance garage.
  - (kk) Worship facility.
  - (ll) Park-and-ride lot.
  - (mm) Artisan shop.
  - (nn) Bed and Breakfast.
  - (oo) Farm building storage.
  - (pp) Farmstead retail outlet.
  - (qq) Home occupation, major.
  - (rr) Household livestock – 2.5 acres or more but less than 5 acres.
  - (ss) Kennel, hobby.
  - (tt) Seasonal product sales.
- (4) Permitted Temporary Uses. The following temporary uses are permitted within the A-2 District:
- (a) Agricultural product sales, off-site.
  - (b) Agricultural product sales, on-site.
  - (c) Earth materials stockpile, offsite.
  - (c) Earth materials stockpile, on-site.
  - (d) Farmers market.
  - (e) Portable storage container.
  - (f) Wind test tower.

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- (g) Yard sale.
- (5) Conditional Uses. The following uses require a conditional use permit within the A-2 District:
  - (a) Dam.
  - (b) Commercial kennel.
  - (c) Educational facility, Pre-K through 12.
  - (d) Nonmetallic mine.
- (6) Conditional Temporary Uses. The following temporary uses require a conditional use permit within the A-2 District:
  - (a) Off-site construction yard.
  - (b) Snow disposal site.
- (7) Regulations and Standards.
  - (a) Dimensional standards.
    - 1. Minimum lot size – 5.0 acres.
    - 2. Minimum lot width – 200 ft.
    - 3. Minimum road frontage – 200 ft.
    - 4. Minimum separation between detached buildings – 10 ft.
  - (b) Minimum Setback.
    - 1. Street yard.
      - a. Residential – 30 ft.
      - b. Farm – 75 ft.
      - c. Nonresidential/Nonfarm – Same as residential.
    - 2. Side yard.
      - a. Residential – 7 ft. on one side, 10 ft. on other side; 3ft. on each side for detached accessory building.
      - b. Farm – 15 ft.
      - c. Nonresidential/nonfarm – Same as residential.
    - 3. Rear yard.
      - a. Residential – 25 ft. for a principal building; 3 ft. for a detached accessory building.
      - b. Farm – 50 ft.
      - c. Nonresidential/nonfarm – Same as residential.
  - (c) Maximum building height.
    - 1. Maximum, principal building.
      - a. Residential – 35 ft.
      - b. Farm – The distance from the structure/building to the closest property boundary line.
      - c. Nonresidential/nonfarm – 35 ft.
    - 2. Maximum, accessory building.
      - a. Residential – 18 ft. to the midway point of the roof pitch permitted.
      - b. Farm – The distance from the structure/building to the closest property boundary line.
      - c. Nonresidential/nonfarm – 18 ft.
  - (d) Floor area.
    - 1. Principal building, minimum.
      - a. Residential – 1,000 sq. ft.
      - b. Farm – none.
      - c. Nonresidential/nonfarm – none.
    - 2. Accessory building, maximum.
      - a. Residential – 2,400 sq. ft. permitted.
      - b. Farm – none.
    - 3. Nonresidential/nonfarm – Same as residential.
  - (e) Maximum number of detached accessory buildings.

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1. Residential – no limitation.
2. Farm – no limitation.
3. Nonresidential/nonfarm – 2.

**17.32 Supplemental Land Use Overlays.**

- (1) Purpose. The purpose of the Supplemental Land Use Overlays are to provide for uses that, within given zoning districts, are not appropriate as permitted uses due to their potential for creating adverse off-site impacts and not otherwise consistent with statutory requirements governing conditional uses.
- (2) Requirements.
  - (a) All uses permissible under a Supplemental Land Use Overlay shall require determination by the Plan Commission and Town Board that such proposed uses are compatible with the character of the underlying zoning district and shall require an approved supplemental land use overlay district site plan.
  - (b) In addition to the requirements of Section 17.50 of this Chapter, the purpose of site plans prepared under supplemental land use overlay districts shall be to mitigate against off-site, adverse impacts and to protect the health, safety, quality of life, and property values of adjoining property owners and other such interests as determined by the Plan Commission and Town Board. These shall include, but are not necessarily limited to, impacts such as: noise, glare, lighting, heat, smoke, odor, vibration, and the like.
- (3) SRO Supplemental Residential Overlay.
  - (a) Boundaries. The SRO shall overlay all R-1, R-2, R-3, and R-4 District parcels.
  - (b) Permitted Uses. The following uses are permitted in the SRO:
    1. Hospice care center.
    2. Nursing home.
    3. Retirement home.
    4. Worship facility.
    5. Bed and breakfast.
    6. Other uses, beyond than those listed as permitted or conditional in the underlying zoning district, when determined by the Plan Commission to be substantially the same as a use listed above.
- (4) SMO Supplemental Mixed-use Overlay.
  - (a) Boundaries. The SMO shall overlay all B-1, B-2, and B-3 District parcels located within the 'Town Core Boundary' as defined on the Town of Winchester Comprehensive Plan Future Land Use map.
  - (b) Permitted uses.
    1. Any use listed as permitted in the B-1, B-2, and B-3 Districts.
    2. Maintenance garage.
    3. Greenhouse.
    4. Hospice care center.
    5. Temporary shelter.
    6. Restaurant.
    7. Tavern.
    8. General retail sales.
    9. Outdoor sales.
    10. Administrative services.
    11. General repair.
    12. General services.

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13. Health care clinic.
  14. Instructional services.
  15. Veterinary clinic, small animal.
  16. Community cultural facility.
  17. Educational facility, pre-K through 12.
  18. Telecommunications facility, unconcealed.
  19. Utility installation, major.
  20. Marina.
  21. Off-site parking.
  22. Park-and-ride lot.
  23. Artisan shop.
  24. Live/work units, as defined in Chapter 17.45(17).
  25. Outdoor food and beverage service.
  26. Service window, drive-up.
  27. Service window, walk-up.
  28. Brewpub.
  29. Nursing home.
  30. Retirement home.
  31. Resort
  32. Temporary shelter
  33. Vehicle fuel station.
  34. Vehicle Repair shop.
  35. Vehicle sales and rental.
  36. Vehicle service shop.
  37. Equipment rental, small.
  38. Outdoor entertainment.
  39. Outdoor recreation.
  40. Bus storage facility.
  41. Greenhouse.
  42. Temporary shelter.
  43. Landscape business.
  44. Veterinary clinic, general.
  45. Driving range.
  46. Outdoor recreation.
  47. Animal shelter.
  48. Maintenance garage.
  49. Telecommunications facility, unconcealed.
  50. Other uses, beyond than those listed as permitted or conditional in the underlying zoning district, when determined by the Plan Commission to be substantially the same as a use listed above.
- (5) SSEO Supplemental Special Event Overlay.
- (a) Boundaries. The SSEO shall overlay all A-2, R-1, R-2, B-1, B-2, I-1, and I-2 District parcels.
  - (b) Permitted Uses.
    1. Special events.
    2. Special event, camping
    3. Special event, concessions
    4. Special event, parking

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**17.33 R-1 Rural Residential District.**

- (1) Purpose. This district is intended to accommodate single-family residences on scattered lots to foster and maintain the rural character and lifestyle of the surrounding area. Lots are generally served by on-site wastewater treatment systems.
- (2) Permitted Uses. The following uses are permitted within the R-1 District:
  - (a) Agriculture, crop.
  - (b) Forestry.
  - (c) Sewage sludge disposal.
  - (d) Single-family dwelling.
  - (e) Adult family home.
  - (f) Community living arrangement, 8 or fewer residents.
  - (g) Community living arrangement, 9-15 residents.
  - (h) Community living arrangement, 16 or more residents.
  - (i) Foster home and treatment foster home.
  - (j) Community garden.
  - (k) Park.
  - (l) Recreation trail.
  - (m) Stormwater management facility.
  - (n) Telecommunications facility, concealed.
  - (o) Utility installation, minor.
  - (p) Railroad line.
  - (q) Street.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the R-1 District:
  - (a) Adult family home, exclusive to principal residential use.
  - (b) Amateur radio antenna.
  - (c) Backyard chickens.
  - (d) Boat dock.
  - (e) Boathouse - exclusive to principal residential use.
  - (f) Commercial truck parking - exclusive to principal residential use.
  - (g) Exterior communication device - exclusive to principal residential use.
  - (h) Family daycare home - exclusive to principal residential use.
  - (i) Fence.
  - (j) Foster home and treatment foster home.
  - (k) Garage, off-site residential.
  - (l) Garage, residential.
  - (m) Garden.
  - (n) Greenhouse - exclusive to principal residential use; 8 ft. or more in height and 100 sq. ft. or more in horizontal area.
  - (o) Home occupation, minor - exclusive to principal residential use.
  - (p) Hot tub - exclusive to principal residential use.
  - (q) Kennel, private.
  - (r) Outdoor furnace.
  - (s) Parking lot (on-site).
  - (t) Play structure.
  - (u) Rural accessory building.
  - (v) Swimming pool.
  - (w) Utility cabinet.
  - (x) Yard shed.



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- (y) Electric vehicle infrastructure; charging levels 1 and 2.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the R-1 District:
  - (a) Agricultural product sales, off-site.
  - (b) Agricultural product sales, on-site.
  - (c) Earth materials stockpile, on-site.
  - (d) Farmers market.
  - (e) Model home.
  - (f) On-site construction office.
  - (g) On-site construction yard.
  - (h) Portable storage container.
  - (i) Wind test tower.
  - (j) Yard sale.
  - (k) Seasonal product sales.
- (5) Conditional Uses. The following uses require a conditional use permit in the R-1 District:
  - (a) Dam.
  - (b) Community center.
  - (c) Educational facility, pre-K through 12.
  - (d) Public safety facility.
  - (e) Utility installation, major.
- (6) Conditional Accessory Uses. The following accessory uses require a conditional use permit in the R-1 District:
  - (a) Home occupation, major.
  - (b) Household livestock, 2.5 acres or more but less than 5 acres.
  - (c) Kennel, hobby.
  - (d) Pond.
  - (e) Keeping of Bees, consistent with Chapter 17.46(24).
- (7) Regulations and Standards.
  - (a) Dimensional standards.
    - 1. Minimum lot size.
      - a. Single-family – 43,000 sq. ft. for unsewered lot; 12,000 sq. ft. for sewerer lot.
      - b. Nonresidential – 43,000 sq. ft.
      - c. Within unsewered conservation subdivision – 21,500 sq. ft.
    - 2. Minimum lot width.
      - a. Single-family – 200 ft. for unsewered lot; 85 ft. for sewerer lot.
      - b. Nonresidential – 200 ft.
    - 2. Minimum road frontage.
      - a. Single-family – 33 ft.
      - b. Nonresidential – 200 ft. for an unsewered lot; 33 ft. for a sewerer lot.
    - 3. Minimum separation between detached buildings.
      - a. Single-family – 10 ft.
      - b. Nonresidential – Same as single-family.
  - (b) Minimum setback.
    - 1. Street yard.
      - a. Single-family – 30 ft.
      - b. Nonresidential – 30 ft.
    - 2. Side yard.
      - a. Single-family – 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building.
      - b. Nonresidential – Same as single-family.

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3. Rear yard.
  - a. Single-family – 25 ft. for principal building; 3 ft. for a detached accessory building or 5 ft. to an alley.
  - b. Nonresidential – Same as single-family.
- (c) Maximum building height.
  1. Principal building.
    - a. Single-family – 35 ft.
    - b. Nonresidential 35 ft.
  2. Accessory building.
    - a. Single-family – 18 ft. to the midway point of the roof pitch permitted; in excess of 18 ft. but no greater than 35 ft. maximum peak height as a conditional use.
    - b. Nonresidential – 18 ft.
    - c. Pole Buildings in Residential Districts. Steel clad sheds, pole barns, and metal-roofed carports over two hundred (200) square feet of area are prohibited in all residential districts in the Town of Winchester. A pole barn is defined as any building of post and truss framing with metal roof and siding.
- (d) Floor area.
  1. Principal building, minimum.
    - a. Single-family – 1,000 sq. ft.
    - b. Nonresidential – no limitation.
  2. Accessory building, maximum.
    - a. Single-family – 1,500 sq. ft.
    - b. Nonresidential - 1,500 sq. ft.
  3. Number of detached accessory buildings.
    - a. Single-family – no limitation.
    - b. Nonresidential – 2.

**17.34 R-2 Suburban Residential District.**

- (1) Purpose. This district is intended to accommodate low- and medium-density residential lots in a duly recorded and legally maintained subdivision. This district provides a “suburban” arrangement of amenities, services, and facilities. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (2) Permitted Uses. The following uses are permitted in the R-2 District:
  - (a) Any permitted use in the R-1 District.
- (3) Permitted Accessory Uses. The follow accessory uses are permitted in the R-2 District:
  - (a) Any permitted accessory use in the R-1 District.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the R-2 District.
  - (a) Any permitted temporary use in the R-1 District, with the following exceptions:
    1. Agricultural product sales, off-site is not a permitted use in the R-2 District.
    2. Agricultural product sale, on-site is not a permitted use in the R-2 District.
    3. Farmers market is not a permitted use in the R-2 District.
- (5) Conditional Uses. The following uses require a conditional use permit in the R-2 District:
  - (a) Any use requiring a conditional use permit in the R-1 District with the following exceptions:
    1. Maintenance garage is not allowed in the R-2 District.
- (6) Conditional Accessory Uses. The following accessory uses require a conditional use permit in the R-2 District:
  - (a) Any accessory use requiring a conditional use permit in the R-1 District with the following exceptions:

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1. Household livestock is not allowed in the R-2 District.
- (b) Keeping of Bees, consistent with Chapter 17.46(24).
- (7) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the R-2 District:
  - (a) Any temporary use requiring a conditional use permit in the R-1 District with the following exceptions:
    1. Seasonal product sales are not allowed in the R-2 District.
- (8) Regulations and Standards.
  - (a) Dimensional Standards.
    1. Minimum lot size.
      - a. Single-family – 20,000 sq. ft. for unsewered lot; 9,000 sq. ft. for sewerer lot and nonshoreland; 10,000 sq. ft. for a sewerer lot and shoreland.
      - b. Nonresidential – 43,000 sq. ft.
    2. Minimum lot width.
      - a. Single-family – 100 ft. for unsewered lot; 65 ft. for sewerer lot.
      - b. Nonresidential – 200 ft.
    3. Minimum road frontage.
      - a. Single-family – 33 ft.
      - b. Nonresidential – 200 ft. for an unsewered lot; 33 ft. for a sewerer lot.
    4. Minimum separation between detached buildings.
      - a. Single-family – 10 ft.
      - b. Nonresidential – 10 ft.
  - (b) Minimum setback.
    1. Street yard.
      - a. Single-family – 30 ft.
      - b. Nonresidential – 30 ft.
    2. Side yard.
      - a. Single-family – 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building.
      - b. Nonresidential – Same as single-family.
    3. Rear yard.
      - a. Single-family – 25 ft. for principal building; 3 ft. for a detached accessory building or 5 ft. to an alley.
      - b. Nonresidential – Same as single-family.
  - (c) Maximum building height.
    1. Principal building.
      - a. Single-family – 35 ft.
      - b. Nonresidential 35 ft.
    2. Accessory building.
      - a. Single-family – 18 ft. to the midway point of the roof pitch permitted.
      - b. Nonresidential – 18 ft.
      - c. Pole Buildings in Residential Districts. Steel clad sheds, pole barns, and metal-roofed carports over two hundred (200) square feet of area are prohibited in all residential districts in the Town of Winchester. A pole barn is defined as any building of post and truss framing with metal roof and siding.
  - (d) Floor area.
    1. Principal building, minimum.
      - a. Single-family – 1,000 sq. ft.
      - b. Nonresidential – no limitation.

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2. Accessory building, maximum.
  - a. Single-family – 1,500 sq. ft.
  - b. Nonresidential - 1,500 sq. ft.
- (e) Number of detached accessory buildings.
  1. Single-family – 2.
  2. Nonresidential – 2.

**17.35 R-3 Two-Family Residential District.**

- (1) Purpose. This district is intended to accommodate two-family dwellings, twin homes, and single-family dwellings. This district provides a "suburban" arrangement of amenities, services, and facilities. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, this district is generally adjacent to, but not within, a single-family neighborhood. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (2) Permitted Uses. The following uses are permitted in the R-3 District:
  - (a) Any permitted use in the R-2 District.
  - (b) Worship facility.
  - (c) Twin home.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the R-3 District:
  - (a) Any permitted accessory use in the R-2 District, with the following exceptions:
    1. Commercial truck parking is not a permitted accessory use in the R-3 District.
    2. Garage, off-site residential is not a permitted accessory use in the R-3 District.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the R-3 District:
  - (a) Any permitted temporary use in the R-2 District.
- (5) Conditional Uses. The following uses require a conditional use permit in the R-3 District:
  - (a) Any use requiring a conditional use permit in the R-2 District with the following exceptions:
    1. Airport is not allowed in the R-3 District.
  - (b) Group day care center.
- (6) Conditional Accessory Uses. The following accessory uses require a conditional use permit in the R-3 District:
  - (a) Any accessory use requiring a conditional use permit in the R-2 District, with the following exceptions:
    1. Keeping of bees.
- (7) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the R-3 District:
  - (a) Any temporary use requiring a conditional use permit in the R-2 District with the following exceptions:
    1. Special Event is not allowed in the R-3 District.
- (8) Regulations and Standards.
  - (a) Dimensional standards.
    1. Minimum lot size.
      - a. Multi-family, 2 units – 43,000 sq. ft. for an unsewered lot; 10,000 sq. ft. for a sewerer lot.
      - b. Twin home – 21,500 sq. ft. for an unsewered lot; 5,000 sq. ft. for a sewerer lot.
      - c. Nonresidential – 30,000 sq. ft. for an unsewered lot; 15,000 sq. ft. for a sewerer lot.
    2. Minimum lot width.
      - a. Multi-family, 2 units – 200 ft. for an unsewered lot; 85 ft. for a sewerer lot.
      - b. Twin home – 100 ft. per lot for an unsewered lot; 43 ft. per lot for a sewerer lot.

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- c. Nonresidential – 85 ft.
  - 3. Minimum road frontage.
    - a. Multi-family, 2 units – 33 ft.
    - b. Twin home – 17 ft. per lot with 34 contiguous ft. overall.
    - c. Nonresidential – 100 ft.
  - 4. Minimum separation between detached buildings.
    - a. Multi-family, 2 units – 10 ft.
    - b. Twin home – 10 ft.
    - c. Nonresidential – 10 ft.
- (b) Minimum setback.
  - 1. Street yard.
    - a. Multi-family, 2 units – 30 ft.
    - b. Twin home – 30 ft.
    - c. Nonresidential – 30 ft.
  - 2. Side yard.
    - a. Multi-family, 2 units – 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building.
    - b. Twin home – 9 ft. on one side with no setback along the shared property boundary line; 3 ft. for a detached accessory building.
    - c. Nonresidential – Same as Multi-family, 2 units.
  - 3. Rear yard.
    - a. Multi-family, 2 units – 25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley.
    - b. Twin home – Same as Multi-family, 2 units.
    - c. Nonresidential – Same as Multi-family 2 units.
- (c) Maximum building height.
  - 1. Principal building.
    - a. Multi-family, 2 units – 35 ft.
    - b. Twin home – 35 ft.
    - c. Nonresidential – 35 ft.
  - 2. Accessory building.
    - a. Multi-family, 2 units – 18 ft. to the midway point of the roof pitch permitted; in excess of 18 ft. but no greater than 35 ft. maximum peak height as a conditional use.
    - b. Twin home – 18 ft. to the midway point of the roof pitch permitted; in excess of 18 ft. but no greater than 35 ft. maximum peak height as a conditional use.
    - c. Nonresidential – 18 ft.
    - d. Pole Buildings in Residential Districts. Steel clad sheds, pole barns, and metal-roofed carports over two hundred (200) square feet of area are prohibited in all residential districts in the Town of Winchester. A pole barn is defined as any building of post and truss framing with metal roof and siding.
- (d) Floor area.
  - 1. Principal building, minimum.
    - a. Multi-family, 2 units – 1,000 sq. ft.
    - b. Twin home – 500 sq. ft. per unit.
    - c. Nonresidential – no limitation.
  - 2. Accessory building, maximum.
    - a. Multi-family, 2 units – 600 sq. ft. per dwelling unit.
    - b. Twin home – 600 sq. ft. per dwelling unit.
    - c. Nonresidential – 1,200 sq. ft. permitted; in excess of 1,200 as a conditional use.

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- (e) Number of detached accessory buildings.
  - 1. Multi-family, 2 units – 2.
  - 2. Twin home – 2.
  - 3. Nonresidential – 2.

**17.36 R-4 Multi-Family Residential District.**

- (1) Purpose. This district is intended to accommodate multifamily buildings and townhouses at urban densities. This district provides a “suburban” arrangement of amenities, services, and facilities. Lots are connected to a public sanitary sewer.
- (2) Permitted uses. The following uses are permitted in the R-4 District:
  - (a) Any permitted use in the R-3 District, with the following exceptions:
    - 1. Single-family dwelling is not permitted in the R-4 District.
  - (b) Multi-family building, 2 units.
  - (c) Townhouse, 3-4 units.
  - (d) Townhouse, 5-8 units.
  - (e) Twin home.
  - (f) Hospice care center.
  - (g) Nursing home.
  - (h) Retirement home.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the R-4 District:
  - (a) Any permitted accessory use in the R-3 District, with the following exceptions:
    - 1. Backyard chickens are not allowed in the R-4 District.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the R-4 District:
  - (a) Any permitted temporary use in the R-3 District.
- (5) Conditional Uses. The following uses require a conditional use permit in the R-4 District:
  - (a) Any use requiring a conditional use permit in the R-3 District.
  - (b) Multi-family building, 9 or more units.
  - (c) Townhouse, 9 or more units.
  - (d) Group daycare center.
- (6) Conditional Accessory Uses. The following accessory uses require a conditional use permit in the R-4 District:
  - (a) Any accessory use requiring a conditional use permit in the R-3 District, with the following exceptions:
    - 1. Keeping of bees
- (7) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the R-4 District:
  - (a) Any temporary use requiring a conditional use permit in the R-3 District.
- (8) Regulations and Standards.
  - (a) Dimensional standards.
    - 1. Minimum lot size.
      - a. Multi-family – 15,000 sq. ft.
      - b. Nonresidential – 24,000 sq. ft.
    - 2. Minimum lot width.
      - a. Multi-family – 120 ft.
      - b. Nonresidential 85 ft.
    - 3. Minimum road frontage.
      - a. Multi-family – 33 ft.
      - b. Nonresidential – 100 ft.

