

**TOWN OF WEST BEND
WASHINGTON COUNTY, WISCONSIN
ORDINANCE NO. 2024-06**

**ORDINANCE AMENDING THE TOWN'S ZONING
REGULATIONS IN CHAPTER 325 OF THE MUNICIPAL CODE**

THE TOWN BOARD OF THE TOWN OF WEST BEND, WASHINGTON COUNTY,
WISCONSIN DO ORDAIN AS FOLLOWS:

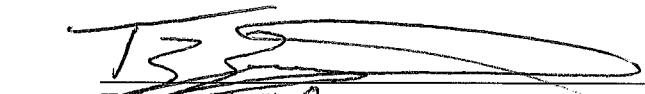
Section 1. Repeal and recreate Chapter 325 with the revisions as depicted in Exhibit A.

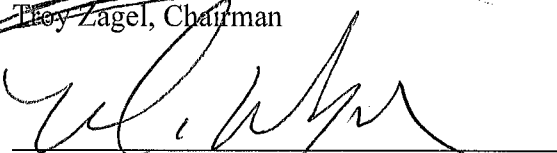
Section 2. Add the content in Exhibit B, C and D to Chapter 325.

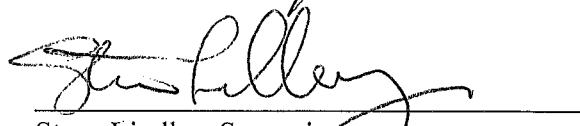
Section 3. Severability: Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and in the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 4. Effective Date: This ordinance shall take effect upon passage and posting as provided by law.

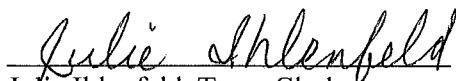
PASSED AND ADOPTED by the Town Board of the Town of West Bend, Washington County,
Wisconsin this 12 day of November, 2024.


Troy Zage, Chairman


Mark Wagor, Supervisor


Steve Lindley, Supervisor

ATTEST:


Julie Ihlenfeld, Town Clerk

CHAPTER 325 ZONING.

Article I. Statutory Authority and Purpose

325-1. LEGISLATIVE AUTHORITY

This chapter is adopted under the authority granted by §§ 60.62, 61.35, and 62.23(7), Wis. Stats.
~~Therefore, the Town Board of West Bend, Wisconsin does ordain as follows:~~

325-2. PURPOSE

The purpose of this chapter is to promote the public health, safety, ~~morals~~, prosperity, aesthetics, and general welfare of this community and to implement the Town of West Bend Comprehensive Plan, as adopted and amended from time to time.

325-3. INTENT

It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of personal energy systems and other innovative development techniques; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. To this end, it is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

325-4. CONFLICT WITH OTHER PROVISIONS

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

325-5. INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be considered minimum requirements. Where the provisions of this Chapter impose greater restrictions than any statute, other regulation, ordinance, or covenant, the provisions of this Chapter shall prevail, unless otherwise preempted. Where the provision of any statute, regulation, ordinance or covenant imposes greater restrictions than the provisions of this Chapter, the provisions of such statute, other regulation, ordinance, or covenant shall prevail.

325-6. SEVERABILITY

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

325-7. REPEALER

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

325-8. TITLE

This Chapter shall be known, referred to, or cited as the "CHAPTER 325: ZONING REGULATIONS, TOWN OF WEST BEND, WISCONSIN."

325-9. EFFECTIVE DATE

This chapter shall be effective after a public hearing, adoption by the Town of West Bend Board of Supervisors, and publication or posting as provided by law.

Article II. General Provisions

325-10. JURISDICTION

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Town of West Bend.

325-11. COMPLIANCE WITH DISTRICT REGULATIONS REQUIRED

A. Generally. No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

B. Exemptions. Gas and electric utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to § 196.491(3), Wis. Stats., are exempt from the requirements of this chapter.

325-12. DUTIES OF THE ZONING ADMINISTRATOR AND BUILDING INSPECTOR

The Zoning Administrator is hereby designated as the administrative officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue all permits required by this Chapter. The Town Clerk or the Town Clerk's designee and, when appropriate, the Building Inspector shall assist the Zoning Administrator in the administration and enforcement of the Chapter.

A.B. Responsibilities. The Zoning Administrator shall further:

1. Maintain records of all reviews, staff reports, and relevant correspondence. The Town Clerk shall be responsible for maintaining records of all permits issued, inspections made, work approved, and other official actions.
2. Inspect all structures, lands, and waters as often as necessary to assure compliance with this chapter.
3. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters; give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises; and report uncorrected violations to the Town Attorney.
4. Assist the Town Attorney in the prosecution of ordinance violations.
5. Access premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however, the Zoning Administrator and/or Building Inspector is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.
6. Prohibit the use or erection of any structure, land or water until the Building Inspector has inspected and approved such use or erection.
7. Request assistance and cooperation from the Town Police Department and Town Attorney as deemed necessary.
8. Attend meetings of the Plan Commission, Town Board, and Town Zoning Board of Appeals on an as-needed basis.

325-13. APPLICANT RESPONSIBLE FOR COMPLIANCE WITH REGULATIONS

It is the responsibility of the permit applicant to comply fully with the requirements of all applicable Town ordinances and to secure all necessary permits required by any federal, state, or county agency or any other agency or organization requiring permit approval.

325-14. SITE RESTRICTIONS

- A. Generally. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator and Plan Commission, in applying the provisions of this Chapter, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify, or withdraw the determination of unsuitability. ~~In addition:~~
- B. Lots. All Lots shall abut a public street, and each lot shall have a minimum frontage of 66 feet except where a lot does not meet the required frontage but has access to a public street, and was a lot of record with the Washington County Register of Deeds on April 1, 1986. Such lot may be occupied by any Permitted or Conditional Use of the Zoning District within which the lot is located, provided that such proposed use complies with all other applicable provisions of this Chapter.
- C. Principal Structures. All Principal Structures shall be located on a lot; and only one Principal Structure shall be located, erected, or moved onto a lot in a residential district. The Plan Commission may permit more than one structure per lot in other Districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan

Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between Principal Structures.

- D. Street Grade. Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the existing street grade, with particular consideration for proper drainage and safe vehicular access.
- E. Preservation of Topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining land, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1-1/2 horizontal to one vertical within a distance of 20 feet from the property line (excluding retaining walls), except ~~with the written consent of the abutting property owner and~~ with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. ~~In no case shall any slope exceed the normal angle of slippage of material involved, and all slopes shall be protected against erosion.~~
- ~~F. Lots Abutting More Restrictive District. Lots abutting more restrictive district boundaries shall provide Side and Rear Yards not less than those required in the more restrictive abutting District, unless otherwise preempted. The Primary Street Yards on the less restrictive District shall be modified for a distance of not more than 75 feet from the District boundary line so as to equal the average of the Primary Street Yards required in both Districts.~~

325-15. USE RESTRICTIONS

~~The following use restrictions and regulations shall apply:~~

- A. Principal uses. Only those principal uses specified for a district, their essential services, and the uses listed below in Appendix A shall be permitted in that district.
- B. Accessory uses ~~and Structures~~. Accessory uses and structure are permitted in any District, but not until their principal structure is present or under construction. Construction of principal structure shall be completed within one year of commencement of construction of accessory structure. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations ~~and professional home offices as defined in this Chapter~~.
- C. Temporary uses. The Zoning Administrator may authorize the establishment of certain temporary uses for a limited duration provided that such uses comply with the general and specific standards of this Section.
1. The following temporary uses are allowable with an approved temporary use permit:
 - a. A dwelling unit situated on a lot, parcel, or tract, along with a primary dwelling unit, that provides a temporary residence for the residents of the associated primary dwelling unit that has been deemed uninhabitable due to fire, flood, or other disaster, or is under construction or undergoing substantial repairs or reconstruction. The temporary residence is allowed on the lot, parcel or tract only while the primary residence is undergoing new

construction or repair. A temporary dwelling unit may also include a residence located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. The temporary residence shall be removed from the lot, parcel, or tract upon completion of such construction.

- ~~b. Retail sales of products, including but not limited to Christmas trees, nursery products, or agricultural produce, or special event celebrations in any district for a period not to exceed the number of days specified in the Temporary Use Permit. Display of products need not comply with the setback requirements of this Zoning Ordinance provided that no display shall be located within a right-of-way or restrict the vision clearance requirements.~~
- ~~c. Off-premises displays of vehicles and equipment in the B-1 and B-2 Districts intended for marketing purposes.~~
- ~~d. Temporary office space and equipment storage when accessory to an approved construction project, including sales offices on residential development sites. Such uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after completion of such project, or in the case of sales offices on residential development sites, removed when all houses or units are sold or leased.~~
- ~~e. The use of portable storage structures in residential districts are allowed without permit under the following conditions:
 - ~~(1) There shall be no more than one portable storage structure per property.~~
 - ~~(2) The portable storage structure shall be no larger than ten 10 feet wide, 20 feet long, and 10 feet high.~~
 - ~~(3) A portable storage structure shall not remain at a property in excess of 90 days.~~
 - ~~(4) The portable storage structure shall be setback a minimum of five feet from all property lines.~~
 - ~~(5) The portable storage structure shall be setback a minimum of five feet from the nearest wall of a building.~~
 - ~~(6) The portable storage structure shall be placed on a paved or gravel surface.~~
 - ~~(7) Portable storage structures associated with a site where a building permit has been issued, are permitted for the duration of construction and shall be removed from the site within 14 days of the end of construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.~~~~
- f.b. Temporary Parking for Public Gatherings and similar events. Transportation shall be required for all temporary parking areas not located on the parcel where the event shall occur or on an immediately abutting parcel, unless otherwise approved by the Zoning Administrator.

2. General Requirements for All Temporary Uses and Structures. All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Ordinance:
 - a. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
 - b. Permanent alterations to the site related to the temporary use or structure are prohibited.
 - c. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected natural resources including 100-year floodplains and required landscaping.
 - d. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on an existing buffer, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.

- e. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Inspector.
- f. Off-street parking shall accommodate the proposed temporary use as determined by the Zoning Administrator.

D. ~~Pets. Household pets such as dogs and cats are permitted in any District provided, however, that no premise shall be permitted to house or keep more than four adult household pets. Adult household pets are those four months of age or older.~~Reserved.

E. ~~Livestock. Domestic livestock may be kept on any parcel of land five acres or more in area, provided that not more than one animal unit shall be permitted for each 2.5 acres of land. Domestic Livestock, excepting bees and backyard chickens as defined in this Chapter, shall not be permitted in recorded subdivisions, as defined in Chapter 236, Wis. Stats., with the exception of conservation developments as listed in this Chapter. Livestock on existing farms, 20 acres or more in area shall not be subject to the 1 animal unit per 2.5-acre limitation.~~Reserved.

~~1. One animal unit is defined as:~~

- ~~a. One horse, cow, or similar large animal in size, over six months of age.~~
- ~~b. One sheep, goats, or similar animal over six months of age.~~
- ~~c. 10 rabbits or hares over two months of age.~~
- ~~d. 10 chickens, ducks, geese, or similar fowl over two months of age.~~

~~2. Combinations of the above shall be permitted provided that they do not exceed one animal unit per 2.5 acres.~~

F. ~~Swimming Pools and Hot Tubs. Swimming pools and hot tubs are a Permitted Accessory Use in any Residential District provided that:~~Reserved.

~~1. All swimming pools shall be surrounded by a fence not less than four feet or more than six feet in height. Sidewalls of above ground pools four feet high may be used in lieu of a fence.~~

~~2. Access to the swimming pool shall be controlled by a self-latching gate and all such gates shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. For an aboveground pool, a tip-up ladder may be provided in lieu of a gate. For a hot tub, a tightly closed cover may be provided in lieu of a gate.~~

~~3. No water drained from a swimming pool or hot tub shall be discharged onto or into any on-site sanitary sewerage system, public sewerage system or directly into a navigable body of water.~~

~~4. No lighting installed around swimming pools or hot tubs shall throw any rays onto adjacent properties.~~

~~5. Swimming pools and hot tubs shall comply with the yard requirements for Principal Structures in the District in which they are located.~~

G. Abandoned Motor Vehicles and Other Materials.

- 1. No disassembled, dismantled, junked, wrecked, inoperable or unlicensed vehicle shall be stored or allowed to remain in the open upon private property within the Town of West Bend 10 days

after receiving written notice from the Zoning Administrator to remove or enclose the same unless:

- a. The vehicle is being held as a part of an automotive sales or repair business enterprise located within a properly zoned area.
 - b. Due to individual hardship a variance to keep the vehicle is obtained from the Board of Appeals, but such variance shall, if granted, not exceed 1 year.
2. The accumulation or storage of inoperable vehicles, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, junk, wood, brick, cement block or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed on any lot or parcel of land within the Town of West Bend.

H. ~~No mobile home, mobile home park or trailer camp shall be placed or moved onto lands lying within the Town of West Bend.~~Reserved.

I. ~~Reserved. Gas and Electric. Gas and electric utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to § 196.491(3), Wis. Stats., are exempt from the requirements of this chapter.~~

~~I.I. Reserved. Portable Storage Facilities. Portable storage facilities including shipping containers, portable on demand storage (PODS), store and move (SAM) containers, buses, heavy duty trucks and their bodies, semi-trailers, freight containers, mobile homes, and similar items which are no longer in use for their designated purpose are prohibited from being used as an Accessory Structure.~~

325-16. REDUCTION OR JOINT USE

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

325-17. CONSERVANCY REGULATIONS~~RESERVED~~

~~In addition to any applicable use, environmental protection, landscape (see Article XI), site, or sanitary regulations, the following regulations shall apply within all Environmental Conservancy Districts (see Article XV for definition) and those areas zoned C-1, C-2 or P-1.~~

~~A. Tree Cutting and Shrubbery Clearing. Tree cutting and shrubbery clearing for the purpose of development, construction or changing land use from wildlife or wood lot management requires review and approval by the Plan Commission and shall be so regulated as to prevent erosion and sedimentation and promote preservation of scenic and other aesthetic and environmental qualities.~~

- ~~1. Tree cutting and shrubbery clearing for building and site development, access roads, parking areas and path and trail construction shall not exceed 20% of the existing trees, shrubbery or underbrush on the lot or tract unless otherwise approved by the Plan Commission.~~
- ~~2. Tree cutting and shrubbery clearing areas shall not exceed the following dimensions unless otherwise approved by the Plan Commission:~~
 - ~~a. Paths and Trails, 10 feet in width.~~
 - ~~b. Driveways, 30 feet in width or five feet beyond the edge of pavement (whichever is less).~~
 - ~~c. Roads, 60 feet in width or 15 feet beyond the edge of the paving (whichever is less).~~
 - ~~d. Parking Areas 70 feet in width or five feet beyond the edge of the paving (whichever is less).~~
 - ~~e. Homes and other Principal Structures, 40 feet beyond the edge of the roof.~~

- ~~f. —Garages and other Accessory Structures, 20 feet beyond the edge of the roof.~~
- ~~3. —All structures and site features shall be so designed and constructed as to result in the least removal and disruption of woodland cover and the minimum impairment of natural beauty.~~
- ~~4. —All deciduous trees five inches or larger in caliper or coniferous trees 10 feet in height or greater shall be preserved unless it is demonstrated to the satisfaction of the Plan Commission that they will unduly restrict development of the site.~~
- ~~5. —All deciduous trees five inches or larger in caliper or coniferous trees 10 feet in height or greater destroyed during the development process which were not identified for destruction in the approved landscape plan shall be replaced.~~
 - ~~a. —Forestation, reforestation, or landscaping shall utilize a variety of tree species and no species currently under disease epidemic shall be used. Species planted shall be hardy under local conditions and compatible with the local landscape.~~
 - ~~b. —Customary minor trimming, timber stand improvement, dead and diseased tree removal, and managed timber harvesting shall be permitted under the recommendation of a professional forester.~~
 - ~~c. —The Plan Commission may require a surety or assess a fee other instrument to enable the Town to carry out land restoration work in the event of non-compliance with this regulation.~~

Earth Movements. Earth movements such as grading, topsoil removal, filling, road cutting, construction, altering or enlargement of waterways, removal of stream or lake bed materials, excavation, channel clearing, ditching, dredging, lagooning, and installation of soil and water conservation structures require review and approval by the Plan Commission, in addition to any permit required from the county, state or federal agency having jurisdiction. Earth movements shall be so regulated as to prevent erosion and sedimentation and to least disturb the natural flora, watercourse, water regiment, or topography.

Article III. Fees and Penalties

325-18. PERMIT FEES

All persons, firms, or corporations performing work which by this Chapter requires the issuance of a permit shall pay a fee for such permit to the Town of West Bend to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Site Plan Permit, Conditional Use Permit, Certified Survey Map Review, and Sign Permit. A fee shall also be required for a Zoning Text or Map Amendment, and an Appeal or Variance from the Zoning Board of Appeals. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate. The Town Board may by resolution establish application fees and other charges it deems necessary in the administration of this chapter.

325-19. DOUBLE FEE

A double fee shall be charged by the Town if work, use, or activity is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this chapter.

325-20. VIOLATIONS

It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this chapter. In case of any violation, the Town Board, the Zoning Secretary, the Zoning Administrator/Building Inspector, the Plan Commission or any property owner who would be specifically damaged by such a violation, may institute appropriate action or proceeding to enjoin a violation of this chapter or cause a structure to be vacated or removed.

325-21. REMEDIAL ACTION

Whenever an order of the Zoning Administrator or Building Inspector has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Town Board, the Zoning Administrator/Building Inspector, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

325-22. VIOLATIONS AND PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator/ Building Inspector issued in accordance with the Chapter or resists enforcement shall, upon conviction thereof, forfeit not less than \$20 nor more than \$200 and costs of prosecution of each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

325-23. REVIEW AND ADMINISTRATION FEE

The applicant shall pay a fee equal to the actual cost to the Town for all legal, engineering and planning work incurred by the Town in connection with proposed developments, permits and other matters pertaining to zoning review. Engineering work shall include the preparation of construction plans and standard specification. The Town Engineer may permit the applicant to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specification. Planning work may include concept plan and review, conditional use review, and other work as directed by the Plan Commission.

Article IV. Zoning Districts

325-24. ESTABLISHMENT

A. Districts, General. For the purpose of this Chapter, the Town ~~of West Bend~~ is hereby divided into ~~five basic use~~ the base zoning districts as follows:

1. Residential District which is comprised of R-1N (Neighborhood Residential District), R-1R (Rural Residential District), R-1S (Shoreland Residential District), R-1S/MU (Shoreland Residential/Mixed-Use District), ~~and SRO Supplemental Residential Overlay District.~~
2. Business District which is comprised of B-1 (Commercial/Mixed/Use District), B-2 (Commercial/Mixed/Use District), ~~and SMO Supplemental Mixed Commercial Overlay District.~~
3. Industrial District which is comprised of M-1 (Industrial District) ~~and SMO Supplemental Manufacturing Overlay District.~~

4. ~~Reserved. Conservancy District which is comprised of C-1 (Conservancy District) and C-2 (Conservancy Overlay District).~~
5. Park District which is comprised of P-1 (Public and Private Park District) ~~and SPRO Supplemental Park & Recreation Overlay District.~~

B. Boundaries. The boundaries of these districts are hereby established as shown on the map entitled "Town of West Bend Zoning Map", which map accompanies and is hereby made a part of this chapter. Unless otherwise noted on such zoning map, the boundaries shown on such map shall be construed to follow: corporate limits; U. S. Public Land Survey lines; environmental features as designated and mapped by the Southeast Wisconsin Regional Planning Commission (SEWRPC) or other designated authorities; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended.

C. Vacation of Streets. The vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same District as the abutting side to which the vacated land reverts.

325-25. ZONING MAP

A certified copy of the map entitled "Town of West Bend Zoning Map" shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk. Changes, thereafter, to the Zoning Districts, shall not become effective until entered and attested on the certified copy.

325-26. R-1N NEIGHBORHOOD RESIDENTIAL DISTRICT

A. Purpose and Characteristics.

1. The R-1N Residential District is intended to provide for new or existing single-family residential uses in conservation developments or minor land divisions, existing single-family residential uses in conventional developments, and existing agricultural uses. ~~Base density for the district, as defined in § 325-120, is one unit per 2.5 acres. Bonus density may be allowed as described in § 325-26F.~~
2. Conservation developments protect the existing character of an area, and allow for smaller residential lots clustered together. Conservation developments also provide common open space linked throughout the development. Such development is consistent with the Town's Comprehensive Plan goals, which include the preservation of the natural landscape and quality of life as priorities in the future development of the Town. New conventional conservation developments may be allowed only as a planned development district. ~~Conditional Use in this District.~~

B. Permitted Principal Uses. Please refer to ~~Chapter 17.4.14~~ Appendix A and B.

- ~~1. Farms, Agricultural Uses, and Agricultural Structures existing at the time of adoption of this Ordinance, including: cultivation, harvesting, and sale of crops and related farm products; raising~~

~~and sale of livestock of fowl, with associated pasture and barnyards orchards, nurseries, greenhouses, and related horticultural uses.~~

C. ~~Permitted Accessory Uses~~Reserved.

- ~~1. Please refer to Chapter 17.4.14.~~
- ~~2. Accessory Structures in the Rear Yard, Side Yard, and Secondary Street Yard.~~
- ~~3. Gazebos, as defined in Chapter 17.15, in the Shore Yard if they meet applicable setbacks.~~
- ~~4. Accessory Structures, excluding Transitory Structures, shall use like materials and colors to those of the Principal Structure. Windows, doors, and other architectural accoutrements shall compliment those of the Principal Structure.~~

D. ~~Conditional Uses. Please refer to Chapter 17.4.14 and Chapter 17.5.06~~Reserved.

- ~~1. Accessory Structures in the Street Yard or Primary Street Yard consistent with the requirements of Chapter 17.7.023.K.2.~~

E. Design Process and Standards for Conservation Developments. The following is the site design, review and approval process for conservation developments. The site developer should follow the process listed below as well as any additional requirements as deemed appropriate by the Zoning Administrator or Plan Commission:

1. Create an Environmental and Cultural Resources Diagram for the site and surrounding area that identifies all existing environmental and cultural features and possible new common open space features ~~(as defined in § 325-120)~~ to be created on the site. The analysis must include all county, state, and federally protected areas such as wetlands, lakes and streams. A minimum of 30% common open space is required for all conservation developments.
 - a. Existing natural environmental and cultural features to be identified and mapped, as applicable:
 - (1) Primary Environmental Corridors, Secondary Environmental Corridors, and Isolated Natural Resource Areas (as identified by the Southeastern Wisconsin Regional Planning Commission [SEWRPC]).
 - (2) Environmental Conservancy District areas as shown on the Land Use Plan map in the Town Comprehensive Plan ~~(defined in § 325-120)~~.
 - (3) Wetlands, including 75-foot buffer along wetland edges.
 - (4) Lakes and streams, including a 75-foot buffer from the ordinary high water mark.
 - (5) 100-year floodplains and floodways.
 - (6) Drainage ways, including a 25-foot buffer.
 - (7) Depth to groundwater.
 - (8) Soil series, types and phases, as mapped by the U.S. Department of Agriculture
 - (9) Site topography.
 - (10) Geologic formations including rock outcroppings, cliffs and glacial features such as eskers, kames, drumlins, and kettles.
 - (11) Ridgelines and watershed boundaries.
 - (12) Woodlands as defined by SEWRPC.
 - (13) Prairie habitat areas of rare species and natural communities recorded in the Wisconsin Natural Heritage Inventory (NHI) .

- (14) Class I, II, III wildlife habitat areas identified by SEWRPC.
 - (15) Slopes of 12% or greater.
 - (16) Prime Agricultural Land as defined by SEWRPC.
 - (17) Farmland contiguous to existing farmland in neighboring parcels.
 - (18) Farmstead clusters, including agriculturally-related outbuildings.
 - (19) Historic buildings or structures identified by the Wisconsin Architecture and History Inventory (WAHI) or other buildings of local cultural significance
 - (20) Inventoried historic or prehistoric archeological sites.
 - (21) Existing roads, paving, buildings, utilities, easements, boundaries, planned land uses and zoning on and adjacent to the site.
 - (22) Additional land conditions on and adjacent to the property according to general land cover type, including cultivated land, permanent grass land, meadow, pasture, prairie, hedgerows, etc.
- b. Other possible areas to be created as common open space (See § 325-120, “Common Open Space” definition for descriptions):
- (1) Countryside Views.
 - (2) Environmental Preserves.
 - (3) Environmental Restoration.
 - (4) Parkway Landscapes.
 - (5) Traditional Farmsteads.
 - (6) Cultivated Fields and Pastures.
 - (7) Orchards.
 - (8) Trail Corridors and Walkways.
 - (9) Scenic Drives.
 - (10) Equestrian Common Open Spaces and Features.
 - (11) Forestation Areas.
 - (12) Neighborhood Parks and Squares.
 - (13) Play Areas.
 - (14) Landscaped Boulevards.
 - (15) Landscaped Cul-de-sac Islands.
 - (16) Gateway Features.
 - (17) Ornamental and Display Gardens.
 - (18) Community Garden and Greenhouse.
 - (19) Other Significant Common Open Space Features.
- 2. Review the Environmental and Cultural Resources Diagram and visit the site with Town representatives to evaluate important site features. The Town may require that a qualified ecologist, engineer, or land planner be included as part of the review.
 - 3. Establish an agreement between all parties as to what is valuable and should be preserved and/or created.
 - 4. Create a Common Open Space Diagram with items on the site to be preserved and/or created for Plan Commission review and acceptance.
 - 5. Present the Common Open Space Diagram to the Plan Commission for review and finalization of which common open space features to preserve and/or create.
 - 6. Create three conceptual Sketch Diagrams using the accepted Common Open Space Diagram in consultation with Zoning Administrator and other plan reviewers. All three Sketch Diagrams should retain the agreed upon common open space features to the largest extent possible and be acceptable development scenarios that the developer would be willing to pursue if approved. The following development design criteria should be used when creating the conservation development concepts:

- a. Protect important existing environmental and cultural resources. Protect all existing town, county, state, and federally regulated environmental and cultural resources and all other significant existing environmental and cultural resources identified on accepted Common Open Space Diagram.
- b. Integrate common open space features into the design.
 - (1) Arrange the overall neighborhood design so as to create attractive and meaningful recreational, scenic and gathering areas for general public as well as the private development. Locate significant open spaces so they can be enjoyed by all residents without intruding upon the privacy of others. A minimum of 30% common open space is required for all conservation developments.
 - (2) Organize open space features so they feel like common areas rather than mere extensions of the private lots. Place open spaces so that they can be accessed by the entire neighborhood. Place significant common spaces at the fronts or sides of properties and adjacent to neighborhood roadways and link these common areas with trails and pathways.
- c. Locate houses to minimize disruption to the natural character.
 - (1) Locate houses such that:
 - (a) The houses are sited around open spaces that include natural environmental areas, fields, woodlands, pastures, or farmland.
 - (b) The houses are grouped together in ways that create large, clear naturally landscaped areas between groups of houses.
 - (c) The houses will be visually overshadowed by important natural features such as woodlands, hedgerows, hills, or other key features of the landscape.
 - (2) Locate houses so as to minimize the length of time the house is visible to drivers on public roads. Do this by placing houses behind landscape elements or natural features that reduce visibility of the house. Minimize the degree to which houses are prominently featured on ridges and hilltops, especially when they are visible to other houses and the public roads. (See Article XI for specific landscape requirements for buffer areas)
- d. Preserve and integrate landscape elements. Try to make the groups of houses seem like separate developments intertwined by a continuous system of landscape elements and natural features — use landscape elements (fields, hedgerows, woodlands) as separations between groups of houses. Landscape elements should include varied plant species and maintain the natural, rural character of the Town. Naturalized landscape areas (including berms) should not be mowed, except for the purpose of annual maintenance.
- e. Group houses together. Groupings of four to five units are preferable, but larger groupings (perhaps as many as 8 units) could be satisfactory if there are larger open spaces and natural areas around and between them.
- f. Connect the landscaping. Extend and connect the existing natural areas and environmental corridors with new plantings and landscaping that match the existing plantings and landscape. Create continuous landscape edges along public roads and between groups of houses using mixtures of species that create a varied image as the seasons change.
- g. Link trail systems. Link natural features between parcels with a trail system which continues throughout the Town. Create features of cul-de-sacs. Minimize the use of cul-de-sacs except where necessary to preserve a natural feature. Include planting in the cul-de-sac and create formal shapes to provide a front “green” for the surrounding homes.
- h. Road design. Design roads (and adjacent landscapes) so as to minimize (a) the number of houses that are seen from roads and (b) the length of time houses are seen from the road. When houses are visible from roads, try to create compact groups with clear open or natural areas between the groups. Where feasible, design roads with straight alignments that are

aimed at natural vistas with no buildings in them. Use curves to slow traffic naturally, rather than to accommodate increased speed.

- i. Include scenic drives. Encourage the creation of scenic drives where houses are located only on one side of a road and natural landscapes are preserved on the other side. Preserve existing scenic drives in order to protect the natural character of the neighborhood.
 - j. Create walking and hiking trails. Create walking and hiking trails that are adjacent to public roads and act as buffers to residential uses. Integrate walking and hiking trails with the geometry and pattern of roads.
7. Provide the three conceptual Sketch Diagrams to the Plan Commission for review and possible conceptual approval. The Plan Commission may evaluate these alternatives according to the following criteria:
- a. The degree to which Common Open Space Diagram has been integrated into the overall site design.
 - b. The degree to which the conservation development design criteria have been integrated into the overall site design.
 - c. The degree to which the site design conforms to the dimensional and minimum open space requirements and allowable number of units as described in this section.
 - d. The degree to which the overall design and common open space concept can be implemented based on Chapter 310, Subdivision and Land Development, of the Town Code and other relevant town, county, state, and federal regulations.
 - e. Whether the site design creates a visually appealing development that supports the overall goals of Town of West Bend as expressed in the Comprehensive Plan.
8. The Plan Commission shall review the three conceptual Sketch Diagrams and take one of the following actions:
- a. Approve one of the three conceptual Sketch Diagrams as presented.
 - b. Approve one of the three conceptual Sketch Diagrams with conditions. The applicant shall make appropriate revisions and present a revised diagram to the Plan Commission.
 - c. Deny approval of all three conceptual Sketch Diagrams. The applicant may develop additional concepts for Plan Commission review.
9. Prepare Preliminary and Final Plats for Town approval based on the approved conceptual sketch diagram. Work with Zoning Administrator and reviewers to translate approved conservation development design into final plans.

F. Calculation of Allowable Number of Units in Conservation Developments. To determine the allowable number of units, the following steps shall be taken:

1. Determine the total acreage of the site.
2. Determine the total acreage of common open space to be preserved or created as agreed upon during the design process. A minimum of 30% common open space is required for all conservation developments. One additional unit will be awarded for every 2.5 acres of designated common open space preserved or created beyond the 30% minimum common open space.
3. Add the total acreage of the site to the additional acreage of common open space to be saved beyond the 30% minimum required. Divide this number by 2.5 (acres) to determine the allowable number of units on the site.
 - a. Use the following formula for calculating the allowable number units:

$\text{Allowable \# of Units} = \text{Total Site Area} + \text{Additional Common Open Space Area Saved (>30\%)} \div 2.5$

Exhibit A for Ordinance 2024-06

b. Example:

Total site area = 100 acres
Required 30% common open space area to be saved = 30 acres
Additional common open space area to be saved beyond 30% = 15 acres
Total common open space area to be saved = 45 acres
Allowable number of units = (100 + 15) / 2.5 = 46 units
Note: This represents a “bonus” of 6 units for the additional 15 acres of common open space area saved.

c. The following table gives the range of the allowable number of units for a 100-acre parcel:

Total Site Area (acres)	100										
Common Open Space Area Saved in Acres	>50	50.0	47.5	45.0	42.5	40.0	37.5	35.0	32.5	30.0	30% min. common open space
Maximum Allowable Number of Units	*	48	47	46	45	44	43	42	41	40	
* Preserving beyond 50 acres would be permissible, but the number of lots possible is restricted by the amount of acreage available.											
Note: The total number of buildable units that are feasible on any parcel will vary depending on several factors including but not limited to the following; the location and size of wetlands, streams or lakes, soil type, site topography, average lot size, total road area, and general creativity of the designer. When calculations yield numbers with decimals, the allowable number of units shall be rounded down to the nearest whole number.											