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4. Minimum separation between detached buildings.
  - a. Multi-family – 10 ft.
  - b. Nonresidential – 10 ft.
- (b) Minimum setback.
  1. Street yard.
    - a. Multi-family – 40 ft.
    - b. Nonresidential – 40 ft.
  2. Side yard.
    - a. Multi-family – 15 ft. on each side for a principal building; 3 ft. for a detached accessory building.
    - b. Nonresidential – Same as multi-family.
  3. Rear yard.
    - a. Multi-family – 40 ft. for a principal building; 3 ft. for a detached accessory building.
    - b. Nonresidential – Same as multi-family.
- (c) Maximum building height.
  1. Principal building.
    - a. Multi-family – 35 ft.
    - b. Nonresidential – 35 ft.
  2. Accessory building.
    - a. Multi-family – 18 ft. to the midway point of the roof pitch permitted; in excess of 18 ft. but no greater than 35 ft. maximum peak height as a conditional use.
    - b. Nonresidential – 18 ft.
    - c. Pole Buildings in Residential Districts. Steel clad sheds, pole barns, and metal-roofed carports over two hundred (200) square feet of area are prohibited in all residential districts in the Town of Winchester. A pole barn is defined as any building of post and truss framing with metal roof and siding.
- (d) Floor area ratio.
  1. Maximum 50% for Multi-family and Nonresidential.
- (e) Floor area.
  1. Principal building, minimum.
    - a. Multi-family – 500 sq. ft. per unit.
    - b. Nonresidential – no limitation.
  2. Accessory building, maximum.
    - a. Multi-family – 500 sq. ft. per dwelling unit.
    - b. Nonresidential – 1,200 sq. ft. permitted; in excess of 1,200 sq. ft. as a conditional use.
- (f) Number of detached accessory buildings.
  1. Multi-family – no limitation.
  2. Nonresidential – 2.

**17.37 R-8 Manufactured/Mobile Home Community District.**

- (1) Purpose. This district is for the exclusive use and development of one or more manufactured/mobile home parks. Lots are connected to a public sanitary sewer system.
- (2) Permitted Uses. The following uses are permitted in the R-8 District:
  - (a) Agriculture, crop.
  - (b) Forestry.
  - (c) Sewage sludge disposal.
  - (d) Mobile home park.

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- (e) Park.
- (f) Recreation trail.
- (g) Stormwater management facility.
- (h) Telecommunications facility, concealed.
- (i) Utility installation, minor.
- (j) Railroad line.
- (k) Street.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the R-8 District:
  - (a) Any permitted accessory use in the R-4 District, with the following exceptions:
    - 1. Boathouse is not permitted in the R-8 District.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the R-8 District:
  - (a) Any permitted temporary use in the R-4 District.
- (5) Conditional Uses. The following uses require a conditional use permit in the R-8 District:
  - (a) Dam.
  - (b) Unspecified public use.
- (6) Conditional Accessory Uses. The following accessory uses require a conditional use permit in the R-8 District:
  - (a) Kennel, hobby.
  - (b) Pond.
- (7) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the R-8 District:
  - (a) Off-site construction yard.
- (8) Regulations and Standards.
  - (a) Minimum lot size – 2 acres.
  - (b) Minimum lot width – 220 ft.
  - (c) Minimum road frontage – 100 ft.
  - (d) Minimum separation between detached buildings – 10 ft.
  - (e) Minimum setback.
    - 1. Street yard – 30 ft.
    - 2. Side yard – 25 ft. on one side.
    - 3. Rear yard – 25 ft.
  - (f) Maximum building height.
    - 1. Principal building – 35 ft.
    - 2. Accessory building – 18 ft. to the midway point of the roof pitch permitted; in excess of 18 ft. but no greater than 35 ft. maximum peak height as a conditional use.
      - a. Pole Buildings in Residential Districts. Steel clad sheds, pole barns, and metal-roofed carports over two hundred (200) square feet of area are prohibited in all residential districts in the Town of Winchester. A pole barn is defined as any building of post and truss framing with metal roof and siding.

**17.38 Reserved.**

**17.39 B-1 Local Service District.**

- (1) Purpose. This district is intended to accommodate a single retail or service establishment or a small grouping of such establishments that primarily serve the daily needs of residents in the surrounding area. Because this district characteristically is near or within residential areas, standards are designed to ensure the commercial uses are compatible in appearance and



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character with the surrounding residential uses. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.

- (2) Permitted Uses. The following uses are permitted in the B-1 District:
- (a) Agriculture, crop.
  - (b) Forestry.
  - (c) Sewage sludge disposal.
  - (d) Group daycare center.
  - (e) Convenience retail sales.
  - (f) Financial services.
  - (g) Professional services.
  - (h) Administrative government center.
  - (i) Community garden.
  - (j) Park.
  - (k) Public safety facility.
  - (l) Recreation trail.
  - (m) Worship facility.
  - (n) Stormwater management facility.
  - (o) Telecommunications facility, concealed.
  - (p) Utility installation, minor.
  - (q) Railroad line.
  - (r) Street.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the B-1 District:
- (a) Adult family home, exclusive to principal residential use.
  - (b) Amateur radio antenna.
  - (c) Automated teller machine.
  - (d) Bed and breakfast.
  - (e) Boat dock.
  - (f) Exterior communication device - exclusive to principal residential use.
  - (g) Family daycare home - exclusive to principal residential use.
  - (h) Fence.
  - (i) Foster home and treatment foster home.
  - (j) Garage, nonresidential.
  - (k) Garden.
  - (l) Home occupation, minor.
  - (m) Hot tub.
  - (n) Kennel, private.
  - (o) Outdoor furnace.
  - (p) Parking lot (on-site).
  - (q) Play structure.
  - (r) Pond.
  - (s) Storage container, 1 or 2 units.
  - (t) Swimming pool.
  - (u) Utility cabinet.
  - (v) Yard shed.
  - (w) Electric vehicle infrastructure; charging levels 1, 2, and 3.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the B-1 District:
- (a) Agricultural product sales, off-site.
  - (b) Earth materials stockpile, on-site.

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- (c) Portable storage container.
- (d) Wind test tower.
- (e) Yard sale.
- (5) Conditional Uses. The following uses require a conditional use permit in the B-1 District:
  - (a) Body-piercing establishment.
  - (b) Tattoo establishment.
  - (c) Utility installation, major.
- (6) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the B-1 District:
  - (a) Farmers market.
  - (b) Off-site construction yard.
  - (c) Relocatable building.
  - (d) Seasonal product sales.
  - (e) Snow disposal site.
- (7) Regulations and Standards.
  - (a) Dimensional Standards.
    - 1. Minimum lot size – 15,000 sq. ft. for a sewered lot; 30,000 sq. ft. for an unsewered lot.
    - 2. Minimum lot width – 85 ft. for a sewered lot; 100 ft. for an unsewered lot.
    - 3. Minimum road frontage – 75 ft. for a sewered lot; 100 ft. for an unsewered lot.
    - 4. Minimum separation between detached buildings – 10 ft.
  - (b) Minimum setback.
    - 1. Street yard – 30 ft.
    - 2. Side yard – 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley.
    - 3. Rear yard – 25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley.
  - (c) Maximum building height.
    - 1. Principal building – 35 ft.
    - 2. Accessory building – 18 ft.
  - (d) Floor area.
    - 1. Maximum – none.
    - 2. Minimum – none.
  - (e) Number of detached accessory buildings – no limitation.

**17.40 B-2 Community Business District.**

- (1) Purpose. This district is intended to accommodate both large- and small-scale pedestrian- and auto-oriented commercial development that primarily serves the needs of the surrounding community, including professional offices, retail stores, service establishments, overnight lodging, entertainment facilities, and mixed-use housing. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (2) Permitted Uses. The following uses are permitted in the B-2 District:
  - (a) Any permitted use in the B-1 District.
  - (b) Restaurant.
  - (c) Tavern.
  - (d) General retail sales.
  - (e) Body-piercing establishment.
  - (f) Funeral home.
  - (g) General repair.

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- (h) General services.
- (i) Health care clinic.
- (j) Instructional services.
- (k) Tattoo establishment.
- (l) Veterinary clinic, small animal.
- (m) Community center.
- (n) Community cultural facility.
- (o) Educational facility, pre-K through 12.
- (p) Off-site parking.
- (q) Park-and-ride lot.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the B-2 District:
  - (a) Any permitted accessory use in the B-1 District.
  - (b) Outdoor display incidental to indoor sales.
  - (c) Outdoor food and beverage sales.
  - (d) Service window, drive-up.
  - (e) Service window, walk-up.
  - (f) Storage container, 3 or more units.
  - (g) Temporary Shelter.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the B-2 District:
  - (a) Any permitted temporary use in the B-1 District.
  - (b) Farmers market.
  - (c) On-site construction office.
  - (d) On-site construction yard.
  - (e) Seasonal product sales.
  - (f) General outdoor sales.
- (5) Conditional Uses. The following uses require a conditional use permit in the B-2 District:
  - (a) Dam.
  - (b) Mixed-use Housing.
  - (c) Boardinghouse.
  - (d) Overnight lodging.
  - (e) Utility installation, major.
  - (f) Bus storage facility.
  - (g) Marina.
  - (h) Artisan shop.
  - (i) Live/work units, as defined in Chapter 17.45(17).
- (6) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the B-1 District:
  - (a) Relocatable building.
  - (b) Special events (see Section XX.XX Supplemental Special Events Overlay District).
- (7) Regulations and Standards.
  - (a) Same as regulations and standards in the B-1 District.

**17.41 B-3 General Business District.**

- (1) Purpose. This district is intended to accommodate primarily large-scale commercial projects of regional importance that require access to major road corridors. This district is intended to include one or more parcels of land that as a general rule includes 20 acres or more. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (2) Permitted Uses. The following uses are permitted in the B-3 District:

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- (a) Any permitted use in the B-2 District.
  - (b) Mixed-use Housing.
  - (c) Hospice care center.
  - (d) Nursing home.
  - (e) Retirement home.
  - (f) Boardinghouse.
  - (g) Overnight lodging.
  - (h) Resort.
  - (i) Brewpub.
  - (j) Vehicle fuel station.
  - (k) Vehicle repair shop.
  - (l) Vehicle sales and rental.
  - (m) Vehicle service shop.
  - (n) Outdoor sales.
  - (o) Commercial kennel.
  - (p) Equipment rental, small.
  - (q) Health care center.
  - (r) Outdoor entertainment.
  - (s) Parking structure.
  - (t) Artisan shop.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the B-3 District:
- (a) Any permitted accessory use in the B-2 District, with the following exceptions:
    - 1. Bed and breakfast is not allowed in the B-3 District.
- (4) Permitted Temporary Uses. The following temporary uses are permitted in the B-3 District:
- (a) Any permitted temporary use in the B-s District.
  - (b) General outdoor sales.
- (5) Conditional Uses. The following uses require a conditional use permit in the B-3 District:
- (a) Dam.
  - (b) Heavy vehicle sales and rental.
  - (c) Truck stop.
  - (d) Equipment rental, large.
  - (e) Utility installation, major.
  - (f) Personal storage facility.
  - (g) Construction equipment repair.
  - (h) Construction equipment sales and service.
- (6) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the B-3 District:
- (a) Relocatable building.
- (7) Regulations and Standards.
- (a) Dimensional standards.
    - 1. Minimum lot size – 2 acres.
    - 2. Minimum lot width – 300 ft.
    - 3. Minimum road frontage – 300 ft.
    - 4. Minimum separation between detached buildings – 10 ft.
  - (b) Minimum setback.
    - 1. Street yard – 30 ft.
    - 2. Side yard – 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley.

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3. Rear yard – 25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley.
- (c) Maximum building height.
  1. Principal building – 45 ft.
  2. Accessory building – 18 ft.
- (d) Floor area.
  1. Principal building minimum – none.
  2. Accessory building maximum – no limitation.
- (e) Number of detached accessory buildings – no limitation.

**17.42 I-1 Light Industrial District.**

- (1) Purpose. This district is intended to accommodate those businesses and activities typically associated with manufacturing of finished products, storage, and wholesale operations. Uses permitted in this district characteristically occur inside of a building or other structure. Outdoor storage when allowed is clearly incidental to the primary use. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (2) Permitted Uses. The Following uses are permitted in the I-1 District:
  - (a) Agriculture-related use.
  - (b) Agriculture, crop.
  - (c) Forestry.
  - (d) Sewage sludge disposal.
  - (e) Heavy vehicle sales and rental.
  - (f) Equipment rental. Large.
  - (g) Landscape business.
  - (h) Animal shelter.
  - (i) Community garden.
  - (j) Correctional facility.
  - (k) Maintenance garage.
  - (l) Park.
  - (m) Public safety facility.
  - (n) Recreation trail.
  - (o) Stormwater management facility.
  - (p) Telecommunications facility, concealed.
  - (q) Telecommunications facility, unconcealed
  - (r) Utility installation, major.
  - (s) Utility installation, minor.
  - (t) Utility maintenance yard.
  - (u) Airport.
  - (v) Bus storage facility.
  - (w) Railroad line.
  - (x) Street.
  - (y) Boat yard.
  - (z) Bulk fuel storage.
  - (aa) Personal storage facility.
  - (bb) Truck terminal.
  - (cc) Warehouse
  - (dd) Artisan shop.
  - (ee) Construction equipment repair.

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- (ff) Construction equipment sales and service.
  - (gg) Contractor yard.
  - (hh) Industrial, light.
  - (ii) Composting facility.
  - (jj) Recycling center.
  - (kk) Maintenance garage.
  - (ll) Greenhouse.
  - (mm) Vehicle fuel station.
  - (nn) Vehicle repair shop.
  - (oo) Vehicle sales and rental.
  - (pp) Vehicle service shop.
  - (qq) Vehicle storage yard.
  - (rr) Outdoor sales.
  - (ss) Commercial kennel.
  - (tt) Outdoor sales.
  - (uu) Commercial kennel.
  - (vv) General repair.
  - (ww) Instructional services.
  - (xx) Veterinary clinic, general.
  - (yy) Veterinary clinic, small animal.
  - (zz) Driving range.
  - (aaa) Golf course.
  - (bbb) Outdoor entertainment.
  - (ccc) Outdoor recreation.
  - (ddd) Indoor shooting range.
  - (eee) Civic use facility.
  - (fff) Unspecified public use.
  - (ggg) Marina.
  - (hhh) Mass transit terminal.
  - (iii) Off-site parking lot.
  - (jjj) Park-and-ride lot.
  - (kkk) Contractor yard.
  - (lll) Live/work units, as defined in Chapter 17.45(17).
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the I-1 District:
- (a) Backyard chickens.
  - (b) Boat dock.
  - (c) Exterior communications device.
  - (d) Fence.
  - (e) Garage, nonresidential.
  - (f) Garden.
  - (g) Outdoor furnace.
  - (h) Parking lot (on-site).
  - (i) Play structure.
  - (j) Pond.
  - (k) Utility cabinet.
  - (l) Electric vehicle infrastructure; charging levels 1, 2, and 3.
  - (m) Indoor sales incidental to light industrial use.
  - (n) Light industrial use incidental to indoor sales.
  - (o) Storage container, 3 or more units.

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- (4) Permitted Temporary Uses. The following temporary uses are permitted in the I-1 District:
  - (a) Agricultural product sales, off-site.
  - (b) Earth materials stockpile, offsite.
  - (c) Earth materials stockpile, on-site.
  - (d) On-site construction office.
  - (e) On-site construction yard.
  - (f) Portable storage container.
  - (g) Wind test tower.
  - (h) Farmers market.
  - (i) General outdoor sales.
  - (j) Off-site construction yard.
  - (k) Seasonal product sales.
- (5) Conditional Uses. The following uses require a conditional use permit in the I-1 District:
  - (a) Dam.
  - (b) Brewpub.
  - (c) Parking structure.
  - (d) Salvage yard.
- (6) Regulations and Standards.
  - (a) Dimensional standards.
    - 1. Minimum lot size – 10,000 sq. ft. for sewerred lot; 20,000 sq. ft. for unsewered lot.
    - 2. Minimum lot width – 100 ft.
    - 3. Minimum road frontage – 33 ft.
    - 4. Minimum separation between detached buildings – 10 ft.
  - (b) Minimum setback.
    - 1. Street yard – 30 ft.
    - 2. Side yard – 7 ft. on one side and 10 ft. on the other.
    - 3. Rear yard – 25 ft.
  - (c) Maximum building height.
    - 1. Principal building – 45 ft.
    - 2. Accessory building – 30 ft.
  - (d) Floor area.
    - 1. Principal building minimum – no limitation.
    - 2. Accessory building maximum – no limitation.
  - (e) Number of detached accessory buildings – no limitation.

**17.43 I-2 Heavy Industrial District.**

- (1) Purpose. This district is intended to accommodate industrial uses that handle or process raw materials and other large-scale uses often considered offensive or unique by nature. Handling and processing of materials may occur within a building or other structure or out-of-doors. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (2) Permitted Uses. The following uses are permitted in the I-2 District:
  - (a) Agriculture, crop.
  - (b) Forestry.
  - (c) Sewage sludge disposal.
  - (d) Parl.
  - (e) Recreation trail.
  - (f) Stormwater management facility.
  - (g) Telecommunications facility, concealed.

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- (h) Telecommunications facility, unconcealed
- (i) Utility installation, major.
- (j) Utility installation, minor.
- (f) Utility maintenance yard.
- (g) Airport.
- (h) Bus storage facility.
- (i) Railroad line.
- (j) Streets.
- (k) Bulk fuel storage.
- (l) Truck terminal.
- (m) Warehouse.
- (n) Construction equipment repair.
- (o) Construction equipment sales and service.
- (p) Industrial, heavy.
- (q) Industrial, light.
- (r) Composting facility.
- (s) Recycling center.
- (t) Solid waste transfer station.
- (u) Maintenance garage.
- (v) Agriculture-related uses.
- (w) Greenhouse.
- (x) Heavy vehicle sales and rental.
- (y) Truck stop.
- (z) Vehicle fuel station.
- (aa) Vehicle sales and service.
- (bb) Vehicle storage yard.
- (cc) Equipment rental, large.
- (dd) Correctional facility.
- (ee) Maintenance garage.
- (ff) Public safety facility.
- (gg) Marina.
- (hh) Park-and-ride lot.
- (ii) Boat yard.
- (jj) Personal storage facility.
- (kk) Artisan shop.
- (ll) Batching plant associated with nonmetallic mine.
- (mm) Biofuels production plant.
- (nn) Contractor yard.
- (oo) Salvage yard.
- (pp) Storage container, 3 or more units.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the I-2 District:
  - (a) Any permitted accessory use in the I-1 District, with the following exceptions:
    - 1. Play structure is not allowed in the I-2 District.
- (4) Permitted Temporary Structure. The following temporary structures are permitted in the I-2 District:
  - (a) Any permitted temporary structure in the I-1 District.
- (5) Regulations and Standards.
  - (a) The same regulations and standards that apply in the I-1 District, with the following exceptions:
    - 1. Maximum building height.
      - a. Principal building – no limitation.



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- b. Accessory building – no limitation.

**17.44 PDD Planned Development (Overlay) District.**

- (1) Purpose. Planned development districts are a special type of zoning district and are initially proposed by a property owner who desires a mix of uses or flexibility in a project's overall design, as long as such designs are consistent with the Town of Winchester Comprehensive Plan. Each district is unique and therefore has its own set of development standards that are documented in the general development plan, and associated development agreement, if any. PDD districts are numbered sequentially (i.e., PDD-1, PDD-2, etc.).
- (2) Initiation. The owner of the subject property may submit an application for the establishment of a planned development overlay district.
- (3) Where Allowed. A planned development overlay district shall only be established in the following zoning districts: R-1, R-2, R-3, R-4, M-1, B-1, B-2, and B-3.
- (4) Ownership. At the time of establishment, all land within a planned development overlay district shall be under single ownership or control.
- (5) Minimum Project Size. A planned development overlay district shall include at least 10 contiguous acres of land.
- (6) Development Agreement. Depending on the nature of the planned development overlay district, the developer and Town may enter into a development agreement that specifies the duties and obligations of both parties with respect to development in the district.
- (7) Application and Review Procedure. The general steps outlined below shall be used in the review of an application for the establishment of a planned development overlay district.
  - (a) Pre-submittal meeting. Before submitting an application, the applicant or the applicant's agent shall meet with the Plan Commission and zoning administrator to review:
    1. Applicable regulations and procedures.
    2. Applicable sections of the county's comprehensive plan.
    3. The proposal.
    4. The Plan Commission may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary.
  - (b) Submittal of application materials. The applicant shall submit a completed application and other required materials to the Town Clerk along with the application fee as may be established by the Town Board.
  - (c) Acceptance of application. Within 30 days of submittal, the Town Clerk shall either schedule a date for the public hearing allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The Town Clerk shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.
  - (d) Staff review. Within 15 days of receipt of the complete application from the Town Clerk, the zoning administrator shall review the application materials and prepare a written staff report to the Plan Commission.
  - (e) Public hearing. Consistent with division 2 of article 6, the Town Clerk shall provide for class 2 public notice, an on-site sign, town notice, property owner notice, agency notice, and meeting agenda notice. Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the application. The Plan Commission shall not render its decision at this meeting.

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- (f) Decision. At a subsequent meeting of the Plan Commission, but no more than 60 days after the public hearing, the Plan Commission after considering the comments and the staff report shall make a decision based on the decision criteria contained in this division to:
  - 1. Approve the creation of the district.
  - 2. Approve the creation of the district with conditions.
  - 3. Deny the creation of the district.
- (g) Applicant notification. Within a reasonable time following the Plan Commission's decision, the Town Clerk shall mail the decision notice to the applicant by regular mail.
- (h) Acceptance by property owner required. If an approval includes one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the administrator. Failure to sign and return the decision notice within 45 days of the Plan Commission's decision shall void the approval. The decision notice shall become effective upon the property owner's signature.
- (i) Preparation of new zoning map. If the district is approved, the Town Clerk shall within 60 days of the date of adoption cause a new zoning map to be prepared.
- (j) Public records. If the district is approved, the Town Clerk shall keep a duplicate copy of the approved project plan and development agreement, if any, as a permanent record.
- (8) Basis of Decision. The Plan Commission in making its decision shall consider the following factors:
  - (a) Whether development in the proposed district is in keeping with the spirit and intent of this Chapter.
  - (b) Whether development in the proposed district is consistent with the comprehensive plan.
  - (c) The effects of development in the proposed district on traffic safety and efficiency and pedestrian circulation, both within and outside of the district.
  - (d) Whether the proposed plan for development in the district is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area.
  - (e) The effects of development within the proposed district on the natural environment.
  - (f) Whether development in the proposed district complies with provisions of this Chapter and other Chapters of the Winchester Town Code that may apply.
  - (g) The effects of development in the proposed district on public services and facilities.
  - (h) Whether adequate water and sanitary sewer facilities can be provided to development in the proposed district.
  - (i) The proposed means of maintaining the undeveloped area of the district for the purpose for which it was set aside.
  - (j) Whether the plan for development in the proposed district is clearly superior to development that is permitted based on the design and development standards of the underlying zoning district.
  - (k) Any other factor that relates to the purposes of this Chapter.
- (9) Imposition of Conditions.
  - (a) Generally. The Plan Commission may impose conditions as may be necessary to grant approval. Such conditions may relate to any of the factors it considered in reaching its decision. In addition, the Plan Commission may require the provision of off-site exactions that may be necessary to approve the establishment of the planned development overlay district.
  - (b) Effect on contracts with another party. The Plan Commission shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract with a third party under which the third party is engaging in a lawful use of the property.
- (10) Application Form and Content. The application submittal shall include the following:
  - (a) An application form as may be used by the Town.

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- (b) A master development plan prepared at an appropriate scale depicting the information required in Appendix A of this Chapter.
  - (c) A preliminary draft of covenants if any are to be imposed.
  - (d) A development schedule, if the project is to be constructed in phases, which includes the anticipated beginning date and ending date of each phase and a description of those project-related elements to be completed in each phase.
- (11) Staff Report Content. The staff report shall contain the following:
- (a) Preliminary findings based upon the decision criteria listed in this Chapter.
  - (b) A recommendation to approve the application, approve the application with conditions, or deny the application.
  - (c) A preliminary list of conditions of approval regardless of whether the zoning administrator recommendation is for approval or denial.
  - (d) Other information deemed necessary by the administrator.
- (12) Effect of Approval. If the planned development overlay district is established, the approval shall run with the land and be binding on all subsequent property owners.
- (13) Effect of Approved Planned Development Overlay District on Land Division Standards.
- (a) Development in a planned development overlay district shall be subject to the Town of Winchester Subdivision Ordinance, except that the Plan Commission may waive a development standard in the land division regulations as provided therein.
- (14) Review of Actual Development within an Approved Planned Development Overlay District.
- (a) Once a planned development overlay district is established, proposed development in the district shall be reviewed consistent with the requirements of this article as may apply.
- (15) Amendment of an Approved Planned Development Overlay District. Following establishment of a planned unit development overlay district, the Plan Commission shall review all proposed changes to the project plan that were approved at the time of approval of the district. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, it may approve the requested change at a regular or special meeting. If the proposed change constitutes a major alteration, the application and review procedure in this division shall be followed.
- (16) Revocation or Modification of an Approval. Following a public hearing, the Planning Commission may revoke or modify an approval if it determines that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and such information would have altered its decision to approve the application or the conditions of approval which were or were not imposed.
- (17) Expiration of Approval. If any area of a planned development overlay district that can be developed remains substantially undeveloped 3 years after the creation of the district, the Plan Commission shall have the authority to unilaterally rezone such area to a suitable classification. Upon written petition and with good cause, the Plan Commission may grant a one-time extension not to exceed 3 years.
- (18) Appeal.
- (a) Appeal relating to procedural requirements. An aggrieved person who claims the required procedural requirements were not followed, in whole or in part, may file a written appeal with the Board of Appeals prior to issuance of a final decision or within 30 days of issuance of a final decision. If an appeal is filed with the board prior to issuance of a final decision, the Plan Commission, with concurrence of the applicant, if not the appellant, may suspend the review process until such time as the deficiency is remedied. The Board of Appeals shall only consider the procedural requirements and may not alter the decision of the Plan Commission. If the Board of Appeals determines that a procedure, in whole or in part, was not followed as required, the review process shall not progress until such time as the deficiency has been

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remedied or the decision shall be stayed until such time as the deficiency and subsequent steps have been completed.

- (b) Appeal relating to Board of Appeals decision or relating to the substantive decision. An aggrieved person may appeal the final decision of the Board of Appeals to a court of competent jurisdiction within 30 days of the final decision or the final decision of the Plan Commission to a court of competent jurisdiction within 30 days of the final decision.

**17.45 Permitted Use Standards for Zoning Districts.** The following permitted use standards shall apply unless otherwise noted. All maps shall be consistent with the Town of Winchester 'Map Guidelines.'

- (1) Agriculture Based Uses.
  - (a) Agriculture-relate use.
    - 1. Generally. An agriculture-related use shall not be located in, or adjacent to, an existing or platted residential subdivision. If such use is established prior to the effective date of this Chapter, the adjoining lands may be platted for residential subdivisions after that date.
    - 2. Long-term use. This use shall be located in an area that is planned to remain commercially viable for agricultural land uses over the long term.
    - 3. Setbacks. All buildings, structures, and outdoor storage areas shall be located at least 100 feet from all side and rear property boundary lines.
  - (b) Agriculture, crop.
    - 1. Setbacks. The raising of crops may occur within the setback of a street yard, side yard, and rear yard.
    - 2. Buildings. Buildings related to the raising of crops are only allowed in an agricultural zoning district.
- (2) Resource-based Uses.
  - (a) Dam.
    - 1. State and federal compliance. A dam constructed after the effective date of this Chapter, shall comply with all state and federal rules and regulations.
    - 2. Removal. A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.
    - 3. Safety. The owner of the dam shall comply with the safety measures required in s. NR 33.07(3), Wis. Admin. Code.
    - 4. Unsafe conditions. If the Plan Commission determines that a dam is unsafe or otherwise defective, the administrator shall follow the procedure outlined in article 7 of this Chapter relating to unsafe conditions.
    - 5. Termination of use. If the Plan Commission determines that a dam has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 7 of this Chapter relating to the termination of an approval.
  - (b) Forestry.
    - 1. Removal of trees and shrubs within a buffer yard. Trees and shrubs within a required buffer yard shall not be removed, except as follows:
      - a. A dead or dying tree or shrub may be removed when it poses a threat to public health and safety.
      - b. An invasive tree or shrub may be removed.
      - c. If a tree or shrub is removed and the tree or shrub is counted towards meeting a landscaping requirement contained in this Chapter, a new plant shall be planted in the buffer yard to compensate for the loss.
    - 2. Removal of a tree or shrub within a defined open space area. Trees and shrubs within an area set aside as open space shall not be removed except as follows:

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- a. A dead or dying tree or shrub may be removed when it poses a threat to public health and safety.
    - b. The removal of trees and shrubs is done consistent with a landscape management plan as prepared by a registered landscape architect, an arborist, or a forester and as approved by the Plan Commission.
  - (c) Sewage sludge disposal.
    - 1. The land application of sewage sludge shall comply with s. 283.82, Wis. Stats.; ch. NR 204, Wis. Admin. Code; and other applicable rules and regulations administered by the Wisconsin Department of Natural Resources.
- (3) Residential Uses.
  - (a) Mobile home park.
    - 1. Minimum size. The minimum size of a mobile home park established after the effective date of this Chapter shall be 5 acres.
    - 2. Uses. A recreational vehicle shall not be used for dwelling purposes. The following are permitted uses:
      - a. One mobile home or manufactured home per designated space.
      - b. One single-family dwelling for the park operator or caretaker.
      - c. One or more community safe rooms.
      - d. Service buildings, such as administrative offices, Laundromats, and recreational buildings, provided that such uses are subordinate to the residential character of the park and are intended for use primarily by park residents.
      - e. Accessory structures, such as storage sheds, porches, garages, and carports as may be approved by the park operator, provided minimum setback requirements to the perimeter are maintained.
      - f. One or more play areas for children.
    - 3. Density. The maximum density shall be 8 spaces per gross acre.
    - 4. Park access. The entrance to the mobile home park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent roads. Each access to the development shall be off of a road classified as a minor arterial, major collector, or minor collector as depicted on the zoning map or a supplemental map.
    - 5. Interior access. Access to each mobile home space shall be off of a paved private street internal to the project.
    - 6. Walkways. Pedestrian walkways shall be provided in the area around service buildings, along major streets, and in other locations of anticipated heavy foot traffic. Walkways shall be at least 4 feet wide and hard-surfaced. In addition, each mobile home stand shall be provided with a walkway from the stand to the street or parking space.
    - 7. Mobile home space. An individual mobile home space shall contain at least 3,000 square feet and shall have a minimum width, at the narrowest point, of 45 feet. The limits of each mobile home space shall be clearly marked on the ground. Considering the orientation of principal windows in mobile homes, mobile home spaces shall be arranged diagonally to the street (30 degrees from perpendicular).
    - 8. Identification of mobile home spaces. Each mobile home shall be clearly identified in a uniform manner with a unique number or other approved designation for fire and police services. Such number or other approved designation shall be filed with the appropriate authorities by the licensee.
    - 9. Mobile home pad. Within each designated mobile home space, a mobile home pad with minimum dimensions of 17 feet by 70 feet shall be provided for the placement of the mobile home. The pad shall be hard surfaced with asphalt, concrete, or similar material

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- and provide adequate drainage and support against settling and frost heave. It shall be equipped with tie downs and anchors to secure the mobile home against winds.
10. Required separation between mobile homes. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one-half of the area of the lot.
  11. Setback and buffer strips. Each mobile home shall be located at least 5 feet from any mobile home lot line. There shall be a minimum setback of the mobile home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from the perimeter of the site. Accessory buildings shall be located at least 10 feet from the perimeter of the site.
  12. Drainage and landscaping. The ground surface shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home pad. Except for the mobile home pad and other hard-surfaced areas, mobile home spaces shall be sodded or seeded or otherwise landscaped.
  13. Skirting. Each mobile home shall be skirted within 30 days of placement on the pad.
  14. Mail delivery. An off-street area for central mail delivery shall be provided.
  15. Solid waste collection. If the solid waste service provider does not provide individual pickup, a dumpster enclosure of sufficient size shall be provided.
  16. Common storage area for residents. An open, well-drained, dust-free storage area for the parking of boats, trailers, and outside vehicles owned by those living in the mobile home park shall be provided. The minimum size of such area shall be 100 square feet per mobile home space. The storage area shall be fenced to prevent access from outside the park.
  17. Recreation area. A mobile home park shall contain a recreation area consisting of one-half acre for each 100 mobile home spaces. The minimum area in a park shall be 0.2 acres. Such area shall be located in a central area of the mobile home park.
  18. Utilities. Utilities, including electrical, television, and telephone services, shall be placed underground.
  19. Lighting. Street lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night and shall be effectively related to buildings, trees, walks, steps, and ramps.
  20. Fire hydrants. Fire hydrants shall be installed as required by the fire department serving the subject property.
  21. Sanitation. All appropriate state, county, and county sanitation regulations shall be strictly observed. Mobile home parks established after the effective date of this Chapter shall be served by a public sanitary district. An expansion of a mobile home park existing prior to the effective date of this Chapter may be served by an on-site system.
  22. Continuing maintenance. The owner of the mobile home park shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.
  23. Community safe room. A new mobile home park that contains 20 or more mobile home spaces and existing mobile home parks that expand the number of spaces to 20 or more spaces shall provide and maintain an on-site community safe room for the use of park residents during wind-related storm events. The shelter shall meet applicable building codes and shall comply with the design and construction guidance as contained in *Design and Construction Guidance for Community Safe Rooms* (FEMA 361, second edition), or

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later edition, as published by the Federal Emergency Management Agency, U.S. Department of Homeland Security.

24. Local license. Prior to the establishment of a mobile home park, the operator shall obtain a license from the town and maintain such license for the life of the use or until the town no longer requires such license.
- (b) Multi-family building, 2 units.
  1. Number of principal buildings per parcel. More than one multifamily building with 2 dwelling units may be located on a parcel of land provided the overall density is maintained.
  2. Design and construction. A multifamily building with 2 dwelling units shall meet the design and construction standards for a single-family dwelling under Sec. 17.44(3)(d)(3) of this Chapter.
- (c) Multifamily building, 3 or more units.
  1. Number of principal buildings per parcel. More than one multifamily building with 3 or more dwelling units may be located on a parcel of land, provided the overall density is maintained.
  2. Design and construction. A multifamily building with 3 or more dwelling units shall meet the design and construction standards for a single-family dwelling under Sec. 17.44(3)(d)(3) of this Chapter.
- (d) Single-family dwelling.
  1. Number of principal dwellings per parcel. No more than one principal residential building shall occupy any single parcel of land.
  2. Occupancy. A dwelling unit shall be occupied by no more than one family.
  3. Design and construction. A single-family dwelling shall meet the following standards:
    - a. Suitable roof coverings include clay or ceramic tiles, wood shingles or shakes, metal, or fiberglass or asphalt shingles.
    - b. Exterior wall surfaces shall be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer.
    - c. An overhang shall extend at least 12 inches beyond the face of the exterior wall.
    - d. The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter.
    - e. The Plan Commission may approve a conditional use authorizing an exterior material not specifically allowed in this subsection.
- (e) Townhouse.
  1. Lot area. No more than 70 percent of the lot area shall be occupied by a building.
  2. Utility service. Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.
  3. Subsequent divisions. Individual townhouses shall not be further subdivided.
  4. Driveways. When more than one garage is located in the front of a townhouse, a common driveway shall be used whenever possible.
  5. Vertical off-sets. When a building includes 5 or more dwelling units, there shall be a vertical offset of at least 2 feet between each adjoining dwelling unit.
  6. Accessory buildings. The floor area of accessory buildings, excluding garages and carports, shall not exceed 120 cumulative square feet.
  7. Front entrances. The front entrance to each dwelling unit shall be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.
- (f) Twin home.
  1. Fire separation. Each dwelling unit of a twin home shall be separated from the abutting unit by a minimum fire separation complying with s. Comma 21.08, Wis. Admin. Code.

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2. General layout. The common wall between dwelling units in a twin home shall be approximately perpendicular to the front lot line.
  3. Water service. Dwelling units in a twin home shall have a separate water service with separate curb stops, lines, and meters.
  4. Gas and electric service. Dwelling units in a twin home shall have separate gas and electric meters.
  5. Sanitary sewer service. Dwelling units in a twin home shall have separate sanitary sewer service laterals and lines, subject to including a provision in a joint access and maintenance agreement that addresses emergency access to, and the responsibility for, sanitary sewer building blockage.
  6. Written agreement required. Dwelling units in a twin home shall be subject to a joint cross access and maintenance agreement as approved by the Plan Commission. Such agreement shall be recorded with each lot in the office of the register of deeds for Winnebago County.
- (4) Special Care Facilities.
- (a) Adult family home. An adult family home shall not be established within 2,500 feet of another such facility or any community living arrangement. An agent of a proposed adult family home may apply for an exception to this requirement, and the Town Board at its discretion may grant the exception. An adult family home certified under s. 50.032(1m)(b), Wis. Stats., is exempt from this provision.
  - (b) Community living arrangement. A community living arrangement shall not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the town board at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the town board and if both facilities comprise essential components of a single program. A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under s. 48.62, Wis. Stats., are exempt from this provision.
  - (c) Foster home and treatment foster home (operated as a principal use).
    1. Proximity to other such facility. A foster home or treatment foster home that is operated by a corporation, a child welfare agency, a religious association, as defined in s. 157.061(15), Wis. Stats., an association, or a public agency, shall not be established within 2,500 feet of another such facility. An agent may apply for an exception to this requirement, and the town board at its discretion may grant the exception.
    2. State license. Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75 Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.
  - (d) Group day care center. An outdoor activity area associated with a group day care center shall not be located within 20 feet of an adjoining property in a residential zoning district.
  - (e) Hospice care center. Prior to the establishment of a hospice care center, the operator shall obtain a license from the state as provided for in s. 50.92 Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.
  - (f) Nursing home.
    1. Required green space. A minimum of 30 percent of the gross site area shall be green space.
    2. Parking lot screening. When an off-street parking lot is located within 20 feet of a property in a residential zoning district landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.



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3. Setbacks. Principal buildings shall be located at least 35 feet from a property in a residential zoning district.
- (g) Retirement home.
  1. Required green space. A minimum of 30 percent of the gross site area shall be green space.
  2. Parking lot screening. When an off-street parking lot is located within 20 feet of a property in a residential zoning district, landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.
  3. Setbacks. Principal buildings shall be located at least 35 feet from a property in a residential zoning district.
- (5) Group Accommodations.
  - (a) Boardinghouse. The property owner or a property manager shall reside on the premises.
  - (b) Campground.
    1. Generally. In addition to the other applicable design and improvement requirements contained in this Chapter, a campground shall comply with the provisions of this section and applicable state law.
    2. Minimum lot area. The minimum lot area for a campground is 5 acres.
    3. Continuing maintenance. The owner of the campground shall maintain the campground in a clean and sanitary manner.
    4. Accessory facilities. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the campground but shall be designed, operated, and located to inhibit use by non-occupants.
    5. Density. The density shall not exceed 25 campground spaces per acre (gross).
    6. Recreation area. At least 8 percent of the gross site area or 2,500 square feet, whichever is greater, shall be dedicated for on-site recreational purposes and shall be easily accessible from all camping spaces.
    7. Access. Campground spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.
    8. Setbacks from property boundary line. A campground space shall be no closer than 40 feet to the perimeter property boundary line of the site.
    9. Solid waste collection. An off-street area for the collection of solid waste shall be provided within a campground.
    10. Limitation on addition of features. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.
    11. State license. Prior to the establishment of a campground, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.
    12. Local license. Prior to the establishment of a campground, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.
  - (c) Group recreation camp.
    1. Generally. In addition to the other applicable design and improvement requirements contained in this Chapter, a group recreation camp shall comply with the provisions of this section and applicable state law.
    2. Minimum lot area. The minimum lot area for a group recreation camp is 5 acres.

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3. Continuing maintenance. The owner of the group recreation camp shall maintain the group camp in a clean and sanitary manner.
  4. Accessory facilities. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the group recreation camp but they shall be designed, operated, and located to inhibit use by non-occupants.
  5. Density. If campground spaces are provided, the density shall not exceed 25 campground spaces per acre (gross).
  6. Access. If campground spaces are provided, they shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.
  7. Setbacks from property boundary line. If campground spaces are provided, they shall be no closer than 40 feet to the perimeter property boundary line of the site.
  8. Solid waste collection. An off-street area for the collection of solid waste shall be provided within a group recreation camp.
  9. Limitation on addition of features. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.
  10. State license. Prior to the establishment of a group recreation camp, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.
  11. Local license. Prior to the establishment of a group recreation camp, the operator shall obtain a license from the Winnebago County Health Department if so required and maintain such license for the life of the use or until the department no longer requires such license.
- (d) Overnight lodging.
1. Local license. Prior to the establishment of overnight lodging, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.
  2. Location of customer entrance. No customer entrance to the building shall be located within 100 feet of a property in a residential zoning district.
- (e) Resort.
1. A resort in the B-2 zoning district must be located on a lake or on one of the following: Fox River, Rat River, or Wolf River.
  2. Minimum lot area. The minimum lot area for a resort is 5 acres.
- (6) Food and Beverage Sales.
- (a) Brewpub.
1. Local license. Prior to the establishment of a brewpub, the operator shall obtain a license from the county, as may be required, and maintain such license for the life of the use or until the county no longer requires such license.
  2. State license. Prior to the establishment of a brewpub, the operator shall obtain a license from the state, as may be required, and maintain such license for the life of the use or until the state no longer requires such license.
  3. Limitation on floor area devoted to production. No more than 40 percent of the floor area shall be devoted to the production of fermented malt beverages, including storage of raw materials and finished products.
  4. Limitation on production. Not more than 10,000 barrels (310,000 gallons) of fermented malt beverages may be manufactured in a calendar year.

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- (b) Restaurant. Prior to the establishment of a restaurant, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.
  - (c) Tavern.
    - 1. Local license. Prior to the establishment of a tavern, the operator shall obtain a license from the town in which the use is located and maintain such license for the life of the use or until the license is no longer required.
    - 2. Compliance with state requirements. A tavern shall comply with requirements as may be adopted by the state of Wisconsin.
- (7) Vehicle Rental Sales and Service.
- (a) Heavy vehicle sales and rental. Outdoor display areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.
  - (b) Truck stop.
    - 1. Minimum lot area and location. A truck stop established after the effective date of this Chapter shall be located on a parcel containing at least 10 acres that is located within 2,000 feet of a U.S. highway or a state highway.
    - 2. Access. Each access to the parcel with a truck stop shall be off of a road classified as an arterial or a higher classification as depicted on the zoning map or a supplemental map.
    - 3. Restroom facilities. If a truck stop provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.
    - 4. Pump island canopies. Pump island canopies shall not exceed 22 feet in height.
    - 5. Location of parking areas. Areas designated or used for truck parking and other similar activity areas shall be designed and located so that noise levels at the property boundary line of a property in a residential zoning district do not exceed 60 decibels as measured on a dB(A) scale between the hours of 10:00 p.m. and 7:00 a.m.
  - (c) Vehicle fuel station.
    - 1. Restroom facilities. If a vehicle fuel station provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.
    - 2. Pump island canopies. Pump island canopies shall not exceed 22 feet in height.
    - 3. Special setbacks. The following setbacks shall apply to a vehicle fuel station:
      - a. A fuel pump shall be located at least 50 feet from a property in a residential zoning district and at least 30 feet from a property in a nonresidential zoning district.
      - b. A pump island canopy shall be located at least 18 feet from all property boundary lines.
  - (d) Vehicle repair shop.
    - 1. Work area. Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when located in an industrial zoning district.
    - 2. Vehicle storage. When a vehicle repair shop is located in a commercial zoning district, no more than 10 motor vehicles shall be stored out-of-doors overnight. When located in an industrial zoning district, there is no limitation on the number of motor vehicles that can be stored out-of-doors overnight. Storage of unlicensed vehicles is prohibited.
  - (e) Vehicle sales and rental.
    - 1. Show room. An indoor vehicle display area shall be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area shall be large enough to display at least 3 motorcycles.