G. R-1NC Conservation Development Site Dimensional Standards. [See Appendix C.](#)

Lot	Width Minimum	120 feet ⁽¹⁾⁽²⁾	
	Area Minimum	One acre ⁽³⁾	
Principal Structure	Area Minimum	1,500 square feet	
	Height Maximum	35 feet	
Accessory Structures	Area Maximum (Combined total for all Accessory Structures excluding Transitory Structures)	Parcels less than 1 acre in size	864 square feet
		Parcels 1 acre to 1.99 acres in size	1,200 square feet
		Parcels 2 acres to 2.99 acres in size	1,400 square feet

Exhibit A for Ordinance 2024-06

		Parcels 3 acres to 4.99 acres in size	1,600 square feet
		Parcels 5 acres to 6.99 acres in size	2,000 square feet
		Parcels 7 acres in size and larger	7,000 square feet, with no single structure larger than 2,000 square feet
	Height Maximum	20 feet ⁽⁴⁾	
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet	
	Side and Rear	25 feet	
	Shore	75 feet ⁽⁵⁾	
	Street	40 feet ⁽⁶⁾	
Minimum Setbacks for Principal Structure	Street	40 feet	
	Side	25 feet	
	Rear	40 feet	
	Shore	75 feet	
Minimum Setbacks of Lot Groups	From external arterial street rights-of-way	100 feet	
	From scenic roads	100 feet	
	From all other external street rights-of-way	50 feet	
(1) Measured at the setback. (2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots. (3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots. (4) See Chapter 17.7 Article VII for modifications. (5) Only gazebo Accessory Structures are permitted in the Shore Yard. (6)(1) Accessory Structures located in the Street Yard or Primary Street Yard Require a Conditional Use Permit.			

H. R-1N Existing Conventional Development and Minor Land Division Site Dimensional Standards. [See Appendix C.](#)

Lot	Width Minimum	120 feet ⁽¹⁾⁽²⁾
	Area Minimum	1.5 acres ⁽³⁾

Exhibit A for Ordinance 2024-06

Principal Structure	Area Minimum	1,500 square feet	
	Height Maximum	35 feet	
Accessory Structures	Area Maximum (Combined total for all Accessory Structures excluding Transitory Structures)	Parcels less than 1 acre in size	864 square feet
		Parcels 1 acre to 1.99 acres in size	1,200 square feet
		Parcels 2 acres to 2.99 acres in size	1,400 square feet
		Parcels 3 acres to 4.99 acres in size	1,600 square feet
		Parcels 5 acres to 6.99 acres in size	2,000 square feet
		Parcels 7 acres in size and larger	7,000 square feet, with no single structure larger than 2,000 square feet
	Height Maximum	20 feet ⁽⁴⁾	
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet	
	Side and Rear	25 feet	
	Shore	75 feet ⁽⁵⁾	
	Street	50 feet ⁽⁶⁾	
Minimum Setbacks for Principal Structure	Street or Primary Street	50 feet	
	Side	25 feet	
	Rear	50 feet	
	Shore	75 feet	
(1) Measured at the setback. (2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots. (3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots. (4) See Chapter 17.7 for modifications. (5) Only gazebo Accessory Structures are permitted in the Shore Yard. (6) Accessory Structures located in the Street Yard or Primary Street Yard Require a Conditional Use Permit.			

- I. Ownership of Common Facilities and Common Open Space in Conservation Type Developments. The following methods may be used, either individually or in combination, to own common facilities and common open space:

1. Homeowner's Association. Common facilities and open space shall be held in common ownership as undivided proportionate interests by the members of the association. The homeowner's association shall be governed according to the following:
 - a. The applicant shall provide to the Town a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for the common areas.
 - b. Membership in the association shall be mandatory for all purchasers of lots.
 - c. The members of the association shall share equitably the costs of maintaining and operating the common facilities and common space.
 - d. The association shall have or hire adequate staff to maintain the common facilities and common space.
 - e. The association is responsible for the maintenance of the common facilities and open space. In the event the association does not maintain the common properties, the Town may maintain or have the common properties maintained and assess the association members as necessary.
 - f. The association shall hold a conservation easement or deed restriction on the common open space land and common facilities to protect them from development.
 - g. The association shall provide for proper maintenance of shared septic systems, and common open space areas including, but not limited to, review of installation and ongoing repair, modification and maintenance.
 - h. The Town shall have the authority to special assess landowners for the preservation, restoration, or maintenance of shared septic systems and common open space features which are deemed by the Town Board to be noxious, hazardous, or a nuisance to the general public welfare.
2. Transfer of Ownership.
 - a. Transfer of easements to a private or public conservation organization is acceptable if approved by the Town Board.
 - b. Ownership may be retained by the original landowner if the Town and residents of the development hold conservation easements on the land, protecting it from any further development.
3. Leasing of Conservation Land. Common open space land may be leased to another person or entity for the use, operation and maintenance if it is approved by the Town Board and provided that:
 - a. The residents of the development shall have at all time have access to the leased lands, except in the case of lease of agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the land.
 - b. The land to be leased shall remain as mainly undeveloped open space whose character and uses are compatible with the overall goals and rural character of the Town and this Chapter.
 - c. Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of execution and a copy shall be provided to the Town of West Bend.
4. Land Stewardship Plan.
 - a. A land stewardship plan shall be prepared by a qualified landscape architect or ecologist describing the restoration, preservation and maintenance goals and methods for all common open space areas and features.
 - b. The land stewardship plan goals and methods should be implemented by a qualified landscape or ecological restoration organization
 - c. The land stewardship plan must, at minimum, be updated every five years to reflect changing conditions.
 - d. Copies of the original and updated land stewardship plans shall be provided to the Town.

- e. In the event the association does not implement and/or update the land stewardship plan, the Town will implement and/or update the plan and assess the association and/or association members as necessary.
5. Rezoning. Common open space land may be rezoned to the P-1 Public and Private Park District provided it is desired by the landowners and approved by the Town Board.

J. Minor Land Division.

1. Parcels containing at least five acres at the time of a minor land division may be so divided into one or more single lots of 1.5 acres minimum size, with a density not to exceed one unit per 2.5 acres, by a Certified Survey Map (CSM) complying with the Town's Land Division Ordinance and Chapter 236, Wis. Stats.
2. As part of the land division approval process, the applicant shall identify and map all existing site and adjacent natural environmental and cultural features as listed in Chapter § 325-26E(1). To the greatest extent possible, those significant environmental and cultural resources identified for preservation by the Plan Commission and Town Board or other relevant Sections of this or other ordinances shall be protected during any subsequent land division, development, or construction activities.
3. That area of land that is located within the Environmental Corridor Overlay Conservancy District (~~see § 325-120 for definition~~) shall be excluded from the density calculation. (~~Note: Approximate locations of these areas are shown for reference in the Town's Comprehensive Plan as "Environmental Conservancy Districts"~~)
4. A prior minor land division of an original parcel under this Subsection may be modified, provided that all of the following conditions are met:
 - a. All lots created from the original parcel shall collectively meet the required density calculation.
 - b. The Certified Survey Map modifying the division depicts as parcels the new lot(s) and all of the original parcel, and clearly states the density calculation illustrating the total number of lots that may be created from the original parcel.
5. Certified Survey Maps shall be recorded in the Washington County Registry currently located in the office of the Register of Deeds of Washington County, Wisconsin and a notation shall be made on the zoning map maintained under § 325-25, cross referenced to a statement on the face of the CSM: 'Density Limits, see CSM.'

- K. Impervious Surface Area. The maximum impervious surface area on a lot located outside of a designated shoreland zoning area shall be 20%.

- L. Landscaping. Refer to Article XI.

- M. Site Plan Review and Architectural Control. Refer to Article X.

325-27. R-1R RURAL RESIDENTIAL DISTRICT

A. Purpose and Characteristics.

1. The R-1R Rural Residential District is primarily intended to provide for new or existing single-family residential uses in conservation developments or minor land divisions, existing single-

family residential uses in conventional developments and existing agricultural uses. ~~Base density for the District, as defined in § 325-120, shall be one unit per 3.5 acres. Bonus density may be allowed as described in Subsection F of § 325-27.~~

2. Conservation developments protect the existing character of an area, and allow for smaller residential lots clustered together. Conservation developments also provide common open space linked throughout the area. Such development is consistent with the Town's Comprehensive Plan goals, which include the preservation of the natural landscape and quality of life as priorities in the future development of the Town. New ~~conventional-conservation~~ developments ~~via subdivision plats~~ may be allow~~ed~~ only as a ~~planned development district~~~~Conditional Use in this District.~~

B. Permitted ~~Principal~~ Uses. Please refer to ~~§ 325-37~~ Appendix A and B.

- ~~1. Farms, Agricultural Uses, and Agricultural Structures existing at the time of adoption of this Ordinance, including: cultivation, harvesting, and sale of crops and related farm products; raising and sale of livestock of fowl, with associated pasture and barnyards orchards, nurseries, greenhouses, and related horticultural uses.~~

C. ~~Permitted Accessory Uses~~Reserved.

- ~~1. Please refer to § 325-37.~~
- ~~2. Accessory Structures in the Rear Yard, Side Yard, and Secondary Street Yard.~~
- ~~3. Gazebos, as defined in Chapter 17.15, in the Shore Yard if they meet applicable setbacks.~~
- ~~4. Accessory Structures, excluding Transitory Structures, shall use like materials and colors to those of the principal structure. Windows, doors, and other architectural accoutrements shall compliment those of the principal structure.~~

D. ~~Conditional Uses~~. Please refer to ~~Chapter 17.4.14 and Chapter 17.5.06~~Reserved.

- ~~1. Accessory Structures in the Street Yard or Primary Street Yard consistent with the requirements of Chapter 17.7.02.1.2.~~

E. Design Process and Standards for Conservation Developments. Please refer to § 325-26E.

F. Calculation of Allowable Number of Units in Conservation Developments. To determine the allowable number of units, the following steps shall be taken:

1. Determine the total acreage of the site.
2. Determine the total acreage of common open space to be preserved or created as agreed upon during the design process. A minimum of 30% common open space is required for all conservation developments. One additional unit will be awarded for every 3.5 acres of designated common open space preserved or created beyond the 30% minimum common open space.
3. Add the total acreage of the site to the additional acreage of common open space to be saved beyond the 30% minimum required. Divide this number by 3.5 (acres) to determine the allowable number of units on the site.
 - (a) Use the following formula for calculating the allowable number units:

Allowable # of Units = Total Site Area + Additional Common Open Space Area Saved (>30%) ÷ 3.5

(b) Example:

Total site area = 100 acres
Required 30% common open space area to be saved = 30 acres
Additional common open space area to be saved beyond 30% = 15 acres
Total common open space area to be saved = 45 acres
Allowable number of units = (100 + 15) / 3.5 = 32 units
Note: This represents a “bonus” of 4 units for the additional 15 acres of common open space area saved.

(c) The following table gives the range of allowable number of units for a 100-acre parcel:

Total Site Area (acres)	100										
Common Open Space Area Saved in Acres	>50	50.0	47.5	45.0	42.5	40.0	37.5	35.0	32.5	30.0	30% min. common open space
Maximum Allowable Number of Units	*	34	33	32	32	31	30	30	29	28	
* Preserving beyond 50 acres would be permissible, but the number of lots possible is restricted by the amount of acreage available.											
Note: The total number of buildable units that are feasible on any parcel will vary depending on several factors including but not limited to the following; the location and size of wetlands, streams or lakes, soil type, site topography, average lot size, total road area, and general creativity of the designer. When calculations yield numbers with decimals, the allowable number of units shall be rounded down to the nearest whole number.											

G. R-1RC Conservation Development Site Dimensional Standards. [Please refer to Appendix C.](#)

Lot	Width Minimum	120 feet ⁽¹⁾⁽²⁾	
	Area Minimum	One acre ⁽³⁾	
Principal Structure	Area Minimum	1,500 square feet	
	Height Maximum	35 feet	
Accessory Structures	Area Maximum (Combined total for all Accessory Structures excluding Transitory Structures)	Parcels less than 1 acre in size	864 square feet
		Parcels 1 acre to 1.99 acres in size	1, 200 square feet
		Parcels 2 acres to 2.99 acres in size	1,400 square feet

		Parcels 3 acres to 4.99 acres in size	1,600 square feet
		Parcels 5 acres to 6.99 acres in size	2,000 square feet
		Parcels 7 acres in size and larger	7,000 square feet, with no single structure larger than 2,000 square feet
	Height Maximum	20 feet ⁽⁴⁾	
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet	
	Side and Rear	25 feet	
	Shore	75 feet ⁽⁵⁾	
	Street	40 feet ⁽⁶⁾	
Minimum Setbacks for Principal Structure	Street or Primary Street	40 feet	
	Side	30 feet	
	Rear	40 feet	
	Shore	75 feet	
Minimum Setbacks of Lot Groups	From external arterial street rights-of-way	100 feet	
	From scenic roads	100 feet	
	From all other external street rights-of-way	50 feet	
(1) Measured at the setback. (2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots. (3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots. (4) See Chapter 17.7 Article VII for modifications. (5) Only gazebo Accessory Structures are permitted in the Shore Yard. (6)(1) Accessory Structures located in the Street Yard or Primary Street Yard Require a Conditional Use Permit.			

H. R-1R Existing Conventional Development and Minor Land Division Site Dimensional Standards. Please refer to Appendix C

Lot	Width Minimum	120 feet ⁽¹⁾⁽²⁾	
	Area Minimum	2.5 acres ⁽³⁾	
Principal Structure	Area Minimum	1,500 square feet	
	Height Maximum	35 feet	
Accessory Structures	Area Maximum (Combined total for all Accessory Structures excluding Transitory Structures)	Parcels less than 1 acre in size	864 square feet
		Parcels 1 acre to 1.99 acres in size	1,200 square feet
		Parcels 2 acres to 2.99 acres in size	1,400 square feet
		Parcels 3 acres to 4.99 acres in size	1,600 square feet
		Parcels 5 acres to 6.99 acres in size	2,000 square feet
		Parcels 7 acres in size and larger	7,000 square feet, with no single structure larger than 2,000 square feet
	Height Maximum	20 feet ⁽⁴⁾	
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet	
	Side and Rear	25 feet	
	Shore	75 feet ⁽⁵⁾	
	Street	40 feet ⁽⁶⁾	
Minimum Setbacks for Principal Structure	Street or Primary Street	50 feet	
	Side	30 feet	
	Rear	50 feet	
	Shore	75 feet	

- ~~(1) Measured at the setback.~~
- ~~(2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewerred lots and 100 feet for unsewerred lots.~~
- ~~(3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewerred lots and 20,000 square feet for unsewerred lots.~~
- ~~(4) See Chapter 17.7 for modifications.~~
- ~~(5) Only gazebo Accessory Structures are permitted in the Shore Yard.~~
- ~~(6) Accessory Structures located in the Street Yard or Primary Street Yard Require a Conditional Use Permit.~~

- I. Ownership of Common Facilities and Common Open Space. Please refer to § 325-26I for ownership of Common Facilities and Common Open Space.
- J. Minor Land Divisions. Please refer to § 325-26.J for Minor Land Divisions, as relevant.
- K. ~~Impervious Surface Area. The maximum impervious surface area on a lot located outside a designated shoreland zoning area shall be 20%.~~ Reserved
- L. Landscaping. Please refer to § 325-95.
- M. Erosion Control. Please refer to § 325-94.
- N. Parking, Driveway, and Paved Areas. Please refer to Article VI.
- O. Site Plan Review and Architectural Control. Please refer to Article X.

325-28. R-1S SHORELAND RESIDENTIAL DISTRICT

- A. Purpose and Characteristics. The R-1S Shoreland Residential District is primarily intended to provide for single-family residential uses within the three historic lake communities of the Town. These areas are composed of properties both on and off of the lakeshore, some of which have been in existence for many years prior to the adoption of this Chapter. The intention of this District is to preserve the existing lakeside charm and appeal of these communities, protect the water quality of the lakes and allow property owners to maintain and improve their properties. To that end there are several requirements and recommendations for building and site work within the District.
- B. Lot Types.
 - 1. The District is comprised of existing lots in a variety of irregular sizes and configurations that were platted prior to the existence of zoning standards and that in many cases do not meet current dimensional standards.
 - 2. For the purposes of this District, lots that were a lot of record with the Washington County Register of Deeds on April 1, 1986 are considered "Existing Lots". In addition, lots that were subsequently altered by the combination of or addition to those Existing Lots by Certified Survey Map, metes and bounds description, or other approved method shall be considered Existing Lots for the purpose of this Section. In no case can the combined or altered Existing

Lots result in a lot of reduced lot area or lot width unless the resulting lot meets the current standards for “New Lots” under this Section.

3. Lots that were created out of larger parcels and that were recorded after April 1, 1986 are considered “New Lots”. The standards for each of these categories of lots are given in this Section and in other relevant Sections of this Chapter.
4. Also, for the purposes of this District “Lakeshore Lots” are those lots which have at least one Shore Yard frontage.

5. ~~In addition, any Principal and Accessory Structures present on Existing Lots as of April 1, 1986 are considered to be conforming structures. Structures built or structurally altered after that date must conform to standards of this District and other standards of this Chapter or an approved Conditional Use Permit.~~

BB. Any principal and accessory structures present on existing lots as of April 1, 1986 are considered to be conforming structures. Structures built or structurally altered after that date must conform to standards of this District and other standards of this Chapter or an approved conditional use permit.

C. Permitted ~~Principal~~ Uses. Please refer to ~~§ 325-37~~ Appendix A and B.

1. ~~Farms, Agricultural Uses, and Agricultural Structures existing at the time of adoption of this Ordinance, including: cultivation, harvesting, and sale of crops and related farm products; raising and sale of livestock of fowl, with associated pasture and barnyards orchards, nurseries, greenhouses, and related horticultural uses.~~

D. ~~Permitted Accessory Uses~~Reserved.

1. ~~Please refer to Chapter 17.4.14.~~
2. ~~Accessory Structures in the Rear Yard, Side Yard, and Street Yard.~~
3. ~~Gazebos, as defined in Chapter 17.15, in the Shore Yard if they meet applicable setbacks.~~
4. ~~No other Accessory Structures shall be erected in the Shore Yard after January 1, 2010.~~
5. ~~Accessory Structures, excluding Transitory Structures, shall use like materials and colors to those of the Principal Structure. Windows, doors, and other architectural accoutrements shall compliment those of the Principal Structure.~~

E. ~~Conditional Uses.~~ Please refer to Chapter 17.4.14 and Chapter 17.5.06Reserved.

F. Limitations. In addition to the Town code, refer to federal, state, and county ordinances that regulate land and structures around wetlands and water bodies.

G. R-1S Site Dimensional Standards – Existing Lots. Please refer to Appendix C

Lot	Width Minimum	Average of 65 feet for sewerred lots and Average of 100 feet for unsewered lots, as per NR 115.05(1)(a)1. (1)
	Area Minimum	10,000 square feet for sewerred lots and 20,000 square feet for unsewered lots, as per NR 115.05(1)(a)1.
Principal Structure	Area Minimum	Total: 1,200 square feet 1 st Floor: 600 square feet

	Height Maximum (Lakeshore Lots ≤ 50 feet in width)	25 feet	
	Height Maximum (all other Existing Lots)	35 feet	
Accessory Structure	Area Maximum (combined total for all Accessory Structures excluding Transitory Structures)	Parcels less than 1 acre in size	864 square feet
		Parcels 1 acre to 1.99 acres in size	1, 200 square feet
		Parcels 2 acres to 2.99 acres in size	1,400 square feet
		Parcels 3 acres to 4.99 acres in size	1,600 square feet
		Parcels 5 acres to 6.99 acres in size	2,000 square feet
		Parcels 7 acres in size and larger	7,000 square feet, with no single structure larger than 2,000 square feet
	Height Maximum	20 feet ⁽²⁾	
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet	
	Side and Rear	Seven feet	
	Shore	75 feet ⁽³⁾	
	Street	25 feet ^{(1) (4)}	
Minimum Setbacks for Principal Structure	Street or Primary Street	25 feet	
	Side	Seven feet	
	Rear	25 feet	
	Shore	75 feet	
(1) — Measured at the setback.			
(2) — See Chapter 17.7 for modifications.			
(3) — Only gazebo Accessory Structures are permitted in the Shore Yard.			

H. R-1S Site Dimensional Standards – New Lots. [Please refer to Appendix C](#)

Lot	Width Minimum	Average of 65 feet for sewerred lots and Average of 100 feet for unsewerred lots, as per NR 115.05(1)(a)1. (1)
	Area Minimum	10,000 square feet for sewerred lots and 20,000 square feet for unsewerred lots, as per NR 115.05(1)(a)1.

Principal Structure	Area Minimum	Total: 1,200 square feet 1 st Floor: 950 square feet	
	Height Maximum	35 feet	
Accessory Structure	Area Maximum (combined total for all Accessory Structures excluding Transitory Structures)	Parcels less than 1 acre in size	864 square feet
		Parcels 1 acre to 1.99 acres in size	1, 200 square feet
		Parcels 2 acres to 2.99 acres in size	1,400 square feet
		Parcels 3 acres to 4.99 acres in size	1,600 square feet
		Parcels 5 acres to 6.99 acres in size	2,000 square feet
		Parcels 7 acres in size and larger	7,000 square feet, with no single structure larger than 2,000 square feet
	Height Maximum	20 feet(2)	
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet	
	Side and Rear	10 feet	
	Shore	75 feet ⁽³⁾	
	Street	50 feet ⁽⁴⁾	
Minimum Setbacks for Principal Structure	Street or Primary Street	50 feet	
	Side	25 feet	
	Rear	25 feet	
	Shore	75 feet	
(1) — Measured at the setback. (2) — See Chapter 17.7 for modifications. (3) — Only gazebo Accessory Structures are permitted in the Shore Yard.			

- I. Landscaping. Please refer to § 325-95.
- J. Erosion Control. Please refer to Chapter § 325-94.
- K. Parking, Driveway, and Paved Areas. Please refer to Article VI.
- L. Site Plan Review and Architectural Control. Please refer to Article X.

325-29. R-1S/MU SHORELAND RESIDENTIAL / MIXED-USE DISTRICT

- A. Purpose and Characteristics.

1. The Shoreland Residential / Mixed-Use District consists of shoreland uses that are contained within the historic lakeshore community, including rental cottages, lodging accommodation, hotel rooms, tavern and/or restaurant facilities, or owner occupied housing operated in a longstanding, uninterrupted manner as businesses licensed by the State of Wisconsin, Department of Health and Social Services pursuant to Chapter 254, Wis. Stats., and Chapter DHS 195, Wisconsin Adm. Code.
2. This District is comprised of properties both on and off of the lakeshore that have been in existence for many years prior to the adoption of this Chapter. The intention of this District is to allow the continued operation of these long standing resorts, protect the character of surrounding residential neighborhoods, protect the aesthetic and environmental quality of the lakes, while still allowing property owners to adequately maintain and improve their current operations. To that end there are several requirements and recommendations for building and site work within the District. These standards are given in this Section and in other Sections of this Chapter.
3. New properties shall not be rezoned into this District unless they are an expansion of an existing use or business in the R-1S/MU District as of the adoption date and it can be shown that in doing so, adjacent land owners and the community as a whole are not adversely impacted by the rezoning. In addition, there should be no major redevelopment of the existing properties that would substantially increase the intensity or use of the existing business enterprises.
4. Principal and Accessory Structures present as of April 1, 1986 are considered to be conforming structures. Structures built or structurally altered after must conform to standards of this District and other standards of this Chapter or an approved Conditional Use Permit.

B. Permitted ~~Principal~~ Uses. Please refer to ~~§ 325-37~~ Appendix A and B.

- ~~1. Farms, Agricultural Uses, and Agricultural Structures existing at the time of adoption of this Ordinance, including: cultivation, harvesting, and sale of crops and related farm products; raising and sale of livestock of fowl, with associated pasture and barnyards orchards, nurseries, greenhouses, and related horticultural uses.~~
- ~~2.1. Shoreland Uses operated in a longstanding, uninterrupted manner as licensed businesses, consistent with relevant state statutes, including: Rental Cottages, Lodging Accommodation, Hotel Rooms, Taverns and/or Restaurant Facilities.~~

C. ~~Permitted Accessory Uses. Reserved.~~

- ~~1. Please refer to Chapter 17.4.14.~~
- ~~2. Accessory Structures in the Rear Yard, Side Yard, and Secondary Street Yard.~~
- ~~3. Gazebos, as defined in Chapter 17.15, in the Shore Yard if they meet applicable setbacks.~~
- ~~4. No other Accessory Structures shall be erected in the Shore Yard after January 1, 2010.~~
- ~~5. Accessory Structures, excluding Transitory Structures, shall use like materials and colors to those of the Principal Structure. Windows, doors, and other architectural accoutrements shall compliment those of the Principal Structure.~~

D. ~~Conditional Uses. Please refer to 4.10 and Chapter 17.5.06. Reserved~~

- ~~1. Accessory Structures in the Street Yard or Primary Street Yard consistent with the requirements of Chapter 17.7.023.K.2.~~

Exhibit A for Ordinance 2024-06

E. Limitations. In addition to the Town code, refer to federal, state, and county ordinances that regulate land and structures around wetlands and water bodies.

F. R-1S/MU Site Dimensional Standards. [Please refer to Appendix C.](#)

Lot	Width Minimum	Average of 65 feet for sewerred lots and Average of 100 feet for unsewered lots, as per NR 115.05(1)(a)1. (1)	
	Area Minimum	10,000 square feet for sewerred lots and 20,000 square feet for unsewered lots, as per NR 115.05(1)(a)1.	
Principal Structure	Area Minimum	Total: 1,200 square feet 1 st Floor: 600 square feet	
	Height Maximum	35 feet	
Accessory Structure	Area Maximum (combined total for all Accessory Structures excluding Transitory Structures)	Parcels less than 1 acre in size	864 square feet
		Parcels 1 acre to 1.99 acres in size	1, 200 square feet
		Parcels 2 acres to 2.99 acres in size	1,400 square feet
		Parcels 3 acres to 4.99 acres in size	1,600 square feet
		Parcels 5 acres to 6.99 acres in size	2,000 square feet
		Parcels 7 acres in size and larger	7,000 square feet, with no single structure larger than 2,000 square feet
	Height Maximum	20 feet ⁽²⁾	
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet	
	Side and Rear	Existing Setback	
	Shore	75 feet ⁽³⁾	
	Street	75 feet ⁽⁴⁾	
Minimum Setbacks for Principal Structure	Street or Primary Street	25 feet	
	Side	10 feet	
	Rear	25 feet	
	Shore	75 feet	

(1) — Measured at the setback.

(2) — See Chapter 17.7 for modifications.

(3) — Only gazebo Accessory Structures are permitted in the Shore Yard.

(4) — Accessory Structures located in the Street Yard or Primary Street Yard Require a Conditional Use Permit.

- G. Landscaping. Please refer to § 325-95.
- H. Erosion Control. Please refer to § 325-94.
- I. Parking, Driveway, and Paved Areas. Please refer to Article VI.
- J. Site Plan Review and Architectural Control. Please refer to Article X.

325-30. B-1 COMMERCIAL/MIXED-USE DISTRICT

- A. Purpose and Characteristics. The B-1 Commercial/Mixed-Use District is intended to provide for the orderly and attractive business development in appropriate locations along arterial highways in the Town which can provide the necessary infrastructure and services. The B-1 Commercial/Mixed-Use District is also intended to provide for business and commercial service establishments which serve the general retail needs of the Town, as well as establishments which are locally related to and dependent upon highway traffic or designed to serve the needs of such traffic. Such business development should provide ample off-street parking and loading areas, safe vehicular access to the arterial highway system, landscaping and development character and intensity of use, which is compatible with the rural character of the Town.
- B. Permitted Principal Uses. Please refer to ~~§325-37~~ Appendix A and B.
- C. Permitted Accessory Uses- Reserved.
1. Please refer to Chapter 17.4.14.
 2. Accessory Structures in the Rear Yard, Side Yard, and Secondary Street Yard.. Accessory Structures shall use like materials and colors to those of the Principal Structure.
- D. Conditional Uses. Please refer to Chapter 17.4.14.Reserved
- E. B-1 Site Dimensional Standards. Please refer to Appendix C.

Lot	Width Minimum	150 feet ⁽¹⁾⁽²⁾
	Area Minimum	Two acres ⁽³⁾
Principal Structure	Area Maximum (Footprint)	No maximum
	Height Maximum	35 feet
Accessory Structure	Area Maximum	No maximum
	Height Maximum	15 feet ⁽⁴⁾
Minimum Setbacks for Accessory Structure ⁽⁴⁾	From Principal Structure	10 feet
	Side and Rear	25 feet
Minimum Setbacks for Principal Structure	Street	50 feet
	Side	25 feet
	Rear	25 feet

	Shore	75 feet
(1) Measured at the setback. (2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewerred lots and 100 feet for unsewered lots. (3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewerred lots and 20,000 square feet for unsewered lots. (4) See Chapter 17.7 for modifications.		

F. ~~Impervious Surface Area.~~ ~~The maximum impervious surface area on a lot located outside of a designated shoreland zoning area shall be 50%.Reserved~~

G. Landscaping. Please refer to ~~Chapter 17.11.11~~§ 325-95.

H. Erosion Control. Please refer to ~~Chapter 17.11.10~~§ 325-94.

I. Parking, Driveway, and Paved Areas. Please refer to ~~Chapter 17.6~~Article VI.

J. Site Plan Review and Architectural Control. Please refer to ~~Chapter 17.10~~Article X.

325-31. B-2 COMMERCIAL/MIXED-USE DISTRICT

A. Purpose and Characteristics. The B-2 Commercial/Mixed-Use District is intended to provide for the orderly and attractive business development in appropriate locations which are compatible with residential development and does not exhibit intense active of other business Districts. The B-2 Commercial/Mixed-Use District is also intended to provide for business and customer service establishments which serve the general retail needs of the Town. Such business development should provide ample off-street parking and loading areas, safe vehicular access to the arterial highway system, landscaping and development character and intensity of use, which is compatible with the rural character of the Town.

B. Permitted ~~Principal~~ Uses. Please refer to ~~§ 325-37~~Appendix A and B.

C. ~~Permitted Accessory Uses.~~Reserved.

~~1. Please refer to § 325-37~~

~~2.1. Accessory Structures in the Rear Yard, Side Yard, and Secondary Street Yard. Accessory Structures shall use like materials and colors to those of the Principal Structure.~~

D. ~~Conditional Uses.~~ Please refer to ~~§ 325-37.~~ Reserved.

E. B-2 Site Dimensional Standards. Please refer to Appendix C.

Lot	Width Minimum	100 feet ⁽¹⁾⁽²⁾
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	Area Minimum	One acre ⁽³⁾
Principal Structure	Area Maximum (Footprint)	No maximum
	Height Maximum	35 feet
Accessory Structure	Area Maximum	No maximum
	Height Maximum	15 feet ⁽⁴⁾
Minimum Setbacks for Accessory Structure ⁽⁴⁾	From Principal Structure	10 feet
	Side and Rear	25 feet
Minimum Setbacks for Principal Structure	Street	50 feet
	Side	25 feet
	Rear	25 feet
	Shore	75 feet
(1) Measured at the setback. (2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots. (3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots. (4) See Chapter 17.7 for modifications.		

- F. ~~Impervious Surface Area. The maximum impervious surface area on a lot located outside a designated shoreland zoning area shall be 50%.Reserved.~~
- G. Landscaping. Please refer to § 325-95.
- H. Erosion Control. Please refer to § 325-94.
- I. Parking, Driveway, and Paved Areas. Please refer to Article VI.
- J. Site Plan Review and Architectural Control. Please refer to Article X.

325-32. M-1 INDUSTRIAL DISTRICT

- A. Purpose and Characteristics. The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as

Conditional Uses after careful study and review. Listed Conditional Uses should not normally abut directly upon Residential Districts.