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2. State license. Prior to the establishment of this use, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license.
  3. Setback for display area. Display areas and other activity areas shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.
- (f) Vehicle storage yard.
1. Buffer yard. In addition to the buffer yard requirements in article 9 of this Chapter, the reviewing authority may, as part of the site plan review process, require additional buffer yard requirements deemed necessary to provide adequate screening between this use and adjoining properties.
  2. Setback requirements. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district and 20 feet from a property in a commercial or mixed-use zoning district.
  3. Fence. A 6-foot solid fence, subject to approval by the reviewing authority, shall be located around the perimeter of the area used to store the motor vehicles.
  4. Fence plan. As part of the site plan review application, the applicant shall submit a fence plan which specifies construction materials and specifications.
- (8) General Sales.
- (a) General retail sales, large format.
1. The Town Board makes the following finding relating to large-format retail sales: Abandoned buildings are a blighting influence on the community and large vacant stores are especially detrimental.
  2. Purpose. The provisions of this section are intended to prevent urban blight due to large vacant stores.
  3. Development agreement. Prior to issuance of a building permit for a large-format retail store, the property owner shall enter into a development agreement with the county, to run with the land, that includes all of the following:
    - a. A provision that prevents the owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other legitimate purpose.
    - b. A provision requiring long-term maintenance of the property including landscaping if the building is vacated.
    - c. A provision requiring the preparation of an adaptive reuse plan or a demolition plan by the property owner acceptable to the Plan Commission within 12 months of vacation.
    - d. A provision stating that the property owner within 24 months of vacation shall either begin demolishing the building and restoring the site consistent with the approved demolition plan and continue in good faith to completion or begin implementing the approved adaptive reuse plan and continue in good faith to completion.
    - e. Other provisions deemed necessary by the Plan Commission to address the particular circumstances related to the project.
  4. Vacation of existing buildings. When a large-format store is proposed as a replacement for another retail store already located in the county, the applicant shall not prohibit or otherwise limit, through contract or other legal device, the reuse of its former building.
- (b) Outdoor sales. Items offered for sale shall not be located within the setbacks established for the zoning district in which the use is located.
- (9) General Services.
- (a) Adult-oriented establishment.

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1. Findings. The Town Board makes the following findings regarding adult-oriented establishments:
  - a. Adult-oriented establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a causal nature, which may have a deleterious effect on the existing and planned commercial and residential uses in the surrounding area and result in a downgrading of property values as well as causing an increase in criminal activity. The serving or presence of alcohol within an adult-oriented establishment is likely to heighten the potential occurrence of such deleterious effects on the surrounding area.
  - b. The establishment of adult-oriented establishments within 600 feet of each other can create especially deleterious effects on existing and planned commercial and residential uses in the surrounding area.
  - c. The establishment of an adult-oriented establishment within 600 feet of certain land uses, including schools, worship facilities, libraries, parks, and other places where the public and especially children congregate, can conflict with those uses.
  - d. Concern over sexually transmitted diseases is a legitimate health concern of the Town of Winchester, which demands reasonable regulation of adult entertainment businesses in order to protect the health and wellbeing of the citizens.
  - e. The Town of Winchester desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread blight.
  - f. It is not the intent of this section to suppress any speech activities protected by the First Amendment of the U.S. Constitution but to enact regulations that address the negative secondary effects of adult-oriented establishments.
  - g. It is not the intent of the Town of Winchester to condone or legitimize the distribution of obscene material.
  - h. It is in the best interests of the Town of Winchester to minimize and control any adverse secondary effects of adult-oriented establishments within the Town while preserving the right of free speech and protecting First Amendment rights to all citizens and recognizing the rights of citizens to patronize and operate adult-oriented establishments.
2. Purpose. This section is intended to regulate adult-oriented establishments in order to promote the health, safety, and general welfare of citizens of the Town of Winchester, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the county. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the U.S. Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
3. Applicability. Upon any of the following events, an adult-oriented establishment shall comply with the provisions of this section:
  - a. The opening or commencement of an adult-oriented establishment.
  - b. The conversion of an existing business, whether or not a adult-oriented establishment, to an adult-oriented establishment.
  - c. The addition of an adult-oriented establishment to an adult-oriented establishment.

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- d. The relocation of an adult-oriented establishment.
  - e. The sale, lease, or sublease of an adult-oriented establishment.
  - f. The transfer of securities which constitute a controlling interest in an adult-oriented establishment, whether by sale, exchange, or similar means.
  - g. The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of an adult-oriented establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
4. Exclusions. This section does not apply to theaters, performing arts centers, civic centers, and dinner theaters where:
    - a. Live dance, ballet, music, and dramatic performances of serious artistic merit are offered on a regular basis.
    - b. The predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers.
    - c. The establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this section seeks only to minimize and prevent the secondary effects of adult entertainment businesses on the community. Negative secondary effects have not been associated with the aforementioned establishments listed in this part.
  5. Proximity to another establishment of the same kind. An adult-oriented establishment shall not be located within 600 feet of another adult-oriented establishment.
  6. Proximity to specified zoning districts. An adult-oriented establishment shall not be located within 600 feet of a parcel of land in a residential zoning district or a planned development district that allows residential uses.
  7. Proximity to other specified land uses.
    - a. An adult-oriented establishment shall not be located within 600 feet of any of the following:
      - i. Public library.
      - ii. Public playground or park, including nature trails, pedestrian/bicycle paths, wilderness areas, or other public lands open for recreational activities.
      - iii. Educational facility, including K-12 and post-secondary, but not including facilities used primarily for another purpose and only incidentally at a school.
      - iv. State licensed family day care home, group day care home, or day care center.
      - v. Worship facility.
      - vi. Any youth-oriented establishment.
      - vii. Tavern.
      - viii. Any commercial business, other than a tavern, holding a valid liquor license.
      - ix. Farm dwelling.
    - b. If one of these specified uses locates within this area of separation after the adult-oriented establishment has been granted a building permit or occupancy permit, the adult-oriented establishment shall not be required to relocate.
  8. Measurement of distances. For the purpose of this section, specified distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure containing the adult-oriented establishment, to the nearest property boundary line of the parcel with the specified use or to the specified zoning district. If an adult-oriented establishment is located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a city, village,

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county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

9. Sale of alcohol. An adult-oriented establishment shall not sell, distribute, or allow consumption of alcoholic beverages on the premises, unless the town in which it is located has passed a resolution allowing alcohol in such establishments and has sent a certified copy of the same to the Town Clerk.
  10. Building standards. All building openings, entries, and windows shall be located, covered, or screened in such manner so as to prevent the interior of such premise from being viewed from outside the establishment. An entry with a double set of doors may be used to meet this standard. Further, there shall be no display windows.
  11. Special provisions for adult cabarets. An adult cabaret shall close no later than the closing time as may be established for taverns by the town in which this use is located.
  12. Special provisions for adult motion picture theaters. An adult motion picture theater shall close no later than the closing time as may be established for taverns by the town in which this use is located. The viewing screen shall not be visible from a public park, road, street, highway, or residence. The premises shall be surrounded by a solid fence at least 8 feet in height. All theaters shall be in compliance with s. 134.46, Wis. Stats.
  13. Prohibitions. The property owner and the operator of an adult-oriented establishment shall ensure that minors, as defined by state law (s. 990.01(20), Wis. Stats.), are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited on the premises.
  14. Physical contact with an entertainer. During a performance, an entertainer shall not have physical contact with another individual. To prevent such physical contact, performances shall occur on a stage or on a table that is elevated at least 18 inches above the immediate floor level and shall not be less than 3 feet from any areas occupied by any patron. Patrons shall not be closer than 5 feet to an entertainer during a performance, including, but not limited to, during the payment of a tip or gratuity. An adult-oriented establishment existing before the effective date of this Chapter shall not have to reconstruct existing stages and tables to meet this requirement, but shall adhere to the prohibition against physical contact.
  15. Signage. Signs advertising an adult-oriented establishment shall conform with article 12 of this Chapter with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict specified sexual activities, specified anatomical areas, or both and provided further that there shall be no flashing or traveling lights located outside of the building.
  16. Special provisions related to review of application. As part of the review of a conditional use application for an adult-oriented establishment, the Plan Commission shall conduct an inventory of the surrounding area and population along with a study of the proposed development and plans for the area so as to enable the Plan Commission to make appropriate findings relating to the effect of the establishment of an adult-oriented establishment in that area.
- (b) Body-piercing establishment.
1. Locational standards. A body-piercing establishment shall not be located within 600 feet of another body-piercing establishment or a tattoo establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the body-piercing establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer

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boundary of such space (i.e. from the outer edge of the party wall or the exterior wall).

The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

2. Sale of alcohol. A body-piercing establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.
  3. Building standards. A patron who is being pierced shall not be visible from the exterior of the building through a window or entrance to the building.
  4. State license. Prior to the establishment of a body-piercing establishment, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license. In addition, each practitioner shall obtain a license from the state as required by state law and maintain such license while at the establishment or until the state no longer requires such license.
- (c) Commercial stable.
1. Minimum lot area. The minimum lot area for a commercial stable is 5 acres.
  2. Review parameters. As part of the review of the site plan and operation plan, the handling and disposal of animal waste generated by this use shall be addressed along with required setbacks from adjoining properties and the maximum number livestock that may be kept on the premise.
- (d) Equipment rental, large. Outdoor display and storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.
- (e) Financial services. A payday loan business or auto title loan business shall not be located within 1,500 feet of another payday loan business or auto title loan business or within 150 feet of a single-family or two-family residential zoning district. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the payday loan business or auto title loan business to the outer wall of the building containing the other specified land use or, as appropriate, to the nearest property boundary line of a parcel in the specified zoning district. The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section. If a payday loan business or auto title loan business is operating on the effective date of this Chapter and does not comply with the locational standards in this section, such business may continue to operate at that location.
- (f) General repair. All activities related to this use shall occur within a building, except when the parcel of land is located in an industrial zoning district.
- (g) Health care center.
1. Access requirements. The primary access to a health care center shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
  2. Transition when allowed as a conditional use. When a health care center is allowed as a conditional use, an appropriate transition shall be required between this use and an adjoining use.
- (h) Landscape business. Outdoor work areas, parking areas, and storage of equipment and materials related to a landscape business shall not be located within the setbacks established for the zoning district in which the use is located.
- (i) Tattoo establishment.
1. Locational standards. A tattoo establishment shall not be located within 600 feet of another tattoo establishment or a body-piercing establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening



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structures or objects, from the nearest portion of the exterior wall of the building containing the tattoo establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

2. Sale of alcohol. A tattoo establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.
  3. Building standards. A patron who is being tattooed shall not be visible from the exterior of the building through any window or entrance to the building.
  4. State license. Prior to the establishment of a tattoo establishment, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license. In addition, each practitioner shall obtain a license from the state as required by state law and maintain such license while at the establishment or until the state no longer requires such license.
  5. County license. Prior to the establishment of a tattoo establishment, the operator shall obtain a license from the Winnebago County Health Department and any other county department as may be required and maintain such license for the life of the use or until the county no longer requires such license.
- (j) Veterinary clinic, general. The standards applicable to animal shelters apply to general veterinary clinics.
- (k) Veterinary clinic, small animal. The standards applicable to animal shelters apply to small animal veterinary clinics.
- (10) Recreation and Entertainment.
- (a) Golf course. Club houses and maintenance buildings shall be located at least 300 feet from a property in a residential zoning district.
  - (b) Outdoor entertainment.
    1. Hours of operation. The reviewing authority may establish hours of operation for this use when the operation may negatively affect surrounding properties.
    2. Site design considerations. The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.
  - (c) Outdoor recreation.
    1. Hours of operation. The Plan Commission may establish hours of operation for this use when the operation may negatively affect surrounding properties.
    2. Site design considerations. The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.
  - (d) Outdoor shooting range.
    1. Hours of operation. An existing or new outdoor shooting range shall not operate between the hours of 11:00 p.m. and 6:00 a.m., except that this use restriction shall not apply to:
      - a. A law enforcement officer as defined in s. 165.85(2), Wis. Stats.
      - b. A member of the U.S. armed forces.
      - c. A private security person as defined in s. 440.26(1m), Wis. Stats., who meets all of the requirements under s. 167.31(4)(a)4, Wis. Stats.
    2. Incidental sales. An outdoor shooting range may offer items for sale or rental as listed in this subsection provided the totality of such sales and/or rental activity is clearly incidental to the overall operation of the shooting range. The following may be offered for retail sale:
      - a. Targets.
      - b. Ammunition.

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- c. Devices for hearing and eye protection.
    - d. Other items directly related to the shooting of firearms on the premises.
    - e. Pre-packaged food and drink items.
  - 3. The following may be offered for rental for use on the premises:
    - a. Devices for hearing and eye protection.
    - b. Guns.
    - c. Other items directly related to the shooting of firearms on the premises.
- (11) Government and Community Services.
  - (a) Animal shelter.
    - 1. Confinement of animals. All animals shall be continuously confined within an enclosed building. In an industrial zoning district or in an agricultural zoning district, this use may also include a fenced exercise area provided:
      - a. It is at least 200 feet from a property in a residential zoning district or a mixed-use zoning district.
      - b. No animal shall be allowed in the exercise area from sunset to sunrise.
    - 2. Noise control. The building shall be designed and operated so that noise from the animals at the facility cannot be heard beyond the property boundary line of the parcel of land on which it is located.
  - (b) Cemetery.
    - 1. Minimum size. A cemetery shall be at least 3 acres.
    - 2. Location of burial plots. Burial plots shall not be located within 50 feet of a public street right-of-way, in a designated floodplain, or in a wetland area, nor shall interment occur below the groundwater table.
    - 3. Marker required. A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot, unless the Plan Commission allows an unmarked grave due to exceptional circumstances.
    - 4. Casket required. The deceased shall be enclosed in a casket or other durable container.
    - 5. Name required. The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.
    - 6. Financial guarantee. Prior to the establishment of this use, the property owner shall submit a financial guarantee to the town in which the use is located, consistent with any requirement the town board may adopt. This financial guarantee shall relate to the long-term upkeep and maintenance of the cemetery.
  - (c) Civic use facility. The primary access to a civic use facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
  - (d) Community center. The primary access to a community center with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
  - (e) Community cultural facility. The primary access to a community cultural facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
  - (f)
  - (g) Maintenance garage. Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.
  - (h) Worship facility. The primary access to a worship facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

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- (12) Utilities, not including Mobile Towers.
- (a) Solar energy system. This section is reserved.
1. The Town of Winchester Zoning Ordinance will conform in all respects with State Regulations Relating to Solar and Wind Energy Systems, 66.0410, Wis. Stats.
- (b) Telecommunications facility, concealed.
1. Applicability. The provisions of this section apply to all telecommunication facilities, except for the following:
    - a. Supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater facilities, pump stations, and similar facilities with heights not exceeding 35 feet.
    - b. Antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
    - c. Amateur radio antennas and support structures that are less than 70 feet in height.
    - d. An antenna or tower that is installed on an existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the antenna or tower adds no more than 20 feet to the height of the structure.
    - e. Portable antennas that are used in broadcasting public information coverage of news events of a temporary nature.
    - f. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices.
    - g. Mobile Towers, as described in Chapter 17.48.
  2. Federal requirements. A telecommunication facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.
  3. Equipment buildings. The exterior of equipment buildings, shelters, and cabinets exceeding 200 cubic feet shall be covered with building materials typically used on buildings found in the area.
- (c) Telecommunication facility, unconcealed.
1. Purpose. This section promotes the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities, and is intended to accomplish the following purposes, to the full extent permitted by law:
    - a. Protect the visual character of the county from the potential adverse effects of telecommunication facilities.
    - b. Ensure against the creation of visual blight within or along the county's scenic corridors and ridgelines.
    - c. Retain local responsibility for and control over the use of public right-of-ways to protect citizens and enhance the quality of their lives.
    - d. Ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided.
    - e. Create and preserve telecommunication facilities that will serve as an important and effective part of the county's emergency response network.
  2. Applicability. The provisions of this section apply to all telecommunication facilities, except for the following:

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- a. Supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater facilities, pump stations, and similar facilities with heights not exceeding 35 feet.
  - b. Antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
  - c. Amateur radio antennas and support structures that are less than 70 feet in height.
  - d. An antenna or tower that is installed on an existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the antenna or tower adds no more than 20 feet to the height of the structure.
  - e. Portable antennas that are used in broadcasting public information coverage of news events of a temporary nature.
  - f. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices.
  - g. Temporary antennas that are specifically related to a special event of regional significance.
  - h. Mobile Towers, as described in Chapter 17.48.
3. Required agreement. If the tower operator does not also own the property on which the tower is to be located, the property owner shall submit a copy of a signed agreement between the tower operator and the property owner with the application. Such agreement shall be binding on future property owners and future operators and shall address the requirements for termination of approval as specified in this section.
  4. Federal requirements. A telecommunication facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.
  5. Location of tower on property. The tower shall be located on the property so the entire fall zone of the tower is contained on the subject property.
  6. Yard setbacks. A tower or antenna and support facilities shall not be located in the yard setback established for the zoning district in which the parcel is located.
  7. Tower type. A tower established after the effective date of this Chapter shall be a monopole. Lattice towers and guy-wire supported towers are specifically prohibited except when used for public safety or for radio towers.
  8. Security fencing. A tower and all related structures, such as equipment buildings, shelters, and cabinets, shall be enclosed by a security fence.
  9. Color and finish. The exterior surface of a tower and an antenna shall be non-reflective and may be painted blue, white, gray, or other neutral color as approved by the Plan Commission.
  10. Lighting. A tower or antenna shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting shall be the least obtrusive to the surrounding views.
  11. Equipment buildings. The exterior of equipment buildings, shelters, and cabinets exceeding 200 cubic feet shall be covered with building materials typically used on buildings found in the area.
  12. Required signage on towers. A sign no larger than 18 inches by 24 inches shall be placed in a visible location near the base of the tower that lists the following information:
    - a. The name of the tower owner.

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- b. The Federal Communications Commission identification number.
  - c. A telephone number to contact in case of an emergency.
13. Accommodation of other users on new towers (collocation). A tower that is approved after the effective date of this Chapter, along with the tower site and all support facilities and appurtenances, shall accommodate at least two additional users, unless the Plan Commission determines that evidence presented by the tower operator demonstrates it is not technically feasible to do so. Further, the tower operator and their successors in interest shall allow other users to use the tower, the tower site, support facilities, and appurtenances at fair market rates as negotiated by those parties. If the Plan Commission determines the tower operator has made access to the tower and tower site unfeasible, the Plan Commission shall notify the tower operator via registered mail of such determination. If the tower operator does not take corrective action within 45 days of such determination, the permit for that tower shall become null and void and the tower shall be removed and the site restored within 90 days of such determination.
14. Availability of suitable existing towers or other structures. No new unconcealed tower shall be permitted after the effective date of this Chapter, unless the property owner demonstrates to the reasonable satisfaction of the reviewing authority that no existing or planned tower or structure can accommodate the applicant's proposed antenna.
- a. Such evidence may consist of any of the following:
    - i. No existing or planned towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
    - ii. Existing or planned towers or structures are not of sufficient height to meet applicant's engineering requirements and cannot be made taller.
    - iii. Existing or planned towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be modified to support the additional load.
    - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on an existing or planned tower or structure, or the antenna on an existing or planned tower or structure would cause interference with the applicant's proposed antenna.
    - v. The fees, costs, or contractual provisions required by the owner in order to share an existing or planned tower or structure or to adapt an existing or planned tower or structure for sharing are unreasonable. Costs that exceed the cost of establishing a new tower are presumed to be unreasonable.
    - vi. The applicant demonstrates that there are other limiting factors that render existing and planned towers and structures unsuitable.
  - b. If such evidence is submitted, the Plan Commission may, at the applicant's expense, hire a qualified expert in the field to review the documentation to provide an independent analysis.
15. Financial security for removal of tower. Prior to the issuance of a building permit authorizing construction of a tower, the property owner shall provide a financial guarantee in a form and in an amount acceptable to the Plan Commission. Such financial guarantee shall be maintained until the tower is removed and the site restored or at such time that is mutually agreeable to the property owner and the Plan Commission. If the county exercises its right to use the financial guarantee and the amount of the financial guarantee does not cover the cost of removing the tower and restoring the site, the balance shall constitute a lien against the property as authorized by state law.

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16. Unsafe conditions. If the Plan Commission determines that a tower is unsafe or otherwise defective, the administrator shall follow the procedure outlined in Sec. 17.53 of this Chapter relating to unsafe conditions.
  17. Termination of approval. If the Plan Commission determines that all of the antennas on a tower have not been operated for a continuous period of 12 months, the administrator shall follow the procedure outlined in Sec. 17.54 of this Chapter relating to termination of the approval.
  18. Review requirements for antennas. Antennas placed on a tower as a collocation and related ground facilities may occur with the review and approval of a building plan, site plan, and plan of operation.
  19. Antenna upgrades. Antennas on an existing tower may be upgraded without special approval provided the new antennas do not exceed the number or size of the existing antennas and are generally placed where the existing antennas are located.
  20. Nonconformity. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute an expansion of a nonconforming use or structure.
- (d) Utility installation, minor. A minor utility installation that also includes a security fence is considered a major utility installation.
- (e) Utility maintenance yard. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district and 50 feet from a property in a commercial or mixed-use zoning district.
- (13) Transportation Facilities.
- (a) Airport. All buildings, outdoor airplane or helicopter storage areas, and other activity areas shall be located at least 100 feet from the perimeter of the airport property.
  - (b) Bus storage facility. Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.
  - (c) Mass transit terminal. The primary access to a mass transit terminal shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
  - (d) Off-site parking lot.
    1. Access requirements. The primary access to an off-site parking lot shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
    2. Cut-through traffic. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
  - (e) Parking structure. Snow chutes shall be placed in a location causing the least amount of impact on surrounding properties.
  - (f) Park-and-ride lot. The primary access to a park-and-ride lot shall be located in close proximity to a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
- (14) General Storage.
- (a) Boat yard. Outdoor storage areas and other activity areas shall not be located within a yard setback for the zoning district in which the use is located.
  - (b) Personal storage facility.
    1. Minimum lot area. The lot on which a personal storage facility is located shall be at least one acre in size.
    2. Access. The access to a cubicle shall not open directly onto a public road right-of-way.

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3. Surfacing of travelways. Driveways, interior aisles, and walkways shall be concrete or asphaltic concrete, except as may be allowed in this subsection. The Plan Commission may allow gravel surfaces as a special exception and require, as a condition of approval, additional buffer yard and landscaping requirements deemed necessary to provide adequate screening between this use and adjoining properties.
  4. Storage of prohibited substances. No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
  5. Uses. Only uses that are accessory to storage shall occur. No portion of the site shall be used for fabrication, repair, or any similar use or for human habitation.
  6. Design. The personal storage facility shall be designed so as to minimize adverse visual impacts on nearby properties. The color, exterior materials, and orientation of proposed buildings and structures shall complement existing and anticipated development in the surrounding area. A personal storage facility in a commercial zoning district shall meet the architectural requirements of this Chapter.
  7. Fencing of outdoor storage area. An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence.
  8. Setback of outdoor storage area. Outdoor storage areas shall comply with the building setback standards for the zoning district in which the use is located.
- (c) Truck terminal.
1. Setback of outdoor storage area. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.
  2. Control of fugitive dust. As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use shall be addressed.
- (d) Warehouse.
1. Setback of outdoor storage area. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.
  2. Control of fugitive dust. As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.
- (15) Industrial Uses.
- (a) Artisan shop. When an artisan shop is located in a commercial or mixed-use zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.
- (b) Batching plant associated with a nonmetallic mine.
1. Prerequisite use. A batching plant in this instance shall only be allowed as an ancillary use to a nonmetallic mine that was previously approved under this Chapter.
  2. Setback requirements. A batching plant shall be located at least 300 feet from a property in a residential zoning district and 200 feet from a property in a commercial or mixed-use zoning district.
  3. Termination of approval. If the Plan Commission determines that the nonmetallic mine with which the batching plant is associated is permanently closed, it shall follow the termination of approval procedure outlined in this Chapter.
  4. Restoration plan. As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the property that will be disturbed and how those areas will be restored following the cessation of the batching plant.
  5. Financial guarantee. Prior to the establishment of a batching plant, the property owner shall submit a financial guarantee in a form acceptable to the Plan Commission and in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project. If the county exercises its right to use the

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financial guarantee to restore the property and the amount of the financial guarantee does not cover such costs, the difference between the amount of the guarantee and the actual cost shall constitute a lien against the property as authorized by state law.

- (c) Biofuels production plant.
  - 1. Access. The primary point of access to the subject property with a biofuels production plant shall be off of a public road classified as an arterial or a higher classification.
  - 2. Fugitive dust. Primary internal roads, as determined by the reviewing authority, shall be paved. Secondary internal roads, as determined by the reviewing authority, shall be treated to minimize the amount of fugitive dust generated on site.
  - 3. Fuel storage tanks. All fuel storage tanks shall be located within an impermeable containment levee system as may be required by state or federal rule or regulation.
- (d) Construction equipment repair. Outdoor storage areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district. When allowed in a commercial zoning district, all repair work shall occur within an enclosed building. When allowed in an industrial zoning district, repair work may be conducted out-of-doors.
- (e) Construction equipment sales and rental. Display areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.
- (f) Contractor yard.
  - 1. Lot area requirements. There are no minimum lot area requirements for a contractor yard.
  - 2. Limitations on equipment. There are no limitations on the number of trucks, trailers, or other heavy equipment.
  - 3. Storage of material. When a contractor yard is located next to a property in a residential, mixed-use, or commercial zoning district, exterior storage of construction materials, wastes, and the like shall be screened with a solid, 6-foot high fence and such materials shall not be placed higher than the height of the fence.
- (g) Industrial, heavy.
  - 1. Distance to specified features. Outdoor storage areas and other activity areas related to this use shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.
  - 2. Material storage. No materials shall be stacked or otherwise stored so as to be visible over buffer yard screening elements from a property in a residential zoning district.
- (h) Industrial, light.
  - 1. Location of materials and activities. All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  - 2. Material storage. No materials shall be stacked or otherwise stored so as to be visible over buffer yard screening elements from a property in a residential or mixed-use zoning district.
- (i) Nonmetallic mine.
  - 1. Exemptions. The following activities shall not be considered a nonmetallic mine:
    - a. Operations affecting less than 5 acres and for the exclusive on-site use of the property owner.
    - b. Pre-mining activities, such as site surveying, coring, mapping and other functions necessary solely for proper preparation of the permit application.
    - c. Excavation in conjunction with a utility installation, which is to be backfilled.
    - d. Excavation within the limits of a public right-of-way in conjunction with road construction or reconstruction, when construction plans have been approved by the Wisconsin Department of Transportation or other governmental authority.



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- e. Excavation which by nature is of limited duration, such as graves, septic tanks, and swimming pools.
  - f. Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
  - g. Excavation for structures and parking areas.
  - h. Stripping of up to 1.5 feet of topsoil for the development of subdivisions, following subdivision approval.
  - i. Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
  - j. Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers or other governmental authority.
  - k. Ponds developed for wildlife purposes in conjunction with the Natural Resources Conservation Service or the Winnebago County Land and Water Conservation Department.
  - l. Excavation related to sod farming.
  - m. Any mining operation, the reclamation of which is required in a permit obtained under ss. 144.80—144.94, Wis. Stats., pertaining to metallic mining.
  - n. Activities conducted at a solid or hazardous waste disposal site required to prepare, operate, or close a solid waste disposal facility under ss. 144.435—144.445, Wis. Stats., or a hazardous waste disposal facility under ss. 144.60—144.74, Wis. Stats., for the exception of mineral extraction operations conducted for the purpose of lining, capping, or covering such disposal site.
  - o. Any other use determined to be exempt by the Plan Commission.
2. Air quality. The operator of a nonmetallic mine shall comply with ch. NR 415, Wis. Admin. Code, with regard to particulate emissions.
  3. Blasting. The operator of a nonmetallic mine shall comply with ch. Comm. 7, Wis. Admin. Code, when explosives are used for blasting.
  4. Reclamation. The operator of a nonmetallic mine shall comply with Chapter 20 of the general code of Winnebago County.

Exhibit 17.1: Permissible hours of operation for a nonmetallic mine.			
Proximity of Site to Specified Uses	Day	Standard Hours of Operation	Extended Hours of Operation With Approval of Plan Commission
Property boundary line of the site is located within 500 feet of a residence or commercial establishment open to the public	Monday through Friday	From 6:00 a.m. to 6:00 p.m.	From 6:00 p.m. to 10:00 p.m.
	Saturday	From 6:00 a.m. to 2:00 p.m.	From 2:00 p.m. to 7:00 p.m.
Property boundary line of the site is not located within 500 feet of a residence or commercial establishment open to the public	Monday through Friday	From 6:00 a.m. to 6:00 p.m.	From 6:00 a.m. to 10:00 p.m.
	Saturday	From 6:00 a.m. to 6:00 p.m.	From 6:00 a.m. to 10:00 p.m.

5. Minimization of noise, dust, and vibrations. Roads, machinery, and equipment shall be located, constructed, and used in such a manner as to minimize noise, dust, and vibrations.

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6. Hours of operation. A nonmetallic mine shall not be operated on Sunday and may be operated Monday through Saturday during the standard hours of operation specified in Exhibit 8-8 based on the proximity of the site to a residence or commercial establishment open to the public. Upon written request, the Plan Commission may authorize specific activities past the standard hours of operation but no later than the hour specified in Exhibit 17.1 for limited or temporary periods taking into account the proximity and nature of adjoining uses and the extent of noise, dust, and vibration associated with the activity. Such approval shall be in writing and shall specify the time period the extended hours of operation are in effect, the activities that are permitted, and conditions, if any, the Plan Commission may impose to address off-site effects.
7. Setbacks. The following setback requirements shall apply to a nonmetallic mine:
  - a. No operations or activities, including berm construction, shall be conducted within 200 feet of any right-of-way line or within 200 feet of any exterior boundary of the site where a residence is located within 500 feet of the perimeter of the site.
  - b. The Plan Commission may authorize berm construction and related site preparation as a temporary activity, for a specific time period, to within 25 feet of the perimeter of the site for those operations lawfully existing before the effective date of this Chapter. Exemptions may be authorized by the Plan Commission for berms located closer than 25 feet from the perimeter of the site for those operations lawfully existing before the effective date of this Chapter.
  - c. The Plan Commission may authorize continued vertical removal of materials to within 50 feet of the perimeter of the site for those operations lawfully existing before the effective date of this Chapter.
  - d. In no event shall any operations or activities, except berm construction and related site preparation activities, be conducted within 50 feet of the perimeter of the site. In exercising their authority under this subsection, the Plan Commission may impose reasonable conditions including more stringent hours of operation, landscaping, and fencing.
  - e. The Plan Commission may authorize a reduction in the 200-foot or the 50-foot setback requirement where the extraction will not go below either the grade of the adjacent road, or the adjoining property boundary line, and where blasting is not used. In applying the provisions of this section, the Plan Commission may reduce the setbacks as deemed appropriate, and may impose other operational requirements necessary to offset any potential effect of the reduced setback.
  - f. When a nonmetallic mine adjoins another nonmetallic mine, a setback as provided in this part is not required along the common property boundary line when both operators agree in writing and such agreement is submitted to and approved by the Plan Commission as to form and content.
8. Plan of operation. A nonmetallic mine, including those that existed before the effective date of this Chapter, shall prepare a plan of operation for the site that includes the following:
  - a. A statement of ownership of the parcel and control of the operations.
  - b. A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right of way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.

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- c. Cross sections of the site, drawn to scale, that show the vertical extent of existing and proposed excavations.
- d. The estimated volume of materials to be removed from the site.
- e. A description of the methods and equipment that will be used to extract, process, or otherwise handle earth materials.
- f. The location and operation of proposed processing and storage areas.
- g. The purpose and locations of any on-site ponds.
- h. A phasing plan, if the mine operation and reclamation will be completed in phases.
9. Term of permit. A permit shall be issued for a term of 6 years, renewable for terms of 6 years. Any activity conducted in compliance with a current permit which subsequently becomes noncompliant during the term of the permit by reason of surrounding development may continue for the remainder of the term of the current permit.
10. Transfer of permit. When an operator succeeds to the interest of another in an uncompleted site, the Town of Winchester shall release the present operator of the responsibilities imposed by the permit only if:
  - a. Both operators are in compliance with the requirements and standards of this section.
  - b. The new operator assumes the responsibility of the former operator's permit requirements.
11. Special requirements for nonmetallic mines in "Arsenic Area." When a nonmetallic mine is entirely or partially located within the area denoted as "Arsenic Area" on the zoning map, or a supplemental map, and mining activities are planned to occur below the water table, the following requirements shall apply:
  - a. The mine operator shall submit a written report to the Town Clerk that describes the proposed pumping activities.
  - b. The mine operator shall submit a monitoring plan, as prepared by a state-certified hydrogeologist, to the Plan Commission for review and approval. Such plan shall be designed to establish baseline conditions related to the proposed pumping activities and to monitor the potential negative effects of the activities on groundwater and surface water once pumping commences. At least three monitoring wells shall be used to determine baseline and future conditions, including such parameters as groundwater elevation, direction of flow, levels of arsenic in the groundwater, and other related attributes.
  - c. The state-certified hydrogeologist, or another person approved by the Plan Commission, shall collect data from the approved well sites for at least 3 years prior to the proposed pumping activity and submit a written report ("baseline report") containing such data to the Plan Commission.
  - d. The state-certified hydrogeologist, or another person approved by the Plan Commission, shall submit quarterly reports to the Plan Commission that are prepared consistent with the approved monitoring plan.
  - e. If the Plan Commission determines that data in the baseline report or other documentary evidence, or both indicates that the proposed pumping is likely to have an unacceptable negative effect on groundwater or surface water, the pumping shall not be allowed. If the Plan Commission authorizes the pumping, but later determines that data in one or more of the quarterly reports or other documentary evidence, shows that the pumping is having an unacceptable effect on groundwater or surface water, the Plan Commission shall have the authority to withdraw his or her prior approval and require cessation of the pumping or require the mine operator to make changes in the way the water is pumped, collect additional monitoring data related to the pumping, or both.

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12. Potential impacts to certain water wells. If a mine operation adversely impacts an off-site water supply well, the mine operator shall repair or replace the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. This requirement applies to all water wells located within 1,320 feet of the outer extent of the excavation area which were completed prior to the approval of the mine operation or any expansion thereof. If an eligible property owner believes that the operation of the mine is having an adverse impact on his or her water well (hereafter referred to as the "claimant"), the claimant shall provide written notice to the mine operator and the Plan Commission explaining the nature and the extent of the alleged impact. Within 30 days of such notice, the mine operator shall send a written response to the claimant and the Plan Commission that either provides evidence rejecting the claimant's assertion of adverse impact resulting from the mine operation or an amount of financial compensation for repairing or replacing the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. The claimant shall have 7 days to accept or reject the mine operator's response including the amount of compensation, if an amount was offered. If the claimant rejects the mine operator's response, he or she may submit a written response to the mine operator and the Plan Commission that includes evidence supporting his or her assertion of adverse impact and the amount for repairing or replacing the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. If the claimant provides such response, the Plan Commission shall review the materials submitted by both the mine operator and the claimant at a public meeting within 45 days of receiving the claimant's response, and render a decision within 30 days of such meeting. If the Plan Commission determines that the mine operations are having an adverse impact on the claimant's well, it shall establish a cost for repairing or replacing the well to provide the same quantity and quality of groundwater obtained from the well prior to the mining operation. If the mine operator does not provide the specified amount of compensation in a timely manner, the county may utilize the financial guarantee as required under this section for such purposes.
  13. Financial guarantee. Prior to the commencement of any on-site work, the mine operator shall provide a financial guarantee to the county in a form acceptable to the Plan Commission and in an amount equal to \$3,200 for each domestic well that is located within 1,320 feet of the area to be mined and the estimated replacement cost for each nondomestic water well that is located within 1,320 feet of the area to be mined. If the county exercises its right to use the financial guarantee for the work authorized in this section and the amount of the financial guarantee does not cover such costs, the difference between the amount of the guarantee and the actual cost shall constitute a lien against the property as authorized by state law.
  14. Supplemental application materials. In addition to the materials typically submitted for site plan review, the following shall be provided as part of the application:
    - a. A topographic map of the subject property and the surrounding area, having a contour interval of 4 feet or less.
    - b. A map depicting vegetation, soils, and existing conditions including on-site structures.
    - c. A map depicting property boundary lines within 1,600 feet of the area to be mined and water supply wells within 1,320 of the area to be mined including the type of well (e.g., domestic, industrial, or agricultural), well depth, static water level if known, and owner name.
    - d. One or more cross-sections showing the extent of the nonmetallic deposits to be mined, the proposed depth of removal, and the location of the water table.
- (j) Salvage yard.

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1. Proximity to other specified property. All buildings, structures, and outdoor storage areas and any other activity areas shall be located at least 600 feet from a property in a residential, mixed-use, or commercial zoning district.
  2. Hazardous materials. Hazardous materials shall not be stored or handled.
  3. Buffer yard. In addition to the buffer yard requirements in article 9 of this Chapter, the reviewing authority may, as part of the site plan review process, require additional buffer yard requirements deemed necessary to provide adequate screening between this use and adjoining properties.
  4. Fence. A 6-foot solid fence, subject to approval by the reviewing authority, shall be located around the perimeter of the area used to store salvage materials.
  5. Fence plan. As part of the site plan review application, the applicant shall submit a fence plan which specifies construction materials and specifications.
  6. Compliance with state law. A salvage yard located within 1,000 feet of a right-of-way of an interstate or primary highway shall comply with the requirements of s. 84.31, Wis. Stats., and any administrative rule adopted pursuant to that section.
- (16) Solid Waste Facilities.
- (a) Composting facility.
    1. Licensing. A composting facility shall comply with all county, state, and federal regulations.
    2. Distance to specified features. A composting facility shall not be located within 600 feet of a residential zoning district, a mixed-use zoning district, an educational facility, a worship facility, or any other place where the public congregates.
    3. Setbacks. All buildings, structures, and activity areas shall be located at least 100 feet from the perimeter of the site.
  - (b) Recycling center. When located in an I-1 zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  - (c) Solid waste landfill.
    1. Road access requirements. The primary access to a solid waste landfill shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
    2. Compliance with other regulations. A solid waste landfill shall comply with all applicable state and federal rules and regulations governing this use.
  - (d) Solid waste transfer station.
    1. Road access requirements. The primary access to a solid waste transfer station shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
    2. Location of materials and activities. All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.
    3. Distance to specified features. A solid waste transfer station shall not be located within 600 feet of a residential zoning district, a mixed-use zoning district, an educational facility, a worship facility, or any other place where the public congregates.
- (17) Live/work Units.
- (a) Any use permitted in the zoning district applicable to the property is permitted in the live/work unit.
  - (b) Live/work units at street level are prohibited where single-purpose residential structures are prohibited.
  - (c) Where permitted, live/work units located at street level are subject to the following development standards:

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1. A minimum of 80% of a structure's street front facade at street level shall be occupied by nonresidential uses.
  2. A minimum of 51% of the portion of a structure's street front facade that contains required nonresidential use shall be at or above sidewalk grade.
  3. In districts where live/work units are permitted at street level, the live/work unit shall have a minimum floor-to-floor height of thirteen feet.
  4. In districts where live/work units are permitted at street level, parking for live-work units on neighborhood commercial streets and in mixed-use zones is prohibited in front of the building.
  5. Live/work units must have at least two exits.
  6. Within each live/work unit, the living area shall not exceed one-third of the total floor area of the unit.
- (d) At least one resident in each live/work unit shall maintain a valid business license for any business otherwise requiring a license in the Town of Winchester.
- (e) Parking. See Chapter 17.53(10).

**17.46 Accessory Use Standards for Zoning Districts.** The following accessory use standards shall apply unless otherwise noted. All maps shall be consistent with the Town of Winchester 'Map Guidelines.'

- (1) Adult Family Home. Prior to the establishment of an adult family home, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license.
- (2) Amateur Radio Antenna.
  - (a) The Town Board makes the following findings regarding amateur radio antennas:
    1. The placement of amateur radio station antennas and support structure of unregulated height and type could have a negative impact on surrounding properties and especially on the smallest of lots allowed in the county.
    2. Pursuant to s. 59.69(4f), Wis. Stats., the regulations in this section constitute the least restrictive measures needed to promote community aesthetics, public health, and safety while allowing amateur radio communications.
  - (r) Number. Antennas shall be placed on no more than one support structure, such as a tower or on top of a building.
  - (s) Type of tower. An antenna may be placed on a monopole or lattice tower.
  - (t) Anti-climbing measures required. If a tower is used to support the antenna, the tower shall have anti-climbing measures to prevent unauthorized climbing.
  - (u) Setback. An antenna shall not be located in a street yard.
  - (v) Setback requirements. The center of the antenna shall be no closer than 110 percent of the total height of the antenna to a property boundary line and overhead electric lines.
- (3) Automated Teller Machine (ATM).
  - (a) Security. An ATM shall be readily visible so as to maintain a proper level of safety for patrons.
  - (b) Lighting. Proper lighting levels shall be maintained 24 hours a day for security purposes.
  - (c) Location. An ATM shall not be located within a yard setback or buffer yard.
- (4) Backyard Chickens.
  - (a) Number. No more than 4 chickens may be kept.
  - (b) Roosters. The keeping of roosters is prohibited.
  - (c) Slaughter of chickens prohibited. The slaughter of chickens on the premises is prohibited.
  - (d) Enclosure requirements. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

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- (e) Setback requirements. The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.
  - (f) Registration required. The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.
- (5) Bed and Breakfast.
- (a) Local license. Prior to the establishment of a bed and breakfast, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.
  - (b) State license. Prior to the establishment of a bed and breakfast, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.
  - (c) Type of dwelling. A bed and breakfast shall only occur within a single-family dwelling.
  - (d) Number of allowable guest rooms. No more than 6 guest rooms shall be offered.
  - (e) Residency requirement. The operator of a bed and breakfast shall reside within the single-family dwelling during the time period when rooms are offered.
  - (f) Exterior character of the dwelling unit. The exterior appearance of the building shall not be altered from its single-family appearance.
  - (g) Food preparation. No food preparation or cooking shall be allowed in guest rooms.
  - (h) Meals. Meals shall only be offered to overnight guests.
  - (i) Maximum stay. The maximum stay for any occupants shall be 14 consecutive days.
  - (j) Record of guests. The operator shall keep a listing showing the names of all guests. This list shall be kept on file for a period of one year. Such list shall be available for inspection by county officials at any time upon request.
  - (k) Compliance. Bed and breakfast establishments in the Town of Winchester shall comply in all respects with the requirements of Wisconsin DHS 197: Bed and Breakfast Establishments.
- (6) Boat Dock.
- (a) A boat dock shall comply with all rule and regulations established in state statutes and administrative rules established pursuant to those statutes.
- (7) Boathouse.
- (a) Other permits. The property owner shall obtain all necessary permits from the Wisconsin Department of Natural Resources, United States Army Corps of Engineers, and other regulatory agencies as may be required.
  - (b) Allowable uses. The use of a boathouse is limited to the storage of watercraft and related equipment. A boathouse shall not be used for human habitation.
  - (c) Yard setbacks. A boathouse may be located within a shore yard setback, but shall be no closer than 5 feet to the ordinary high-water mark of the stream, lake, pond, or wetland on which it fronts. A boathouse shall not be closer than 3 feet to a side property boundary line.
  - (d) Number. No more than one boathouse shall be located on a parcel of land.
  - (e) Maximum floor area. The floor area of a boathouse shall not exceed 500 square feet.
  - (f) Access door. A boathouse shall have a garage-type door at least 7 feet wide for primary access on the side of the building facing the water. Where water frontage is all marsh and access to open water is not possible, the zoning administrator may waive this requirement at the time of permitting and approve an alternative location for the door.
  - (g) Decks and similar features. Decks and screened in areas are prohibited.
  - (h) Plumbing fixtures. A boathouse may contain plumbing for 2 sinks and one toilet, provided such fixtures are connected to an approved wastewater system.