B. Permitted ~~Principal~~ Uses. Please refer to ~~§ 325-37~~ Appendix A and B.

~~1. Processing of materials including: abrasives, acetylene, alkalis, bottling of alcoholic beverages, bottling and packaging of chemicals, building materials, cement products, cereals, charcoal packaging, food products, fuel, furs, grains, hair products, ice, lime products, meat (excluding slaughtering and confinement), oil cloth, and Plaster of Paris.~~

C. ~~Permitted Accessory Uses.~~ Reserved.

- ~~1. Please refer to Chapter 17.4.14.~~
~~2. Accessory Structures in the Rear Yard, Side Yard, and Secondary Street Yard.~~
~~3. Accessory Structures shall use like materials and colors to those of the Principal Structure.~~

D. ~~Conditional Uses.~~ Please refer to Chapter 17.4.14. Reserved.

E. M-1 Site Dimensional Standards. Please refer to Appendix C.

Lot	Width Minimum	125 feet ⁽¹⁾⁽²⁾
	Area Minimum	One acre ⁽³⁾
Principal Structure	Area Maximum	No maximum
	Height Maximum	45 feet
Accessory Structures	Area Maximum	No maximum
	Height Maximum	15 feet ⁽⁴⁾
Minimum Setbacks for Accessory Structure ⁽⁴⁾	From Principal Structure	10 feet
	Side and Rear	25 feet
Minimum Setbacks for Principal Structure	Street	50 feet
	Side	25 feet
	Rear	25 feet
	Shore	75 feet

- ~~(1) Measured at the setback.~~
- ~~(2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots.~~
- ~~(3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots.~~
- ~~(4) See Chapter 17.7 for modifications.~~

- F. ~~Impervious Surface Area. The maximum impervious surface area on a lot located outside a designated shoreland zoning area shall be 75%. Reserved.~~
- G. Landscaping. Please refer to § 325-95.
- H. Erosion Control. Please refer to § 325-94.
- I. Parking, Driveway, and Paved Areas. Please refer to Article VI.
- J. Site Plan Review and Architectural Control. Please refer to Article X.

325-33. ~~C-1 CONSERVANCY DISTRICT RESERVED~~

A. Purpose and Characteristics.

- ~~(1) The C-1 Conservancy District is intended to preserve, protect, and enhance the lakes, ponds, streams, and wetland areas of the Town of West Bend. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the Town.~~
- ~~(2) While the primary purpose of the District is the preservation of sensitive environmental features within the Town; it is also intended that landowner's be allowed to continue their legal single-family residential uses and maintain, remodel, or rebuild their legal structures and lots within limits of their existing footprint and not greater than their existing height.~~
- ~~(3) Significant rebuilding may only be allowed if it can be shown that the uses, structures and lots existed on or before April 1, 1986 and it is further determined that the residential uses and structures do not harm or threaten the health, safety, or general welfare of the public and do not otherwise cause damage to, infringe upon, or diminish the quality of the surrounding environmentally sensitive areas, features, or other physical attributes that contribute to the natural environmental qualities of the area.~~
- ~~(4) The intention is to allow the maintenance and rebuilding of existing structures provided that such changes do not change the structures or developed yard areas in a manner that occupies an area other than the area occupied on or before April 1, 1986. All such Principal and Accessory Uses are considered Conditional Uses in the C-1 District and all significant structural alterations, rebuilding or site work of these structures on requires the issuance of a Conditional Use Permit.~~

~~B. Permitted Principal Uses. Please refer to § 325-37.~~

~~C. Permitted Accessory Uses. Please refer to § 325-37.~~

~~D. Conditional Uses. Please refer to § 325-37.~~

~~E. Structures.~~

- ~~1. None permitted, except those accessory to a public fish hatchery or those Principal or Accessory Structures that existed on or before April 1, 1986 and that do not harm or threaten the health, safety, or general welfare of the public and do not otherwise cause damage to the surrounding environmentally sensitive areas or do not exist on or further infringe on those areas not suitable for the use or structures or that meet the criteria of a Conditional Use Permit.~~
- ~~2. No on-site soil absorption sanitary sewerage system or private well used to obtain water for ultimate human consumption shall be constructed in the C-1 Conservancy District except those that can safely exist in support of an existing use or structure.~~

~~F. Limitations. In addition to the Town code, refer to federal, state, and county ordinances that regulate structures and land around wetlands and water bodies.~~

~~G. Landscaping. Please refer to § 325-95.~~

~~H. Erosion Control. Please refer to § 325-94.~~

~~I. Parking, Driveway, and Paved Areas. Please refer to Article VI.~~

~~J. Site Plan Review and Architectural Control. Please refer to Article X.~~

~~K. Tree Cutting and Shrubbery Clearing Prohibited.~~

- ~~1. Lands lying within the C-1 Conservancy District shall not be clear-cut of trees, shrubbery, or underbrush.~~
- ~~2. No more than five percent of the natural vegetation shall be removed from a parcel unless otherwise approved by the Plan Commission.~~
- ~~3.1. Normal minor pruning, trimming, and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a professional forester shall be exempt from this restriction.~~

325-34. C-2 CONSERVANCY OVERLAY DISTRICT~~RESERVED~~

~~A. Purpose and Characteristics.~~

- ~~1. The C-2 Conservancy Overlay District is intended to preserve, protect and limit further development of those areas of the Town of West Bend that are designated "Environmental Conservancy (EC)" by the Cooperative Boundary Plan between the City of West Bend and the Town of West Bend (adopted 10/21/2001).~~
- ~~2. Existing Permitted, Accessory, and Conditional Uses of the underlying Zoning Districts are allowed but no further division or more intensive development of land through Certified Survey Map (CSM), Subdivision or Condominium shall be permitted within the C-2 Conservancy Overlay District. Furthermore, no rezoning to a more intense underlying Zoning District is allowed within the C-2 Conservancy Overlay District. When classified as C-2 Conservancy Overlay District the parcel or lot no longer retains any rights for more intensive development as described elsewhere in this Chapter. The only allowable exceptions to these site development~~

~~restrictions are those particular development scenarios described for specific properties as detailed in the Cooperative Boundary Plan Section 4.9 (A) "Special Land Use Regulations Within BAA (Boundary Adjustment Areas) Areas".~~

- ~~3. The preservation and protection of the open space and environmental features of these areas will serve to maintain the natural and rural character of the Town envisioned in the Boundary Plan and the Town's Comprehensive Plan, while preserving the land owner's right to continue their existing uses and maintain, expand, or rebuild their existing structures while also allowing them to build permitted new structures on their existing lot or parcel.~~

~~B. Permitted Uses.~~

- ~~1. Please refer to Chapter 17.4.14.~~
- ~~2. Any Principal, Accessory, and Conditional Use of the land, that is permitted in the basic underlying Zoning District, provided that such use does not destroy the environmental and aesthetic features protected by this District.~~

~~C. Conditional Uses.~~

- ~~1. Please refer to Chapter 17.4.14.~~
- ~~2. Those particular uses described for specific properties as detailed in the Cooperative Boundary Plan Section 4.9 (A) "Special Land Use Regulations Within BAA Areas". Any such development is to follow standards outlined in the underlying Zoning Districts and the Cooperative Boundary Plan Section 4.9 (A) "Special Land Use Regulations Within BAA Areas".~~

~~D. Structures. Any Permitted Structures of the underlying Zoning District.~~

~~E. C-2 Site Dimensional Standards. All dimensional standards of underlying Zoning District apply.~~

~~F. Other Review and Performance Standards. All other review and performance standards of the underlying Zoning District and this Chapter apply.~~

~~G.A. Tree Cutting and Shrubbery Clearing Prohibited. Lands lying within the C-2 Conservancy Overlay District shall not be clear-cut of trees, shrubbery, or underbrush. No more than 10% of the natural vegetation shall be removed from a parcel unless otherwise approved by the Plan Commission. Normal minor pruning, trimming, and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a professional forester shall be exempt from this restriction.~~

325-35. P-1 PUBLIC AND PRIVATE PARK DISTRICT

A. Purpose and Characteristics. The P-1 Public and Private Park District is intended to provide areas where the park, recreational, and open space needs, both public and private, of the Town of West Bend can be met without undue disturbance or degradation of the natural resources and uses of adjoining Districts. In addition, the District is intended to preserve and protect lands held by public interest groups, not-for-profit organizations, institutions or recreational organizations. Land uses within the District should promote planning and design which preserves and protects the environmental, cultural, historic and recreational resources and which recognizes that the natural environment is an integral system to the basic activity of the land use. The District allows for low-intensity improvements that support the purpose of the organizations or land use and also preserves or enhances the rural, recreational and environmental character of the Town of West Bend.

B. Permitted Uses. Please refer to Appendix A and B.

- ~~1. Please refer to § 325-37~~

- 2. ~~Park Structures and Park Related Facilities include: arboretums; bath houses/showers and locker rooms; caretaker residences; challenge courses; clubhouses; equipment storage structures including barns; gazebos, pavilions, and shelters; maintenance buildings; on-site soil absorption sanitary sewerage systems, vault latrines, shower houses, grease traps; outdoor ice skating; picnic areas; playgrounds; recreation trails and associated accoutrements; restroom facilities; sledding; sports fields; swimming beaches; and public swimming pools (indoor and outdoor).~~
- 3. ~~All of the Permitted Uses described in the C-1 Conservancy District.~~

- C. ~~Permitted Accessory Uses. Please refer to § 325-37. Reserved.~~
- D. ~~Conditional Uses. Please refer to § 325-37. Reserved.~~
- E. Limitations. In addition to the Town code, refer to federal, state, and county ordinances that regulate the land and structures in and around water bodies.
- F. P-1 Site Dimensional Standards. Please refer to Appendix C.

Lot	Width Minimum	No minimum ⁽¹⁾⁽²⁾
	Area Minimum	No minimum ⁽³⁾
Principal Structure	Area Minimum	No minimum
	Height Maximum	35 feet
Accessory Structure	Area Maximum (combined total for all Accessory Structures)	No maximum
	Height Maximum	35 feet
Minimum Setbacks for Accessory Structure	From Principal Structure	10 feet
	Street	25 feet
	Side and Rear	10 feet
	Shore	75 feet
Minimum Setbacks for Principal Structure	Street	25 feet
	Side	10 feet
	Rear	25 feet
	Shore	75 feet

- ~~(1) Measured at the setback.~~
- ~~(2) The minimum lot width for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots.~~
- ~~(3) The minimum lot area for parcels located within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots.~~

- G. ~~Impervious Surface Area.~~ The maximum impervious surface area on a lot located outside a designated shoreland zoning area shall be 20%. Reserved.
- H. Landscaping. See § 325-95.
- I. Erosion Control. See § 325-94.
- J. Parking, Driveway, and Paved Areas. See Article VI.
- K. Site Plan Review and Architectural Control. See Article X.

325-36. SUPPLEMENTAL LAND USE OVERLAY DISTRICTS RESERVED

- A. ~~General.~~ An overlay district is a regulatory tool that creates a separate zoning district, placed over an existing base zone or zones, which identifies specific provisions in addition to those of the underlying zoning district. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to guide development.
- B. ~~Purpose.~~ The purpose of the Supplemental Land Use Overlay Districts is to provide for an additional level of review for permitted uses that have a greater potential for creating undesirable off-site impacts than other permitted uses within the underlying zoning district. The additional level of review shall be accomplished via the imposition of performance standards as described in Chapter 17.4.12.F below. The intent of these performance standards shall be to mitigate against adverse, off-site impacts and to protect the health, safety, quality of life, and property values of adjoining property owners.
- C. ~~Overlay Districts Designated.~~ The following overlay districts are hereby designated in the Town of West Bend:
- ~~1. SMCO Supplemental Mixed Commercial Overlay District.~~
 - ~~2. SMO Supplemental Manufacturing Overlay District.~~
 - ~~3. SPRO Supplemental Park & Recreation Overlay District.~~
 - ~~4. SRO Supplemental Residential Overlay District.~~
- D. ~~Permitted Uses.~~ Please refer to Chapter 17.4.14.
- E. ~~Site Plan Review.~~ In addition to the requirements of Chapter 10.02 and Chapter 10.03, site plans prepared under Chapter 4.09 shall describe the manner in which each of the relevant performance standards described in Chapter 17.4.12.F below shall be effectuated.

- ~~F. Performance Standards. The standards described herein are established to ensure that the proposed use is compatible with the character of uses on adjoining and abutting parcels within the underlying zoning district. These performance standards are intended to compliment existing standards for the underlying district. Should standards conflict, the more stringent shall apply. These performance standards shall be enforced for all overlay district uses as applicable.~~
- ~~1. Screening.~~
 - ~~a. Screening shall be required for all uses permitted under a supplemental land use overlay district.~~
 - ~~b. The purpose of screening shall be to ensure sufficient visual diminishment of the proposed use as viewed from adjoining parcels.~~
 - ~~c. The type and extent of required screening shall be appropriate for the specific use as determined by the Plan Commission in consultation with the Owner. Such screening may include, but is not necessarily limited to: fences, hedges, berms, and walls compliant with Chapter 17.11.16.~~
 - ~~d. Screening shall be required for side yards and rear yards only.~~
 - ~~2. Lighting Standards.~~
 - ~~a. No exterior lighting used for parking lots, recreational facilities, product display, or security shall interfere with the operation of motor vehicles and uses of land in the vicinity of the light source. These requirements shall not apply to lighting placed in a public right-of-way for public safety.~~
 - ~~b. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement may be required so as to insure compliance with this Section.~~
 - ~~c. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles, exclusive of approved anti-vandal lighting. This standard shall not apply to properties in the R-1N, R-1R, and R-1S districts.~~
 - ~~d. The intensity of illumination, measured at the property line, shall not exceed 0.5 footcandles.~~
 - ~~e. Light fixtures shall not be permitted within required rear yard and side yard setbacks.~~
 - ~~f. Lighting which creates or becomes a public nuisance is not permitted.~~
 - ~~g. Access lighting and low voltage lighting of 12 volts or less are exempt from these requirements.~~
 - ~~h. All lighting fixtures approved prior to the adoption of this Chapter shall be treated as and regulated as legal nonconforming uses.~~
 - ~~3. Noise. Noise standards shall be consistent with Chapter 11.06 and shall be established based upon the land use of adjoining parcels.~~
 - ~~4. Vibration. Vibration standards shall be consistent with Chapter 11.09 and shall be established based upon the land use of adjoining parcels.~~
 - ~~5. Glare. Uses that produce a glare, such as welding, shall be housed within a structure to prevent it from becoming a nuisance to neighboring properties. Glare in excess of .25 foot candles at the boundary line is prohibited.~~
 - ~~6. Heat. Any source of heat that creates a perceptible impact beyond the lot line shall be prohibited.~~
 - ~~7. Parking. The Plan Commission may require that traffic entering or exiting off-street parking, loading, and traffic circulation areas for any use providing six or more parking spaces, be in a forward-moving motion with no backing into streets or pedestrian ways. Such a requirement shall be based upon traffic volumes of the street onto which traffic enters or exits.~~
- ~~G. Procedural Requirements.~~
- ~~1. Pre-Application Conference. Prior to any application for site plan review the applicant shall confer with the Zoning Administrator to identify required site plan elements. The applicant shall~~

~~submit preliminary plans, sketches and basic site information for consideration and comment, regarding the relation of the proposed use to uses on adjoining parcels.~~

- ~~2. Application. Following the Pre-Application Conference and approval of the preliminary site plan by the Zoning Administrator, the Applicant may proceed with preparing and submitting an Application for Site Plan Review consistent with the requirements of Chapter 17.10.~~
- ~~3. Public Hearing. A public hearing consistent with the requirements of Section 14.00 of this Chapter is required for site plans prepared under this section.~~

325-37. PERMITTED USES, PERMITTED ACCESSORY USES, AND CONDITIONAL USES BY DISTRICT

A. General purpose zoning districts. For the purposes of this chapter, land uses, as defined in Appendix B are classified as principal, accessory, or temporary. Appendix A lists principal land uses (Series 1 to 11), accessory uses (Series 12 - 14), and temporary uses (Series 15). Each of the land uses are designated as one of the following:

- (1) "P" indicates that the use is permitted in the zoning district by right provided all other provisions of this chapter are met
- (2) "C" indicates that the use is allowed in the zoning district as a conditional use provided all other provisions of this chapter are met
- (3) "WES" indicates that the use is subject to the special review standards and procedures for wind energy systems
- (4) "TFR" indicates that the use is subject to the special review standards and procedures for wireless telecommunication facilities

B. Similarity of land uses. Because the list of land uses cannot include every conceivable type of activity, those land uses that are listed shall be interpreted to include other land uses that are of a similar nature and have similar impacts to the listed use.

C. Land uses not listed. A land use that is not listed, and which cannot be interpreted to be similar to any listed land use as provided for above, is prohibited. In the event a person would like to establish a land use that is not listed, they can submit a petition to amend the zoning code pursuant to the procedures and requirements in Article 5.

D. Project classified in more than one land use category. If a proposed project includes both an allowable land use and a prohibited land use, the prohibited portion of the project may not occur in the zoning district.

~~Permitted Uses, Permitted Accessory Uses, and Conditional Uses for each district are presented in the table beginning on the following page:~~

Permitted Uses, Permitted Accessory Uses, and Conditional Uses by District	Zoning Districts													
	P-1N	P-1P	P-1S	P-1S/MIU	SPD	R-1	R-2	SMCO	M-1	SMO	C-1	C-2	P-1	SPDO

Exhibit A for Ordinance 2024-06

Accessory Structures larger than 2,000 square feet on parcels greater than 10 acres in size.	G	G	G	G													
Accessory Structures located in the Primary Street Yard.	G	G	G	G													
Agricultural uses provided that such uses do not involve filling or the creation of new artificial drainage systems or the extension or expansion of existing artificial drainage systems.													P			P	
Amateur radio towers and facilities and receive-only antennas.	P	P	P	P	P												
Animal Hospitals and Veterinary Clinics.								P						*			
Backyard chickens.	P	P	P														
Bars, Brew Pubs, Pubs, and Taverns.				P				P						*			
Business and Professional Services.						P	P							*			
Child Care, fewer than four children.	P	P	P	P													
Child Care, four or more children.					P			P									
Clubs, Fraternities, Lodges, and Meeting Places.					P												
Collection and Adjustment Services.							P							*			
Commercial Establishments Dealing in Pornographic Materials and Activities.									G					*			
Commercial Recreation Facilities, Indoor.								P									
Commercial Recreation Facilities, Outdoor.						G	G									G	
Community Centers.	P	P	P	P		P	P										
Concession Stands; Food Services; Conference, Banquet or Meeting Facilities.																	P
Greenhouses: Commercial.									P					*			
Greenhouses: Non-Commercial.	P	P	P	P	P									*			
Convenience Stores.						P	P							*			
Dining: Drive-through.								A						*			
Dining: General.						P	P							*			
Distributors.									P					*			
Dog Enclosures, Runs, or Housing.	A	A	G														
Dumps, Disposal Areas, Incinerators, Landfills, Recycling Centers, Sewage Disposal Plants, and Transfer Stations.											P						
Essential Services.	P	P	P	P													
Fairgrounds.																	P
Farms, Agricultural Uses, and Agricultural Structures, as per Chapters 17.4.03.B.1, 17.4.05.C.1, and 17.4.06.B.1.	P	P	P	P													
Financial Services.						P	P							*			

Fishing and Fishing Facilities.											P	P
Forest and Game Management.											P	
Garage Lots.			G									
Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.						A	A		A		G	
Gasoline Service Stations.								P			*	
Government facilities.												P
Growing and sale of Christmas trees.		P										
Healthcare.						P	P				*	
Health, Fitness, and Wellness.						P	P				*	
Home Occupations and Professional Home Offices.	A	A	A	A								
Hunting and hunting facilities.												P
Incubator: Commercial						G	G					
Incubator: Manufacturing									G			
Institutional: Cemeteries.	G	G	G	G		G	G		G		*	G
Institutional: Government Buildings.											*	
Institutional: Libraries, Museums.				P	P	P	P				*	P
Institutional: Places of Worship.	P	P	P	P		P	P				*	
Institutional: Public, Parochial, and Private Schools.	G	G	G	G		G	G				*	G
Keeping of Bees.	P	P	P									
Laboratories.									P		*	
Laundry and Dry-Cleaning.							P				*	
Lodging.						P						
Manufacturing: Appliances, Computers, Electrical Equipment, Electronics.									P		*	
Manufacturing: Cosmetics, Pharmaceuticals.							P		P		*	
Manufacturing: Food, Beverage, Tobacco.									P		*	
Manufacturing: Glass, Instrument, Jewelry.									P		*	
Manufacturing: Primary Metal, Fabricated Metal, Machinery.									P		*	
Marinas.							P					
Mineral extraction operations.										P		
Mobile Tower.	G	G	G	G		G	G		G		G	G
Mobile Tower, Class 1 Colocation.	G	G	G	G		G	G		G		G	G
Mobile Tower, Class 2 Colocation.	P	P	P	P		P	P		P		P	P

Exhibit A for Ordinance 2024-06

More than one Principal Structure on a parcel existing at the time of adoption of this Ordinance.	G	G	G	G															
Motorized trails (e.g. snowmobile and ATV).																		G	
Nature Preserves and Wildlife Preserves.														P				P	
Off-Street Parking and Loading Areas.							A	A		A				A				A	
Office, Storage, Power Supply, and other uses normally auxiliary to the principal industrial operations.										A									
Outside storage, as an Accessory Use										G									
Painting, Printing and Publishing.										P						*			
Parks and Recreation Areas, including playgrounds.	P	P	P	P												*			
Park Structures and Facilities, as per Chapter 17.4.11.B.2.																*	P		
Performing Arts Venue and Performing Arts Studio.								P								*	G		
Permitted Uses that exceed site regulations by more than 10%.										G									
Personal Energy System: Earth Sheltered Structures.	G	G	G	G												*			
Personal Energy System: Electric vehicle infrastructure, levels 1, 2.	P	P	P	P		P	P		P			G	*	G					
Personal Energy System: Electric vehicle infrastructure, level 3.						P	P		P				*						
Personal Energy System: Geothermal Energy Systems.	G	G	G	G		G	G		G			G	*	G					
Personal Energy System: Solar Energy Systems.	G	G	G	G		G	G		G			G	*	G					
Personal Energy System: Small Wind Energy Systems.	G	G	G	G		G	G		G			G		G					
Pet stores.									P										
Police stations, Fire Stations, and Public Emergency Shelters.	G	G	G	G		G	G		G									G	
Preservation of scenic, historic, and scientific areas.													P	P	P				
Processing of Materials, as per Chapter 17.4.08.B.1.												P		*					
Production: Textiles, Leather (excluding tanning), Apparel.										P				*					
Public and Private Recreational and Educational Camps.																		G	
Public fish hatcheries, and those uses that are accessory to a public fish hatchery.													P	*	P				
Rental: Cottages																			
Rental: Equipment.									P					*					
Rental: Non-Motorized Boats.														*				P	
Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker as a secondary use.						A	A												
Rest Homes, nursing homes, and housing for the elderly.					P														
Retail Sales: Alcohol, Tobacco.						P								*					
Retail Sales and Services: General (excluding alcohol, tobacco).						P	P							*					

Exhibit A for Ordinance 2024-06

Shoreland Uses, as per Chapter 17.4.06.B.2.				P												
Short-term rentals, compliant with Town of West Bend Ordinance #: 2019-01.	P	P	P	P												
Single-Family Dwelling.	P	P	P	P												
Ski Hills.															C	
Stables and Equestrian Facilities.													*			P
Storage: Building Materials, Ice, Grains.									P				*			
Storage: Machinery, Equipment.								P					*			
Storage: Personal Storage Units.								P					*			
Storage: Warehousing (excluding personal storage units).								P					*			
Storage: Warehousing (excluding personal storage units), as an accessory to a Principal Use.						C	C									
Sustained-Yield Forestry.															P	
Theatres and Cinemas.						P										
Topsoil removal and sale.	C	C	C	C		C	C		C						C	
Towers, excluding mobile towers, amateur radio towers, and wind energy systems.						C	C		C							
Utilities, including: Communication equipment buildings, substations, wells, and pumping stations.	C	C	C	C		C	C		C						C	
Vehicle Assembly, Manufacturing, and Repair.									P				*			
Vehicle Sales and Service (excluding heavy machinery, construction equipment, and similar).						P	P						*			
Water Control, Water Measurement, and Water Retention Facilities.										P				P		
Wholesale and Supply, including Machinery and Equipment.									P				*			
Year-round and seasonal lodging facilities (i.e. dorms, cabins, lodges, improved camp sites, dining facilities, health center, on-site staff housing etc.)															C	
Year-round and seasonal program facilities (i.e. arts & crafts center, nature center, administrative center, etc.).															C	
Other uses deemed by the Plan Commission to be substantially the same as a use listed above.																
* Any Permitted Use, Permitted Accessory Use, or Conditional Use permissible in the underlying base zoning district shall allowable as a Permitted Use, Permitted Accessory Use, or Conditional Use, respectively, in the C-2 District provided that such use does not degrade the features protected by the C-2 District.																
Use Codes: A—Permitted Accessory Use C—Conditional Use P—Permitted Use																

~~SMCO—Supplemental Mixed Commercial Overlay District Use~~
~~SMO—Supplemental Manufacturing Overlay District Use~~
~~SPRO—Supplemental Park & Recreation Overlay District Use~~
~~SRO—Supplemental Residential Overlay District Use~~

325-37A. ENVIRONMENTAL CORRIDOR OVERLAY DISTRICT

- A. Legislative findings. The environmental corridor overlay district is established to promote the public health, safety, and welfare and is intended to:
- (1) retain existing woodlands to the extent possible while retaining development potential.
 - (2) maintain property values by improving and preserving the aesthetic appeal of the Town through tree regulation.
 - (3) reduce the amount of erosion in the Town due to tree removal, and
 - (4) protect the quality of the waters of the state and the Town.
- B. Boundary of district. The environmental corridor (EC) overlay district includes those lands designated as (1) primary environmental corridor (PEC), (2) secondary environmental corridor (SEC), and (3) isolated natural resource area (INRA) by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) in its mapping for 2020.[1]
- Editorial note:
- [1] Based on SEWRPC mapping criteria, primary environmental corridors are at least 400 acres in area, at least two miles in length, and at least 200 feet in width; secondary environmental corridors are at least 100 acres in area and at least one mile in length; and isolated natural resource areas are other significant natural resources at least 5 acres in area and at least 200 feet in width.
- C. Map updates. In the event SEWRPC updates the mapping of any of the above areas, the Town should evaluate the new maps and determine if the newly mapped areas should be adopted as an amendment of the zoning map consistent with the procedures and requirements in Article 5.
- D. Boundary interpretation. Where questions arise as to the exact location or boundary of an environmental corridor overlay district, the zoning administrator is authorized to use his or her best judgment to establish the boundary of the district. If the location of the district is not readily evident to the zoning administrator, he or she should request a field investigation by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff biologist or his or her designee.
- E. Zoning map revisions. If the zoning administrator or SEWRPC staff determine that the area in question was incorrectly mapped as an environmental corridor, this section does not apply to such area. As soon as is practical after such determination, the zoning administrator should submit an application to amend the zoning map.
- F. Tree cutting and shrubbery clearing. Tree cutting and shrubbery clearing for the purpose of development, construction or changing land use from wildlife or wood lot management requires review and approval by the Plan Commission and shall be so regulated as to prevent erosion and sedimentation and promote preservation of scenic and other aesthetic and environmental qualities.
- (1) Tree cutting and shrubbery clearing for building and site development, access roads, parking areas and path and trail construction shall not exceed 20% of the existing trees, shrubbery or underbrush on the lot or tract unless otherwise approved by the Plan Commission.
 - (2) Tree cutting and shrubbery clearing areas shall not exceed the following dimensions unless otherwise approved by the Plan Commission:

(a) Paths and Trails, 10 feet in width.

(b) Driveways, 30 feet in width or five feet beyond the edge of pavement (whichever is less).

(c) Roads, 60 feet in width or 15 feet beyond the edge of the paving (whichever is less).

(d) Parking Areas 70 feet in width or five feet beyond the edge of the paving (whichever is less).

(e) Homes and other Principal Structures, 40 feet beyond the edge of the roof.

(f) Garages and other Accessory Structures, 20 feet beyond the edge of the roof.

(3) All structures and site features shall be so designed and constructed as to result in the least removal and disruption of woodland cover and the minimum impairment of natural beauty.

(4) All deciduous trees five inches or larger in caliper or coniferous trees 10 feet in height or greater shall be preserved unless it is demonstrated to the satisfaction of the Plan Commission that they will unduly restrict development of the site.

(5) All deciduous trees five inches or larger in caliper or coniferous trees 10 feet in height or greater destroyed during the development process which were not identified for destruction in the approved landscape plan shall be replaced.

(a) Forestation, reforestation, or landscaping shall utilize a variety of tree species and no species currently under disease epidemic shall be used. Species planted shall be hardy under local conditions and compatible with the local landscape.

(b) Customary minor trimming, timber stand improvement, dead and diseased tree removal, and managed timber harvesting shall be permitted under the recommendation of a professional forester.

(c) The Plan Commission may require a surety or assess a fee other instrument to enable the Town to carry out land restoration work in the event of non-compliance with this regulation.

G. Earth movements. Earth movements such as grading, topsoil removal, filling, road cutting, construction, altering or enlargement of waterways, removal of stream or lake bed materials, excavation, channel clearing, ditching, dredging, lagooning, and installation of soil and water conservation structures require review and approval by the Plan Commission, in addition to any permit required from the county, state or federal agency having jurisdiction. Earth movements shall be so regulated as to prevent erosion and sedimentation and to least disturb the natural flora, watercourse, water regiment, or topography.

Article V. Conditional Uses

325-38. PURPOSE AND INTENT

A. Uses listed as permitted by Conditional Use Permit may be authorized in the District in which permitted, upon application to the Plan Commission and subject to the Commission's authorization of a Conditional Use Permit. When an existing use or structure is classified as a Conditional Use at the date of adoption of this Chapter, it shall be considered a legal use without further action of the Plan Commission. Changes to or substitution of Conditional Uses shall be subject to review and approval by the Plan Commission in accordance with this section.

- B. The Plan Commission shall consider the effect of granting a Conditional Use Permit upon the health, safety, and general welfare of the Town and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area; its physical attractiveness; the movement of traffic; the demand for related services; the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke or odor and other factors; and the Town Comprehensive Plan or components thereof.

325-39. CONDITIONAL USE PERMIT REQUIRED

A Conditional Use Permit shall be required for the uses listed as Conditional Uses in this Chapter. The Plan Commission shall review such application for a Conditional Use Permit, hold a public hearing thereon in accordance with the requirements of Article XIV of this Chapter, and report its findings and recommendations to the Town Board. The Town Board may thereafter authorize the Zoning Administrator to issue the Conditional Use Permit, provided that such uses are in accordance with the purpose and intent of this Chapter, and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

325-40. CONDITIONAL USE PERMIT APPLICATION

Applications for Conditional Use Permits shall be made ~~in duplicate to the Zoning Administrator~~ on forms furnished by the Town of West Bend, ~~and shall include the following:~~

~~A. ——— Names and Addresses. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.~~

~~B. ——— Description of Site.~~

~~1. ——— Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the Zoning District within which the subject site is located.~~

~~2. For floodland Conditional Uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.~~

~~C. Plat of Survey. A Plat of Survey prepared by a registered land surveyor showing all of the information required under Chapter 236 Wis. Stats., the mean and historic high water lines and floodlands on or within 40 feet of the subject premises and existing structures, paving, and landscaping.~~

~~D. Additional Information. As may be required by the Plan Commission, Zoning Secretary, or Zoning Administrator.~~

325-41. REVIEW AND APPROVAL

The Plan Commission and Town Board shall review the site plans, landscape plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Conditions.

1. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
2. The Plan Commission and/or Town Board, at its discretion, may adjust or require additional conditions to those listed in this Section as needed to protect and enhance the health, safety, and welfare of the Town's residents and protect and enhance its natural and cultural features.

B. Compliance. Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all Conditional Uses, except as allowed for "Existing Lots" in the R-1S and R-1S / MU Districts and as set forth in § 325-42. Variances shall only be granted as provided in Article XII.

C. Amendments. Changes subsequent to the initial issuance of a Conditional Use Permit which would result in a need to change the initial conditions shall require an amendment to the Conditional Use Permit. Enlargement of a Conditional Use shall not be considered an amendment. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in § 325-39.

D. Revocation of Conditional Use Permit. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Town Board or should the use, or characteristics of the use be changed without prior approval by the Town Board, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in § 325-39.

325-42. RESIDENTIAL USES

The following residential and quasi-residential uses shall be Conditional Uses and may be permissible as specified:

A. In any Residential District. More than one Principal Structure, used as single-family dwellings, on a single lot if all Principal Structures conform to the following conditions:

1. The lot must have been a lot of record with the Washington County Register of Deeds on April 1, 1986. *This may include lots that were subsequently altered from the combination of or addition to*

those lots of record (existing on April 1, 1986) by Certified Survey Map, metes and bounds description, or other approved method.

2. The Principal Structures must have been present on that one single lot on April 1, 1986 (as can best be determined by available information and records). The condition of more than one Principal Structure on a lot cannot be created through the combination of lots that contained only one Principal Structure on each lot as of April 1, 1986.
3. All Principal Structures must have been used (as can best be determined by available information and records) as single-family dwelling units during the previous year.
4. All Principal Structures must be hooked up to an approved septic system or served by an approved municipal sewerage collection system.
5. The use, lot, and all Principal Structures must address all applicable District standards and other applicable standards of this Chapter and other town, county, state, and federal ordinances, regulations, laws, or statutes.
6. The presence of the multiple Principal Structures must not pose a threat to the public's health, safety or welfare.
7. For the period of time when there are multiple Principal Structures present on the single lot, one Principal Structure shall be designated and documented as the "Primary Principal Structure" and the other Principal Structure(s) shall be designated and documented as the "Secondary Principal Structure(s)". During this period, with appropriate approvals, both Primary and Secondary Principal Structures may undergo routine maintenance. However, only the Primary Principal Structure may be enlarged, moved or otherwise structurally altered. The Secondary Principal Structure(s) may not be moved to another location on the lot or undergo enlargement or structural alteration. In addition, any enlargement, moving or structural alternation of the Primary Principal Structure will require appropriate review and approval of building, site and landscape plans and may require a new or amended Conditional Use permit.
8. Any additional conditions that the Plan Commission or Town Board deems necessary to protect the health, safety, or welfare of the Town and its residents.

B. ~~Reserved. In any Residential District. Accessory Structures in the Street Yard or Primary Street Yard consistent with the requirements of § 325-52(2).~~

C. In the R-1N Residential District. New single-family residential lots in a conventional development (preferably with 10 or fewer lots) provided the overall density does not exceed one unit per 2.5 acres (based on the total site area). The development shall conform to all applicable site, building, parking, and landscape standards within this Chapter as well as any additional requirements or conditions deemed appropriate by the Town.

1. Design Process and Standards for New R-1N Conventional Developments. Please refer to § 325-26E.
2. Calculation of Allowable Number of Units in R-1N Conventional Developments. To determine the allowable number of units, the following steps shall be taken:
 - (1) Determine the total acreage of the site.
 - (2) Determine the total acreage of Environmental Conservancy District ~~(See § 325-120 for definition)~~ area on the site.
 - (3) Subtract the Environmental Conservancy District area from the total acreage of the site. Divide this number by 2.5 (acres) to determine the number of allowable units.
 - (4) Use the following formula for calculating the allowable number units:

$\text{Allowable \# of Units} = \text{Total Site Area} - \text{Environmental Conservancy District Area} \div 2.5$

d. Example:

Total site area = 100 acres
Total acreage of Environmental Conservancy District area = 45 acres
Total allowable number of units = (100 - 45) / 2.5 = 22 units

e. The following table gives the range of the allowable number of units for a 100-acre parcel:

Total Site Area (acres)	100										
Environmental Conservancy District Area Acres	90	80	70	60	50	40	30	20	10	0	
Maximum Allowable Number of Units	4	8	12	16	20	24	28	32	36	40	
Note: The total number of buildable units that are feasible on any parcel will vary depending on several factors including but not limited to the following; the location and size of wetlands, streams or lakes, soil type, site topography, average lot size, total road area, and general creativity of the designer. When calculations yield numbers with decimals, the allowable number of units shall be rounded down to the nearest whole number.											

3. R-1N New Conventional Development Site Dimensional Standards. Please refer to § 325-26G.

D. In the R-1R Residential District. New single-family residential lots in a conventional development provided the overall density does not exceed one unit per 3.5 acres (based on the total site area). The development shall conform to all applicable site, building, parking, and landscape standards within this Chapter as well as any additional requirements or conditions deemed appropriate by the Town.

1. Design Process and Standards for New R-1R Conventional Developments. The following is the site design, review and approval process for conventional developments. The site developer should follow the process listed below as well as any additional requirements or conditions deemed appropriate by the Town Zoning Administrator or Plan Commission:
 - a. Create an Environmental and Cultural Resources Diagram for the site and surrounding area that identifies valuable existing environmental and cultural features that could be preserved. The analysis must include all county, state, and federally protected areas such as wetlands, lakes and streams. In addition the analysis should emphasis any new environmental features or amenities that may be created on site.
 - (1) Existing natural environmental and cultural features to be identified and mapped, as applicable:
 - (a) Please refer to § 325-26E1.

- (2) Other possible environmental features or amenities not identified above that could be created or preserved (see § 325-~~120~~160 "Common Open Space" Definition for descriptions):
 - (a) Please refer to § 325-26E(2) and (3).
- b. Review the Environmental and Cultural Resources Diagram and visit the site with Town representatives to evaluate important site features. The Town may require that a qualified ecologist, engineer, or land planner be included as part of the review. Establish an agreement between all parties as to what is valuable and should be preserved or enhanced in the conventional development plan.
- c. Create a Preservation and Amenity Diagram with the agreed upon items on the site to be preserved and/or created for Plan Commission review and acceptance.
- d. Present the Preservation and Amenity Diagram to the Plan Commission for review and finalization of site features to preserve and/or create as part of conventional development plan.
- e. Create 3 conceptual Sketch Diagrams using the accepted Preservation and Amenity Diagram in consultation with Zoning Administrator and other plan reviewers. All 3 Sketch Diagrams should retain the agreed upon environmental features and amenities to the largest extent possible and be acceptable development scenarios that the developer would be willing to pursue if approved. The following development design criteria should be used when creating the conservation development concepts:
 - (1) Protect and create important environmental and cultural resources and site amenities. Protect all existing town, county, state, and federally regulated environmental and cultural resources and all other existing environmental and culturally resources and new features identified on accepted Preservation and Amenity Diagram. Conservation easements may be required to ensure preservation of the significant environmental and cultural features on the private lots.
 - (2) Locate houses to minimize disruption to the natural character. Locate houses such that:
 - (a) The houses are sited to preserve the significant natural environmental areas, wetlands, woodlands habitats, steep slopes, etc.
 - (b) The houses will be visually overshadowed by important natural features such as woodlands, hedgerows, hills, or other key features of the landscape.
 - (3) Locate houses so as to minimize the length of time the house is visible to drivers on public roads — do this by placing houses behind landscape elements or natural features that reduce visibility of the house. Minimize the degree to which houses are prominently featured on ridges and hilltops, especially when they are visible to other houses and the public roads.
 - (4) Connect the landscaping. Extend and connect the existing natural areas and environmental corridors with new plantings and landscaping that match the existing plantings and landscape. Create continuous landscape edges along public roads and between houses using mixtures of species that create a varied image as the seasons change.
 - (5) Link trail systems. Link natural features on private parcels with a trail system which continues throughout the Town. Create features of cul-de-sacs. Minimize the use of cul-de-sacs except where necessary to preserve a natural feature. Include planting in the cul-de-sac and create formal shapes to provide a front "green" for the surrounding homes.
 - (6) Road design. Design roads (and adjacent landscapes) so as to minimize (a) the number of houses that are seen from roads and (b) the length of time houses are seen from the road. Where feasible, design roads with straight alignments that are aimed at natural

- vistas with no buildings in them. Use curves to slow traffic naturally, rather than to accommodate increased speed.
 - (7) Preserve scenic drives. Preserve existing scenic drives in order to protect the natural character of the neighborhood.
 - (8) Create walking and hiking trails. Create walking and hiking trails that are adjacent to public roads and act as buffers to residential uses. Integrate walking and hiking trails with the geometry and pattern of roads. Provide easements on private lots to provide trail access.
 - f. Provide the three conceptual Sketch Diagrams to the Plan Commission for review and possible conceptual approval.
 - (1) The Plan Commission may evaluate these alternatives according to the following criteria:
 - (2) The degree to which the Preservation and Amenity Diagram has been integrated into the overall site design.
 - (3) The degree to which the development design criteria have been integrated into the overall site design.
 - (4) The degree to which the site design conforms to the dimensional and allowable number of units as described in this Section.
 - (5) The degree to which the overall design and environmental preservation can be implemented based on the Town of West Bend Land Division Ordinance and other relevant town, county, state, and federal regulations.
 - (6) Whether the site design creates a visually appealing development that supports the overall goals of Town of West Bend as expressed in the Comprehensive Plan.
 - g. The Plan Commission shall review the three conceptual Sketch Diagrams and take one of the following actions:
 - (1) Approve one of the three conceptual Sketch Diagrams as presented;
 - (2) Approve one of the three conceptual Sketch Diagrams with conditions. The applicant shall make appropriate revisions and present a revised diagram to the Plan Commission;
 - (3) Deny approval of all three conceptual Sketch Diagrams. The applicant may develop additional concepts for Plan Commission review.
 - h. Prepare Preliminary and Final Plats for Town approval. Work with Zoning Administrator and reviewers to translate approved development design into final plans.
2. Calculation of Allowable Number of Units in R-1R Conventional Developments. To determine the allowable number of units, the following steps shall be taken:
- a. Determine the total acreage of the site.
 - b. Determine the total acreage of Environmental Conservancy District (~~See § 325-120 for definition~~) area on the site.
 - c. Subtract the Environmental Conservancy District area from the total acreage of the site. Divide this number by 3.5 (acres) to determine the number of allowable units.
 - d. Use the following formula for calculating the allowable number units:

$\text{Allowable \# of Units} = \text{Total Site Area} - \text{Environmental Conservancy District Area} \div 3.5$

- e. Example:

Total site area = 100 acres
Total acreage of Environmental Conservancy District area = 45 acres
Total allowable number of units = (100 - 45) / .5 = 16 units

f. The following table gives the range of the allowable number of units for a 100-acre parcel:

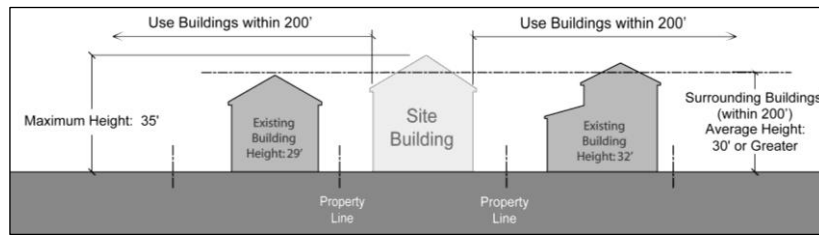
Total Site Area (acres)	100										
Environmental Conservancy District Area Acres	90	80	70	60	50	40	30	20	10	0	
Maximum Allowable Number of Units	3	6	9	11	14	17	20	23	26	29	
Note: The total number of buildable units that are feasible on any parcel will vary depending on several factors including but not limited to the following; the location and size of wetlands, streams or lakes, soil type, site topography, average lot size, total road area, and general creativity of the designer. When calculations yield numbers with decimals, the allowable number of units shall be rounded down to the nearest whole number.											

3. R-1R New Conventional Development Site Dimensional Standards. Please refer to § 325-27G.

E. In the R-1S Shoreland Residential District

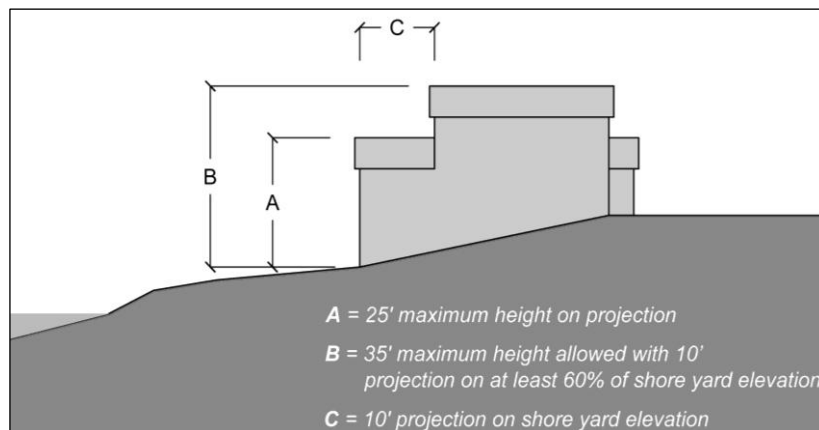
- For new or existing Principal or Accessory Structures that do not meet permitted dimensional standards, located on Existing Lots, and which are undergoing structural alteration, improvement or modification that require a Site Plan Permit or result in 500 square feet of site disturbance.
 - ~~New or altered existing Principal Structures that do not meet the minimum living area of 1,200 sq. ft. must not have an area less than the existing building square footage.~~
 - ~~New or altered existing Principal Structures that do not meet the minimum first floor area of 600 sq. ft. must not have an area less than the existing building footprint square footage.~~
 - a. New or altered existing Principal Structures on Lakeshore lots that are 50 feet or less in width, that exceed 25 feet in height, as measured from the lowest point, may be allowed up to 35 feet if one or more of the following conditions are met:
 - The existing Principal Structure is over 25 feet in height.
 - The existing surrounding buildings within 200 feet (on adjacent lots) average 30 feet or greater in height.

(a) R-1S CUP - Average Height Diagram:



- (3) The new or altered existing Principal Structure is designed with a 10-foot building projection in which the width of the projection extends across at least 60% of the Shore Yard building façade. This projected area should be designed with a maximum height of 25 feet to minimize the perceived height of the building as seen from the lake.

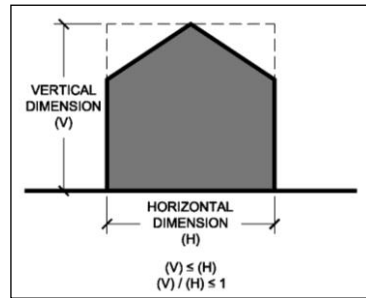
(a) R-1S CUP - Elevation Projection Diagram:



d.b. Additional general design considerations when reviewing building design for a Conditional Use Permit:

- (1) When possible, new or altered existing Principal Structures should be designed to create layered and visually interesting building facades that harmonize with the surrounding lake front buildings, through the use of building step-backs, varied roof forms, porches, etc.
- (2) Also, when possible, building facades should be designed to avoid the appearance of overly "tall and skinny" building proportions as viewed from the lake. In general, buildings should be designed to not exceed an approximately one-to-one vertical to horizontal proportion.

(a) R-1S CUP - Building Proportions Diagram:



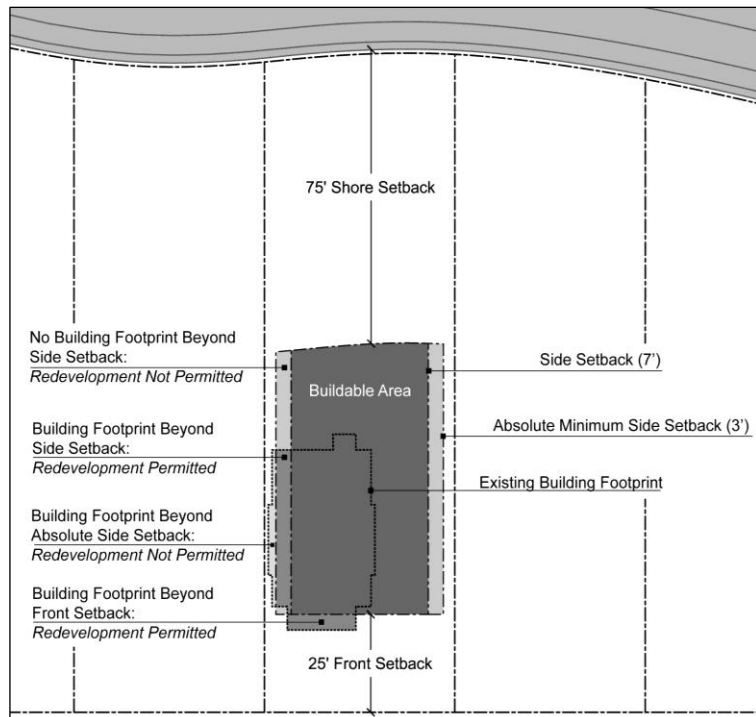
- (3) Special attention should be given to buildings that have large areas of exposed basements visible from the adjacent lakes and other areas. Often the “perceived” overall height of the façade is eight to ten feet taller than the official building height as measured from the mean elevation. In these cases, buildings, sites and landscape should be designed to reduce the visual impact of the exposed basement.

Note: The above design considerations should be applied with respect to the unique and unpredictable nature of possible building configurations and lot arrangements around the lakes.

e.c. New or existing Principal or Accessory Structures that do not meet permitted Street, Rear, or Side Yard setbacks must not encroach beyond the existing Street, Rear, or Side Yard footprints. In no case shall the side setback be less than three feet (absolute minimum side setback).

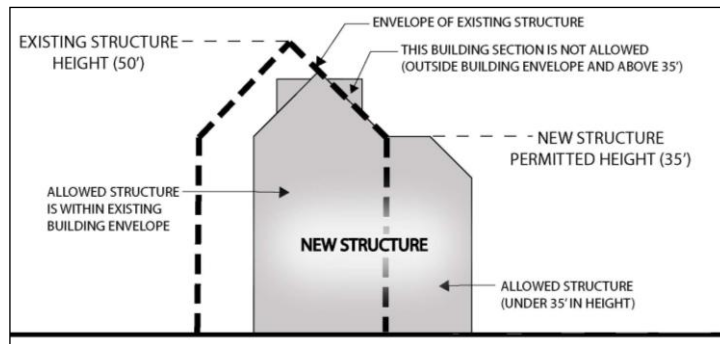
F. R-1S CUP - Yard Setback Diagram:
In the R-1S / MU Shoreland Residential / Mixed-Use District.

1. For new or existing Principal or Accessory Structures that do not meet permitted dimensional standards, located on Existing Lots, and which are undergoing structural alteration, improvement or modification that requires a Site Plan Permit or results in 500 square feet of site disturbance.
 - a. New or existing Principal Structures that do not meet the minimum living area of 1,200 sq. ft. must not have an area less than the existing building square footage.



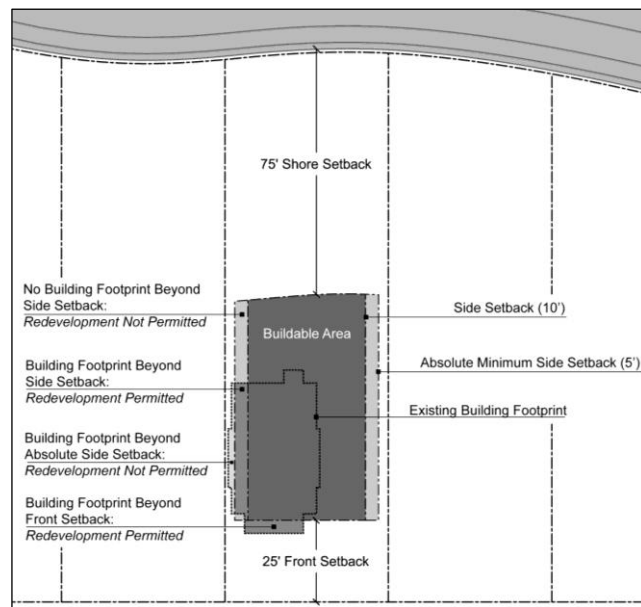
- b. New or existing Principal Structures that do not meet the minimum first floor area of 600 sq. ft. must not have an area less than the existing building footprint square footage.
- c. Existing Principal or Accessory Structures that exceed 35 feet in height may be permitted to be rebuilt to the existing height if the new roof structure is built within the building envelope of the existing roof structure (See R-1S / MU CUP – Building Height Diagram).

(1) R-1S / MU CUP – Building Height Diagram



- d. New or existing Principal or Accessory Structures that do not meet permitted Street, Rear, Side Yard setbacks must not encroach beyond the existing Rear, or Side Yard footprints. case shall the side setback be than five feet (absolute minimum side setback).

(1) R-1S / MU CUP - Yard Setback Diagram).



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2. For new or existing Principal or Accessory Structures on Existing Lots that do not meet the impervious surface area requirements.
 - a. Structures on lots that have greater than the permitted maximum percentage of impervious surface area shall have an approved landscape plan, and should demonstrate that all

stormwater can be managed on-site. Lots should be designed to minimize stormwater surface runoff from the lot through the use of pervious paving, rain gardens, bioswales, cisterns, rain barrels or other approved stormwater management techniques.

G. Reserved In the C-1 Conservancy District.

1. ~~For existing single-family residential Principal and Accessory Uses and Principal and Accessory Structures and associated yard improvements, paved areas and lots undergoing significant rebuilding, structural alterations, or site disturbance requiring a permit must conform to the following conditions and standards:~~
 - a. ~~The lot was a lot of record on or before April 1, 1986 and the Principal and Accessory Uses and Structures existed (as can best be determined by available information and records) on or before April 1, 1986.~~
 - b. ~~All Principal Structures and Uses must be hooked up to an approved septic system or served by an approved municipal sewerage collection system.~~
 - c. ~~The use, lot, and all Principal Structures must address all applicable standards of this Chapter and other town, county, state, and federal ordinances, regulations, laws, or statutes.~~
 - d. ~~It is further determined that the uses and structures do not harm or threaten the health, safety, or general welfare of the public and do not otherwise cause damage to, infringe upon, or diminish the quality of the surrounding environmentally sensitive areas, features, or other physical attributes that contribute to the natural environmental qualities of the area.~~
 - e. ~~The structural alterations or rebuilding do not change the structures or developed yard areas in a manner that occupies an area other than the area occupied on or before April 1, 1986.~~
 - f. ~~Allowed Principal Uses.~~
 - (1) ~~Single family dwellings (associated yards, yard improvements and paved areas) with an attached garage that existed on or before April 1, 1986.~~
 - (2) ~~Essential Services as defined in § 325-120.~~
 - g. ~~Allowed Accessory Uses~~
 - (1) ~~Private detached garages and carports incidental to the residential use.~~
 - (2) ~~Gardening, tool and storage sheds and gazebos incidental to the residential use.~~
 - (3) ~~Home occupations and professional offices incidental to the residential use.~~
 - (4) ~~Roof mounted solar collectors provided that a registered professional engineer shall certify that the structure is adequate to support the load.~~
 - h. ~~Dimensional Standards for Existing Single-family Uses in the C-1 District~~

Lot	Width Minimum	Existing Dimension
	Area Minimum	Existing Dimension
Principal Structure	Area Minimum	Total: Existing Area 1st Floor: Existing Area in Existing Footprint
	Height Maximum	Existing Height not to Exceed 35 feet
Accessory Structure	Area Maximum (combined total for all Accessory Structures)	Existing Area in Existing Footprint

	Height Maximum	Existing Height not to Exceed 15 feet
Minimum Setbacks for Accessory Structure	From Principal Structure	Existing Dimension in Existing Footprint
	Street	Existing Dimension in Existing Footprint
	Side and Rear	Existing Dimension in Existing Footprint
	Shore	Existing Dimension in Existing Footprint
Minimum Setbacks for Principal Structure	Street	Existing Dimension in Existing Footprint
	Side	Existing Dimension in Existing Footprint
	Rear	Existing Dimension in Existing Footprint
	Shore	Existing Dimension in Existing Footprint

325-43. **INDUSTRIAL USES**~~RESERVED~~

~~A. In the M-1 Industrial District.~~

~~1. Commercial Establishments Dealing in "Pornographic Materials and Activities."~~

- ~~a. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.~~
- ~~b. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.~~
- ~~c. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.~~
- ~~d. Definitions:~~
 - ~~(1) As used herein "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.~~
 - ~~(2) As used herein "sexual conduct" means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.~~
- ~~e. The above Conditional Uses shall only be permitted in a M-1 Industrial District and only upon the issuance of a Conditional Use Permit, subject to the following additional provisions:~~
 - ~~(1) No permit shall be granted where the proposed establishment is within 500 feet of any hospital, places of worship, school, funeral parlor, restaurant, library, park, museum, playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.~~
 - ~~(2) No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential in the same or a contiguous town or municipality.~~

- ~~(3) The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under paragraph one or two of this Section, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment under paragraph three of this Section, the applicant shall in detail specify the nature of the activity to be engaged in.~~
- ~~(4) The applicant for the permit shall provide the names and addresses of all parties in interest.~~
- ~~(5) Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semi-public areas.~~
- ~~(6) All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semi-public area.~~
- ~~(7) In case of a protest signed by 20% or more of the persons of the area within 300 feet of the proposed establishment, the grant of such permit shall require a 2/3 vote of the Town Board.~~
- ~~(8) The Town Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use Permits, consider the protection of property values in the affected area; the preservation of neighborhoods; the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; any other factor created by the type of use being considered; and the health, safety, and general welfare of the community.~~
- ~~f. It is declared to be the purpose and intent of this Subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined material and activities consistent with the Town's interest in the present and future character of its community development.~~

325-44. MINERAL EXTRACTION~~RESERVED~~

~~The following earth moving and mineral extraction uses shall be Conditional Uses and may be permitted as specified:~~

- ~~A. Topsoil. Topsoil removal and sale is a Conditional Use and may be permitted in any District except the C-1 Conservancy District. The Town Board shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.~~

~~B. Operations. Mineral Extraction Operations including washing, crushing, or other processing are Conditional Uses and may be permitted in the M-1 Industrial District provided:~~

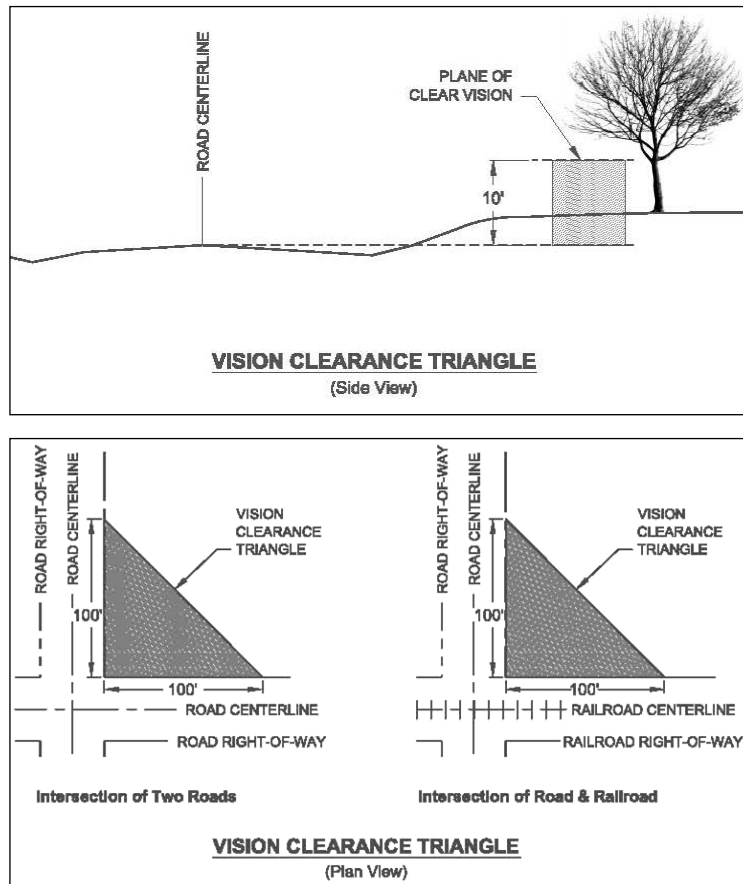
- ~~1. Application. The application for the Conditional Use Permit shall include: an adequate description of the operation; a list of equipment, machinery, and structures to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, proposed and existing and proposed excavations; and a restoration plan.~~
- ~~2. Restoration Plan. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town Attorney.~~
- ~~3. Term of Permit. The Conditional Use Permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal.~~
- ~~4. Impact. The Town Board shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.~~

Article VI. Traffic, Loading, Parking, and Access

325-45. TRAFFIC VISIBILITY

No obstructions, such as structures, parking, or vegetation, shall be permitted in any District between the heights of zero feet and 10 feet above the plane through the mean center line grades within the triangle space formed by any two existing or proposed intersecting streets at the right-of-way lines and a line joining on such lines located a minimum of 15 feet from their intersection in any interior platted subdivisions.

In case of all other Town Roads or Railroad Intersections, the corner cutoff distance establishing the triangular vision clearance space on such road or railway shall be increased to 100 feet.



325-46. LOADING REQUIREMENTS

On every lot on which a business, trade, or industrial use is hereafter established, adequate space with access to a public street or alley shall be provided for the loading and unloading of vehicles off the public right-of-way. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

325-47. PARKING REQUIREMENTS

In all Districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- A. Access. Adequate Access to a public street shall be provided for each parking space.
- B. Dimensions. The Minimum Dimensions of each parking space shall be nine feet by 18 feet, except for properly signed spaces provided for use by physically disabled persons.
- C. Accessible Parking Standards.
 - 1. The minimum dimensions for all accessible parking spaces shall be 12 feet by 18 feet.

Exhibit A for Ordinance 2024-06

2. Accessible spaces must connect to the shortest accessible route to the accessible building entrance or facility they serve.
3. All accessible parking spaces shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such sign shall comply with the requirements of §§ 346.503 and 346.505, Wis. Stats.
4. Minimum Number of Accessible Parking Spaces

Total Number of Parking Spaces in Parking Facility (Lot or Garage)	Minimum Total Number of Accessible Parking Spaces Required	Minimum Number of Van Accessible Sparking Spaces
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 - 150	5	1
151 - 200	6	1
201 - 300	7	2
301 - 400	8	2
401 - 500	9	2

- D. Location. Location shall be on the same lot as the Principal Use or not more than 400 feet from the Principal Use. No parking space or driveway, except in Residential Districts, shall be closer than 25 feet to a Residential District lot line or a street right-of-way opposite a Residential District.
- E. Landscaping. ~~Please refer to § 325-95 for landscaping for parking lots. All public off-street paved parking areas which serve five vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Chapter shall be provided with accessory landscape areas totaling not less than five percent of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission. All plans for proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscaped area. Parking areas for five or more vehicles which adjoin Residential Districts shall be visually screened with a solid wall, fence, or evergreen planting of equivalent visual density, or other effective means, built and maintained to a minimum height of five feet.~~
- F. Curbs and Barriers. Curbs or Barriers shall be installed at least four feet from a property line so as to prevent parked vehicles from extending over any lot lines.
- G. Number Of Parking Spaces Required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified

for similar use shall apply. In developments involving the establishment or addition of two or more uses on one lot or parcel, shared parking arrangements are required, provided it can be shown that the number of spaces can meet the parking needs of the multiple establishments. Shared parking agreements and cross-access easements may be required as part of approval.

(1) Required spaces by use. Please refer to Appendix B.

Use	Requirements
Single-family detached residence	2 spaces per dwelling unit
Single-family attached residence	1.5 spaces per dwelling unit
Lodging	1 1/2 stalls for each sleeping unit
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
College, secondary and elementary schools	1 stall for each 2 employees
High schools (junior and senior)	Auditorium requirement or 1 space for every 5 students of maximum capacity
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 3 employees
Hospitals	1 space for every 3 beds, plus 1 space for each medical staff member, plus 1 space for every 3 employees
Nursing homes and similar facilities	1 space for every 3 rooms, plus 1 space for each staff member and employee
Clinics, dental offices	5 spaces for every practitioner on the staff
Industrial uses	1 space for every 2 employees
Commercial office buildings	1 space for every 300 square feet of gross floor area
Retail uses	1 space for every 300 square feet of gross floor area
Customer service establishments	1 space for every 200 square feet of gross floor area

~~—Restaurants, taverns, clubs, etc.~~

~~—1 space for every 100 square feet
of gross floor area~~

- (2) ~~Reserved Uses Not Listed. In the case of structures or uses not mentioned, the provision for a use which is determined by the Zoning Administrator and Plan Commission to be similar shall apply. Where uses are not enumerated, the Plan Commission shall make the appropriate determination.~~
- (3) Combinations. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

325-48. RESTRICTIONS ON MOTOR VEHICLES, WATERCRAFT, CAMPERS, RECREATIONAL VEHICLES AND OTHER EQUIPMENT PARKING OF EQUIPMENT

~~Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers shall be restricted as follows:~~

- A. Parking in Residential ~~and~~ , Park, ~~and Conservancy~~ Districts. No truck tractor, semi-trailer, commercial or construction vehicle, machinery, equipment or truck with dual rear axles shall be stored on lots in Residential ~~and~~ , Park, ~~or Conservancy~~ Districts. Agricultural vehicles and machinery stored on an operating farm in any of the aforementioned Districts are exempt from this restriction.
- B. Parking in Business and Manufacturing Districts. Vehicles and machinery used in conjunction with a business or industry may be stored, inside or outside, on the premises provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- C. Motor vehicles, boats, campers, recreational vehicles, and trailers kept overnight on a residential property must belong to the occupant of the dwelling unit and must be properly licensed and operable if kept out of doors.
- D. Motor vehicles, boats, campers, recreational vehicles, and trailers kept overnight on a residential property must be kept in the side or rear yard, unless parked on the driveway in the street yard. When a motor vehicle is parked on a driveway, it must be located entirely on the subject property.
- E. A recreational vehicle or camper on a residential property may not be used for habitation for more than 14 days per calendar year with no more than 7 consecutive days.