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- (i) Use of flat roof. If the boathouse has a flat roof, the rooftop area may be used as an outdoor living area, provided the roof is designed for such use and otherwise meets applicable building codes (e.g., safety railing). The top of the railing shall not be higher than the maximum height for accessory buildings in the zoning district in which it is located.
- (j) Construction standards. A boathouse shall be placed on a continuous perimeter foundation that extends below the frost line or on a concrete slab.
- (8) Commercial Truck Parking. No more than one licensed commercial vehicle, along with one equipment trailer for ancillary equipment (e.g., skid steer, back-hoe), shall be stored out-of-doors on a residential lot. Examples of commercial vehicles include school buses, dump trucks, cargo trucks, and tractor-trailers (cab and trailer). Such vehicles and equipment trailers shall be fully operative and in active commercial use.
- (9) Electric Vehicle Infrastructure.
  - (a) Intent. The intent of this section is to facilitate the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such use necessitates.
  - (b) Definitions. For the purposes of this Section, the following definitions shall apply:
    1. Accessible electric vehicle charging station. Means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
    2. Battery charging station. Means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
    3. Battery electric vehicle. Means any vehicle that operates exclusively on electrical energy from an off-board source (generally, the electric grid) that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.
    4. Charging levels. Means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:
      - a. Level-1: Voltage from 0 through 120; considered slow charging.
      - b. Level-2: Voltage from 120 through 240; considered medium charging.
      - c. Level-3: Voltage greater than 240; considered fast or rapid charging.
    5. Electric vehicle. Means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source (generally, the electric grid, that is stored on-board via a battery for motive purpose. Electric vehicle includes:
      - a. A battery electric vehicle.
      - b. A plug-in hybrid electric vehicle.
    6. Electric vehicle charging station. Means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
    7. Electric vehicle charging station – private restricted use. Means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
    8. Electric vehicle charging station – public use. Means an electric vehicle charging station that is:
      - a. Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking).
      - b. Privately owned and available to visitors of the use (e.g., shopping center parking).



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9. Electric vehicle infrastructure. Means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
  10. Electric vehicle parking space. Means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
  11. Non-electric vehicle. Means any motor vehicle that does not meet the definition of electric vehicle.
  12. Plug-in hybrid electric vehicle. Means an electric vehicle that:
    - a. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor.
    - b. Charges its battery primarily by connecting to the grid or other off-board electrical source (generally, the electric grid).
    - c. May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator.
    - d. Has the ability to travel powered by electricity.
- (c) Permitted locations.
1. Level-1 and Level-2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at one-family, multiple-family, and mobile home park dwellings shall be designated as private restricted use only.
  2. Level-3 electric vehicle charging stations are permitted in the A-1, A-2, B-1, B-2, B-3, I-1, and I-2 districts, when accessory to the primary permitted use.
  3. Level-3 electric vehicle charging stations require a conditional use permit in the M-1 district.
  4. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station for zoning purposes. Such a use shall be located in zoning districts that permit gasoline service stations and shall require a conditional use permit.
- (d) General requirements for M-1, B-1, B-2, B-3, I-1, and I-2 parking.
1. An electric vehicle charging station space may be included in the calculation for any minimum required parking spaces.
  2. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only.
  3. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (e) Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.
- (f) Equipment Standards and Protection.
1. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
  2. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
  3. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
- (g) Usage Fees. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.

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- (h) Signage.
  - 1. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner.
  - 2. When a sign provides notice that a parking spaces a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this subsection, “charging,” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.
- (i) Maintenance. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.
- (10) Exterior Communication Device (receive-only antenna).
  - (a) Number. No more than 2 exterior communication devices shall be located on a parcel of land.
  - (b) Requirements for satellite dish. A satellite dish shall not be larger than 36 inches in diameter. If ground mounted, the satellite dish shall not be mounted higher than 6 feet above the ground surface. If a satellite dish is mounted on a building, it shall not extend more than 6 feet above the roof line.
  - (c) Requirements for radio/television antenna. A ground-mounted radio/television antenna shall not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television antenna shall not extend more than 15 feet above the roofline.
- (11) Family Day Care Home. Prior to the establishment of a family day care home, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.
- (12) Farm Building Storage.
  - (a) Expansion. The building housing this use may not be enlarged to increase the storage area.
  - (b) Alteration of building. The building may not be altered to accommodate this use, except as may be specifically permitted by the reviewing authority as part of the conditional use process.
  - (c) Exterior storage prohibited. All storage shall occur within the farm building (i.e., no outside storage).
- (13) Farm Residence. A farm residence shall comply with the standards for single-family dwellings in this Chapter.
- (14) Fence.
  - (a) Applicability. The requirements of this section apply to a fence more than 30 inches in height constructed or rebuilt after the effective date of this Chapter and which are located in a planned development district or on a parcel, wholly or partially, located in one of the following base zoning districts:
    - 1. R-1 Rural Residential.
    - 2. R-2 Suburban Residential.
    - 3. Two-Family Residential.
    - 4. R-4 Multi-Family Residential.
    - 5. Manufactured/Mobile Home Community.
    - 6. M-1 Mixed Use.

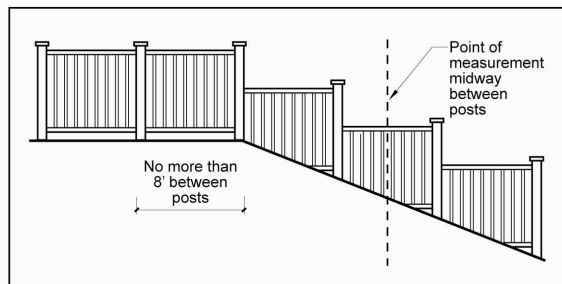
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7. B-1 Local Services.
  8. B-2 Community Business.
  9. B-3 General Business.
  10. I-1 Light Industrial.
  11. I-2 Heavy Industrial.
  12. PDD Planned Development District.
- (b) Measurement of fence height. The height of a fence shall be measured from the adjoining ground surface to the top of the fence material (i.e., not the fence post, pole, or column).
- (c) General construction specifications. A fence shall meet the following construction specifications:
1. Width. With the exception of vertical supports, the width of a fence shall not exceed 14 inches.
  2. Height. The top of a fence shall not exceed the height listed in Exhibit 17.2, provided a fence used to enclose horses shall not exceed a height of 5 feet. Where a fence is located on a slope and is stepped, each section shall not be wider than 10 feet and the height shall be measured in the middle of the stepped section (Exhibit 17.3). The Plan Commission may approve as a conditional use a fence in a commercial zoning district that is higher than the height specified in Exhibit 17.2, but no more than 10 feet. The Plan Commission may allow a fence that does not meet the height requirements in this section when placed around a utility installation, telecommunication tower, or similar facility when required for security or related purposes.

Location	Residential Districts	Mixed-Use District	Business Districts	Industrial Districts
Street yard	4 ft.	4 ft.	4 ft.	10 ft.
Side yard	6 ft.	6 ft.	8 ft.	10 ft.
Rear yard	6 ft.	6 ft.	8 ft.	10 ft.

3. Orientation. All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.
4. Materials. A fence shall be constructed of building materials commonly used for fence construction in the region, except for those specifically prohibited in this section. A fence located in a street yard shall have a maximum opacity of 50 percent. All other fences may be solid from the ground to the maximum height. Snow fences constructed of wood or plastic shall be permitted only as temporary fences.
5. Vertical supports. A vertical support, such as a post or column, shall not exceed 24 inches in width or extend more than 24 inches above the top of the highest point of the adjoining fence.
6. Arbors. An arbor may extend above a pedestrian walkway provided it is not taller than 9 feet, wider than 5 feet, or deeper than 3 feet.

Exhibit 17.3: Special standards for a stepped fence.



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7. Trellises. A trellis may be incorporated into the overall design of a fence provided no part is taller than 8 feet and does not extend for more than 10 percent of the length of the side on which it is located.
  - (d) Location specifications. A fence shall meet the following locational specifications:
    1. A fence shall not be located in a shore yard setback.
    2. A fence may be placed up to a property boundary line, except that a fence shall not be closer than 2 feet to a public road right-of-way or other property boundary line when adjoining a public pedestrian walkway or the like.
    3. A fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority may remove such fence at the property owner's expense, is not liable for any damage to the fence, and is not responsible for the reconstruction of the fence.
    4. A fence shall not be located within a drainage easement. Upon written petition, the Plan Commission may allow a fence in a drainage easement when it can be shown that the fence will not restrict the flow of stormwater and the easement holder does not object.
  - (e) Special standards for fencing around a swimming pool. A fence may be located around a swimming pool provided it meets the standards in the most current edition of ANSI/IAF-8 as promulgated by the American National Standards Institute and Association of Pool and Spa Professionals that relate to barriers and fencing.
  - (f) Special standards for fencing around a sport court. A fence may be located around a sport court, provided it meets the following standards:
    1. The fence shall not exceed 12 feet in height.
    2. The fence shall not be located within a setback line.
    3. Any portion of the fence above 6 feet in height shall be an open woven wire.
  - (g) Special standards for temporary fencing. A temporary fence may be placed around a construction site for the duration of the construction project with a valid building permit.
    1. Modification of stormwater flow. A fence shall not impede the natural flow of stormwater.
  - (h) Barbed wire fencing. Barbed wire fencing is prohibited except as follows:
    1. Three or fewer courses of barbed wire may be installed above the top line of a 6-foot high chain link fence when located in an industrial zoning district.
    2. Barbed wire may be used to contain livestock as may be allowed in the zoning district.
  - (i) Electric fencing. An electric fence is prohibited except when used to contain livestock as may be allowed in the zoning district.
    1. Electric fences may only be used between agricultural and residential properties when agreeable to both parties.
    2. Fences adjoining residential parcels must be screened by a non-electric fence with no less than two (2) feet of space separating the fences.
  - (j) Maintenance. A fence shall be maintained in a structurally sound manner.
- (15) Foster Home and Treatment Foster Home (operated as an accessory use). Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.
- (16) Garage, Nonresidential.
- (a) Size. The footprint of the garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the building containing the primary use.
  - (b) Type of construction. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.
  - (c) Exterior materials. Exterior materials shall be the same as, or substantially the same as, those used on the principal building.

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- (17) Garage, Off-site Residential.
- (a) The Town Board makes the following findings regarding off-site residential garages:
    - 1. There are pre-existing residential lakefront lots in the Town that are too small or too narrow to allow the construction of a two-car garage.
    - 2. While not necessarily desirable, necessity dictates that special provisions should be made to allow the construction of an off-site garage so long as all of the standards in this section can be met.
  - (b) Minimum requirements for establishment of an off-site residential garage. An off-site residential garage may be established only if each of the following initial standards can be met:
    - 1. The lakefront lot is too small or too narrow to accommodate a two-car garage of approximately 576 square feet (24 feet by 24 feet).
    - 2. The lot with the off-site residential garage is located on the road providing access to the lakefront lot and is generally located across from the lakefront lot.
  - (c) Limitation on number of off-site residential garages associated with a lakefront lot. A lakefront lot shall not be associated with more than one off-site residential garage.
  - (d) Reduction of permissible accessory buildings on lakefront lot. The floor area of accessory buildings on the lakefront lot and the floor area of the off-site residential garage shall not exceed the total floor area of accessory buildings otherwise permitted on the lakefront lot. Furthermore, the number of accessory buildings on the lakefront lot and the off-site residential garage shall not exceed the total number of accessory buildings otherwise permitted on the lakefront lot.
  - (e) Deed restriction required. Prior to the issuance of a zoning permit authorizing the construction of an off-site residential garage, the property owner shall file an agreement and deed restriction with the register of deeds for Winnebago County, as approved by the Plan Commission, that prohibits the sale of the lot with the off-site residential garage separately from the lakefront lot to which it is associated (i.e., both lots must be sold together).
  - (f) Outdoor storage prohibited. No items or material of any kind shall be stored out-of-doors on a lot with an off-site residential garage.
  - (g) Use as part of a home occupation. No portion of an off-site residential garage shall be used for a home occupation except to store related motor vehicles.
  - (h) Accessory buildings prohibited. No additional buildings may be located on a lot with an off-site residential garage.
- (18) Garage, Residential.
- (a) Location. A garage may be attached to the residence or detached. A garage is permissible only in the rear yard or side yard in a residential zoning district.
  - (b) Type of construction. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.
  - (c) Exterior materials. Exterior materials shall be the same as, substantially the same as, or complement those materials used on the building that houses the residential use.
- (19) Greenhouse. A greenhouse may be established subject to limitations generally applicable to accessory buildings.
- (20) Home Occupation, Major.
- (a) Validity of use. The individual primarily responsible for operation of the major home occupation shall reside in a dwelling unit on the parcel.
  - (b) Location and space limitation. The major home occupation may occur within the dwelling unit or within an accessory building located on the lot, or both. The space specifically designated for use of the major home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit. A major home occupation may also be located in a residential garage located on the lot, provided at least one bay is reserved for parking a full-size motor vehicle.

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The establishment of a major home occupation does not authorize the property owner to construct a garage or other accessory building that does not otherwise comply with this Chapter.

- (c) Exterior character of building. The exterior character of the building housing the major home occupation shall not be altered to accommodate such use.
  - (d) Storage of materials. Exterior storage of materials or equipment is allowed, but shall be screened from view from adjoining residentially-zoned properties.
  - (e) Limitation on number of on-site workers. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.
  - (f) Retail sales. Items produced on site may be sold at retail.
  - (g) Limitations on business vehicles. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.
  - (h) Nuisance. A major home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.
  - (i) Prohibited uses. The following uses do not qualify as a major home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.
  - (j) Special exception for an operator with a disability. The Plan Commission may approve an exception to any of the requirements in this section when the operator has a temporary or permanent disability and the major home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the major home occupation in a reasonable manner.
  - (k) Multiple home occupations. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.
- (21) Home Occupation, Minor.
- (a) Validity of use. The individual primarily responsible for operation of the minor home occupation shall reside in the dwelling unit on the parcel.
  - (b) Location and space limitation. The minor home occupation shall occur entirely within the dwelling unit. The space specifically designated for use of the minor home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.
  - (c) Exterior character of building. The exterior character of the building housing the minor home occupation shall not be altered to accommodate such use.
  - (d) Storage of materials. Exterior storage of materials or equipment is prohibited.
  - (e) Limitation on number of on-site workers. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit.
  - (f) Retail sales. On-site retail sale of merchandise is prohibited.
  - (g) Limitations on business vehicles. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.
  - (h) Nuisance. A minor home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.
  - (i) Prohibited uses. The following uses do not qualify as a minor home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.
  - (j) Special exception for an operator with a disability. Consistent with the procedures and requirements of article 7 of this Chapter, the Plan Commission may approve a special

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exception to any of the requirements in this section when the operator has a temporary or permanent disability and the minor home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the minor home occupation in a reasonable manner.

- (k) Multiple home occupations. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.
- (22) Hot Tub.
- (a) A hot tub shall not be located in a street yard or in a setback of a side yard.
  - (b) Decking. Decking is considered an integral part of a hot tub and shall comply with all setback requirements.
  - (c) Draining of water. Water that is drained out of a hot tub shall not flow onto adjoining property, into a wetland, or into a sewer without the approval of the public works director or equivalent.
  - (d) Area. The area occupied by a swimming pool and hot tub shall not exceed 30 percent of the area of the parcel of land.
  - (e) Design specifications. A hot tub shall meet the most current standards published by the National Spa and Pool Institute (NSPI) and the American National Standards Institute (ANSI) including those for plumbing, electrical service, sanitation, fencing, security, and safety.
- (23) Household Livestock.
- (a) Minimum lot area. No livestock shall be kept on a lot less than 2.5 acres.
  - (b) Number of animals. The maximum number of animals allowed on any given parcel shall be set by the Winnebago County Land and Water Conservation Department in compliance with Chapter 13 of the general code of Winnebago County.
  - (c) Building setback requirements. New barns, stables, and other similar buildings used to house or otherwise confine livestock shall observe the building setback standards established for the zoning district in which it is located plus an additional 10 feet.
  - (d) Enclosure required. Livestock shall be confined within a fence or other suitable enclosure.
- (24) Indoor Sales Incidental to Storage or Light Industrial Use.
- (a) Maximum floor area. The total floor area devoted to indoor sales shall not exceed 25 percent of the total floor area of the building.
  - (b) Required separation. The area devoted to retail sales shall be physically separated from those areas used for industrial purposes by an interior wall.
- (25) Keeping of Bees.
- (a) Notwithstanding any other provision of this Chapter, Bees may be kept in the A-1 Agribusiness District and A-2 General Agricultural District as a permitted use and in the R-1 Rural Residential District and R-2 Suburban Residential District upon approval of a conditional use permit under Chapter 17.53.
  - (b) Any person found in violation of this Section shall be subject to enforcement procedures and penalties under Chapter 17.55 and Chapter 17.58.
  - (c) The keeping of Bees shall comply in all respects with the following:
    - 1. No Bees shall be intentionally kept and maintained other than Mason Bees or Honey Bees.
    - 2. No hive shall exceed 20 cubic feet in volume.
    - 3. An ever-present supply of water shall be provided for all hives.
    - 4. The Town Clerk shall be notified immediately if a hive swarms. The Owner is responsible for tracking and managing the swarm and notifying affected landowners.
    - 5. On R-1 and R-2 lots:
      - a. No more than two hives may be kept on a residential zoning lot.

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- b. Hives shall not be located on vacant lots.
  - c. Hives shall be located in the back or rear yard in a sunny location.
  - d. No hive shall be located closer than ten feet from any property line of a residential district lot.
  - e. No hive shall be located closer than ten feet from a public sidewalk or 25 feet from a principal building on an abutting lot in different ownership.
  - f. The area around the hive(s) shall be kept clean of hive scrapings to avoid attracting wasps, nuisance insects, and animals.
  - g. Signage shall be posted informing that Bees are kept on the property. Such signage shall conform to the following:
    - i. Signs shall be no smaller than 7" x 10" and printed in a font size clearly legible to the general public.
    - ii. Signs shall be placed at location(s) visible to all adjoining parcels.
    - iii. Signs shall be posted to a fence or semi-permanent post at a height no lower than 4' and no higher than 6'.
    - iv. Signs shall be made of aluminum, heavy-duty plastic, or vinyl laminate.
    - v. Signs shall be composed of black writing on a yellow background.
    - vi. Signs shall include the words 'Caution' or 'Warning' in large block letters at the top and 'Bees', 'Honeybees', 'Beehives', or similar below.
  - h. A flyway barrier at least six feet in height shall shield any part of a property line of a lot in different ownership that is within 25 feet of a hive. The flyway barrier must effectively direct Bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation, or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded. The barrier shall further comply with Chapter 17.46(13) if located on or adjacent to the property line.
- (26) Kennel, Hobby.
- (a) Location. A hobby kennel shall not be located in the setback of a street yard.
  - (b) Number of animals allowed. There is no limitation on the number of dogs that may be kept in a hobby kennel.
- (27) Kennel, Private.
- (a) Location. A private kennel shall not be located in the setback of a street yard.
  - (b) Number of animals allowed. No more than 3 dogs over the age of 6 months shall be kept in a private kennel.
- (28) Light Industrial Use Incidental to Indoor Sales/Service.
- (a) Maximum floor area. The total floor area devoted to the light industrial activity shall not exceed 15 percent of the total floor area of the building, or 5,000 square feet, whichever is less.
  - (b) Required separation. The area devoted to the light industrial activity shall be physically separated by a wall or partition from other activity areas.
- (29) Outdoor Display Incidental to Indoor Sales.
- (a) Maximum size of service area. The size of the display area shall not be more than 25 percent of the gross floor area of the principal building.
  - (b) Location of display area. The display area shall be located on the same parcel of land as the indoor sales or on an adjoining parcel. The display service area shall not be located in a public right-of-way, a required landscape area, a buffer yard, or the setback of a street yard, side yard, shore yard, or rear yard.
- (30) Outdoor Food and Beverage Service.



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- (a) Maximum size of service area. The size of the outdoor service area shall not be more than 50 percent of the floor area of the restaurant or tavern.
  - (b) Location of service area. The outdoor service area shall be located on the same parcel of land as the restaurant or tavern or on an adjoining parcel. The outdoor service area shall not be located in a public right-of-way, a required landscape area, a buffer yard, or the setback of a street yard, side yard, shore yard, or rear yard.
  - (c) Special restrictions when adjacent to a residentially-zoned parcel. If the outdoor service area is in close proximity to a property in a residential zoning district, the following restrictions apply:
    - 1. Alcoholic beverages. Alcoholic beverages shall only be served with a meal.
    - 2. Hours of use. No person shall occupy the outdoor service area after 9:30 p.m.
  - (d) Consistency with state liquor license. No alcoholic beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the town, explicitly states that consumption is permitted within the outdoor service area.
  - (e) Entrance to service area if alcoholic beverages are served. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means.
  - (f) Restroom requirements. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.
- (31) Outdoor Furnace.
- (a) Placement. An outdoor furnace shall not be placed closer than 50 feet to the property boundary line of the parcel of land on which it is located or within a yard setback. Furthermore, an outdoor furnace shall not be located in the street yard.
  - (b) Minimum standard. An outdoor furnace installed after insert effective date of Chapter, shall be rated as a Phase I appliance based on criteria established by the U.S. Environmental Protection Agency.
  - (c) Subsequent change in zoning designation. If a property owner submits an application to change the zoning designation of a parcel of land with an outdoor furnace to another designation that does not allow an outdoor furnace and the Town Board approves the requested change, the outdoor furnace shall cease to operate upon enactment of the ordinance changing the designation.
- (32) Parking Lot (on-site). A parking lot shall comply with all setback requirements as may be established for the zoning district in which it is located.
- (33) Play Structure. A play structure shall not be located in a street yard.
- (34) Rural Accessory Structure. The property owner shall comply with all requirements for an accessory structure as may be established for the zoning district in which it is located.
- (35) Service Window, Drive-up.
- (a) Crosswalks. A pedestrian crosswalk shall be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.
  - (b) Length of queue lane. The lane leading up to a drive-up service window shall be of sufficient length so that at the anticipated customer peak, all motor vehicles waiting in queue will be entirely on the premises.
  - (c) Curbing. Menu boards, canopy supports, and the like shall be separated from the vehicle use area by a raised curb.
  - (d) Location. A drive-up service window shall only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district.