325-49. DRIVEWAYS

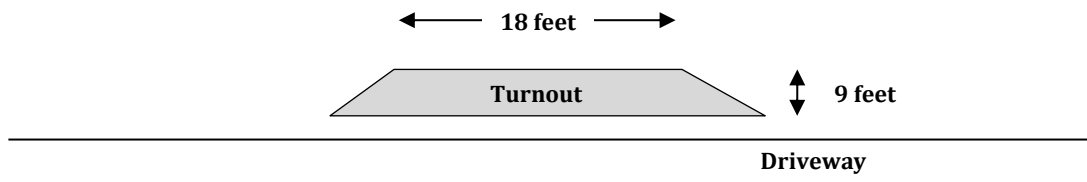
All driveways installed, altered, changed, replaced, or extended after August 16, 2009 shall require a permit and shall meet the following requirements:

- A. Driveways. Driveways shall be at least 10 feet wide for single- and two-family dwellings, except in the R-1S and R-1S/MU Districts, where driveway width should be minimized to avoid unnecessary runoff. For all other uses, driveways shall be at least of 24 feet wide at the property line.
- B. ~~Islands. Islands between driveway openings shall be provided with a minimum of 10 feet between all driveways and five feet at all lot lines.~~ Separation. Driveways must comply with the separation requirements to adjoining lot lines as specified in Appendix C.
- C. Entrances and Exits. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service stations, washing and repair stations or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, places of

worship, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

- D. Required. Prior to issuance of an occupancy permit for a principal building, a driveway must be established meeting the requirements in this section and all other requirements in the municipal code.
- E. Grade. The grade of a driveway extending from the road to the principal building on the lot may not exceed 5 percent, or 8 percent with the approval of the fire department.
- F. Number. A residential lot may have no more than one access onto a private, town, county, or state road. Upon petition, additional points of ingress/egress may be allowed for non-residential uses as part of the site plan review process.
- G. Clearance. All driveways must provide a minimum unobstructed width of 12 feet and minimum unobstructed vertical clearance of 15 feet. The property owner has the continuing obligation to trim vegetation on their property to maintain the aforementioned clearances, subject to compliance with any other rules or regulations.
- H. Turnarounds. For residential driveways over 200 feet in length, a turnaround must be provided within 50 feet of the principal building.
- I. Turnouts. For a driveway that exceeds 400 feet, a turnout, as generally shown below, must be constructed near the middle and at intervals of every 400 feet along the driveway's length.

Figure: Standards for a turnout (not to scale)



325-50. HIGHWAY ACCESS

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- A. Arterial Streets. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
- B. Collector and Minor Land Access Streets. Collector and minor land access streets intersecting arterial or another minor land access street within 50 feet of the intersection of the right-of-way lines.
- C. Barriers. Access Barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- D. Temporary Access. Temporary Access to the above rights-of-way may be granted by the Town Board after review and recommendation by the highway agencies having jurisdiction. Such access permit

shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

ARTICLE VII. Modifications

325-51. HEIGHT

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

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Chapter.
- B. Special Structures, such as grain elevators, radio and television receiving antennas, when mounted on the roof of a Principal Structure, manufacturing equipment and necessary mechanical appurtenances, cooling, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Chapter.
- C. Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Chapter.
- D. Communication Structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line.
- E. Amateur Radio Tower owned by a Federally licensed amateur radio station operator, and is compliant with the requirements of § 325-101 of this Chapter.
- F. Agricultural Structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.
- G. Accessory Structures, except in the R-1S district, with a maximum sidewall of 12 feet may exceed the height limitations of this Chapter to allow architectural simulation of the principal structure.

325-52. YARDS

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

- A. Uncovered Stairs, landings, and fire escapes may project into any yard but shall not exceed six feet in width nor be closer than five feet to any lot line.
- B. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed three feet.
- C. ~~Reserved Accessory Structures in non-residential Districts may be placed or erected in the Side or Rear Yard provided that no structure shall be closer than 10 feet to the Principal Structure and three feet to any lot line unless a greater setback is required by other provisions of this Chapter.~~
- D. Double Frontage Lots. Lots extending from street to street have two street yards: the Primary Street Yard and the Secondary Street Yard. The Primary Street Yard on a corner lot shall be that yard

associated with the mailing address or fire number, as applicable. The Secondary Street Yard shall be the yard opposite the Primary Street Yard. An Accessory Structure is permitted in the Secondary Street Yard, however, the minimum setback for the Principal Structure shall be maintained.

- E. Essential Services, utilities, electric power, and communication transmission lines are allowed in any yard exempt from the yard requirement of this Chapter.
- F. Landscaping and vegetation are exempt from the yard requirements of this Chapter.
- G. Dog Enclosures, Runs, or Housing shall be a minimum of 15 feet from the rear or side lot line and shall not be permitted in either the Street Yard, the Primary Street yard on a corner lot or double frontage lot, or the Shore Yard. Dog Enclosures, Runs, or Housing located in the Street Yard require in the R-1S District require a Conditional Use Permit. Reserved.
- H.F. An exterior stairway, ramp, or motorized lift is permitted in an R-1S or R-1S/MU Shore Yard only when: Reserved.
1. It is needed to provide pedestrian access within the Shore Yard of a lot to the shoreline to which such Shore Yard pertains because of a slope having a ratio of at least two feet horizontal to one foot vertical, or a slope made hazardous by unstable soils including, but not by way of limitation, rocky or wet soils.
 2. No other areas on the lot in questions allow reasonably available pedestrian access to the shoreline without any of the limitations described in subparagraph 1. Above.
 3. The minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of an exterior stairway, ramp or motorized lift installation shall be three feet.
 4. The following requirements are observed:
 - a. Except as hereinafter provided, there shall be no more than one of the following three exterior improvements in a Shore Yard: exterior stairway, ramp, or motorized lift.
 - b. "Stairway" and "ramp" shall have the same meaning as from time to time adopted by the State of Wisconsin Building Code as contained in the Wisconsin Administrative Code.
 - c. A motorized "lift" shall mean a motor-powered wheeled or other conveyance which travels on a road or track formed of parallel lines of wooden beams, lengths of stone, iron plates or rails, whose primary function is to transport persons up and down a slope.
 - d. Notwithstanding the provisions of subparagraph (a) above, if there is an exterior stairway or ramp lawfully existing at the time of the adoption of Paragraph 7.02 subparagraph J of this Chapter which is located in a Shore Yard, a motorized lift may be installed in such Shore Yard if mounted to or immediately adjacent to such existing stairway or ramp.
 - e. Exterior stairways, ramps and motorized lifts shall avoid environmentally sensitive areas, shall be placed on the most visually inconspicuous route as viewed from the navigable waters to which such Shore Yard permits.
 - f. Established vegetation which stabilizes the slope or screens the stairway, ramp, or motorized lift from view as viewed from the navigable waters to which such Shore Yard pertains shall not be removed.
 - g. Exterior stairways, ramps and motorized lifts along with any accompanying handrails and guardrails shall be colored and screened by vegetation so as to be inconspicuous when viewed in mid-summer from the navigable waters to which such Shore Yard pertains.
 - h. Roofs, canopies and closed sides for exterior stairways, ramps, and motorized lifts are prohibited in a Shore Yard unless they are detachable and are only used when necessary for safety. Open handrails or guardrails may be installed where required for safety.

- ~~i. Exterior stairways, ramps, and motorized lifts shall have a maximum width (outside dimension) of four feet and, as to motorized lifts, shall be situated as close to the terrain as possible in order to minimize their height and visibility.~~
- ~~j. One or more exterior platforms or landings forming part of an exterior stairway or ramp may be installed in a Shore Yard when required by the State of Wisconsin Building Code or for safety purposes, provided that they not exceed 40 square feet in area each and have no attached benches, chairs, seats, tables, or similar amenities.~~
- ~~k. Exterior stairways, ramps, and motorized lifts shall be supported on piles or footings. Any filling, grading, or excavation involved in their installation must meet the requirements of the construction site erosion control ordinances from time to time in effect under the Zoning Ordinance, Town of West Bend.~~

~~I. Accessory Structures.~~

- ~~1. In Secondary Street Yard.
 - ~~a. An Accessory Structure may be placed in the Secondary Street Yard of a triangular shaped lot as a Permitted Use, however, the minimum setback for the Principal Structure shall be maintained.~~
 - ~~b. An Accessory Structure may be placed in the Secondary Street Yard of a corner lot as a Permitted Use, however, the minimum setback for the Principal Structure shall be maintained.~~~~
- ~~2. In Street Yard and Primary Street Yard.
 - ~~a. An Accessory Structure located in a Street Yard or Primary Street Yard shall require a Conditional Use Permit.~~
 - ~~b. An Accessory Structure in the Street Yard or Primary Street yard shall:
 - ~~(1) Comply with the Street Yard setback for a Principal Structure within the relevant zoning district.~~
 - ~~(2) Be located and, if necessary, screened so as to ensure to the greatest degree practicable that the visual impact of the Accessory Structure does not:
 - ~~(a) Impede upon the view of the Principal Structure.~~
 - ~~(b) Significantly diminish the overall appearance of the parcel in question from the street or road.~~
 - ~~(c) Negatively affect the property values and quality of life of adjoining property owners.~~~~
 - ~~(3) Located within 100 ft. of the Principal Structure.~~~~~~

325-53. Reserved ADDITIONS TO EXISTING STRUCTURES IN STREET YARDS

An addition to a Principal Structure located in the Street Yard or in the Primary Street Yard on a corner lot or double frontage lot shall not project beyond the average setback of the Principal Structure on the abutting lot to each side of the property in question. An addition to an Accessory Structure located in the Street Yard or in the Primary Street Yard on a corner lot or double frontage lot shall not project beyond the average setback of the Accessory Structure on the abutting lot to each side of the property in question.

325-54. AVERAGE SETBACKS

- A. The Street Yard setback or Primary Street Yard setback on a corner lot or double frontage lot in any Residential District may be decreased to the average distance that abutting structures located on the lot to each side of the property in question are set back, but in no case shall be less than 15 feet.
- B. In the Event Structures Abut on Only One Side and an average cannot be determined, the distance may be decreased to the setback of the one structure, except as limited to 15 feet in a Street Yard setback or Primary Street Yard setback on a corner lot or double frontage lot as set forth in § 325-54A.
- C. The Shore Yard shall not be reduced to a lesser setback than allowed by any provision the Washington County Shoreland and Wetland Zoning Ordinance (75 feet) or variance approved by the Washington County Board of Adjustment.

325-55. ~~CORNER LOTS~~RESERVED

~~Corner lots shall provide a Street Yard on each street that the lot abuts (see Lot Type Illustration on page 133). The Primary Street Yard on a corner lot shall be that associated with the mailing address or fire number, as applicable. The remaining yards shall be a Rear Yard behind the main entrance to the structure and one Side Yard.~~

325-56. ~~NOISE~~RESERVED

~~Sirens, whistles, bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of Chapter 17.11.06.~~

325-57. EXISTING SUBSTANDARD LOTS OUTSIDE OF SHORELAND AREA

A lot located outside of a designated shoreland zoning area which does not contain sufficient area to conform to the dimensional requirements of this chapter but which was of record in the Washington County Register of Deeds office prior to April 1, 1986 ~~and is in separate ownership from abutting lands or any lot created and approved thereafter~~ may be utilized as a single-family dwelling site, provided:

- A. Single-family dwellings are a Permitted Use in the Zoning District.
- B. Requirements. All of the requirements of the Zoning District shall be complied with insofar as is practical but shall not be less than the following:

Lot Size	Width Minimum	50 feet (1)
	Area Minimum	10,000 square feet
Principal Structure	Area Minimum	Total: 1,200 square feet 1st Floor: 950 square feet
	Height Maximum	35 feet
Minimum Setbacks for Accessory Structures	Side and Rear	Seven feet
Minimum Setbacks for Principal Structures	Street	25 feet (2)

	Rear	25 feet
	Side	10 feet
	Shore	75 feet (3)
Maximum Total Impervious Surface Area		35%
(1) Measured at the setback		
(2) Measured from the street right-of-way or paving edge of private roads		
(3) Measured from the Ordinary High Water Mark		

C. Substandard Lots. If two or more substandard lots with continuous frontage have the same ownership as of April 1, 1986, the classification and use of said lots shall be governed as follows:

1. When such lots are vacant, they shall be treated as being combined into one or more lots which comply with the lot size, building and yard requirements of the Zoning District where located, but in the event District zoning requirements cannot be met by combining such vacant lots, then the resulting lot shall be subject to the requirements listed in the “Existing Substandard Lots” table shown above.
2. When such lots have been used as one lot, i.e., by the placement of an Accessory Structure on the adjacent lot or by the encroachment of setback requirements, they shall be treated as one lot.
3. When one developed lot abuts one undeveloped lot, the undeveloped lot may be treated as a separate lot, provided:
 - a. Both lots meet the requirements of § 325-57B.
 - b. The developed lot is sewerred or has a functional onsite sanitary system.

D. Applications. Applications for permits for the improvement of a lot with lesser dimensions and requisites than those stated in Subsection (B) shall be issued only after a variance granted by the Zoning Board of Appeals.

E. Preemption. The regulation of substandard lots within 1,000 feet of the Ordinary High Water Mark of a lake, pond or flowage or within and 300 feet the Ordinary High Water Mark of a river or stream or to the landward side of the flood plain, whichever distance is greater, is preempted by NR 115.05(1)(a).3 and Washington County Chapter 275: Shoreland, Wetland, Floodplain Zoning.

Article VIII. Signs

325-58. PURPOSE

- A. The purpose of this Chapter is to create the legal framework to regulate, administer and enforce signs. These regulations recognize the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community.
- B. Signs not expressly permitted as being allowed by right or by permit under this Chapter, by specific requirements in another portion of the Town of West Bend Code of Ordinances or other applicable law, are prohibited.

- C. The regulations included in this Chapter are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, leased by, on behalf of, or as specifically directed or order by, federal, state, local governments and government agencies, in the furtherance of authorized government operations or activities within the public right-of-way.
- D. This Chapter shall establish reasonable time, place, and manner restrictions and shall not establish or enforce content-based restrictions. Sign regulations shall be based solely on size, brightness, zoning district, spacing, location, and the like.

325-59. SUBSTITUTION CLAUSE

Signs containing noncommercial speech are permitted anywhere that signs containing commercial speech are permitted, subject to the same regulations applicable to such signs.

325-60. COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming to the provisions of this Chapter.

325-61. INTERPRETATION

The requirements and restrictions of this Section are in addition to, and not in lieu of, other provisions of this chapter. This section shall be strictly construed to limit signs in the town. Upon submission of sufficient documentation demonstrating the need to modify the size, design or number of signs necessary to identify a development, the Plan Commission may modify the sign restrictions within this Section to overcome constraints due to poor site visibility, excessive setbacks or other physical constraints.

325-62. SIGN PERMIT

- A. Permit Required. It shall be unlawful for any person to erect, construct, enlarge, or structurally modify a sign or cause the same to be done in the Town of West Bend without first obtaining a sign permit as required by this article. Permits shall not be required for the following:
 - 1. A change of copy of any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
 - 2. Signs specifically listed as not requiring a permit in this Chapter.
- B. Application. Application for a permit shall be filed with the Town Clerk upon forms provided by the Town and shall contain the following information:
 - 1. The name, address and telephone number of the sign owner, the property owner, where the sign is or will be located and the sign contractor of the proposed sign.
 - 2. Clear and legible color drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with locations, setbacks, size and types of existing signs on the premises

where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.

3. Calculations or evidence showing that the structure and design meets the requirements of these regulations for wind pressure load.
4. Such other information as the Zoning Administrator or Plan Commission may require to show full compliance with this and all other applicable laws of the Town.
5. Signature of the applicant.
6. All required fees.

C. Permit issuance and denial.

1. The Plan Commission shall issue a sign permit upon determination that:
 - a. The permit application is properly made.
 - b. All required fees have been paid
 - c. The sign complies fully with the requirements of this Chapter and any other applicable laws and regulations.
 - d. The Town Clerk shall notify the Building Inspector upon approval of a sign permit.
 - e. If the sign permit is denied, the Plan Commission shall provide written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.

325-63. SIGNS NOT REQUIRING A PERMIT

Signs not requiring a permit shall comply in all respects with the sign regulations presented in this Chapter. The following signs are allowed without a permit, subject to the following regulations:

A. In residential districts:

1. One temporary sign, subject to the following:
 - a. Sign shall not exceed 16 square feet in total face area.
 - b. Sign shall not be located in any public right-of-way.
 - c. Sign shall not be artificially illuminated.
 - d. Sign shall not be erected more than 15 days before, and shall be removed no later than five days after, the event, activity, or purpose for which the sign is intended, excepting those signs specifically allowed under § 12.04, Wis. Stats.
2. One wall sign, subject to the following:
 - a. Sign shall not exceed two square feet in face area.
 - b. Sign shall not be artificially illuminated.

B. In nonresidential districts.

1. Two temporary signs, subject to the following:
 - a. No sign shall exceed 32 square feet in total face area.
 - b. Signs shall not be located in any public right-of-way.
 - c. Signs shall not be artificially illuminated.
 - d. Signs shall not be erected more than 15 days before, and shall be removed no later than five days after, the event, activity, or purpose for which the sign is intended.
 - e. In no cases shall signs be maintained for more than 60 days, other than specifically allowed under § 12.04, Wis. Stats.
2. One portable sign, subject to the following:
 - a. Portable signs shall comply with all setback requirements.

- b. Portable signs shall be in place exclusively during the hours of operation of the entity for which the sign is associated.

C. In all districts.

1. Integral signs, not to exceed two per structure.
2. Official and governmental signs, such as traffic control, parking, information, and notices.
3. Signs intended to: protect public safety; provide safe ingress/egress to, from, and within a property; and warn of potential hazards associated with a specific activity. Such signs shall be maintained only so long as the activity for which they are intended is ongoing.
4. No more than two direction and instructional signs located entirely on a property to which they pertain and do not exceed eight square feet each in area. This includes, but is not limited to, such signs as those identifying rest rooms, telephone, parking areas, entrances, and exits.
5. Private property signs.
6. Official notices posted by public officers or employers in the performance of their duties.
7. Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.
8. Truck, bus, trailer or other vehicles, while operating in the normal course of business which is not primarily the display of signs.
9. A sign carried by a person.
10. House numbers and name plates not exceeding two square feet in area for each residential, commercial or industrial building.
11. Incidental signs.
12. Interior Signs.

325-64. PROHIBITED SIGNS

- A. General. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, or be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing.
- B. Specifically. The following signs are specifically prohibited in all districts:
 1. Signs that resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices.
 2. Signs that prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape.
 3. Animated signs.
 4. Flashing signs, including signs with scintillating, blinking, or traveling lights of more than 15 watts per lamp.
 5. Off-premises signs.
 6. Signs which are painted on, or attached or affixed to, rocks, trees or other living vegetation.
 7. Signs with any light flashing more than 10 times per minute.
 8. Roof signs.
 9. Swinging signs
 10. Any other signs not specifically permitted by this Chapter.

325-65. SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT

One Permanent Ground Sign placed at the entrance to a residential subdivision or similar such development. Such sign shall not exceed 144 square feet in total face area.

325-66. SIGNS PERMITTED IN ALL BUSINESS AND MANUFACTURING DISTRICTS WITH A PERMIT

A. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in all business and manufacturing districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Awning/ Canopy	One per street facing, first floor window	16 sq. ft.	[1]	[2]	n/a
Ground	[3]	100 sq. ft.	20 ft.	Outside of right-of-way	10 ft.
Ingress/ Egress	Two [4]	Eight sq. ft.	Five ft.	0 ft.	Three ft.
Portable	One, in street yard only	24 sq. ft.	Four ft.	Off-street	n/a
Projecting	One	20 sq. ft.	[5]	[5]	[5]
Wall, non-residential	One	[6] [7]	n/a	n/a	n/a
[1] Awnings/canopies must maintain a minimum clearance of nine feet between the bottom of the canopy and the finished grade. [2] Awnings/canopies shall project a minimum of 3.5 feet to provide pedestrians protection from the elements. Awning/canopies may extend to a point not more than two feet in from the face of the curb, or seven feet from the building, whichever is less. [3] Total number of ground signs shall be limited to one per property for each abutting and accessible street. [4] Ingress/egress signs shall be associated with, and located no farther than 10 ft. from, an access to a road, street, or highway. [5] Projecting signs shall not extend more than three feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley. [6] The maximum area of wall signage allowed is 200 square feet. [7] Wall signs placed against the exterior walls of buildings shall not extend above the roofline of the building or outward more than 12 inches from the surface of the wall.					

B. Multi-Tenant Signs for Multi-Unit Facilities.

1. General Standards.

- a. Multi-tenant signs may be utilized whenever a development consists of several, separate units having appurtenant shared facilities, including but not limited to driveways, parking, common walls or structures, and pedestrian walkways.
 - b. Multi-tenant signs may be ground signs or freestanding signs.
 - c. Entities represented on a multi-tenant sign shall not also erect or display additional ground signs or freestanding signs.
2. Dimensional Standards.
- a. Maximum Number. The maximum number of multi-tenant signs allowable in a single development is one. The maximum number of tenant panels on a multi-tenant sign shall be one associated with, and limited to, each business, entity, or tenant located in the development.
 - b. Maximum Face Area. The face area for each panel displayed on the multi-tenant sign shall comply with the maximum face area for a ground sign in the applicable zoning district.
 - c. Maximum Height. The maximum height of a multi-tenant sign shall comply with the maximum height of a ground sign in the applicable zoning district.
3. Design Standards.
- a. Monument signs are preferred over pole signs.
 - b. A multi-tenant sign shall have no exposed poles and shall not be a monopole.
 - c. A multi-tenant sign shall be designed and maintained to be architecturally compatible with the development.

C. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings.

325-67. SIGNS PERMITTED IN ~~C-1, C-2, and P-1~~ DISTRICTS WITH A PERMIT

A. In addition to signs not requiring a permit, the following non-illuminated sign types are allowed for nonresidential uses in the ~~C-1, C-2, and P-1~~ Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Ground	[1]	64 sq. ft.	Eight ft.	Outside of right-of-way of sign	10 ft.
[1] Total number of ground signs shall be limited to one per property for each abutting and accessible street.					

B. Illuminated Trails. Paths/trails illuminated for special afterhours events such as Nordic skiing, snowshoeing, hiking, nature walks, and the like shall require a Temporary Use Permit.

325-68. RESTRICTIONS ON POSTING SIGNS

No person shall cause to be placed any type of sign, notice or other item on any traffic sign pole, utility pole, street indicator sign, or any other pole under the jurisdiction of the Town.

325-69. SIGN STANDARDS

A. Construction standards.

1. All ground signs shall be self-supporting structures and permanently attached to sufficient foundations.
2. All signs, except those attached flat against the wall of a building and those signs of which no portion exceeds a height of three feet and are no greater than nine square feet in area shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
3. For solid signs, 30 pounds per square foot of the sign and structure.
4. For skeleton signs, 30 pounds per square foot on the total face cover of the letters and other sign surfaces or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
5. Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
6. All signs in which electrical wiring or connections are used shall be subject to all applicable provisions of State code. No person may erect any sign with exposed electrical cords or wires. Electrical service to ground signs shall be concealed wherever possible.

B. Maintenance standards.

1. Every sign shall be maintained in a safe, presentable and structurally sound condition at all times. This includes restoring, repainting, or replacing a worn or damaged sign to its original condition. This also includes maintaining the premises on which the sign is erected in a clean and sanitary condition, free and clear of noxious substances.
2. The Zoning Administrator and Building Inspector shall have the right to order the repair or removal of any sign which is determined to be defective, damaged, or substantially deteriorated.

C. Measurement standards.

1. **Signable Area.** The signable area of a building is designated as the area of the facade of the building up to the roofline, which is free of windows and doors or major architectural detail on which signs may be displayed.
2. **Measuring Sign Face.** In calculating the area of a sign to determine whether it meets the requirement of this Chapter, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation. The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
3. **Measuring Sign Height.** The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.

D. Illumination standards.

1. The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign is prohibited.
 2. All sign lighting shall be designed, located, shielded, or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.
- E. Landscape Standards. All ground signs shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign. Species shall be consistent with the requirements of the Landscaping Section of this Chapter.
- F. Changeable Copy. Unless otherwise specified by this Chapter, any sign herein allowed may use manual or automatic changeable copy.
- G. Facing. No sign except those permitted in § 325-63 and 325-65 shall be permitted to face a residence within 100 feet of such residence.

325-70. INDEMNIFICATION

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify the Town of West Bend, its officers, agents, and employees against any and all claims of negligence resulting from such work insofar as this Chapter has not specifically directed the placement of a sign.

325-71. INSURANCE

Every sign contractor shall maintain all required insurance and shall file with the Town a satisfactory certificate of insurance to indemnify the Town against any form of liability to a minimum of \$300,000 (per occurrence and aggregate with regard to bodily injury and property damage).

325-72. REMOVAL AND DISPOSITION OF SIGNS

- A. Abandoned signs. All abandoned signs shall be removed within six months by the owner or lessee of the premises upon which an on-premise sign is located when the entity for which the sign is associated is no longer present or in operation. If the owner or lessee fails to remove the sign(s), the Zoning Administrator shall give the owner or lessee 30 days written notice to remove said sign(s). Upon failure to comply with this notice, the Town of West Bend may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.
- B. Deteriorated dilapidated signs. The Zoning Administrator and/or Building Inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413(1), Wis. Stats.
- C. Unlawful signs. The Zoning Administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall be in writing and shall state the reasons of the Zoning Administrator as to why any sign owned, kept, displayed, or maintained by any person within the Town is in violation of this Chapter.

325-73. SIGN NONCONFORMITIES

- A. Nonconforming signs. Any sign located in the Town of West Bend as of the date of adoption or amendment of this Chapter, or located within an area annexed to the Town of West Bend hereafter, that does not conform to the provisions of this Chapter as adopted or amended is a legal, non-conforming sign if the sign was legally constructed prior to the date of adoption or amendment of this Chapter. Such signs may be continued although the use, size, number, or location does not conform to the provisions of this Chapter.
- B. Nonconforming status. A sign loses its legal, non-conforming status if one of the following occurs:
 - 1. The sign is structurally altered in any way other than normal maintenance and repair that makes the sign less compliant with the requirements of this Chapter than it was before the alteration.
 - 2. The sign is relocated.
 - 3. The sign is abandoned.
 - 4. The permitted or conditional use associated with the sign changes.
- C. Reconstruction. A non-conforming sign can be reconstructed to its former state if it is destroyed by wind, vandalism, fire, ice, or flood.

Article IX. Nonconforming Uses, Structures, And Lots

325-74. NONCONFORMING USES AND STRUCTURES

- A. Nonconforming uses. The nonconforming use of a nonconforming structure, building, premises, or fixture existing at the time of the adoption or any amendment of this chapter may be continued although it does not conform to the provisions of this chapter or any amendments thereto, but the alteration of, or addition to, or repair shall not exceed 50% of its assessed value of any nonshoreland existing building, premises, structure, or fixture for the purpose of carrying on a nonconforming use. The continuance of the nonconforming use of a temporary structure is prohibited.
- B. Nonconforming structures. Repairs and maintenance of certain nonconforming structures: There is no limit based on cost for the repair, maintenance, renovation, or remodeling of a nonconforming structure.
- C. Restoration of certain nonconforming structures. Nonconforming structures that are damaged or destroyed may be restored if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, with no limit on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - 1. The use of the building or structure which is nonconforming was not discontinued for a period of 12 months or more; and,
 - 2. The damage or destruction was caused by a natural event, including but not limited to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

325-75. DISCONTINUED USE

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

325-76. ADDITIONS AND ENLARGEMENTS TO NONCONFORMING BUILDINGS

Additions and enlargements to an existing nonconforming ~~structures-building~~ with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this chapter. ~~Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing encroachment.~~ The provisions of this section with respect to additions or enlargements are applicable only if the lot is served by public sanitary sewer or, if relevant, conforms to existing sanitary code requirements for private onsite sewage treatment systems (POWTS).

An addition to a principal structure located in the street yard or in the primary street yard on a corner lot or double frontage lot shall not project beyond the average setback of the principal structure on the abutting lot to each side of the property in question. An addition to an accessory structure located in the street yard or in the primary street yard on a corner lot or double frontage lot shall not project beyond the average setback of the accessory structure on the abutting lot to each side of the property in question.

325-77. NONCONFORMING LOTS OF RECORD

In any district, any permitted or permissible structure may be erected on a single lot of record at the effect date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which the lot is located as amended as long as the lot lawfully existed ~~at the time of the adoption of~~ on April 1, 1986 or amendment to this ordinance.

325-78. CHANGES AND SUBSTITUTIONS

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

325-78A. NONCONFORMING SIGNS

Please refer to § 325-73.

325-78B. SUBSTANDARD LOTS

For substandard lot provisions, see § 325-57.

Article X. Site Plan Review and Architectural Control

325-79. PURPOSE AND INTENT

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, without first obtaining the approval of the Zoning Administrator or Plan Commission, as herein specified, of detailed site, landscape and architectural plans as set forth in this Section.

325-80. PRINCIPLES ~~FOR NON-RESIDENTIAL PROJECTS~~

~~A.~~ The following principles ~~are established to~~ apply to all new structures and uses and to changes or additions to existing structures and uses other than for single parcel residential development.

1. The proposed use(s) shall conform to the uses permitted in the applicable Zoning District.
2. The dimensional arrangement of buildings and structures shall conform to the required area, yard, setback and height restrictions of the Chapter.
3. The relative proportion of the scale and mass of a building to neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
4. The visual continuity of roof shapes, rooflines and their contributing elements (e.g. parapet walls, coping and cornices) shall be maintained in building development or redevelopment.
5. The façade of commercial, industrial, governmental, institutional, and recreational buildings which face upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 30% of a façade facing an existing or future street shall be finished with brick, wood, fieldstone, decorative masonry material, decorative glass panels, or decorative precast concrete panels, except where the building style requires a different material. Attractive aluminum or vinyl siding which has the appearance of wood siding, a “brushed” surface or other compatible attractive material may, however, be permitted. Such finished material shall extend for a distance of at least 20 feet along the sides of the structure. All buildings on corner and double-frontage lots shall have the required finished façade facing each street. No plain concrete block building or metal-faced building, except those with an attractive finished surface mentioned above shall be permitted. Samples of all materials shall be furnished to the Plan Commission for review and approval.
6. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, colors shall be selected to be in general harmony with existing neighborhood buildings. The use of bright colors should be limited and used only as an accent such as, for example, on trims.
7. Accessory Structures located in a Side yard or Rear Yard shall be built with materials compatible with those of the Principal Structures on the same site.
8. Accessory Structures located in a Street Yard shall be affixed upon a foundation and shall be constructed of substantially the same materials and be of substantially the same appearance as the Principal Structure.
9. No overhead door or loading dock for commercial, manufacturing, institutional or park buildings shall face a public street. The Plan Commission may permit overhead doors and docks to face a public street when it has made a finding that there is no feasible alternative location for such doors or docks and, insofar as is practicable, such doors and docks facing public streets are screened.

10. Outside storage areas for inventory, materials, equipment, supplies, scrap, and other materials utilized in the day-to-day operation of the Principal Use shall be paved as determined by the Plan Commission, and screened from view from public streets with appropriate vegetation or fencing or wall of a material compatible with the Principal Structure and the surrounding area. The Plan Commission may permit the outdoor display of products or merchandise when it makes a finding that such a display is essential to a business or industrial use, such as a landscape-nursery or car-sales business, and attractive periphery landscaping is provided.
11. Mechanical equipment, such as heating, air-conditioning, and ventilating equipment, at grade-level and on rooftops shall be screened from public view or located in a manner that is unobtrusive.
12. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
13. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
14. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical to prevent indiscriminate or excessive earth moving or clearing of property, disfiguration of natural land forms, and disruption of natural drainage patterns.
15. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
16. Buildings and uses shall provide adequate parking and loading areas.
17. Appropriate Buffers shall be provided between dissimilar uses in accordance with this Chapter.
18. Appropriate erosion control measure shall be utilized in all new development.
19. Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.
20. Refuse and recycling areas shall be screened by completely enclosing such areas with a wall or fence of a material compatible with the Principal Structure and surrounding area. The wall or fence shall be surrounded with a landscape bed at least three feet wide consisting of plants, except at the gate.
21. No buildings shall impair the enjoyment of historic attractions of significant historic interest.
22. Buildings on premises which have historic significance shall be identified by a plaque to be provided by the Town and should be encouraged to be maintained or restored, insofar as practicable, in the manner which will protect its historic significance in accordance with the standards promulgated by the U.S. Department of the Interior for historic preservation projects.
23. Development and redevelopment shall be consistent with the public goals, objectives, principles, standards, policies and urban design guidelines set forth in the adopted comprehensive plan or element thereof.
24. Buildings and uses shall make appropriate use of open space. The Zoning Administrator and/or Plan Commission may require appropriate landscaping and planting screens. A landscaping maintenance program, together with appropriate assurances, shall be submitted. (For additional landscape standards refer to § 325-95)
- ~~25. The height of the above grade exposed basement wall of any residential building should not exceed 10 feet.~~
- ~~26.~~25. Other principles deemed appropriate by the Town of West Bend may be imposed by the Plan Commission.
- ~~27.~~26. A person may not claim that two or more buildings on a property should be counted as one building by virtue of (1) a connection by a breezeway of any length; (2) a connection by a deck; (3) a connection by a porch; (4) any underground connection of any type; (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building; (6) any connection

that serves no significant purpose other than a walkway; (7) any connection that is significantly smaller in dimension than the connected parts; or (8) any connection that allows motor vehicles to drive through the connection. The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

325-80A. PRINCIPLES FOR RESIDENTIAL PROJECTS

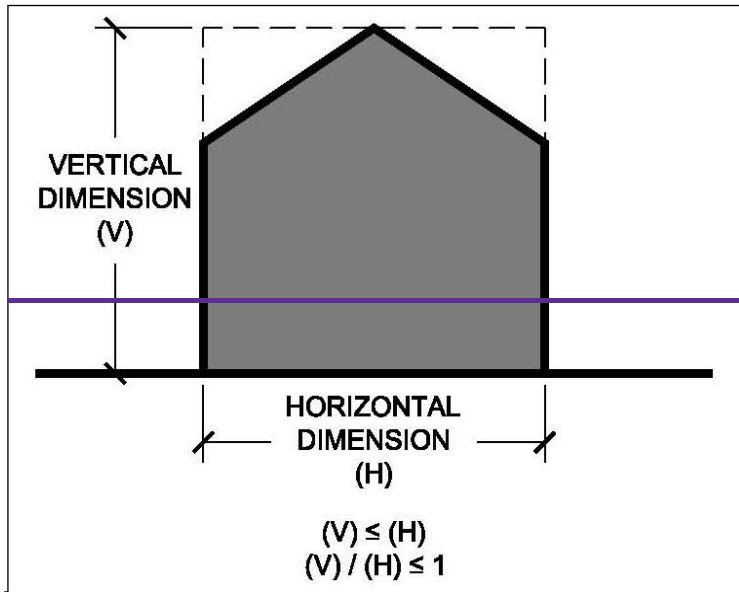
B.A. The following principles ~~are established to~~ apply to all single parcel residential development and redevelopment.

1. The proposed use(s) shall conform to the uses permitted in the applicable Zoning District.
2. The dimensional arrangement of buildings and structures shall conform to the required area, yard, setback and height restrictions of the Chapter.
3. The use of bright colors should be limited and used only as an accent such as, for example, on trims.
4. Accessory structures located in a side yard or rear yard shall be built with materials compatible with those of the Principal Structures on the same site.
5. Accessory structures located in a street yard, when permissible, ~~shall be affixed upon a foundation and~~ shall be constructed of substantially the same materials and be of substantially the same appearance as the principal structure.
6. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
7. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical to prevent indiscriminate or excessive earth moving or clearing of property, disfiguration of natural land forms, and disruption of natural drainage patterns.
8. Appropriate erosion control measure shall be utilized in all new development.
9. The height of the above grade exposed basement wall of any residential building should not exceed 10 feet.
10. Other principles deemed appropriate by the Town of West Bend may be imposed by the Plan Commission.
11. A person may not claim that two or more buildings on a property should be counted as one building by virtue of (1) a connection by a breezeway of any length; (2) a connection by a deck; (3) a connection by a porch; (4) any underground connection of any type; (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building; (6) any connection that serves no significant purpose other than a walkway; (7) any connection that is significantly smaller in dimension than the connected parts; or (8) any connection that allows motor vehicles to drive through the connection. The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.
12. A flat roof may not be occupied for any reason for any duration of time.
13. Accessory buildings must comply with building codes as adopted by the Town of West Bend.
14. A porch, deck, or canopy, whether fixed or retractable, is considered a part of the building and must comply with setback requirements.

C.B. Additional building and site development standards for the R-1S and R-1S/MU Districts:

1. Building Form, Height and Proportions. When possible, principal structures should be designed to create layered and visually interesting building facades that harmonize with the surrounding lake front buildings, through the use of building step-backs, varied roof forms, porches, etc.

Building Proportions Diagram



2. Reserved. Roofs. Simple roof forms should be used on all buildings to reflect the historic lake character of the neighborhoods.
 - a. ~~Gable roofs must have a minimum 6/12 pitch.~~
 - b. ~~Hip roofs must have a minimum 4/12 pitch.~~
 - c. ~~Shed roofs should be between 4/12 and 12/12 and be used against a main structure wall, as a dormer or as a screen for a flat roof only.~~
 - d. ~~Flat roofs should not exceed 300 square feet in size unless screened from general public view by some other roof form or building massing.~~
 - e.a. Dormers, eyebrow windows and skylights are permitted.
3. Entries.
 - a. All structures should have the main or front entries oriented towards and visible from the street or entrance court.
 - b. When possible, buildings on the lake shall have a second front entry oriented towards the lake. Lakeside entries shall not appear as back doors, but rather should be scaled and detailed to appear as an additional principal entry to the building.
4. Porches.
 - a. All porches or decks should be associated with a building entry and be integrated with the building architecture.
 - b. The first floor level of Shore Yard porches and decks shall be no higher than 12 feet above the surrounding ground level.
 - c. All porches and decks shall contain a high level of design detail and be constructed of high-quality materials to reflect their visibility from the lake.
5. Reserved. Windows.
 - a. ~~All building windows should be rectangular and vertically proportioned. Square, circular, semi-circular, octagonal or oval shaped windows should be used sparingly as accent windows in the overall building composition. Triangular or trapezoidal windows shall not be used.~~

- ~~b. Any large horizontal or other expanse of glazing should be broken down into smaller window areas by the inclusion of strong vertical mullion elements and window muntins. All window and door openings should be framed with substantial trim boards (five-inch recommended minimum).~~
- ~~c.a. Window glazing shall be clear; the use of heavily tinted, opaque, or mirrored glass is not permitted. Stained glass windows are permitted as accent windows.~~
- 6. Garages.
 - a. Garages and garage doors should be scaled appropriately to the size of the principal structure. The main mass of the garage should be complementary and subordinate to the main mass and positioning of the Principal Structure.
 - b. Garages and garage doors should be positioned so they do not dominate the view from the street and neighboring properties. Wherever possible, garage doors should be side loaded and screened from public view on adjacent streets
 - c. When garage doors must face the street, the street facing façade ~~should~~must include an upper level balcony, terrace, awning, or other projecting element above the door area. The area above the garage should include glazed window or door openings with a minimum 15 square feet of glazed area.
 - d. When possible, single garage doors should be used to create a more intimately scaled façade and when appropriate, garage doors should be painted or stained a contrasting color.
 - e. When a garage door faces the road frontage, the maximum height of the door is 10 feet.
 - ~~d.f. The maximum number of garage spaces on any one façade is 3 (a 16-foot-wide door for example is considered 2 spaces) or the garage doors must be stepped back by an offset of at least 2 feet.~~
- 7. Landscape. See § 325-95 for landscape standards.

325-81. ADMINISTRATION

- A. The Zoning Administrator shall review all site plans submitted under Article X and prepare a staff report for the Plan Commission
- B. The Plan Commission shall approve all site plans submitted under this section excepting single parcel residential development as described in Subsection D below.
- C. The Zoning Administrator shall approve all site plans submitted under this section for proposed single parcel residential development. Single parcel residential development shall be limited to the following:
 - 1. Proposed single-family residential development on a new parcel created via a Certified Survey Map.
 - 2. Proposed single-family residential redevelopment on an existing parcel.
- D. Plan Data for Development and Redevelopment other than Single Parcel Residential Development. Plan data shall be submitted to Town Clerk to be forwarded to the Zoning Administrator. Plan data to be submitted with plan review applications shall include the following:
 - 1. Site plan drawn to a recognized engineering scale.
 - 2. Name of project.
 - 3. Owner's and/or developer's name and address.

4. Architect and/or engineer's name and address.
5. Date of plan submittal.
6. Scale of drawing, north arrow, and site size information (area in square feet or acres).
7. Existing and proposed topography shown at contour intervals of two feet or less. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
8. The characteristics of soils related to contemplated specific uses.
9. Total number and location of parking spaces.
10. All building and yard setback lines.
11. Where applicable, both the 100 year recurrence interval floodplain and the floodway; environmental corridors and isolated natural resource areas; and wetland areas.
12. The type, size, and location of all existing and proposed structures with all building dimensions shown.
13. The height of all existing and proposed buildings and other structures.
14. Existing and proposed street names.
15. Existing and proposed rights-of-way and widths.
16. Existing and proposed easements for and locations of all utility lines, including sanitary sewers, water mains, storm sewers, other drainage facilities and features, communications lines, electrical lines, natural gas lines and other utilities present on and around the site, as applicable.
17. Proposed stormwater management facilities, including detention/retention areas.
18. Proposed location and type of all signs to be placed on the site.
19. The location and type of all outdoor lighting.
20. Existing isolated, individual trees and the boundary of woodlands.
21. Landscape plan with the location, extent, and type of proposed plantings.
22. Location of pedestrian sidewalks and walkways, and bicycle lanes or paths.
23. A Graphic outline of any development staging.
24. Scaled architectural plans, color building elevations, and color perspective drawings and color sketches illustrating the design and character of proposed structures and relevant surrounding structures and properties within 300 feet.
25. Other plans and data as required by the Zoning Administrator and/or Plan Commission.

E. Plan Data for Single Parcel Residential Development and Redevelopment. Plan data shall be submitted to Town Clerk to be forwarded to the Zoning Administrator. Plan data to be submitted with plan review applications shall include the following:

1. For developed and undeveloped sites:
 - a. Owner's name and address.
 - b. Date of plan submittal.
 - c. Site size information (area in square feet or acres).
 - d. All building and yard setback lines.
 - e. The type, size, height, and location of all existing and proposed structures with all building dimensions shown.
 - f. Existing and proposed rights-of-way and widths.
 - g. Existing and proposed easements for and locations of all utility lines, including sanitary sewers, water mains, storm sewers, other drainage facilities and features, communications lines, electrical lines, natural gas lines and other utilities present on and around the site, as applicable.
 - h. Existing isolated, individual trees and the boundary of woodlands.
 - i. Architect, developer, and/or engineer's name and address, as applicable.

- j. Scaled architectural plans illustrating the design and character of proposed structures.
 - k. Accessory Structures, excluding Transitory Accessory Structures, shall be substantially the same in appearance as the Principal Structure.
 - l. Other plans and data as required by the Zoning Administrator.
2. For undeveloped sites:
- a. Site plan drawn to a recognized engineering scale, scale of drawing, north arrow, and site size information (area in acres or square feet).
 - b. Existing and proposed topography shown at contour intervals of two feet or less. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
 - c. Where applicable, both the 100 year recurrence interval floodplain and the floodway; environmental corridors and isolated natural resource areas; and wetland areas.
 - d. Proposed stormwater management facilities, including detention/retention areas, as applicable.
 - e. Landscape plan with the location, extent, and type of proposed plantings.

325-82. REVIEW AND FINDINGS

The Zoning Administrator and, when required, Plan Commission shall review the referred plans within a reasonable period of time following their submittal, but not more than 60 days. The Zoning Administrator and Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Chapter. The Zoning Administrator and Plan Commission will approve said plans only after determining the proposed site development or buildings will not substantially increase the danger of fire, traffic congestion, or otherwise endanger the public health or safety. Upon approval of a Site Plan, the Zoning Administrator shall issue a Site Plan Permit to the Applicant establishing the terms of approval and operation for said permit.

325-83. SURETIES

The Town Board may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

325-84. APPEALS

Any person or persons aggrieved by any decisions of the zoning administrator ~~or Plan Commission~~ related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Town Clerk within 30 days after filing of the decision of the zoning administrator ~~or Plan Commission~~.

Article XI. Performance Standards

325-85. COMPLIANCE

This Chapter permits specific uses in specific Districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or District. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

325-86. AIR POLLUTION

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding established state or federal air pollution standards.

325-87. FIRE AND EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 30,000 gallons.

325-88. GLARE AND HEAT

No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their District. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

325-89. WATER QUALITY PROTECTION

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. All stormwater runoff should be free of sediment, chemicals, or other contaminants to protect water quality in the Town.

In addition, no activity shall withdraw water or discharge any liquid, or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102, Wisconsin Adm. Code.

325-90. NOISE

- A. No activity in an M-1 Industrial District shall produce a sound level outside the District boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

M-1 Industrial District Noise			
Octave Band Frequency (Cycles Per Second)			Sound Level (Decibels)
0	To	75	79
75	To	150	74
150	To	300	66
300	To	600	59
600	To	1200	53
1200	To	2400	47
2400	To	4800	41
Above			39

- B. No other activity in any other District shall produce a sound level outside its premises that exceeds the following:

Any Other District Noise			
Octave Band Frequency (Cycles Per Second)			Sound Level (Decibels)
0	To	75	72
75	To	150	69
150	To	300	59
300	To	600	52
600	To	1200	46
1200	To	2400	40
2400	To	4800	34
Above		4800	32

- C. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

D. Sirens, whistles, bells which are maintained and utilized solely to serve a public purpose are exempt from the sound levels in this section.

325-91. ODORS

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter 13, Air Pollution Abatement Manual-1960, prepared by the Manufacturing Chemists' Association, Inc., Washington, D.C.

325-92. RADIOACTIVITY AND ELECTRICAL DISTURBANCES

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

325-93. VIBRATION

No activity in any District shall emit vibrations that are discernible without instruments outside its premises. No activity shall emit vibrations that exceed the following displacement measured with a three-component measuring system:

Vibrations		
Frequency (Cycles Per Second)	Displacement (Inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

325-94. RESERVED

325-95. LANDSCAPING

- A. Purpose and Characteristics. The intent of this Section is to:
1. Protect the lakes and associated aquatic and terrestrial systems.
 2. Enhance the scenic character and natural environment of the Town.
 3. Establish natural buffers to screen structures from roads, water bodies, and neighboring properties.
 4. Mitigate adverse impacts attributed to stormwater runoff.
 5. Identify the landscape standards created and intended to achieve these purposes.
- B. General Design Criteria.
1. The addition of new plant materials shall augment existing vegetation.

- 2. Existing, healthy, non-invasive species should be considered as part of and incorporated within a landscape plan.
- 3. The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.
- 4. Diversity of vegetation species is recommended.
- 5. Trees or shrubs that are planted immediately adjacent to roadway rights-of-way shall be moderately tolerant of both salt spray and salt absorbed into the soil.
- 6. Canopy trees that are newly installed shall reach a minimum height and spread of 30 feet at maturity (10 years growth) as determined by the American Association of Nurserymen (AAN) Standards and shall be deciduous. New canopy trees shall have a minimum caliper of two inches at planting.
- 7. Ornamental trees that are newly installed shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards and shall be deciduous. Ornamental trees shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum caliper of 1.5 inches.

C. Plant Material Types and Quantities.

- 1. All plants shall be hardy and within the United States Department of Agriculture (USDA) hardiness zone applicable to the Town of West Bend, Wisconsin (Hardiness Zones 5a to 3a).
- 2. Native or naturalized plant species shall be considered preferential when developing a landscape plan.
- 3. All plants shall meet the minimum standards for health, form, and root condition as outlined in the AAN Standards.

D. R-1N and R-1R Residential Landscape Design Criteria. There are no required landscape requirements for the R-1N and R-1R districts.

- ~~1. Preservation and visual blending of the existing natural landscape features shall be a priority in landscape planning.~~
- ~~2. Vegetated buffers shall be established and maintained so as to diminish the view of existing structures from the roadway.~~
- ~~3. Scenic Buffer areas shall be established and maintained within the street yard outside of any right-of-way with the plant quantities and general plant types as indicated in the table below.~~

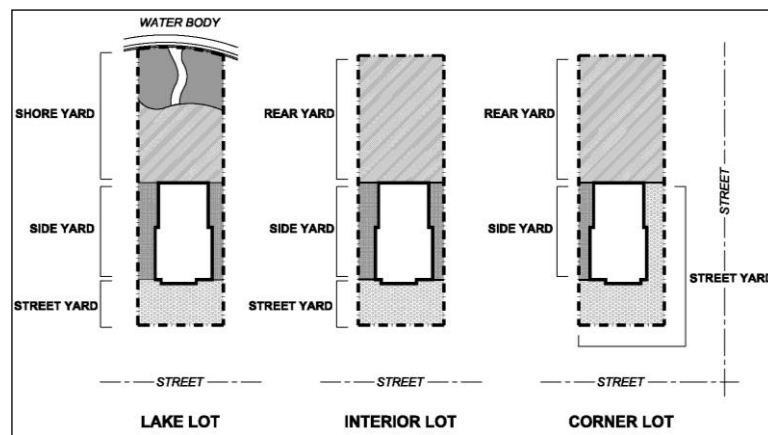
R-1N and R-1R Scenic Buffer Area Required Plantings	
Area	Combination of Existing and New Plantings
Each 50 feet of frontage abutting a State or County Highway.	Three canopy trees or two evergreens One ornamental tree No fewer than five medium to tall shrubs
Property boundary along a minor arterial street around	Two canopy trees or one evergreen One ornamental tree No fewer than five medium to tall shrubs

the perimeter of the development (minimum width: 30 feet) Each 50 feet of frontage abutting a Town road.	
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E. R-1S Shoreland Residential, R-1S/MU Shoreland Residential / Mixed-Use and C-1 Landscape Design Criteria.

1. Vegetated buffers ~~shall~~should be established and maintained so as to diminish the view of existing structures the roadway. from

2. ~~Reserved. Yard Location Diagram:~~



3.2. Planting design concepts should

consider the following when implementing a landscape plan:

- a. Street Yard Areas (See Yard Location Diagram).
 - (1) Ensure visual screening of buildings from adjacent roadways through vertical layering of plant materials that include groundcovers, shrubs and trees.
 - (2) Enframe residential structures through planting masses that include native and wildlife-beneficial plant species.
- b. Side Yard Areas (See Yard Location Diagram).
 - (1) Ensure visual screening of buildings or other structures when viewed from neighboring properties or streets through a planting scheme that incorporates evergreen (winter screening) vegetation and appropriate height of vegetation to minimize visual intrusion of buildings.
 - (2) Avoid obstruction of lake views from neighboring properties to the greatest extent possible through careful landscape planning.
- c. Rear Yard Areas (See Yard Location Diagram).
 - (1) Establish vegetative buffer along the rear property line that enframes views to neighboring acreage.
- d. Shore Yard Areas (See Yard Location Diagram).
 - (1) Shore Yard areas should support vegetation that preserves the natural appearance of the shoreline, and supports plant materials that augment visual interest of the shore zone. Vertical diversity of plant materials shall be established or preserved, and include a canopy layer of trees, a mid-canopy layer of ornamental trees, and a ground layer of shrubs, ferns, forbs and grasses and other broadleaf groundcover plants.

- (2) Property owners ~~shall~~should preserve or establish, and maintain, a primary shore yard buffer of native shore yard vegetation in the area that extends a minimum of 35 feet inland from the ordinary high water mark of navigable waters under the following circumstances:
 - (a) When a new principal structure is being constructed.
 - (b) When primary buffer restoration or maintenance is selected to meet the requirements of applicable county or state or federal requirements for any reconstruction, expansion, structural alteration, replacement, or relocation of any proposed structure that does not meet the minimum setback standards.
- (3) Vegetation ~~shall~~should not be removed from the primary shore yard buffer except in access and viewing corridors. the removal of exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation posing a safety hazard is allowed.
- (4) A cleared or semi-cleared viewing corridor within the shore yard buffer should adhere to the following dimensions:
 - (a) When a new principal structure is being constructed, or when required under applicable county or state or federal requirements, lots 200 feet or less wide at the ordinary high water mark may have a total width of an access and viewing corridor or corridors that may not exceed 30% of the lot's width, to a maximum of 40 feet, at the ordinary high water mark.
 - (b) When a new principal structure is being constructed, or when required under applicable county or state or federal requirements, lots which are more than 200 feet wide at the ordinary high water mark are allowed a total width of an access and viewing corridor or corridors that may not exceed 20% of the lot's width, to a maximum of 100 feet, of the lot's width at the Ordinary High Water Mark.
- (5) Property owners shall avoid planting nonnative plant species in the shore yard buffer area that may spread to nearby wetlands or waterways and ensure that invasive and nuisance flora is controlled within the shore buffer zone.

4.3. Landscape plans shall be provided for building and site work that requires a Site Plan Permit and for other site development work that disturbs over 500 square feet of site area.

R-1S and R-1S/MU Required Plantings	
Area	Existing and New Plantings
Each 50 Feet of Street Yard	One canopy trees or one evergreen One ornamental tree Seven medium to tall shrubs ▪ Vegetation shall be arranged in masses to filter views from the road edge. ▪ Dispersed patterns of landscape planting that provide minimal visual buffering shall be discouraged ▪ New understory vegetation that augments existing mature deciduous trees should be considered in the development of a landscape plan ▪ Front corners of parcel shall be anchored with vegetation, as appropriate
Each 50 Feet of Shore Yard	One canopy tree or two evergreens One ornamental tree Four medium to tall shrubs

F. B-1, B-2, M-1 and P-1 Landscape Design Criteria.

1. Properties designated as B-1, B-2, M-1 and P-1 shall establish and maintain ~~landscape regulations~~ landscaping as set for in the following table that promote visual buffering from the roadway (street edge) and neighboring parcels.

B-1, B-2, M-1 and P-1 Required Plantings	
Area	Existing and New Plantings
Street Edge	Four trees for each 100 lineal feet of frontage plus one of the following minimum: ▪ Masonry or split rail fence minimum of 48 inches high with masonry posts at least 20 feet on center. ▪ Ornamental metal fence at least 48 inches high with a coniferous hedge at least 36 inches high planted on one side of the fence ▪ Existing shrubs if they are continuous and at least 48 inches high
Side Yard (including area between buildings)	▪ Landscaping shall connect to existing landscape in and around the site and be of similar plant material ▪ Six trees for each 1,000 square feet of <u>building area space</u> grouped together when possible or four trees and four medium to tall shrubs for each 1,000 square feet of <u>building area space</u> ▪ Landscape area should include seating and pedestrian paths to encourage the use of the space
*Existing plantings in combination with new plantings shall equal the requirement.	

2. ~~Side yards shall be augmented with landscape features that encourage public use of the space.~~Reserved.
3. ~~Site design and landscaping of parking lots shall comply with the requirements of Article VI Traffic, Loading, Parking, and Access. Parking areas with 5 or more parking spaces that are created or redesigned and rebuilt after the adoption of this chapter must include accessory landscape areas totaling not less than 5 percent of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission. All plans for proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscaped area.~~
4. Parking areas with 5 or more vehicles that adjoin a residential district shall be visually screened with a solid wall, fence, or evergreen planting of equivalent visual density, or other effective means, built and maintained to a minimum height of 5 feet.

G. Suggested Plant Species.

Suggested Plant Species List (at least three different tree species and three different shrub species shall be used)	
TREES	
Large Deciduous Trees	Evergreen Trees
Basswood (Tilia Americana)	American Arborvitae (Thuja occidentalis)*
Bur Oak (Quercus macrocarpa)	Austrian Pine (Pinus nigra)

Common Hackberry (<i>Celtis occidentalis</i>) 'Prairie Pride'	Canadian Hemlock (<i>Tsuga Canadensis</i>)*
Common Honeylocust (<i>Gleditsia triacanthos</i>)	Eastern Red Cedar (<i>Juniperus virginiani</i>)
Red Maple (<i>Acer rubrum</i>)	Eastern White Pine (<i>Pinus strobus</i>)*
Red Oak (<i>Quercus rubra</i>)	Techny American Arborvitae (<i>Thuja occidentalis</i> 'Techny')
Sugar Maple (<i>Acer saccharum</i>)	White Spruce (<i>Picea glauca</i>)*
Swamp White Oak (<i>Quercus bicolor</i>)	
Ornamental Deciduous Trees	
River Birch (<i>Betula nigra</i>)	
European Alder (<i>Alnus glutinosa</i>)	
Laurel Willow (<i>Salix pentandra</i>)	
American Hornbeam (<i>Carpinus caroliniana</i>)	
Hawthorns (<i>Crataegus species</i>)	
SHRUBS	
Tall Deciduous Shrubs	Medium Deciduous Shrubs
American Cranberrybush Viburnum (<i>Viburnum trilobum</i>)	American Filbert (<i>Corylus Americana</i>)*
Arrowwood Viburnum (<i>Viburnum dentatum</i>)	Red Chokeberry (<i>Aronia arbutifolia</i>)
Blackhaw Viburnum (<i>Viburnum prunifolium</i>)	Winterberry (<i>Ilex verticillata</i>)*
Common Witchhazel (<i>Hamamelis virginiani</i>)*	Withrod Viburnum (<i>Viburnum cassinoides</i>)*
Eastern Ninebark (<i>Physocarpus opulifolius</i>)*	Evergreen Shrubs
Eastern Wahoo (<i>Euonymus atropurpurea</i>)*	Pfitzer Juniper (<i>Juniper chinensis</i> 'Pfitzerana')
Eastern White Pine (<i>Pinus strobus</i>)	Oldfield Common Juniper (<i>Junipers communis depressa</i>)*
Nannyberry Viburnum (<i>Viburnum lentago</i>)*	Creeping Juniper (<i>Juniper horizontalis</i>)*
Allegheny Serviceberry (<i>Amelanchier laevis</i>)	Woodward Globe Arborvitae (<i>Thuja occidentalis</i> 'Woodwardii')
SHRUBS	
Low Deciduous Shrubs	Dwarf European Cranberrybush (<i>Viburnum opulus</i> 'Nanum')
Alpine Currant (<i>Ribes alpinum</i>)	Mapleleaf Viburnum (<i>Viburnum acerifolium</i>)*
Black Chokeberry (<i>Aronia melanocarpa</i>)*	Running Serviceberry (<i>Amelanchier stolonifera</i>)*
* Native Vegetation Species	

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Suggested Plant Species List (at least three different tree species and three different shrub species shall be used)	
Large Deciduous Trees (30 landscape points)	Evergreen Trees (40 landscape points)
Basswood (<i>Tilia Americana</i>)	American Arborvitae (<i>Thuja occidentalis</i>)*
Bur Oak (<i>Quercus macrocarpa</i>)	Austrian Pine (<i>Pinus nigra</i>)
Common Hackberry (<i>Celtis occidentalis</i>) 'Prairie Pride'	Canadian Hemlock (<i>Tsuga Canadensis</i>)*
Common Honeylocust (<i>Gleditsia triacanthos</i>)	Eastern Red Cedar (<i>Juniperus virginiani</i>)
Red Maple (<i>Acer rubrum</i>)	Eastern White Pine (<i>Pinus strobus</i>)*
Red Oak (<i>Quercus rubra</i>)	Techny American Arborvitae (<i>Thuja occidentalis</i> 'Techny')
Sugar Maple (<i>Acer saccharum</i>)	White Spruce (<i>Picea glauca</i>)*
Swamp White Oak (<i>Quercus bicolor</i>)	Eastern White Pine (<i>Pinus strobus</i>)
Ornamental Deciduous Trees (10 landscape points)	
River Birch (<i>Betula nigra</i>)	
European Alder (<i>Alnus glutinosa</i>)	
Laurel Willow (<i>Salix pentandra</i>)	
American Hornbeam (<i>Carpinus caroliniana</i>)	
Hawthorns (<i>Crataegus species</i>)	
Tall Deciduous Shrubs (10 landscape points)	Medium Deciduous Shrubs (5 landscape points)
American Cranberrybush Viburnum (<i>Viburnum trilobum</i>)	American Filbert (<i>Corylus Americana</i>)*
Arrowwood Viburnum (<i>Viburnum dentatum</i>)	Red Chokeberry (<i>Aronia arbutifolia</i>)
Blackhaw Viburnum (<i>Viburnum prunifolium</i>)	Winterberry (<i>Ilex verticillata</i>)*
Common Witchhazel (<i>Hamamelis virginiani</i>)*	Withrod Viburnum (<i>Viburnum cassinoides</i>)*
Eastern Ninebark (<i>Physocarpus opulifolius</i>)*	Evergreen Shrubs (5 landscape points)
Eastern Wahoo (<i>Euonymus atropurpurea</i>)*	Pfitzer Juniper (<i>Juniper chinensis</i> 'Pfitzerana')
	Oldfield Common Juniper (<i>Junipers communis depressa</i>)*
Nannyberry Viburnum (<i>Viburnum lentago</i>)*	Creeping Juniper (<i>Juniper horizontalis</i>)*
Allegany Serviceberry (<i>Amelanchier laevis</i>)	Woodward Globe Arborvitae (<i>Thuja occidentalis</i> 'Woodwardii')
Low Deciduous Shrubs (3 landscape points)	
Alpine Currant (<i>Ribes alpinum</i>)	Dwarf European Cranberrybush (<i>Viburnum opulus</i> 'Nanum')
Black Chokeberry (<i>Aronia melanocarpa</i>)*	Running Serviceberry (<i>Amelanchier stolonifera</i>)*
Mapleleaf Viburnum (<i>Viburnum acerifolium</i>)*	
<u>* Native Vegetation Species</u> The plants listed in the table is not meant to be exhaustive. Therefore, the zoning administrator is authorized to determine the point values for species not listed based on comparable species listed in this table along with the most current edition of "A Guide to Selecting Landscape Plants for Wisconsin".	

- H. **Prohibited Landscaping Species.** The following species have been identified as invasive by the Wisconsin Department of Natural Resources (WDNR) due to their ability to invade wild areas, outcompete native species, degrade habitats, and potentially cause extensive ecological damage.

These species are prohibited for use in all commercial, industrial, and residential site plans and landscaping plans in the Town of West Bend.