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- (36) Service Window, Walk-up. A walk-up service window shall not be located within 8 feet of a setback of a street yard, side yard, shore yard, or rear yard.
- (37) Solar Energy System, Building-mounted.
- (a) This section is reserved.
  - (b) The Town of Winchester Zoning Ordinance will conform in all respects with State Regulations Relating to Solar and Wind Energy Systems, 66.0410, Wis. Stats.
- (38) Solar Energy System, Free-standing.
- (a) This section is reserved.
  - (b) The Town of Winchester Zoning Ordinance will conform in all respects with State Regulations Relating to Solar and Wind Energy Systems, 66.0410, Wis. Stats.
- (39) Storage Container.
- (a) Location. A storage container on a commercially-zoned parcel of land shall:
    - 1. Not be located in a parking area required by this Chapter.
    - 2. Only be located between the back of the building and rear property boundary line.
    - 3. Observe the setback requirements for the zoning district in which it is located, and
    - 4. Not be located in a buffer yard as may be required by this Chapter.
  - (b) Stacking prohibited. Storage containers shall not be stacked one on top of another.
  - (c) Character. A storage container shall be structurally sound and in good repair.
  - (d) Signage. A storage container shall not be used for signage.
- (40) Swimming Pool.
- (a) Location. A swimming pool shall not be located in a street yard or in the setback for the side yard, rear yard, or shore yard.
  - (b) Decking. Decking is considered an integral part of a swimming pool and shall comply with all setback requirements.
  - (c) Draining of water. Water that is drained out of a swimming pool shall not flow onto adjoining property, into a wetland, or into a sewer without the approval of the public works director or equivalent.
  - (d) Area. The area occupied by a swimming pool and hot tub shall not exceed 30 percent of the area of the parcel of land.
  - (e) Design specifications. A swimming pool shall meet the most current standards published by the National Spa and Pool Institute (NSPI) and the American National Standards Institute (ANSI) including those for plumbing, electrical service, sanitation, fencing, security, and safety.
- (41) Utility Cabinet.
- (a) Number limited. No more than 4 utility cabinets shall be located on a parcel of land. Five or more utility cabinets on a parcel of land shall be considered a minor utility installation. A utility cabinet is considered an accessory use in all situations and may be placed on private property and public property, such as a public right-of-way.
  - (b) Setbacks. A utility cabinet is exempt from yard setback standards as may be established for the zoning district in which this use is located.
  - (c) Placement on public property. Prior to establishing a utility cabinet on public property under the jurisdiction of a town, Winnebago County, or the state of Wisconsin, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.
  - (d) Placement on private property. Prior to establishing a utility cabinet on private property, the operator and property owner shall establish a proper lease or easement governing the use of the property for this purpose and submit the same to the zoning administrator for his or her approval.
  - (e) Placement in a stormwater easement. Prior to establishing a utility cabinet within a stormwater management easement under the jurisdiction of a town, the county, or the state, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.

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(42) Yard shed. No more than one yard shed shall be placed on a parcel of land.

**17.47 Temporary Use Standards for Zoning Districts.** The following temporary use standards shall apply unless otherwise noted. All maps shall be consistent with the Town of Winchester 'Map Guidelines.'

- (1) Agricultural Product Sales, Off-site.
  - (a) Size limitation. If a structure or building is used, the ground area shall not exceed 100 square feet.
  - (b) Hours of operation. The sale of items shall not occur before 9:00 a.m. or after 30 minutes past sunset.
  - (c) Number. No more than one stand is allowed on any one premises.
- (2) Agricultural Product Sales Retail, On-site.
  - (c) Limitation on sales. Products offered for sale shall be produced on the premises.
  - (d) Use of structure. A structure may be used to store or display products and for sales, provided the following conditions are met:
    1. Term of use. The structure is only used from April 1 through November 30 and is removed no later than December 10.
    2. Floor area. The floor area of the structure shall not exceed 500 square feet.
    3. Structure height. The height of the structure shall not exceed 12 feet.
    4. Location. The structure shall be located at least 100 feet from a property in a residential zoning district. The structure may be located within the front yard setback area, but no closer than 15 feet to the front property boundary line.
- (3) Earth Materials Stockpile.
  - (a) Hours of operation. When the earth materials stockpile is located in a residential zoning district, equipment used to load, move, or process materials shall only be used between the hours of 7:00 a.m. and 7:00 p.m.
  - (b) Term of use. As part of the building, site, and operation plan review, the reviewing authority may establish the maximum length of time this use may operate.
- (4) Farmers Market.
  - (a) Hours of operation. The display of products and sales shall only occur between the hours of 8:00 a.m. and 30 minutes past sunset.
  - (b) Removal and clean up. Within 24 hours following the close of the farmers market, all features solely associated with the farmers market shall be removed and all trash and debris shall be removed.
- (5) General Outdoor Sales.
  - (a) Duration of use. A parcel of land shall be used for general itinerant outdoor sales for no more than 12 days in a calendar year.
  - (b) Hours of operation. The display of products and sales shall only occur between the hours of 9:00 a.m. and 30 minutes past sunset.
  - (c) Removal and clean up. Within 24 hours following the termination of the sale, all features associated with the sale shall be removed and all trash and debris shall be removed.
- (6) Model Home.
  - (a) Generally. A model home may be established when the residential project is developed by a single developer and the project will have more than 25 dwelling units available for sale in the first two phases.
  - (b) Appearance. The building used as a model home shall be of the same type and character as the dwelling units being offered for sale within the development.
  - (c) Duration of use. The model home shall be closed when 80 percent of the dwelling units of the entire development have been sold.

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- (d) Limitation on use. The model home is intended to facilitate the sale of residential housing units in the development in which it occurs and off-site sales activity shall be clearly incidental. The sales staff shall be limited to 2 licensed real estate agents and one support staff. The model home may be furnished but shall not be occupied as a residence.
- (7) Off-site Construction Yard.
  - (a) Site restoration. As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the property that will be disturbed and how those areas will be restored following the cessation of this temporary use.
  - (b) Setback requirements. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district and 20 feet from a property in a commercial or mixed-use zoning district.
  - (c) Financial guarantee. Prior to the establishment of an off-site construction yard, the property owner shall submit a financial guarantee in a form acceptable to the zoning administrator and in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project. If the county exercises its right to use the financial guarantee to restore the property and the amount of the financial guarantee does not cover such costs, the difference between the amount of the guarantee and the actual cost shall constitute a lien against the property as authorized by state law.
- (8) On-site Construction Office.
  - (a) Generally. An on-site construction office may be established for commercial and industrial construction projects and for a multifamily building of 8 or more dwelling units.
  - (b) Duration of use. An on-site construction office shall be removed within 10 days after the date of issuance of the last occupancy permit for the building under construction.
  - (c) Location. An on-site construction office shall be placed in a location with the least impact to adjoining property owners.
  - (d) Limitation on use. The use of an on-site construction office shall be limited to construction management activities associated with the construction activities occurring on the parcel of land on which it is located.
- (9) On-site Construction Yard.
  - (a) Generally. An on-site construction yard may be established for commercial and industrial construction projects and for a multifamily building of 8 or more dwelling units.
  - (b) Duration of use. On-site project material storage shall be removed within 10 days after the date of issuance of the last occupancy permit for the building under construction.
  - (c) Location. On-site project material storage shall be placed in a location with the least impact to adjoining property owners.
  - (d) Size limitations. The area dedicated for on-site project material storage shall not exceed 10 percent of the gross area of the parcel.
- (10) Portable Storage Container.
  - (a) Duration. A portable storage container shall not be located on a parcel of land for more than 90 days during any 9-month period.
  - (b) Location. A portable storage container shall not be located in the front or side yard setback established for the zoning district in which this use occurs, except when placed in a driveway.
  - (c) Maximum floor area. The cumulative floor area of one or more portable storage containers shall not exceed 250 square feet.
  - (d) Limitation on use. When located in a residential zoning district, a portable storage container shall only be used to store household goods during an on-site construction/remodeling project or when used to move household goods to another location.
- (11) Relocatable Building.

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- (a) Location. A relocatable building shall conform to all setback requirements.
  - (b) Building code. A relocatable building shall conform to all applicable building code requirements.
  - (c) Architectural review. A relocatable building shall not be subject to the architectural standards in division 8 of this Chapter.
- (12) Seasonal Product Sales.
- (a) Duration of use. Merchandise shall not be sold any sooner than 30 days prior to the date of the seasonal event. Cleanup and removal of all related items shall be completed within 2 days following the date of the seasonal event.
  - (b) Removal and clean up. Within 24 hours following the termination of the sale, all features associated with the sale and trash and debris of all kinds shall be removed from the site.
- (13) Snow Disposal site. Snow shall not be stored within 100 feet of a navigable waterbody or within 75 feet of a wetland that is mapped on the county's online mapping system.
- (14) Special Event.
- (a) Sanitation. The operator shall comply with sanitation requirements as may be established by the Winnebago County Health Department.
  - (b) Setbacks. No portion of the property within the setbacks established for the zoning district shall be used for a special event.
- (15) Special Event Camping.
- (a) Applicability. Special event camping shall only occur with a special event of regional significance as recognized by the Plan Commission.
  - (b) Duration of use. Special event camping shall be permitted no more than 5 days prior to the official start of the special event of regional significance and no later than 5 days after the official close of the event.
  - (c) Sanitation. The operator shall comply with sanitation requirements as may be established by the Winnebago County Health Department.
  - (d) Setbacks. No portion of the property within the setbacks established for the zoning district shall be used for camping purposes.
  - (e) Removal and clean up. Within 24 hours following the termination of this use, all features associated with this use and trash and debris of all kinds shall be removed from the site.
- (16) Special Event Concessions.
- (a) Applicability. Special event concessions shall only occur with a special event of regional significance as recognized by the Plan Commission.
  - (b) Duration of use. Special event concessions shall be operated no more than 8 hours prior to the official start of the special event of regional significance and no later than 8 hours after the official close of the event.
  - (c) Sanitation. The operator shall comply with sanitation requirements as may be established by the Winnebago County Health Department.
  - (d) Setbacks. No activity related to special event concessions, including food preparation or service, seating areas, and sanitation, shall occur within the setbacks established for the zoning district in which this use is located.
  - (e) Removal and clean up. Within 24 hours following the termination of this use, all features associated with this use and trash and debris of all kinds shall be removed from the site.
- (17) Special Event Parking.
- (a) Applicability. Special event parking shall only occur with a special event of regional significance as recognized by the Plan Commission.

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- (b) Duration of use. Special event parking shall be permitted no more than one day prior to the official start of the special event of regional significance and no later than one day after the official close of the event.
  - (c) Setbacks. No portion of the property within the setbacks established for the zoning district shall be used for parking purposes.
  - (d) Removal and clean up. Within 24 hours following the termination of this use, all features associated with this use and trash and debris of all kinds shall be removed from the site.
- (18) Wind Test Tower. Pursuant to s. 66.0401(3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. If the Plan Commission, County Board of Supervisors, or the town in which the wind test tower is located determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Public Service Commission requesting the imposition of reasonable restrictions on such use.
- (19) Yard sale. A yard sale shall not be operated for more than 3 consecutive days. There shall be at least 60 days between the last day of a yard sale and the first day of a subsequent yard sale.

**17.48 Mobile Tower Siting Regulations**

- (1) Purpose. The purpose of this Section is to regulate by zoning permit:
  - (a) The siting and construction of any new mobile service support structure and facilities.
  - (b) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
  - (c) With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- (2) Authority. The Town Board has the specific authority under Chapters 60.61 and 66.0404, Wis. Stats., to adopt and enforce this Chapter.
- (3) Definitions. All definitions contained in Chapter 66.0404(1), Wis. Stats., are hereby incorporated by reference.
- (4) Siting and Construction of Any New Mobile Service Support Structure and Facilities.
  - (a) Application Process.
    - 1. A permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Town obtainable with this permit.
    - 2. A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:
      - a. The name and business address of, and the contact individual for, the applicant.
      - b. The location of the proposed or affected support structure.
      - c. The location of the proposed mobile service facility.
      - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
      - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

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- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
  3. A permit application will be provided by the Town upon request to any applicant.
  4. If an applicant submits to the Town an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  5. Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:
    - a. Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinance.
    - b. Make a final decision whether to approve or disapprove the application.
    - c. Notify the applicant, in writing, of its final decision.
    - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  6. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 17.48(4)(a)2.f of this Chapter.
  7. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, the zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
- (b) Upon submittal of a complete application, payment of a fee as set forth in the Town Fee Schedule.
- (5) Class 1 Collocation.
- (a) Application Process.
    1. A Conditional Use Permit is required for a Class 1 collocation.
    2. An application for a Conditional Use Permit must be completed by any applicant and submitted to the Town. The application must contain the following information:
      - a. The name and business address of, and the contact individual for, the applicant.
      - b. The location of the proposed or affected support structure.
      - c. The location of the proposed mobile service facility.
      - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

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- e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A permit application will be provided by the Town upon request to any applicant.
  4. If an applicant submits to the Town an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  5. Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:
    - a. Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinance.
    - b. Make a final decision whether to approve or disapprove the application.
    - c. Notify the applicant, in writing, of its final decision.
    - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  6. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 17.48(4)(a)2.f of this Chapter.
  7. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in the zoning ordinance, the zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
- (b) Upon submittal of a complete application, payment of a fee as set forth in the Town Fee Schedule.
- (6) Class 2 Collocation.
- (a) Application Process.
    1. A zoning permit is required for a Class 2 collocation. A class 2 collocation is a permitted use in the Town but still requires the issuance of the zoning permit.
    2. An application must be completed by any applicant and submitted to the Town. The application must contain the following information:
      - a. The name and business address of, and the contact individual for, the applicant.
      - b. The location of the proposed or affected support structure.



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- c. The location of the proposed mobile service facility.
  3. A permit application will be provided by the Town upon request to any applicant.
  4. A Class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject as per the Town Code.
  5. If an applicant submits to the Town an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the Town shall consider the application complete. If any of the required information is not in the application, the Town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  6. Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 45 day period:
    - a. Make a final decision whether to approve or disapprove the application.
    - b. Notify the applicant, in writing, of its final decision.
    - c. If the application is approved, issue the applicant the relevant permit.
    - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (b) Upon submittal of a complete application, payment of a fee as set forth in the Town Fee Schedule.
- (7) **Penalty Provisions.** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to enforce further violations.

**17.49 Transitional Residential Overlay**

- (1) **Purpose.** The purpose of the Transitional Residential Overlay (TRO) is to implement the Transitional Residential land use category as shown on the Town of Winchester Comprehensive Plan Future Land Use Map adopted in September 2016 and as amended from time to time.
- (2) **General.** The TRO is intended to preserve rural character, natural resource areas, farmland, and other large areas of open land, while allowing for market-based residential development. The TRO area, as defined on the future land use map, creates a gradual transition from the more densely developed Town core area to the predominantly agriculture and scattered residential development throughout the remainder of the township.
- (3) **Permitted uses.** The following uses are permitted in the TRO:
  - (a) Any use permitted in the R-1 Rural District.
- (4) **Permitted Accessory Uses.** The following accessory uses are permitted in the TRO:
  - (a) Any accessory use permitted in the R-1 District.
- (5) **Permitted Temporary Uses.** The following temporary uses are permitted in the TRO:
  - (a) Any temporary use permitted in the R-1 District.
- (6) **Conditional Uses.** The following uses require a conditional use permit in the TRO:
  - (a) Any use requiring a conditional use permit in the R-1 District.

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- (7) Conditional Accessory Uses. The following accessory uses require a conditional use permit in the TRO:
  - (a) Any accessory use requiring a conditional use permit in the R-1 District.
- (8) Conditional Temporary Uses. The following temporary uses require a conditional use permit in the TRO:
  - (a) Any temporary use requiring a conditional use permit in the R-1 District.
- (9) Regulations and Standards.
  - (a) Conservation subdivisions. All residential subdivision development within the TRO shall conform with the conservation design standards as presented in S.12 of Ordinance 27: Town of Winchester Land Division Regulations.
  - (b) Dimensional standards.
    - 1. Minimum lot size – 21,500 sq. ft. for unsewered lot; 12,000 sq. ft. for sewerred lot.
    - 2. Minimum lot width – 100 ft. for unsewered lot; 85 feet for sewerred lot.
    - 3. Minimum road frontage – 33 ft.
    - 4. Minimum separation between detached buildings – 10 ft.
  - (c) Minimum setback – 30 ft.
  - (d) Maximum building height.
    - 1. Principal building – 35 ft.
    - 2. Accessory building – 18 ft. to the midway point of the roof pitch permitted; in excess of 18 ft. but no greater than 35 ft. maximum peak height as a conditional use.
  - (e) Floor area.
    - 1. Principal building – 1,000 sq. ft.
    - 2. Accessory building – 1,500 sq. ft. permitted; in excess of 1,500 sq. ft. as a conditional use.
  - (f) Number of detached accessory buildings – no limitation.

**17.50 Site Plan Review**

- (1) Purpose. The Town Board recognizes that zoning, by itself, does not guarantee that new development will integrate into the community. Often, a legally-allowable use may, nonetheless, be incompatible with its proposed environment due to various design factors. Site plan review provides the Town with an opportunity to regulate development to ensure that structures and sites fit harmoniously into the surrounding environment.
  - (a) Permit Required. A site plan permit is required for any activity listed in sec. 17.50(2) of this Chapter.
- (2) Applicability. Except for buildings and accessory structures consistent with agricultural uses, a site plan permit shall be required for any of the following activities:
  - (a) New construction of a building or other structure within the following zoning districts:
    - 1. R-4 Multi-Family Residential.
    - 2. R-8 Manufactured/Mobile Home Community.
    - 3. B-1 Local Services.
    - 4. B-2 Community Business.
    - 5. B-3 General Business.
    - 6. I-1 Light Industrial.
    - 7. I-2 Heavy Industrial.
    - 8. PDD Planned Development (Overlay) District.
  - (b) Expansion of an existing use in any of the above named zoning districts that involves a floor space increase of 20% or more within any 10-year period.
  - (c) Change of business or other activity that requires an increase of 10% or more in the number of off-street parking spaces.

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- (d) Alteration or expansion of an existing parking lot that affects greater than 10% of the total number of parking spaces.
- (e) Remodel or exterior alteration of any building or other structure, the cost of which exceeds five (5) percent of the structure's total fair market value as determined by the Permit Issuer.
- (3) Initiation of Process: Payment of Fee. The site plan review process shall be initiated prior to the commencement of any site disturbing activities such as grading, filling, vegetation removal, etc. associated with the proposed activity. Payment of the appropriate fee, as set forth by the Town Board's schedule of fees, shall be made at the time of the preapplication conference.
- (4) Pre-application Conference. To assist the Town and the applicant in the site plan review process, an applicant for site plan review may arrange for a preapplication conference with the Town Board Chair, Permit Issuer, and/or selected Planning Commissioners by submitting forms and sketch plans as prescribed by the Permit Issuer prior to submission of a formal application. A preapplication conference need not include extensive field inspection or correspondence. The purposes of the preapplication conference are to bring about an informal discussion regarding a proposed project, and to assist the applicant by identifying the following:
  - (a) Requirements for submittal, including any other types of permits necessary to complete the proposal.
  - (b) Applicable community plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
  - (c) Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
  - (d) The discussion at the preapplication conference shall not bind or prohibit the community's future enforcement or application of its codes and ordinances.
- (5) Formal Application. Application for site plan review shall include the documents described under 'Submission Requirements' below as may be required by the Planning Commission at its discretion. The site plan shall be consistent with the Town of Winchester 'Guidelines for Bufferyards and Landscaping.' All maps shall be consistent with the Town of Winchester 'Map Guidelines.' A copy of the site plan shall be given by the applicant to the Town Clerk to be kept on file for public inquiry. After the application is determined to be complete for purposes of further processing, the Commission may transmit copies of the site plan documents to the Permit Issuer, Plan Commission or other consultant(s), official(s) as deemed necessary, in order to solicit comments. The reviewing officials shall then submit written comments to the Commission within 21 days concerning the potential impacts of the proposed development on the objectives listed under "Standards of Review" below, and any recommended conditions or remedial measures to accommodate or mitigate these expected impacts. Failure of any of the aforementioned parties to respond within the allotted time shall be interpreted as approval of the site plan as proposed.
- (6) Submission Requirements. A site plan shall be prepared on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written narrative. The Permit Issuer or other decision-making body may require any of the following items as part of the formal site plan submission:
  - (a) Name of the project, boundaries, and location maps showing the site's location in the community, date, north arrow and scale of the plan.
  - (b) Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
  - (c) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
  - (d) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within 300 feet of the site.

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- (e) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
  - (f) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls and fences.
  - (g) Location, type, and screening details for all waste disposal containers shall also be shown.
  - (h) The location, height, intensity and coverage area of all external lighting fixtures.
  - (i) The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
  - (j) The location, height, size, materials, and design of all proposed signage.
  - (k) The location of all present and proposed utility systems including sewage system; water supply system; telephone, cable and electrical systems; storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
  - (l) Soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments.
  - (m) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
  - (n) Existing and proposed topography at two-foot contour intervals. If any portion of the parcel is within the 100-year floodplain, the area shall be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
  - (o) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. The Town will encourage the use of regionally native plant species. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
  - (p) Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan.
  - (q) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.
  - (r) For new construction or alterations to any existing building, a table containing the following information:
    - 1. Area of building to be used for a particular use such as retail operation, office, storage, etc.
    - 2. Maximum number of employees.
    - 3. Maximum seating capacity, where applicable.
    - 4. Number of parking spaces existing and required for the intended use.
    - 5. Elevation plans for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of signs to be used.
- (7) Procedure. For proposals not requiring a Conditional Use Permit, the Commission shall issue its decision on the application within 30 days after the determination that the application is complete. For proposals also requiring a Conditional Use Permit, the Commission shall issue its decision on the site plan application no later than 7 days after the hearing held by the Board of Appeals on the proposed Conditional Use Permit if such Conditional Use Permit is granted.
- (8) Decision of Plan Commission. The Plan Commission's decision shall consist of either:
- (a) Approval of the site plan.

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- (b) Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Commission.
- (c) Disapproval of the site plan.
- (9) Criteria for Review. During the site plan review process, the Commission shall review the site plan and supporting documents to assess the reasonable fulfillment of the following listed objectives:
  - (a) Legal. Conformance with the provisions of the ordinances and rules of the State of Wisconsin, Winnebago County and the Town of Winchester.
  - (b) Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
  - (c) Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
  - (d) Services. Reasonable demands placed on community services and infrastructure.
  - (e) Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
  - (f) Nuisances. Protection of adjacent and neighboring properties and community amenities from any undue disturbance caused by excessive or unreasonable noise, fumes, smoke, dust, odors, glare, stormwater runoff, etc.
  - (g) Existing Vegetation. Minimizing the area over which existing vegetation is to be removed, unless vegetation to be removed has been identified as invasive or noxious by the Wisconsin Department of Natural Resources. Where tree removal is required, special attention shall be given to planting of replacement trees.
  - (h) Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as consistent and complimentary architectural design, vegetative buffers and/or the retention of open space.
  - (i) Character. The building setbacks, area and location of parking, architectural compatibility, signage and landscaping of the development, and how these features harmonize with the surrounding built environment and natural landscape.