1. Trees and shrubs.
 - a. Autumn olive
 - b. Buckthorn – common, glossy
 - c. Honeysuckle – Amur, Morrow, showy, Tatarian
 - d. Japanese barberry
 - e. Maple – Amur, Norway
 - f. Smooth sumac
 - g. White mulberry
2. Vines.
 - a. American bittersweet
 - b. Oriental bittersweet
3. Ground covers.
 - a. Birds-foot trefoil
 - b. Crown vetch
4. Flowers and Wildflowers.
 - a. Dames rocket
 - b. Multiflora rose
 - c. Purple loosestrife
 - d. Yellow iris
5. Grasses.
 - a. Maiden grass
 - b. Reed canary grass
6. Aquatic.
 - a. Flowering rush
 - b. Water hyacinth
 - c. Water lettuce
 - d. Yellow floating heart

325-96. ~~PERSONAL ENERGY SYSTEMS~~RESERVED

~~A. Small Wind Energy Systems.~~

~~1. Applicability.~~

~~a. This Section applies to:~~

- ~~(1) New small wind energy systems as defined in § 325-120 of this Chapter and in Chapter PSC 128, Wis. Stats.~~
- ~~(2) An expansion of a previously approved wind energy system other than those described in Section 1.b below.~~

~~b. This Chapter does not apply to the following:~~

- ~~(1) A wind energy system for which construction began before March 1, 2011.~~
- ~~(2) A wind energy system placed in operation before March 1, 2011.~~
- ~~(3) A wind energy system approved by the Town before March 1, 2011.~~

- ~~(4) A wind energy system proposed by the owner in an application filed with the Town before the March 1, 2011.~~
2. ~~Purpose. It is the purpose of this Section to:~~
- ~~a. Promote the safe, effective and efficient use of wind energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.~~
 - ~~b. Oversee the permitting of wind energy systems.~~
 - ~~c. Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system, per § 66.0401, Wis. Stats., and Chapter PSC 128 Wis. Stats.~~
3. ~~Standards. The installation and operation of a wind energy system shall be subject to the following standards:~~
- ~~a. Districts Allowed. A wind energy system shall be an accessory to a Principal Use and shall require a Conditional Use Permit in the R-1N, R-1R, R-1S, R-1s/MU, B-1, B-2, M-1, C-1, and P-1 Districts.~~
 - ~~b. Physical Characteristics.~~
 - ~~(1) The owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. The owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. The owner may attach a safety feature or wind monitoring device to a wind turbine.~~
 - ~~(2) The owner shall ensure that a wind turbine has a conventional or unobtrusive finish.~~
 - ~~(3) The owner shall install lighting at a wind energy system that complies with standards established by the federal aviation administration.~~
 - ~~(4) The owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of any required lighting to individuals on the ground.~~
 - ~~(5) The owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.~~
 - ~~(6) The owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.~~
 - ~~(7) The owner shall place appropriate warning signage on or at the base of each wind turbine.~~
 - ~~(8) The owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.~~
 - ~~(9) The owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and Chapter PSC 114, Wis. Stats., and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.~~

~~c.—Construction, Operation, and Maintenance Standards. The owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.~~

~~d.—Setbacks.~~

~~(1)—A wind energy system shall be setback a distance equal to 100% of from the maximum blade tip height from the following:~~

~~(a) Occupied community buildings.~~

~~(b) Nonparticipating residences.~~

~~(c) Nonparticipating property lines.~~

~~(d) Overhead communication and electric transmission lines or distribution lines, not including utility service lines to individual houses or outbuildings.~~

~~(2)—The owner of an adjacent nonparticipating residence or an adjacent occupied community building may waive the required setback as long as such waiver is provided in writing to the Town at the time of application for a Conditional Use Permit.~~

~~(3)—There is no required setback for a wind energy systems from the following:~~

~~(a) Participating residences.~~

~~(b) Participating property lines.~~

~~(c) Public road right-of-way.~~

~~(d) Overhead utility service lines to individual houses or outbuildings.~~

~~e.—Noise.~~

~~(1)—Hours. In this Section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.~~

~~(2)—Planning.~~

~~(a) The noise limits in this Section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under § PSC 128.105(1), Wis. Stats., or for which complete publicly-available plans for construction are on file with the Town within 30 days of the date on which the owner gives notice under § PSC 128.105(1), Wis. Stats.~~

~~(b) The owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.~~

~~(c) The owner shall design a wind energy system to comply with the noise standards in this Section under planned operating conditions.~~

~~(3)—Noise Limits.~~

~~(a) Except as provided below the owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.~~

~~(b) In the event audible noise due to wind energy system operations contains a steady~~

~~pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.~~

~~(4)—Compliance.~~

- ~~(a) If the owner uses sound level measurements to evaluate compliance with this Section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this Section.~~
- ~~(b) Upon receipt of a complaint regarding a violation of the noise standards of this Section, the owner shall test for compliance with the noise limits in this Section. The Town may not require additional testing if the owner has provided the results of an accurate test conducted within two years of the date of the complaint showing that the wind energy system is in compliance at the location relating to the complaint.~~
- ~~(c) Upon receipt of a complaint about a noise under this Section, the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.~~

~~(5)—Waiver. Upon request by the owner of a wind energy system, the owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this Section at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by the owner of an affected nonparticipating residence or occupied community building, a waiver by the owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded under Chapter 706, Wis. Stats.~~

~~(6)—Notification.~~

- ~~(a) Before entering into a contract for a waiver as described above, the owner of a wind energy system shall provide written notice of the requirements of this Section to the owner of an affected nonparticipating residence or occupied community building.~~
- ~~(b) Before the initial operation of the wind energy system, the owner shall provide notice of the requirements of § PSC 128.14, Wis. Stats., to each adjacent nonparticipating residence or occupied community building before the initial operation of the small wind energy system.~~

~~f.—Shadow Flicker.~~

~~(1)—Planning.~~

- ~~(a) The shadow flicker requirements in this Section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under § PSC 128.105(1), Wis. Stats., or for which complete publicly-available plans~~

~~for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under § PSC 128.105(1), Wis. Stats.~~

~~(b) The owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.~~

~~(2) Shadow Flicker Limits. The owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.~~

~~(3) Shadow Flicker Mitigation. The owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.~~

~~(4) Waiver. Upon request by the owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under this Section at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under Chapter 706, Wis. Stats.~~

~~g. Signal Interference.~~

~~(1) Except as provided under an approved waiver, the signal interference requirements in this Section apply to commercial communications and personal communications in use when the wind energy system begins operation.~~

~~(2) The owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.~~

~~(3) The owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The Town may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.~~

~~h. Emergency Procedures. The owner shall notify the Town of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.~~

~~i. Decommissioning.~~

~~(1) The owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.~~

~~(2) A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.~~

~~(3) When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The~~

~~owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.~~

~~(4) The owner shall file a notice of decommissioning completion with the Town and the Public Service Commission when a wind energy system approved by the Town has been decommissioned and removed.~~

~~(5) Within 360 days of receiving a notice of decommissioning, the Town shall determine whether the owner has satisfied the requirements of § PSC 128.19, Wis. Stats.~~

~~4. Application.~~

~~a. Pre Application Notice.~~

~~(1) At least 60 days before the owner files an application to construct a wind energy system, the owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:~~

~~(a) All adjacent landowners.~~

~~(b) The Town of West Bend Zoning Administrator.~~

~~(2) The owner shall include all of the following in the required notice:~~

~~(a) A complete description of the wind energy system, including the number and size of the planned wind turbines.~~

~~(b) A map showing the planned location of all wind energy system facilities.~~

~~(c) Contact information for the owner.~~

~~(d) A list of all potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.~~

~~(3) The owner shall make reasonable efforts to ascertain and accommodate any existing land uses or commercial enterprises located on an adjacent nonparticipating property.~~

~~(4) The owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.~~

~~b. Application and Notice Requirements.~~

~~(1) Application required. The owner shall file an application conditional use permit with the Town.~~

~~c. Contents of application. The owner shall complete and file with the Town an application on a form provided by the Town that includes all of the following:~~

~~(1) Wind energy system description and maps showing the locations of all proposed wind energy facilities.~~

~~(2) Technical description of wind turbines and wind turbine sites.~~

~~(3) Timeline and process for constructing the wind energy system.~~

~~(4) Information regarding anticipated impact of the wind energy system on local infrastructure.~~

~~(5) Information regarding noise anticipated to be attributable to the wind energy system.~~

~~(6) Information regarding shadow flicker anticipated to be attributable to the wind energy system.~~

- ~~(7) Information regarding the anticipated effects of the wind energy system on parcels adjacent to the wind energy system.~~
- ~~(8) Information regarding the anticipated effects of the wind energy system on airports and airspace.~~
- ~~(9) Information regarding the anticipated effects of the wind energy system on line-of-sight communications.~~
- ~~(10) A list of all state and federal permits required to construct and operate the wind energy system.~~
- ~~(11) Information regarding the planned use and modification of roads within the Town during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.~~
- ~~(12) A representative copy of all notices issued under this Section and Chapters PSC 128.105(1)(a) and 128.42(1).~~
- ~~(13) Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.~~
- d. ~~Accuracy of information. The owner shall ensure that information contained in an application is accurate.~~
- e. ~~Duplicate copies. The Town may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the application. The Town may permit the owner to file an application electronically.~~
- f. ~~Notice to property owners and residents.~~
 - ~~(1) On the same day the owner files an application for a wind energy system, the owner shall, under § 66.0401(4)(a)3, Wis. Stats., use commercially reasonable methods to provide written notice of the filing of the application shall be provided only to property owners and residents located adjacent to the small wind energy system. written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notification shall include all of the following:
 - ~~(a) A complete description of the wind energy system, including the number and size of the wind turbines.~~
 - ~~(b) A map showing the locations of all proposed wind energy system facilities.~~
 - ~~(c) The proposed timeline for construction and operation of the wind energy system.~~
 - ~~(d) Locations where the application is available for public review.~~
 - ~~(e) Owner contact information.~~~~
 - ~~(2) After the Town receives an application for a wind energy system, the notice required to be published by the Town under § 66.0401(4)(a)1 Wis. Stats., shall include a brief description of the proposed wind energy system and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the Town, and the approximate schedule for review of the application by the Town.~~
- g. ~~Application completeness.~~

- ~~(1) — Complete applications.~~
 - ~~(a) An application is complete if it meets the requirements of this Chapter and the filing requirements under §§ PSC 128.30(2) and 128.50 (1), Wis. Stats.~~
 - ~~(b) The Town shall determine the completeness of an application, and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the Town in writing that all the application materials have been filed and the application fee has been paid. If the Town determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.~~
 - ~~(c) The owner may file a supplement to an application that the Town has determined to be incomplete. There is no limit to the number of times that the owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in by the Zoning Administrator.~~
 - ~~(d) An additional 45-day completeness review period shall begin the day after the Town receives responses to all items identified in the notice.~~
 - ~~(e) If the Town does not make a completeness determination within the applicable review period, the application is considered to be complete.~~
- ~~(2) — Requests for additional information. The Town may request additional information necessary to understand the wind energy system after determining that an application is complete. The owner shall provide additional information in response to all reasonable requests. The owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.~~
- ~~h. — Accuracy of Application. The owner shall certify that the information contained in the application is accurate. The Town may reject or deny the application if it contains false, misleading or inaccurate information.~~
- ~~i. — Town Review.~~
 - ~~(1) — Written Decision.~~
 - ~~(a) The Town shall issue a written decision to grant or deny an application for a wind energy system. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision shall specify the reason for the denial.~~
 - ~~(b) The Town shall provide its written decision to the owner and to the commission. The political subdivision shall provide the owner with a duplicate original of the decision.~~
 - ~~(c) The owner shall record the duplicate original of a decision approving an application with the register of deeds for the county in which the wind energy system is located.~~
 - ~~(2) — Ownership Change. Approval of a wind energy system remains in effect if there is a change in the owner of the wind energy system.~~
- ~~j. — Record of Decision.~~
 - ~~(1) — Recordkeeping.~~
 - ~~(a) The Town shall keep a complete written record of its decision-making relating to~~

an application for a wind energy system.

~~(b) If the application is denied, the Town shall keep the record for at least seven years following the year in which it issues the decision.~~

~~(c) If the application is approved, the Town shall keep the record for at least seven years after the year in which the wind energy system is decommissioned.~~

~~(2) — Record of Contents. The record of a decision shall include all of the following:~~

~~(a) The approved application and all additions or amendments to the application.~~

~~(b) A representative copy of all notices issued under §§ PSC 128.105(1)(a), 128.30(5), and 128.42(1), Wis. Stats.~~

~~(c) A copy of any notice or correspondence that the Town issues related to the application.~~

~~(d) A record of any public meeting under § PSC 128.30(6)(c), Wis. Stats., and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.~~

~~(e) Copies of any correspondence or evidentiary material that the Town considered in relation to the application, including copies of all written public comments filed under § PSC 128.30(6)(b), Wis. Stats.~~

~~(f) Minutes of any Town meetings held to consider or act on the application.~~

~~(g) A copy of the written decision under § PSC 128.32(3)(a), Wis. Stats.~~

~~(h) Other materials that the Town prepared to document its decision-making process.~~

~~(i) A copy of any Town ordinance cited in or applicable to the decision.~~

~~5. — Modifications to an Approved Wind Energy System.~~

~~a. — Material Change.~~

~~(1) — The owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Town that authorized the wind energy system, unless the political subdivision automatically approves the material change by taking either of the steps specified in § PSC 128.32(2)(b)1 or 2, Wis. Stats.~~

~~(2) — The owner shall submit an application for a material change to an approved wind energy system to the Town.~~

~~b. — Limited Review.~~

~~(1) — Upon receipt of an application for material change to an approved wind energy system, the Town shall consider only those issues relevant to the proposed change.~~

~~(2) — An application for a material change is subject to §§ PSC 128.30(1), (3) to (5), (6)(a) and (b), and (7); and 128.31 to 128.34, Wis. Stats.~~

~~(3) — An application for a material change shall contain information necessary to understand the material change.~~

~~(4) — The Town shall hold a public meeting to obtain comments on and to inform the public~~

~~about a proposed material change to an approved wind energy system.~~

~~6. Complaint Process.~~

~~a. Making a Complaint.~~

- ~~(1) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this Chapter.~~
- ~~(2) A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.~~
- ~~(3) A complainant may petition the Town for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.~~
- ~~(4)(1) The Town's decision is subject to review under § 66.0401(5), Wis. Stats.~~

~~B.A. Solar Energy Systems.~~

~~1. Applicability.~~

- ~~a. This Section applies to solar energy systems, including photovoltaic and solar thermal systems, constructed after the effective date of the Chapter.~~
- ~~b. Any upgrade, modification, or structural change to a solar energy system constructed prior to the effective date of this Chapter shall comply with the provisions of Chapter.~~

~~2. Purpose. It is the purpose of this Section to:~~

- ~~a. Promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.~~
- ~~b. Oversee the permitting of solar energy systems.~~
- ~~c. Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system, per Chapter 66.0401, Wis. Stats.~~

~~3. Standards. The installation and operation of a solar energy system shall be subject to the following standards:~~

- ~~a. Districts Allowed. A solar energy system shall require a Conditional Use permit in all zoning districts as an accessory to a Principal Use.~~
- ~~b. A solar energy system shall be constructed, installed, and operated in conformance with all applicable State and Town building codes, and in accordance with Chapters 66.0401, 66.0403, 700.35, and 700.41, Wis. Stats.~~
- ~~c. A solar energy system shall provide power for the Principal Use and/or Accessory Use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.~~
- ~~d. A solar energy system connected to the utility grid shall provide written authorization from the local utility company to the Town acknowledging and approving such connection.~~
- ~~e. Roof mounted solar energy systems.~~
 - ~~(1) A roof-mounted system may be mounted on a Principal Structure or Accessory Structure.~~

- ~~(2) A roof-mounted system, whether mounted on the Principal Structure or Accessory Structure, may not exceed the maximum Principal Structure height or Accessory Structure height specified for the building type in the underlying zoning district.~~
 - ~~(3) In no instance shall any part of the solar energy system extend beyond the edge of the roof.~~
 - ~~(4) A roof-mounted system must have a three-foot setback from the edge of the gutter and from the chimney.~~
 - ~~(5) A roof-mounted system shall be located to ensure that any solar glare is directed away from adjacent properties and roads.~~
- ~~f. Ground-mounted solar energy systems:~~
 - ~~(1) A ground-mounted system shall not exceed the maximum building height for Accessory Structures.~~
 - ~~(2) The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.~~
 - ~~(3) A ground-mounted system or system attached to an Accessory Structure shall not be located within the required front yard setback.~~
 - ~~(4) Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways.~~
 - ~~(5) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.~~
 - ~~(6) A ground-mounted system shall be placed in the side and rear yard only and shall meet all setback and yard requirements for the district in which it is located.~~
- ~~g. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:~~
 - ~~(1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species that provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this Chapter may be used.~~
 - ~~(2) Mechanical equipment shall not be located within the Street Yard of the parcel.~~
 - ~~(3) Mechanical equipment shall comply with the setbacks specified for Accessory Structures in the underlying zoning district.~~
- ~~h. No adjacent property owners shall be required to remove vegetation or structures that may block sunlight to the solar energy system during the initial installation of a system.~~
- ~~i. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.~~
- ~~j. The design of the solar energy system shall conform to applicable industry standards. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Wisconsin.~~
- ~~k. If a solar energy system is defective or is deemed to be unsafe by the Building Inspector, the solar energy system shall be required to be repaired by the Owner to meet federal, state, and local safety standards, or be removed by the property Owner within the time period allowed by the Plan Commission. If the Owner fails to remove or repair the~~

~~defective or abandoned solar energy system, the Town may pursue a legal action to have the system removed at the Owner's expense.~~

~~C.B. Geothermal Energy Systems~~Reserved.

- ~~1. Applicability.~~
 - ~~a. This Section applies to geothermal energy systems constructed after the effective date of the Chapter.~~
 - ~~b. Any upgrade, modification, or structural change to a geothermal energy systems constructed prior to the effective date of this Chapter shall comply with the provisions of this Chapter.~~
- ~~2. Purpose. It is the purpose of this Section to:~~
 - ~~a. Promote the safe, effective and efficient use of geothermal energy systems installed to reduce the on-site consumption of utility supplied energy as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.~~
 - ~~b. Oversee the permitting of geothermal systems.~~
 - ~~c. Preserve and protect the public health and safety.~~
- ~~3. Standards. The installation and operation of a geothermal energy system shall be subject to the following standards:~~
 - ~~a. Districts Allowed. A geothermal energy system shall require a Conditional Use permit in all zoning districts.~~
 - ~~b. A geothermal energy system shall be constructed, installed, and operated in conformance with all applicable State and Town building codes, and in accordance with Chapter 280, Wis. Stats.~~
 - ~~c. A geothermal energy system shall conform to applicable industry standards including those of ANSI. Applicants shall submit certificate of compliance demonstrating that the system has been tested and approved by UL or other approved independent testing agency.~~
 - ~~d. Above ground equipment shall comply with the setback requirements of the respective zoning district.~~
 - ~~e. Equipment, piping and devices shall not be located in any easement or right-of-way.~~
 - ~~f. Setbacks. Geothermal energy systems shall conform to all setbacks requirements for Accessory Structures and shall:~~
 - ~~(1) Be setback a minimum of 75 feet between a vertical geothermal energy system and a personal onsite wastewater treatment system.~~
 - ~~(2) Be setback a minimum of 25 feet between a horizontal geothermal energy system and a personal onsite wastewater treatment system.~~
 - ~~(3) Not be located closer than 200 feet to a water well, except when the well is a private water system well and when the owner is the same for both the water well and the geothermal system, in which case the water well shall not be closer than 75 feet from the geothermal system.~~

~~D.C. Electric Vehicle Infrastructure~~Reserved.

- ~~1. Purpose. The purpose 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.~~
- ~~2. Permitted locations.~~

- ~~a. Level 1 and Level 2 electric vehicle charging stations are a permitted use in the every zoning district, except the C-1, C-2, and P-1 Districts, when accessory to the Principal Use. Such stations located at single family dwellings shall be designated as private restricted use only.~~
 - ~~b. Level 1 and Level 2 electric vehicle charging stations require a Conditional Use permit in the C-1, C-2, and P-1 Districts.~~
 - ~~c. Level 3 electric vehicle charging stations are permitted in the B-1, B-2, and M-1 Districts, when accessory to the Principal Use.~~
 - ~~(1) 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.~~
- ~~3. General requirements for parking.~~
 - ~~a. An electric vehicle charging station space may be included in the calculation for any minimum required parking spaces.~~
 - ~~b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only.~~
 - ~~c. 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.~~
- ~~4. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.~~
- ~~5. Equipment Standards and Protection.~~
 - ~~a. 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.~~
 - ~~b. 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.~~
 - ~~c. 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.~~
- ~~6. 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.~~
- ~~7. Signage.~~
 - ~~a. 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.~~
 - ~~b. 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.~~
 - ~~c. 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.~~

~~E.D. Earth Sheltered Structures. Structures which are built partially or totally into the ground for the purpose of using the insulating value of the soil to conserve energy may be permitted in any Residential District. This Section does not include conventional homes with exposed basements, split-levels or similar types of construction. In addition, the following information requirements and standards shall apply: Reserved.~~

- ~~1. Application. Applications for the construction of an earth sheltered structure shall be accompanied by all of the information required to obtain a Building Permit with special attention to be given to the bearing strength of the structure, provision of proper drainage for sanitary, storm and ground water and wastes, proper ventilation, grading of the lot and its effect on adjacent properties, proper exit availability and exterior renderings of the structures to determine its visual effect on adjacent structures. Such standards shall be certified by a registered engineer or architect.~~
- ~~2. Construction. Earth sheltered structures shall be constructed in conformance with all applicable state and local building and zoning codes. A registered engineer or architect shall certify that the design of the structure is in conformance with all applicable state and local codes.~~

325-97. MOBILE TOWER SITING REGULATIONSRESERVED

~~A. Purpose. The purpose of this Section is to regulate by Conditional Use Permit:~~

- ~~1. The siting and construction of any new mobile service support structure and facilities.~~
- ~~2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.~~
- ~~3. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.~~

~~B. Authority. The Town Board has the specific authority under Chapters 60.61 and 66.0404, Wis. Stats., to adopt and enforce this Chapter.~~

~~C. Definitions. All definitions contained in Chapter 66.0404(1), Wis. Stats., are hereby incorporated by reference.~~

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

- ~~1. Application Process.~~
 - ~~a. A Conditional Use Permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Town obtainable with this permit.~~

- b. ~~A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:~~
 - ~~(1) The name and business address of, and the contact individual for, the applicant.~~
 - ~~(2) The location of the proposed or affected support structure.~~
 - ~~(3) The location of the proposed mobile service facility.~~
 - ~~(4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.~~
 - ~~(5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.~~
 - ~~(6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.~~
 - c. ~~A permit application will be provided by the Town upon request to any applicant.~~
 - d. ~~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.~~
 - e. ~~Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90-day period:~~
 - ~~(1) Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this Section, the Zoning Ordinance.~~
 - ~~(2) Make a final decision whether to approve or disapprove the application.~~
 - ~~(3) Notify the applicant, in writing, of its final decision.~~
 - ~~(4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.~~
 - f. ~~The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Chapter 17.11.13.D.1.b§ 325-97D(1)(b)(6) above.~~
 - g. ~~If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this Chapter, the Chapter does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.~~
2. ~~The fee for the permit is \$3,000.00 payable upon submittal of a complete application.~~

E. Class 1 Colocation.

1. Application Process.

- a. A Conditional Use Permit is required for a Class 1 collocation.
- b. 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:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- c. A permit application will be provided by the Town upon request to any applicant.
- d. 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.
- e. Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90-day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this Section, this Chapter.
 - (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of its final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- f. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Chapter 17.11.13.E.1.b§ 327-97E(1)(b)(6) above.
- g. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this Chapter, the Chapter does not apply

to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

2. ~~The fee for the permit is \$3,000.00 shall be as established in the current fee schedule, on file in the Town offices, as amended from time to time by the Town Board, and payable upon submittal of a complete application.~~

~~F. Class 2 Colocation.~~

~~1. Application Process.~~

- a. ~~A Conditional Use Permit is required for a Class 2 colocation. A class 2 colocation is a permitted use in the Town but still requires the issuance of the Conditional Use Permit.~~
- b. ~~An application must be completed by any applicant and submitted to the Town. The application must contain the following information:~~
 - (1) ~~The name and business address of, and the contact individual for, the applicant.~~
 - (2) ~~The location of the proposed or affected support structure.~~
 - (3) ~~The location of the proposed mobile service facility.~~
- c. ~~A permit application will be provided by the Town upon request to any applicant.~~
- d. ~~A Class 2 colocation 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.~~
- e. ~~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.~~
- f. ~~Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 45-day period:~~
 - (1) ~~Make a final decision whether to approve or disapprove the application.~~
 - (2) ~~Notify the applicant, in writing, of its final decision.~~
 - (3) ~~If the application is approved, issue the applicant the relevant permit.~~
 - (4) ~~If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.~~

2. ~~The fee for the permit is \$500.00 payable upon submittal of a complete application.~~

~~G.A. 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 enjoin further violations.~~

325-98. KEEPING OF BEESRESERVED

~~A. Districts Allowed. Notwithstanding any other provision of this Chapter, bees may be kept in the R-1N, R-1R, and R-1S Districts upon approval of a Keeping of Bees License.~~

~~B. Standards. 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 Honeybees.~~
- ~~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 residential lots:~~
 - ~~a. No more than two hives may be kept on a residential zoning lot.~~
 - ~~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 Structure 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:~~
 - ~~(1) Signs shall be no smaller than seven inches by 10 inches and printed in a font size clearly legible to the general public.~~
 - ~~(2) Signs shall be placed at locations visible to all adjoining parcels.~~
 - ~~(3) Signs shall be posted to a fence or semi-permanent post at a height no lower than four feet and no higher than six feet.~~
 - ~~(4) Signs shall be made of aluminum, heavy-duty plastic, or vinyl laminate.~~
 - ~~(5) Signs shall be composed of black writing on a yellow background.~~
 - ~~(6) 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.~~

~~C. License Required.~~

- ~~1. An 'Application for License: Keeping of Bees' shall be completed and submitted to the Town Clerk.~~
 - ~~a. The application shall include a diagram describing the location of the hive(s) in relationship to lot boundaries.~~
 - ~~b. The license shall be issued only to the primary owner(s) of record of a residence located in the designated residential districts.~~
 - ~~c. The property owner/licensee shall reside on the premises regulated by the license.~~

- ~~d. The keeping of bees for commercial purposes or for any activity or purpose not related to the personal purpose of the license holder, including the commercial sale of honey or other materials related to the keeping of bees, shall be prohibited.~~
 - ~~e. The license shall include the standards described in Subsection B above.~~
 - ~~f. The license shall be approved by the Plan Commission and issued by the Zoning Administrator.~~
 - ~~2. Revocation. A license may be revoked by the Plan Commission for failure to comply with any of the provisions of this Section.~~
 - ~~3. Once revoked, a license shall not be reissued for a two-year period.~~
 - ~~4. Any Applicant whose application has been denied or license has been revoked under the provisions of this Chapter shall have the right to appeal said denial.~~
 - ~~5. Any license holder who has his/her license revoked must properly remove the hive(s) from the subject property within 96 hours of revocation or decision on appeal.~~

325-99. BACKYARD CHICKENSRESERVED

~~A. Districts Allowed. Notwithstanding any other provision of this Chapter, backyard chickens may be kept in the R-1N, R-1R, and R-1S District districts upon approval of a Backyard Chicken License.~~

~~B. Standards. The keeping of backyard chickens shall comply in all respects with the following:~~

- ~~1. General.~~
 - ~~a. No more than four chickens may be kept.~~
 - ~~b. The keeping of roosters is prohibited.~~
 - ~~c. Chickens raised and kept on the property for food shall not be slaughtered in view of adjoining properties.~~
 - ~~d. Any henhouse and outdoor run that is abandoned or its use discontinued for the keeping of chickens for a period of 365 consecutive days shall be removed from the premises by the property owner.~~
 - ~~e. Modifications of a henhouse and outdoor run for some other use is prohibited.~~
- ~~2. Enclosure requirements and prohibitions.~~
 - ~~a. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.~~
 - ~~b. The enclosure shall be a predator-proof, rodent-resistant, insulated structure that is adequately ventilated to allow free movement of the fowl.~~
 - ~~c. The size of the henhouse shall provide a minimum of three sq. ft. per chicken.~~
 - ~~d. The structure shall not be greater than 100 sq. ft. in size.~~
 - ~~e. The maximum height of the enclosure, including the area of a covered run, shall not exceed six feet.~~
 - ~~f. The construction of the enclosure shall utilize a building design and materials suitable for a residential district.~~
 - ~~g. The enclosure must include a floor.~~
 - ~~h. The use of dilapidated corrugated metal, dilapidated sheet metal, plastic, polymer or tarp-type material, pallets, scrap materials and/or similar materials shall be prohibited.~~
 - ~~i. The re-use of storage containers, vehicles or parts thereof, and similar objects for a henhouse/run are prohibited.~~
- ~~3. Location.~~

- ~~a. The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.~~
- ~~b. No henhouse or outdoor run shall be located within 15 feet of any side or rear lot line, and/or sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.~~
- ~~c. No henhouse shall be located within the Street Yard or Primary Street Yard on a corner lot or double frontage lot~~
- ~~4. Level of care.~~
 - ~~a. Chickens shall be kept in a sanitary condition, be provided with fresh water and adequate amounts of food at all times.~~
 - ~~b. Chickens shall be secured within a henhouse during non-daylight hours.~~
 - ~~c. Chickens may not roam free outside of a henhouse or enclosed run, or roam off of the permitted property. A dog, cat, or other domesticated animal that kills a chicken off of the permitted property shall not, for that reason alone, be considered a dangerous or aggressive animal.~~
 - ~~d. All chicken waste shall be properly disposed of in a timely manner.~~

~~C. License Required.~~

- ~~1. An 'Application for License: Backyard Chickens' shall be completed and submitted to the Town Clerk.~~
 - ~~a. The application shall include a diagram describing the location of the hive(s) in relationship to lot boundaries.~~
 - ~~b. The license shall be issued only to the primary owner(s) of record of a residence located in the designated residential districts.~~
 - ~~c. The property owner/licensee shall reside on the premises regulated by the license.~~
 - ~~d. A license shall be issued only to the primary owner(s) of record of a residence located in the designated residential districts.~~
 - ~~e. The property owner/licensee shall reside on the premises governed by the license. [delete as redundant with c. above]~~
 - ~~f. The propagation of chickens for commercial purposes or for any activity or purpose not related to the personal purpose of the license holder, including fertilizer production and/or the sale of eggs, shall be prohibited.~~
 - ~~g. The license shall include the standards described in Subsection B above.~~
 - ~~h. The license shall be approved by the Plan Commission and issued by the Zoning Administrator.~~
- ~~2. Revocation. A license may be revoked by the Plan Commission for failure to comply with any of the provisions of this Section.~~
 - ~~a. Once revoked, a license shall not be reissued for a two-year period.~~
 - ~~b. Any applicant whose application has been denied or license has been revoked under the provisions of this Chapter shall have the right to appeal said denial.~~
 - ~~c. Any license holder who has his/her license revoked must properly remove the chickens and henhouse/run from the subject property within 96 hours of revocation or decision on appeal.~~

~~D. 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.~~

325-100. ReservedFENCES

~~A. Fences. Fences and walls are subject to the provisions of this Section.~~

~~B. Height. The height of fences and walls shall be measured at grade.~~

~~1. Residential zoning districts.~~

~~a. The maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall not exceed six feet.~~

~~b. Fences around pools shall not exceed eight feet.~~

~~c. The maximum height of a solid fence or wall within a required Street Yard or Primary Street Yard setback shall not exceed three feet.~~

~~d. A fence located in a required Street Yard or Primary Street Yard setback may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50% opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20% opaque are used.~~

~~2. Nonresidential zoning districts.~~

~~a. The maximum height of a fence or wall shall not exceed eight feet except in required Street Yard and Primary Street Yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.~~

~~b. A fence located in a required Street Yard or Primary Street Yard setback may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50% opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20% opaque are used.~~

~~3. Schools. There is no maximum height for fences around schools.~~

~~4. Boundary fence. A boundary fence or wall shall not be more than six feet in height in residential districts and not more than 12 feet in commercial and industrial districts, except that hedges, shrubbery, trees lines, and other such natural barriers may grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of three feet in height between the Street Yard or Primary Street Yard setback line and the abutting lot lines.~~

~~a. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.~~

~~5. Sound barrier/privacy fence or wall on a roadway. A sound barrier/privacy fence or wall constructed in a board to board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a residential property abutting an arterial or collector street that has access restrictions and that is posted at no more than 45 miles per hour, shall not exceed eight feet in height.~~

~~C. Setback from Property Line.~~

~~1. Residential Districts. Fences in residential districts shall be set back no less than one foot from the property line.~~

- ~~2. Non-Residential Districts. Fences in non-residential districts shall be set back no less than two feet from the property line.~~

~~D. Materials and Construction.~~

- ~~1. Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on farms existing at the time of adoption of this Chapter.
 - ~~a. Fences on farms adjoining residential parcels must be screened by a non-electric fence with no less than two feet of space separating the fences. The owners of any adjoining residential parcel shall be notified in writing prior to the construction or installation of an electric fence.~~~~
- ~~2. For all zoning districts, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to the provisions of this Chapter.~~
- ~~3. Fences and walls located in the Street yard or Primary Street Yard must be made of materials such as wood, brick, vinyl or stone.~~
- ~~4. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.~~

~~E. Exceptions. Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions of this Section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.~~

~~F. Setback. No fence in a residential district shall extend closer than five feet to or from a road right-of-way nor extend closer than one foot from a side or back yard property line.~~

~~G. Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.~~

~~H. Permit Required. A site plan permit or amendment to existing site plan permit is required for all fences in all districts, except for temporary seasonal fences (e.g. snow fences).~~