**17.51 Signs.** Signs within all zoning districts shall comply with the Town of Winchester Sign Ordinance, as adopted and periodically amended.

**17.52 Parking and Loading.**

- (1) Purpose. This subsection establishes the standards for the amount, location, and development of motor vehicle parking, and standards for on-site loading areas. Other Town Ordinances may regulate other aspects of parking and loading. The regulations controlling parking have the following specific objectives:
  - (a) Provide safe, efficient circulation and movement of motor vehicles.
  - (b) Direct traffic in parking areas.
  - (c) Shade and cool parking areas.
  - (d) Provide a pedestrian access that is protected from auto traffic.
  - (e) Improve and soften the appearance of parking areas.
  - (f) Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones.
  - (g) Decrease airborne and waterborne pollution.
- (2) Applicability. The regulations of this Section apply to all parking areas in all zones. Occupancy. All required parking areas must be completed and landscaped prior to occupancy of any structures.

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- (3) Use of Required Parking Spaces. Required parking spaces must be available for the use of residents, customers, or employees of the use. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations when specifically allowed by this Chapter. Required parking spaces may not be used for the storage of goods or inoperable vehicles.
- (4) Proximity of Parking to Use. Required parking spaces for residential uses must be located on the site of the use. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within 300 feet of the site.
- (5) Required Parking Spaces. The minimum or maximum number of parking spaces for all use categories is listed in the Town of Winchester “Guidelines for Parking Standards.” These standards apply unless specifically superseded by other portions of this Chapter. Alternative standards may be accepted if the applicant demonstrates that such standards better reflect local conditions. Uses not specifically listed in the “Guidelines for Parking Standards” shall be treated as a listed use of a similar nature. Since the purpose of required off-street parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses that might locate at the site over time, the required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis.
  - (a) The number of parking spaces is computed based on the primary use of the site except as stated in Paragraphs (a) and (b) below.
  - (b) When there are two or more separate uses on a site (such as a home occupation), the required parking for the site is the sum of the required parking for the individual uses.
  - (c) When a use has more than twenty (20) percent of its floor area in a distinct function (i.e. office, warehouse, or retail), required parking is calculated separately for each function. An example would be a 40,000 square foot use with a 10,000 square foot office area and a 30,000 square foot warehouse. The required parking would be computed separately for the office and warehouse.
- (6) Joint Use Parking. Joint use of required parking spaces may occur where two or more uses on the same or adjacent sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the Permit Issuer as part of a Building Permit application or Occupancy Permit application:
  - (a) The names and addresses of the uses and of the owners or tenants that are sharing the parking.
  - (b) The location and number of parking spaces that are being shared.
  - (c) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.
  - (d) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- (7) Residential Driveway Parking. Driveway surface areas shall count as off-street parking spaces for the unit served by the driveway if there is an open surface area measuring at least one hundred-eighty (180) square feet and no portion of an automobile parked in the area will extend into public right-of-way.
- (8) Enlargement of Use. Whenever a non-residential structure or use is enlarged by twenty-five (25) percent or more of the unit used to calculate parking spaces (e.g. gross floor area, seats, employees, etc.) such new parking space requirements must be met.
- (9) Parking Development Standards. The following development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. These standards apply to all vehicle areas whether required or excess parking.

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- (a) **Parking Space Dimensions.** The minimum size of a required parking space is 9 feet by 18 feet. Where nonrequired parking is provided on a site, at least one nonrequired parking space must meet the minimum size for required spaces. A portion of a standard parking space may be landscaped instead of paved. The landscaped area may be up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Landscaping must be ground cover plants.
  - (b) **Disabled Parking.** The following disabled person parking standards and access standards are regulated through Uniform Building Code as adopted by the Town:
    - 1. Dimensions of disabled person parking spaces and access aisles.
    - 2. The minimum number of disabled person parking spaces required.
    - 3. Location of disabled person parking spaces and circulation routes.
    - 4. Curb cuts and ramps including slope, width and location.
    - 5. Signage and pavement markings.
  - (c) **Parking Aisle Dimensions.** Minimum width of aisles providing access to stalls for one-way traffic shall be 11 feet for 30° angle parking and 20 feet for 90° parking. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.
  - (d) **Surfacing.** All driveways and parking areas, other than those for residential and agricultural use, must be surfaced with a durable surface consisting of concrete or asphalt or of compacted gravel or crushed stone.
  - (e) **Access.** All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion. However, this does not apply to parking areas with one or two spaces and whose only access is on a local service street.
  - (f) **Setbacks and Perimeter Landscaping.** Perimeter landscaping for all commercial, industrial, and multi-family uses must be approved by the Plan Commission as part of the site plan. Parking areas must meet the setback requirements of the underlying zoning district.
  - (g) **Parking Area Interior Landscaping.** All hard-surfaced parking areas with more than 10 spaces must provide interior landscaping complying with one or a mix of both the Options stated below. Trees and shrubs must be protected from potential damage by vehicles through the use of bollards, curbs, wheel stops, or other physical barriers. Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed. Perimeter landscaping may not substitute for interior landscaping. Parking areas that are 30 feet or less in width, and all non-hard surfaced parking areas may locate their interior landscaping around the edges of the parking area. Interior landscaping placed along an edge is in addition to any required perimeter landscaping.
    - 1. **Option 1.** Interior landscaping must be provided at the rate of 10 square feet per stall. At least one tree must be planted for every 200 square feet of landscaped area. Ground cover must completely cover the remainder of the landscaped area.
    - 2. **Option 2.** One tree must be provided for every 6 parking spaces. If surrounded by cement, the tree planting area must have a minimum dimension of 4 feet. If surrounded by asphalt, the tree planting area must have a minimum dimension of 3 feet.
- (10) **Live/work Units.**
- (a) For live/work units of 2,500 sq. ft. in floor area or less, one parking space is required for each unit.
  - (b) For live/work units greater than 2,500 square feet in floor area, required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use as determined by the zoning administrator.

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**17.53 Conditional Uses.**

- (1) Definition. A conditional use is a use which is necessary or desirable for public welfare, but which is potentially incompatible with the uses normally permitted in the zoning district established herein. It is hereby declared the policy and purpose of this Chapter to employ the conditional use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety, welfare, and individual property rights.
- (2) Application. Applications for conditional use permits shall be made to the Town on forms furnished by the Town Clerk and shall include the following:
  - (a) Fifteen copies of the completed application materials.
  - (b) A map which complies with the Town of Winchester Map Guidelines and drawn to a scale of not less than 100 ft. to 1 inch.
  - (c) The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 ft. of any part of the land included in the proposed use.
  - (d) Additional information as may be required by the Town Board, Plan Commission, or zoning administrator.
  - (e) A fee, as may be established and periodically modified in the Town of Winchester Fee Schedule, shall accompany each application. Such fee shall be paid by cash, check, or money order to the Town Treasurer. Costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.
  - (f) Where necessary to comply with the certain Wisconsin Statutes, an application will be submitted to the Department of Natural Resources.
  - (g) The site plan and plan of operation form furnished by the Town shall be submitted to the Town Clerk prior to scheduling a Plan Commission or Town Board meeting.
- (3) Review. Upon receipt of a complete application for a conditional use permit, the Town Clerk shall provide copies of the complete application packet to the Town Board, Plan Commission, and zoning administrator.
  - (a) Within 15 days of receipt of the complete application packet, the zoning administrator shall review the application and provide a recommendation to the Plan Commission to approve, approve with conditions, or deny the conditional use permit.
  - (b) Such recommendation shall be based upon, and consistent with, the Town Zoning Ordinance, Town Subdivision Ordinance, Town Comprehensive Plan, other Town Ordinances, and any relevant County, State, or Federal rules regulations or requirements.
- (4) Staff Report Content. The staff report shall contain the following:
  - (a) Preliminary findings based upon the decision criteria listed in this Chapter.
  - (b) A recommendation to approve the application, approve the application with conditions, or deny the application.
  - (c) A preliminary list of conditions of approval regardless of whether the zoning administrator recommendation is for approval or denial.
  - (d) Other information deemed necessary by the administrator.
- (5) Public Hearing. Upon receipt of the application, foregoing data and fees, the Clerk shall establish a date for a public hearing and shall publish notice of the hearing once each week for 2 consecutive weeks in the official newspaper for a Class 2 notice per Wisconsin Statute 985. Notice of the public hearing shall be given to the owners of all lands within 300 ft. of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of



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application and map) shall be transmitted to the Plan Commission and Town Board. The staff report submitted by the zoning administrator shall be read into the record as official testimony. Testimony of all other interested parties will be heard at the public hearing and the Plan Commission will forward to the Town Board a recommendation to approve, approve with conditions, or deny the application.

- (6) Authorizing Conditional Use Permits. Conditional use permits may be authorized by the Plan Commission when it appears:
  - (a) That it is reasonably necessary for the public convenience at that location; or,
  - (b) That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare, and that it conforms to the applicable regulations and standards and reserves the essential character of the district in which it shall be located; or,
  - (c) That in the case of an existing nonconforming use will make such use more compatible with its surroundings.
- (7) Final Review and Approval. The Plan Commission shall review the proposal as submitted. Any conditions deemed necessary by the Plan Commission, Town Board, or other governmental agencies may be made an integral part of the permit. These conditions shall be complied with by the applicant, and any deviation or alteration of those conditions set forth in the permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this Chapter and will be subject to prosecution and penalties under the terms of this Chapter.
- (8) Determination. The Plan Commission, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Conditional Use Permit shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Plan Commission. The conditions of approval or reasons for disapproval shall be stated in writing by the determining body and a copy made a permanent part of the minutes of such body.
- (9) Application for Changes and Additions. Any subsequent change or addition to the Conditional Use Permit, plans or uses shall first be submitted for approval to the Plan Commission through the procedure of application for conditional use permits detailed herein and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of this Chapter. At the discretion of the Plan Commission and Town Board minor changes which are consistent with the approved Site Plan may be permitted without a public hearing. A minor change is one in which the proposed change does not significantly affect the overall character of the site or intensity of the use and is consistent or compatible with the Site Plan and Plan of Operations. All proposed changes, additions or alterations shall be submitted to the Town Board for approval.
- (10) Term of Approval. Unless otherwise specified a conditional use permit shall be continued as long as the operation is uninterrupted, and none of the approved conditions are violated or changed. Conditional use permits for structures shall be reviewed by staff annually. Annual review of the conditions for a conditional use permit, for other than structures, shall be required by the Plan Commission on the anniversary date of the approval, or as determined by the Plan Commission.
- (11) Revocation of Conditional Use. Conditional use permit will be revoked when, after public hearing, the Plan Commission and Town Board determine any of the following:
  - (a) A permit applicant, his heirs or assigns, fails to comply with or to continue in conformity with the conditions of the permit issued by the Plan Commission.
  - (b) A change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.

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- (c) The conditional use has been discontinued or not utilized for a period of 12 consecutive or 18 cumulative months in a 3-year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski area, quarries, etc.) Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this Chapter within 90 days from such determination.
- (12) Conditional Use Permits for Livestock Operations. Conditional use permits for livestock operations of 500 or more animal units shall be reviewed and decided upon consistent with the requirements of Subchapter III of ATCP 51, Wis. Stats.
- (13) An accessory structure exceeding the maximum floor area allowable under the terms of this Chapter approved by the Town Board and Plan Commission via the issuance of a conditional use permit prior to amendments to the Chapter resulting from the passage of 2017 Wisconsin Act 67 shall, for the purposes of this Chapter, be deemed a permitted use and shall retain all the rights granted thereof.

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

- (1) Organization of Board of Appeals. The Board of Appeals shall consist of 7 members, 5 regulars, and 2 alternates, appointed by the Town Chairman and subject to confirmation of the Town Board, for terms of 3 years, except that of those first appointed, 1 shall serve for 1 year, 2 for 2 years and 2 for 3 years. The members of the Board shall serve at such compensation to be fixed by ordinance. The Town Chairman shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (2) Meetings of the Board of Appeals. The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (3) Power of the Board of Appeals. The Board of Appeals shall have the following powers:
  - (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Chapter.
  - (b) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the town affected by any decision of the Plan Commission. Such appeal shall be taken within 20 days by filing with the Plan Commission and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Plan Commission shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the actions appealed from was taken.
  - (c) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by a Class 1 notice under Chapter 985 Wisconsin Statutes, in an official paper or a paper of general circulation in the Town of Winchester and by posting notices in 3 public places as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
  - (d) To permit the extension of a district where the boundary line of a district divides a lot in single

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ownership as shown of record.

- (e) To interpret the provisions of this Chapter where the street layout on the ground differs from the Official Zoning Map.
  - (f) To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the board. A variance for the purpose of this Chapter shall not be granted unless:
    - 1. A written application for a variance is submitted demonstrating:
      - a. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
      - b. That literal enforcement of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Chapter.
      - c. That the special conditions and circumstances do not result from the actions of the applicant.
      - d. That the granting of the variance request will not confer on the applicant any special privilege that is denied by this Chapter to other lands or structures in the same district.
      - e. No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.
    - 2. The application is in proper form and a fee as specified in the Town Fee Schedule has been paid. The board shall hold a public hearing on such matter. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the board if it grants the application for variance.
  - (g) Public Hearing. Upon receipt of the application, foregoing data and fees, the Clerk shall establish a date for a public hearing and shall publish notice of the hearing once each week for 2 consecutive weeks in the official newspaper for a Class 2 notice per Wisconsin Statute 985. Notice of the public hearing shall be given to the owners of all lands within 300 ft. of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted to the Zoning Board of Appeals, Plan Commission, and Town Board. Testimony of all interested parties will be heard at the public hearing and the Zoning Board of Appeals will issue a final ruling.
- (4) Exercise of Power.
- (a) In exercising the above mentioned powers, such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
  - (b) The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

**17.55 Enforcement.**

- (1) It shall be the duty of the Building Inspector to enforce the provisions of this Chapter.
- (2) The Building Inspector shall prepare a record of all buildings structures and mobile homes situated within the setback lines as established by this Chapter, or any amendments thereto, which shall include the distances of such buildings, mobile homes or structures from the centerline of the

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adjacent highway, their size, type of construction and use, the quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date upon which the record is made. Such record shall be kept current with the Town Clerk and shall show any such buildings, structures or mobile homes that may be removed or damaged to the extent that their reconstruction will be contrary to this Chapter.

- (3) No building or structure shall hereafter be created, moved or structurally altered, except as herein after provided, until a permit therefor shall be applied for and issued. No permit shall be issued until the Building Inspector has satisfactory proof that the premises are in full compliance with the Town of Winchester Winnebago Subdivision Ordinance and the Winnebago County Shoreland Zoning Ordinance, and that a Winnebago County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.
- (4) No land use permit shall be required for farm buildings and structures having a ground area of less than 300 square feet, not permanently fixed to the ground and readily removable in their entirety, but this exemption shall not apply to roadside stands used for the sale of farm products or other goods or services.
- (5) All applications for a land use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Chapter. The above requirements as to plans shall not apply to roadside stands, nor to farm buildings having a ground area of less than 300 square feet and not intended for human habitation. It shall be sufficient for the owner or his agent, in applying for a land use permit for such buildings, to furnish the Building Inspector with such information as is necessary to show compliance with the health, sanitary and safety provisions of the state codes and with the requirements of this Chapter.
- (6) All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- (7) Certificate of Compliance. No vacant land shall be occupied or used and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Chapter. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this Chapter.
  - (a) Under such rules and regulations as may be established by the Town Board, the Building Inspector may issue a temporary certificate of compliance for part of a building.
  - (b) Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

**17.56 Time Limit on Permits.**

- (1) Building permits issued pursuant to this section are valid for a period of 12 months from the date of issuance. The permittee shall initiate substantial work or improvements prior to the termination of 12 months from date of issuance. If substantial work or improvements have not begun prior to 12

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months from date of issuance, the building permit issued pursuant to this section shall lapse and the permittee shall be required to reapply as set forth above in this section. Consideration of "substantial work or improvements" shall include but is not limited to the following factors; amount of labor; expenditures; economic value of materials and labor; hardship to the owner; reasons for delay in construction; and such other factors as the building inspector deems relevant. The building inspector's decision on this matter may be appealed to the Board of Appeals.

- (2) A filing fee shall be required for each initial application, and a filing fee for each renewal application, as set forth in the Town Fee Schedule.
- (3) All existing mineral extraction operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have worked prior to the date of the adoption of this provision of this Chapter, and that they be registered with the Building Inspector within 1 year of the date of this provision of this Chapter.

**17.57 Fees.**

- (1) Fees are established annually by the Town Board. Permit fees may be changed by a vote of the Town Board. Reference the current Fee Schedule for appropriate fees.
- (2) Fees in an amount determined by the Town Board are required to be paid by the applicant for a building permit, Land Use Permit, Culvert Permit or Demolition Permit, or for a certificate of occupancy where no building permit was required. The fee shall be paid to the issuer of the permit.
- (3) A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal, which fee shall be paid to the town clerk and receipt therefore filed with the application. This fee shall not be required of any township officer acting in his official capacity.
- (4) A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to the town treasurer and receipt therefor filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Plan Commission.
- (5) An application for a building permit shall be made in conformity with the requirements of the building code ordinance of the Town of Winchester and shall include, for the purpose of proper enforcement of the regulations of this Chapter, the following data:
  - (a) An accurate plat or survey of the lot drawn to a reasonable scale and properly dimensioned showing:
    - 1. The boundaries of the lot.
    - 2. The location of any existing structures on the lot.
    - 3. The location of the proposed building or buildings on the lot.
    - 4. The location of the centerline and the existing and/or established grade of the abutting street or streets.
    - 5. The proposed floor elevation of the building or buildings to be erected.
    - 6. The high water line of any stream or lake on which said lot abuts.
    - 7. A plan of the proposed sewage disposal system, which is not connected to an approved municipal sewerage system, shall require the certification that the satisfactory sewerage disposal is possible for the proposed use of said lot.
    - 8. Satisfactory evidence that a safe and adequate supply of water is to be provided, and the location of any well for that purpose on the property.
    - 9. No culvert shall be constructed on a Town of Winchester road right-of-way without application for permission in writing to the Building Inspector and a permit issued as to location and size to conform to the requirements of the terrain, and all at the expense of the applicant.

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- (6) Review Fees. The applicant shall be required to compensate the Town for the costs associated with any required review under this Chapter. Such reviews include:
- (a) Administrative. The applicant shall pay a fee equal to the cost of any legal or administrative work that may be undertaken by the Town in connection with the submitted application.
  - (b) Planning and Engineering. The applicant shall pay a fee equal to the actual cost to the Town for all engineering, planning, surveying, or similar review work incurred by the Town in connection with the submitted application as the Town deems necessary to assure that the proposed action is consistent and compliant with the Town of Winchester Code of Ordinance, Town of Winchester Comprehensive Plan, and the ordinances, laws, regulations, and rules of any other relevant government authority.
  - (c) The Applicant shall pay the fee within thirty days of receipt of billing by the Town Clerk.

**17.58 Violations and Penalties.**

- (1) Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this Chapter shall be deemed an unlawful building, structure or mobile home or use. The Building Inspector shall promptly report all such violations to the town.
- (2) Any person, firm, corporation or organization that violates, neglects or refuses to comply with or resists the requirement of this Chapter, shall upon conviction be punished by a fine of not less than \$200.00 or more than \$500.00 together with the costs of prosecution, including reasonable attorney's fees, and in default of payment thereof by imprisonment in the County Jail of Winnebago County until such fine and costs are paid but not to exceed 30 days. Whenever a person shall have been notified by the Building Inspector or a member of the Town Board that he is in violation of the provisions of this Chapter, such person shall commence correction of all violations within 7 days after notice, and shall correct all violations within 30 days of notice, each day that a violation continues shall be considered a separate offense for purposes of determining the amount of the minimum fine. No person shall be issued or re-issued a building permit, a conditional use permit or any other permit under this Chapter if said person:
  - (a) Fails to meet or comply with the building codes established by the town.
  - (b) Fails to meet or comply with the provisions of the Town Zoning Ordinance.
  - (c) Fails to comply with Winnebago County or State of Wisconsin Zoning and Building Code requirements.
  - (d) Fails to pay all relevant fees for building permits and other charges imposed by the town.
  - (e) Fails to comply with any special orders or conditions imposed by the Building Inspector, Building Permit Officer, Plan Commission or the Town Board.
- (3) In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this Chapter, the Town Board or any adjacent/neighborhood property owner who would be damaged by such violation may, in addition to other remedies and fines provided herein, institute appropriate legal action or proceedings to prevent, restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

**17.59 Changes and Amendments.**

- (1) When any amendment of the district boundaries or of the regulations contained in this Chapter shall be petitioned for by any interested party or moved by the Town Board, the Town Board shall designate the Plan Commission to formulate a tentative draft of such amendment and recommend

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the same to the Town Board. Before adoption of such amendment by the Town Board, the Town Board shall give not less than 10 days notice of a public hearing on such amendment, specifying the time and place of such hearing. Such notice may be given by publication at least 2 times during the preceding 30 days in the official newspaper or in a newspaper of general circulation in the county. The Town Board may direct the Plan Commission to report its recommendations at specified times of the year, but at least twice in any calendar year.

- (2) In case a protest is presented against such amendment, duly signed and acknowledged by the owners of 20% of more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by unanimous vote of the Town Board.

**17.60 Validity and Conflicts.** Should any section, clause, or provisions of this Chapter be declared by courts to be invalid, the same shall not affect the validity of the Chapter as a whole, or any part thereof, other than the part so declared to be invalid.

**17.61 Adoption.** This Chapter is a creation of the Zoning Ordinance for the said Township passed and adopted and all amendments thereto and the zoning map adopted with the adoption of this initial Chapter; it is hereby adopted and made a part of this Chapter as is the map referred to in this Chapter. Map entitled Zoning Map for the Town of Winchester, Winnebago County, Wisconsin.

- a. First passed and adopted by the Town Board of the Town of Winchester, Winnebago County, Wisconsin this 18<sup>th</sup> day of February, 2013.
- b. Amended and adopted the Town Board of the Town of Winchester, Winnebago County, Wisconsin this 20<sup>th</sup> day of August, 2018.

Town Chairman _____	Date _____
Supervisor _____	Date _____
Supervisor _____	Date _____
Town Clerk _____	Date _____