325-101. AMATEUR RADIO TOWERS~~RESERVED~~

~~A. Applicability.~~

- ~~1. This section applies to all amateur radio towers installed after the effective date of this Chapter.~~
- ~~2. Any upgrade, modification, or structural change to an antenna or its support structure constructed prior to the effective date of this Chapter that materially alters the size, placement, or appearance of the system shall comply with the provisions of this Chapter.~~

~~B. Purpose. The purpose of this section is to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including:~~

- ~~1. Minimizing the unnecessary detriment to the aesthetic quality of the Town and its landscape.~~
- ~~2. Preserving the character of various neighborhoods within the Town.~~
- ~~3. Preserving the values of properties within the Town.~~
- ~~4. Providing for adequate review of designs and installation of facilities that may pose substantial risk of collapse if improperly designed, installed, or maintained.~~
- ~~5. Protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities.~~
- ~~6. Assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.~~

~~C. Standards. The installation and operation of an amateur radio tower and its antenna and support structure shall be subject to the following standards:~~

- ~~1. Compliance. The amateur radio tower and the operation of the amateur radio service using such antenna shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.~~
- ~~2. Districts allowed. An antenna and its support structure shall require a Conditional Use permit in all residential zoning districts.~~
- ~~3. Structure.~~
 - ~~a. The antenna and its support structure are accessory to the Principal Structure.~~
 - ~~b. Not more than one support structure for licensed amateur radio operator shall be allowable on the parcel.~~
 - ~~c. The antenna shall not exceed 70 feet in height above grade measured at the center point of the highest part of the antenna or mast.~~
 - ~~d. An amateur radio tower and its antenna exceeding 70 feet in height above grade measured at the center point of the highest part of the antenna or mast shall require a Conditional Use Permit.~~
- ~~4. Location.~~
 - ~~a. An amateur radio tower, including its antenna and support structure, that is designed, engineered, and constructed to fall within the boundaries of the parcel upon which it is sited, including those attached to the Principal Structure, shall comply with the side yard and rear yard setbacks for Accessory Structures in zoning district within which it is located.~~
 - ~~b. All other amateur radio towers, including associated antenna and support structures, shall be setback a distance equal to 100% of its total height, as defined in Section 17.11.17.C.3.c above, from:~~
 - ~~(1) Any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road.~~
 - ~~(2) Any overhead utility lines, unless written permission is granted by the affected utility.~~
 - ~~(3) Any property lines, unless written permission is granted from the affected landowner or neighbor.~~

~~c. The amateur radio tower, including its antenna and support structure, shall be located within the Rear Yard or Secondary Street Yard on a double-frontage lot and shall not be located within any required setback.~~

~~5. Access.~~

~~a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.~~

~~b. All electrical wires associated with the amateur radio tower and its antenna and support structure shall be located underground.~~

~~c. Anti-climbing measures shall be incorporated into the amateur radio tower and its antenna and support structure as needed, to reduce potential for trespass and injury.~~

~~6. Lighting. The amateur radio tower and its antenna and support structure shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.~~

~~7. Appearance, Color, and Finish. The amateur radio tower and its antenna and support structure shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. The support structure shall comply with the same requirements as Accessory Structures in the zoning district.~~

~~D. Waiver of Standards. If effective communications cannot be obtained when facilities are in compliance with the regulations set forth herein, the Zoning Administrator may permit a waiver from the height and location requirements of this section.~~

~~1. The waiver request shall:~~

~~a. Provide technical evidence in the form of a report from a licensed professional engineer familiar with amateur radio operations, or an Extra Class licensed amateur radio operator other than the Owner, that effective communications cannot be obtained by facilities in compliance with the standards.~~

~~b. Document the minimum reasonable accommodation, in the form of a waiver from these regulations, required in order to permit effective communications.~~

325-102. GARAGE LOTS~~RESERVED~~

~~A. Districts Allowed. A 'Garage, Off-Site Residential' is permissible in the R-1S Shoreland Residential District upon approval of a Conditional Use Permit.~~

~~B. Applicability.~~

~~1. This section applies to a detached Accessory Structure (garage) located on a garage lot associated with a Parent Parcel.~~

~~2. Each lot shall be under common ownership.~~

~~3. The parent parcel shall be a lakefront lot.~~

~~C. Purpose.~~

~~1. There are pre-existing residential lakefront lots in the Town that are too small or too narrow to allow for the construction of a garage.~~

- ~~2. 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 are met.~~

~~D. Standards.~~

- ~~1. An off-site residential garage may be established on a garage lot as long as all of the following apply:
 - ~~a. The garage lot fully fronts the road providing access to the lakefront lot.~~
 - ~~b. The garage lot is located on the opposite side of road from the lakefront lot.~~
 - ~~c. Some portion of the road frontage of the garage lot coincides with the road frontage of the lakefront lot.~~~~
- ~~2. Although an off-site garage is the only building permitted on a lot hosting this use, it is considered an Accessory Structure to the Principal Structure on the parent parcel, and shall comply with the requirements of Section 17.2.08.B of this Chapter.~~
- ~~3. A lakefront lot shall not be associated with more than one off-site residential garage.~~
- ~~4. The floor area of the off-site residential garage shall comply in all respects with the requirements of Section 17.4.05.G as it applies to the combined area maximum for all Accessory Structures on the garage lot and parent parcel.~~
- ~~5. No items or material of any kind shall be stored out-of-doors on a lot with an off-site residential garage.~~
- ~~6. No additional Accessory Structures may be located on a lot with an off-site residential garage.~~

- ~~E. Deed restriction required. Prior to approval of a Conditional Use Permit and the issuance of a Building Permit, the property owner shall file an agreement and deed restriction with the Register of Deeds for Washington County, as approved by the zoning administrator, 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) and that such restriction remain in perpetuity.~~

325-103. COMMERCIAL AND MANUFACTURING INCUBATORS~~RESERVED~~

~~A. Commercial Incubators.~~

- ~~1. Districts Allowed. An 'Incubator: Commercial' is permissible in the B-1 Commercial/ Mixed-Use District and B-2 Commercial/Mixed-Use District upon approval of a Conditional Use Permit.~~
- ~~2. Applicability. This Section applies to commercial incubators. See Section 17.11.19.B of this Chapter for manufacturing incubators.~~
- ~~3. Purpose. It is the purpose of this Section to:
 - ~~a. Promote opportunities for small and expanding commercial businesses.~~
 - ~~b. Support entrepreneurs and grow the economy of the Town of West Bend.~~
 - ~~c. Oversee the permitting of commercial incubators.~~
 - ~~d. Preserve and protect the public health and safety.~~~~
- ~~4. Standards.
 - ~~a. Commercial incubators may be a Principal Structure or Use or accessory to a Principal Structure or Use.~~
 - ~~b. Allowable Uses.
 - ~~(1) Any use listed as a Permitted Use or Conditional Use in the B-1 District or B-2 District may be potentially permissible within the same District.~~
 - ~~(2) Uses deemed by the Plan Commission to be incompatible with the Principal Use, as applicable, shall be prohibited.~~~~~~

- ~~(3) All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.~~
 - ~~c. Dimensional and Design Standards.~~
 - ~~(1) Commercial incubators approved as a Principal Use and/or Structure shall conform to the requirements for Principal Structures and Uses in the B-1 or B-2 District, as applicable.~~
 - ~~(2) Commercial incubators approved as an Accessory Use and/or Structure shall conform to the requirements for Accessory Uses and Structures in the B-1 District. The exterior materials of a commercial incubator when accessory to a Principal Structure shall be substantially the same in appearance and use substantially the same materials as the Principal Structure.~~

~~B. M-1 Manufacturing Incubators.~~

- ~~1. Districts Allowed. An 'Incubator: Manufacturing' is permissible in the M-1 Manufacturing District upon approval of a Conditional Use Permit.~~
- ~~2. Applicability. This Section applies to manufacturing incubators. See Section 17.11.19.A for commercial incubators.~~
- ~~3. Purpose. It is the purpose of this Section to:~~
 - ~~a. Promote opportunities for small and expanding light industrial businesses.~~
 - ~~b. Support entrepreneurs and grow the economy of the Town of West Bend.~~
 - ~~c. Oversee the permitting of commercial incubators.~~
 - ~~d. Preserve and protect the public health and safety.~~
- ~~4. Standards:~~
 - ~~a. Manufacturing incubators may be a Principal Structure or Use or accessory to a Principal Structure or Use.~~
 - ~~b. Allowable Uses:~~
 - ~~(1) Any use listed as a Permitted Use or Conditional Use in the M-1 District may be potentially permissible.~~
 - ~~(2) Uses deemed by the Plan Commission to be incompatible with the Principal Use, as applicable, shall be prohibited.~~
 - ~~(3) Uses deemed by the Plan Commission to be incompatible with an existing use within the same incubator, even if such a use is non-adjoining, shall be prohibited.~~
 - ~~(4) All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.~~
 - ~~(5) Corporate and administrative offices not ancillary to the Principal Use are prohibited.~~
 - ~~c. Dimensional and Design Standards:~~
 - ~~(1) Manufacturing incubators approved as a Principal Use and/or Structure shall conform to the requirements for Principal Structures and Uses in the M-1 District.~~
 - ~~(2) Manufacturing incubators approved as an Accessory Use and/or Structure shall conform to the requirements for Accessory Uses and Structures in the M-1 District. The exterior materials of a manufacturing incubator when accessory to a Principal Structure shall be substantially the same in appearance and use substantially the same materials as the Principal Structure.~~

Article XII. Zoning Board of Appeals

325-104. ESTABLISHMENT

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

325-105. MEMBERSHIP

The Zoning Board of Appeals shall consist of five members appointed by the Town Chairman and confirmed by the Town Board.

- A. Terms. Terms shall be for staggered three-year periods.
- B. Chairman. Chairman shall be designated by the Town Chairman.
- C. Alternates. Two Alternate Members shall be appointed by the Town Board Chairman for a term of three years and shall act only when a regular member is absent or refuses to vote because of [a conflict of interest](#).
- D. Secretary. Secretary shall be the Town Clerk.
- E. Staff. The Zoning Administrator, Building Inspector, and any other staff or Town officers shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- F. Oaths of Office. Official Oaths shall be taken by all members in accordance with Chapter 19.01, Wis. Stats., within 10 days of receiving notice of their appointment.
- G. Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

325-106. ORGANIZATION

The Zoning Board of Appeals shall organize and utilize rules of procedures for its own government as hereby set forth.

- A. Meetings.
 - 1. Meetings shall be held at the call of the Chairman who shall establish the meeting order of business.

2. Meetings shall comply with the requirements for open meetings in accordance with Chapters 19.83, 19.84, and 19.85, Wis. Stats. and other statutes and laws as relevant.
3. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
4. If a quorum is present, the concurring vote of a majority of the members present shall be necessary to correct an error, grant a variance, make an interpretation, and permit a substituted use.

325-107. POWERS

The Zoning Board of Appeals shall have the following powers:

- A. Errors. To hear and decide appeals when it is alleged there is error in any order, requirement decision, or determination made by the Zoning Administrator, Building Inspector, Town Clerk, or other officers of the Town. The Board of Appeals may not hear or decide upon appeals of any Town denial of a conditional use permit.
- B. Variances. To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. The spirit and purposes of this Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

325-108. APPEALS AND APPLICATIONS

Appeals concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the zoning administrator within ~~60-30~~ days after the date of written notice of the decision or order of the zoning administrator, unless otherwise stated in this chapter. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the zoning administrator. Such appeals and applications shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of Survey prepared by a registered land surveyor.
- C. Additional Information as may be required by the Zoning Board of Appeals.

325-109. HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in Article XIV, and shall give due notice ~~to the parties in interest consistent with § 325-119 and to;~~ the Zoning Administrator, Building Inspector, and the Town Board. At the hearing the appellant may appear in person, by agent, or by attorney.

325-110. FINDINGS

No variance to the provisions of this Chapter shall be granted by the Board unless it finds by the preponderance of evidence presented that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- A. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the District in which the development is located. No variance shall have the effect of permitting a use in any District that is not a stated Permitted Use, Accessory Use, or Conditional Use in that particular District.
- B. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same District and the granting of the variance would not be of so general or recurrent nature as to suggest that this Chapter should be changed.
- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same District and same vicinity.
- E. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

325-111. DECISION

The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, Building Inspector, Plan Commission, and Town Board.

- A. Conditions may be placed upon any Building Permit ordered or authorized by this Board.
- B. Variances, Substitutions, or Use Permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

325-112. REVIEW BY COURT OF RECORD

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

Article XIII. Changes and Amendments

325-113. AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the District boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

325-114. INITIATION

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

325-115. PETITIONS

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

~~A. Plot Plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent Zoning Districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.~~

~~B. Owners Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.~~

~~C. Additional Information required by the Plan Commission or Town Board.~~

325-116. REVIEW AND RECOMMENDATIONS

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

325-117. HEARINGS

The Town Board shall hold a public hearing upon each petition giving public notice thereof as specified in Article XIV, listing the time, place, and the changes of amendments proposed. The Town Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

325-118. TOWN BOARD ACTION

As soon as possible after such public hearing, and after careful consideration of the Plan Commission's recommendations, the Town Board shall act on the petition either approving, modifying and approving, or disapproving of the same.

325-118A. HISTORY OF AMENDMENT

Below is a summary of amendments that have occurred since the adoption of Ordinance 2019-06.

Ordinance Number	General Description	Town Board Approval
2019-06	General amendment of entire code	February 12, 2019
2020-01	Repeal and recreate	March 10, 2020
2020-__	Various amendments	
2023-__	Allow auto sales in the M-1 zoning district as a conditional use	August 8, 2023
2023-04	Allow outdoor storage of goods and materials in the B-1 zoning district as a conditional use	October 10, 2023
2024-06	General amendment of entire code	December 10, 2024

Article XIV. Public Hearings

325-119. PUBLIC HEARINGS

Notice of any public hearing which the Town Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this chapter shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Chapter 985 of the Wisconsin Statutes, the notice shall be published as a Class 2 notice, ~~to wit:~~

- A. The notice of public hearing shall be published in a newspaper of general circulation in the Town of West Bend at least once each week for two consecutive weeks, the last publication of which shall be at least 1 week before the public hearing.
- B. Notice of the public hearing shall be mailed ~~to all parties in interest~~ at least 10 days before the hearing ~~to Parties in interest shall be defined as the petitioner,~~ the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition and the owners of all lands included in the petition and all lands lying within 200 feet of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

Article XV. Wireless Telecommunication Facility – Class 1 Collocation and New Tower

325-120. REVIEW PROCEDURE

The general steps outlined below describe the process for reviewing an application for a new telecommunication tower and a Class 1 collocation as designated in the land use matrix (Appendix A).

1. Pre-submittal meeting. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposal.
2. Submittal of application materials. The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Town Board.
3. Determination of completeness. The zoning administrator reviews the application and determines whether the application is complete. If the application includes all of the required information, the application shall be found to be complete. The zoning administrator notifies the applicant in writing within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their application as often as necessary until it is complete. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
4. Review date. When the zoning administrator determines the application is complete, he or she schedules the review with the Plan Commission consistent with its adopted calendar.
5. General notice. The zoning administrator provides for a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. Staff report preparation and distribution. The zoning administrator may prepare a staff report as set forth in this division. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. Public hearing. Allowing for proper notice, the Plan Commission conducts a public hearing to review the application. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance.
8. Staff follow-up. If the Plan Commission does not render a decision immediately following the public hearing, the Plan Commission may direct the zoning administrator to prepare a preliminary decision document.
9. Recommendation. After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, if any, the Plan Commission makes a recommendation to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. A decision must be made within 90 days of receiving a complete application, unless the town and the applicant agree in writing to a longer review period.
10. Decision. The Town Board makes the final decision after considering the Plan Commission's recommendation.
10. Preparation of final decision document. The zoning administrator prepares a final decision document based the Town Board's decision and direction.

11. Applicant notification. Within a reasonable time following the Town Board's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

In the event an applicant believes the Town has exceeded its authority as set forth in § 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA § 1455, the applicant must notify the zoning administrator in writing and the reviewing authority reserves the right to reconsider the matter to ensure that applicable laws are followed.

325-121. APPLICATION FORM

An application form for a new telecommunication tower or a Class 1 collocation must include all of the following information as appropriate:

- (1) The name and business address of, and the contact individual for, the applicant.
- (2) The location of the proposed tower or affected tower.
- (3) The location of the proposed mobile service facility.
- (4) If an application is to substantially modify an existing telecommunication tower, a construction plan which describes the proposed modifications to the tower, and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- (5) If an application is to construct a new telecommunication tower, a construction plan which describes the proposed tower and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
- (6) If an application is to construct a new telecommunication tower, an explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.

325-122. REASON FOR DENIAL

- A. Generally. If the application is denied, the written notification must include substantial evidence to support the decision.
- B. Refusal to submit. If an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn affidavit as provided for in § 325-121, the Town may deny the application.

325-123. IMPOSITION OF CONDITIONS

- A. Generally. The reviewing authority may impose one or more conditions of approval as may be necessary to grant approval. Such conditions may relate to any aspect of the use that impacts the public health, safety, or general welfare, subject to subsection (B) below.
- B. Limitations. The reviewing authority may not impose any of the following as a condition of approval:
 - (1) A requirement relating to environmental testing, sampling, or monitoring.
 - (2) A requirement relating to radio frequency emissions.

- (3) A requirement to pay a reoccurring fee.
- (4) A requirement that the structure or mobile service facility owner must provide space on or near the structure for the use of or by the Town at less than the market rate, or to provide the Town other services via the structure or facilities at less than the market rate.
- (5) Limit the duration of the approval.
- (6) A requirement that the applicant must indemnify or insure the Town in connection with the political subdivision's exercise of its authority to approve the application.
- (7) A requirement that the applicant must give the Town the right to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the Town or an entity in which the Town has a governance, competitive, economic, financial, or other interest.

325-124. EXPIRATION OF AN APPROVAL

A. Non-establishment. If the zoning administrator determines that substantial work as authorized by the approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article. Upon petition and with cause, the zoning administrator may grant a one-time extension, not to exceed 6 months, provided (1) the permit holder requests the extension prior to the expiration of the approval, (2) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.

B. Cessation. If the zoning administrator determines that a wireless telecommunication facility has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval.

325-125. AMENDMENT OF AN APPROVAL

Following approval, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this article. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal must be followed.

325-126. FEES

A. Professional service reimbursement. Costs incurred by the Town in obtaining legal, planning, engineering, and other technical and professional advice in connection with an application shall be charged to the applicant.

B. Limitation on fees. The total of all fees, excluding professional service reimbursement, associated with the review of an application may not exceed the limits established by § 66.0404 (4)(d), Wis. Stats.

325-127. APPEAL

A party who is aggrieved by the final decision made pursuant to this article, may bring an action in the circuit court of Washington County in which the proposed activity, which is the subject of the application, is to be located.

Article XVI. Wind Energy Systems

325-128. GENERAL REQUIREMENTS

The review of a wind energy system must follow the requirements in ch. PSC 128, Wis. Adm. Code, and § 66.0401, Wis. Stats.

325-129 through 325-139. Reserved

Article XVII. Planned Development District

325.140 Review procedure

Establishment of a planned development district involves a two-step process. The review of a proposed project begins with a general development plan. If the general development plan is approved (i.e., an ordinance is adopted), a precise implementation plan for all or a part of the project is reviewed. If the precise implementation plan is approved, the project is officially approved. The general steps outlined below describe the process for reviewing an application for a planned development district.

Step One – General Development Plan

- 1. Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposal.
- 2. Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Town Board.
- 3. Determination of completeness.** The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.

4. **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Plan Commission consistent with its adopted calendar.
5. **General notice.** The zoning administrator provides for (i) a class 2 public notice, (ii) property owner notice, and (iii) meeting agenda notice.
6. **Staff report preparation and distribution.** The zoning administrator may prepare a staff report. If one is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
7. **Public hearing.** Allowing for proper notice, the Plan Commission conducts a public hearing to review the application consistent with this chapter. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance. If the public hearing is adjourned, the Plan Commission may direct the zoning administrator to conduct additional research related to the proposed district.
8. **Staff follow-up.** After the close of the public hearing, the Plan Commission may direct the zoning administrator, town engineer, and/or the town attorney to prepare a preliminary decision document.
9. **Plan Commission recommendation.** The Plan Commission makes a recommendation to the Town Board to (i) approve the general development plan, subject to approval of a precise implementation plan; (ii) approve the general development plan with conditions, subject to approval of a precise implementation plan; or (iii) deny the general development plan.
10. **General notice.** The zoning administrator places the matter on the meeting agenda of the Town Board.
11. **Town Board meeting.** Allowing for proper notice, the Town Board considers the application at a regular or special meeting.
12. **Decision.** The Town Board after considering the Plan Commission's recommendation makes a decision to (i) approve the general development plan, subject to approval of a precise implementation plan; (ii) approve the general development plan with conditions, subject to approval of a precise implementation plan; or (iii) deny the general development plan.
13. **Preparation of decision document.** If the general development plan is approved, the zoning administrator prepares a final ordinance.
14. **Applicant notification.** Within a reasonable time following the Town Board's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

Step Two – Precise implementation plan

1. **Submittal of precise implementation plan.** The applicant submits a precise implementation plan and other required materials to the zoning administrator along with the application fee as may be established by the Town Board. At the discretion of

the applicant, such materials may be submitted concurrently with the review of the general development plan.

2. **Determination of completeness.** The zoning administrator reviews the submittal to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record. A determination that an application is complete means the application is ready for formal review and does not suggest the applicant has provided sufficient information in all regards or preclude the reviewing authority from requesting additional information it deems appropriate.
3. **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Plan Commission consistent with its adopted calendar.
4. **General notice.** The zoning administrator places the matter on the meeting agenda of the Plan Commission.
5. **Staff report preparation and distribution.** The zoning administrator may prepare a staff report that evaluates whether the precise implementation plan is consistent with the approved general development plan and the suitability of the proposed plan given the additional information provided in the plan and supplemental materials. If a staff report is prepared, the zoning administrator provides a copy to the applicant, each member of the Plan Commission, and any person upon request.
6. **Meeting.** Allowing for proper notice, the Plan Commission reviews the precise implementation plan and the staff report, if any.
7. **Determination of consistency.** The Plan Commission determines whether the precise implementation plan is generally consistent with the approved general development plan with respect to density/intensity and permissible land uses. If the Plan Commission determines that the precise implementation plan is not generally consistent, the Plan Commission shall render that decision in writing and take no further action on the precise implementation plan.
8. **Plan Commission recommendation.** If the precise implementation plan is deemed to be consistent with the general development plan, the Plan Commission makes a recommendation to the Town Board to (i) approve the precise implementation plan, (ii) approve the precise implementation plan with conditions, or (iii) deny the precise implementation plan.
9. **General notice.** The zoning administrator places the matter on the meeting agenda of the Town Board.
10. **Town Board meeting.** Allowing for proper notice, the Town Board considers the application at a regular or special meeting.
11. **Decision.** The Town Board after considering the Plan Commission's recommendation makes a decision to (i) approve the precise implementation plan, (ii) approve the

precise implementation plan with conditions, or (iii) deny the precise implementation plan.

12. Preparation of decision document. Based on the action of the Town Board, the zoning administrator prepares a decision document.

13. Applicant notification. Within a reasonable time following the Town Board's decision, the zoning administrator sends the decision document to the applicant by regular mail and/or email.

325.141 Imposition of conditions

A. Generally. The Plan Commission may recommend and the Town Board 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 recommend and the Town Board may require the provision of off-site exactions that may be necessary to approve the establishment of the planned development district project.

B. Effect on contracts with another party. The Town Board may 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.^[1]

Editorial notes:

^[1] See § 62.23 (7)(gm), Wis. Stats. The Town, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

325.142 Effect of approval

The approval of a planned development district runs with the land and is binding on all subsequent property owners.

325.143 Effect of approved planned development district on land division standards

Development in a planned development district is subject to the Town's land division regulations to the extent applicable, except that the Plan Commission or Town Board may waive a development standard in the land division regulations as provided therein.

325.144 Amendment of an approved planned development district

If the Town Board approves a planned development district, the Plan Commission reviews all proposed changes to the approved project plan. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Town Board may approve the requested change at a regular or special meeting of the Town Board. If the proposed change constitutes a major alteration, the review procedure in this division must be followed.

325.145 Expiration of an approval

If any portion of a planned development district that can be developed remains substantially undeveloped 3 years after final approval, the Town Board may rescind the approval, in whole or in part, following a public hearing. Upon petition and with cause, the Town Board may grant a one-time extension, not to exceed 4 years. In the event the Town Board rescinds an approval, the Town Board shall at that time reclassify undeveloped lands in the district based on the zoning regulations in effect at that time. Developed portions of the planned development district may

either be allowed to retain the planned development district designation or reclassified based on the zoning regulations in effect at that time.

325.146 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

325.147 Development agreement

If a planned development district is established pursuant to this division, the Town and developer may enter into a development agreement that specifies the duties and obligations of both parties with respect to the development project.

325-148 through 325-159. Reserved

Article XVIII. Definitions

~~325-120.~~**325-160.** **GENERAL DEFINITIONS**

A. Meanings. For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.

1. Words used in the present tense in this Chapter include the future.
2. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
3. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.
4. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

B. Words and Phrases Defined.

Accessory Structure. A structure which:

- (1) Is or will be subordinate to and serves a principal structure, land, or water.
- (2) Is or will be located on the same lot or parcel, or as a garage lot.
- (3) Is detached from the principal structure.
- (4) Is not used as living quarters, nor has a permanent well or sanitary connection.

Accessory building. A building that is not part of a principal building and which is used or intended for accessory uses as may be allowed.

Accessory Use. A use which:

- (1) Is or will be subordinate to and serves a Principal Use.
- (2) Is or will be located on the same lot or parcel as the Principal Use.

~~**Alley.** A special public right-of-way affording only secondary access to abutting properties.~~

~~ANSI. Refers to the American National Standards Institute.~~

~~**Assembly.** When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Assembly shall not include the construction, stamping or reshaping of any of the component parts.~~

Base Density. A total permissible number of residential units that may be built on any given parcel of land to establish the number of units the land can reasonably accommodate. Providing a base density, as opposed to requiring a minimum lot size, allows for flexibility on the part of the landowner in determining the distribution of residential units on the parcel while protecting significant environmental features.

Basement. That portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

~~**Battery charging station.** An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.~~

~~**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.~~

Bees. Honey bees or mason bees raised for honey or pollination.

~~**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, as defined in relevant Wis. Stats.~~

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

~~**Building height.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard or Primary Street Yard setback on a corner lot or double frontage lot or Shore Yard face of the structure to the highest point of the roof, whichever is greater. The basement shall be included in the height limitation if 50% or more of the foundation is exposed. The precedent height shall be determined by scale of the building blueprints submitted for review. For an accessory and principal building on an interior lot, the vertical distance measured from the mean elevation of the finished lot grade along the street yard to the highest point of the roof. For an accessory and principal building on a corner lot, the mean elevation of the finished lot grade along both streets to the highest point of the roof. For a principal building on a lake lot, the elevation of the finished lot grade along the building face facing the lake to the highest point of the roof. The height of the basement is included in the measurement if 50 percent or more of the entire foundation is exposed.~~

~~**Charging levels.** 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:~~

~~Level 1: Voltage from 0 through 120; considered slow charging.~~

~~Level 2: Voltage from 120 through 240; considered medium charging.~~

~~Level 3: Voltage greater than 240; considered fast or rapid charging.~~

~~**Commercial communications.** Communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile~~

~~radio service, fixed wireless service, global positioning, line of sight, microwave, personal communications service, weather radar, and wireless internet service.~~

Common Open Space. Any land area that is designated as “Common Open Space” through deed restrictions in perpetuity and held in trust by a homeowners association, the Town or other designated conservation organization. Types of Common Open Space include but are not limited to the following:

Community Garden and Greenhouse are areas for use by residents and others (not immediately adjacent to residential lots) that are planned and managed for growing vegetable and flowers. There should be pedestrian and vehicular access to the area as well as small amounts of visitor parking (this may include street parking).

Countryside Views are areas that facilitate public views of common open space (and other features that comprise the countryside character of West Bend) from existing arterials and collector roads adjacent to the proposed development. The view shed area should border a public right-of-way which primarily carries traffic generated by the general public rather than only vehicles associated with the immediate land use.

Cultivated Fields and Pastures are agricultural areas set aside for farming with a long-term management plan for continuous cultivation or use as pasture land for livestock.

Environmental Preserves are areas that preserve environmental features that enhance the health, environmental quality, social value, and natural beauty of the community. Preserves should include the environmental corridors (primary, secondary, and isolated natural resource areas), lakes and streams, wetlands, drainage ways, floodplains, habitat areas, wildlife habitats, woodlands, prairies, steep slopes, as identified by SEWRPC or other recognized surveys. These areas may also include public trail connections to view and, if feasible, enter the preserve.

Environmental Restorations are natural areas and landscapes designed for aesthetic impact to display different forms of plant materials using a traditional aesthetic approach of formal or picturesque gardening, botanical display, or environmental restoration. These landscapes are also designed to improve the ecological condition of the natural environment (for example, this may include restored prairies or wildlife habitats). These areas shall be designed by a recognized landscape architect or ecologist with substantial experience and professional credentials in landscape architecture, garden design, ecology or similarly appropriate field. These areas may include structures for aesthetic purposes as well as environmental management. These areas should also include public trail connections to view and, if feasible, enter the preserve.

Equestrian Common Open Spaces and Features are common open spaces, and related features, intended for equestrian use. These spaces are an essential and traditional component of the countryside character of the Town and should be maintained and expanded. These spaces include ranches, corrals, trails, fences, barns and stables, signage, and related facilities. Equestrian facilities should be connected to the overall equestrian trail system within the Town. When this is not feasible, plans should demonstrate how such facilities can be effectively integrated with the overall pattern of equestrian use within the community.

Forestation Areas are agricultural areas planted for commercial tree-growing businesses with long term management plans for continuous operation. The management plan for forestation areas, especially those used for commercial purposes, must demonstrate that it will be harvested in a manner that retains the aesthetic value of the plant materials as an amenity for surrounding property owners and members of the general public.

Gateway Features are specially designed and landscaped areas at the entrances to neighborhoods, districts, boulevards, and residential subareas. They should be located at primary entries to developments or neighborhoods from Town-wide arterials. They should contain significant visual features, built or natural. These may include trees, fences, ornamental landscapes, unique structures, or public art.

Landscaped Boulevards are the landscaped central medians that provide an aesthetic amenity and informal gathering place for residential neighborhoods. Boulevards shall be planted with rhythmic rows of trees along each side of the median and along the outer side of the public right-of-way. The edges of the median may include continuous hedges or ornamental fences that border the curb. The outer sides of the street may include sidewalks. The central median shall consist primarily of grass areas suitable for walking and informal uses.

Landscaped Cul-de-sac Islands are the landscaped central islands in cul-de-sac bulbs that provide an aesthetic amenity and informal gathering place for residential neighborhoods. Island shall be planted with trees, shrubs and perennial plantings to create a visual focus for the neighborhood. A central gathering space should be created within the island to allow gatherings by residents. The edges of the island may include continuous hedges or ornamental fences that border the curb to help enclose the space.

Neighborhood Parks and Squares are areas that afford opportunities for passive and/or active enjoyment of outdoor areas by residents and visitors both as individuals, informal groups, and organized groups. Typical activities include picnicking, strolling, sitting, private contemplation, conversing with friends and neighbors, child play, skating, informal sports, walking, jogging, and organized sports. The park shall be a public or semi-public place as defined above. Parks and squares shall be located within easy access of public rights-of-way, especially those with higher traffic volumes relative to the surrounding street system. The form shall be a simple shape (such as a square, rectangle, circle, ellipse, crescent, triangle, or trapezoid). Parks and squares shall be surrounded by a public right-of-way. The right-of-way should serve vehicles and include a sidewalk or other pedestrian walkway. Where possible, there should be on street parking available to the public along the edge of the park or square. The edge of the park or square must include a continuous row of trees, ornamental fence, or combination of those elements. There shall be clearly marked points of entry and gateways. The interior of the park may include a variety of features for passive enjoyment or active recreation. The ground may be grass, pavement, or other plant materials. There should be a clear understanding of whether or not the park or square will be owned by a public entity and, if not, the circumstances under which ownership of the park or square might be transferred to a public entity.

Orchards are agricultural areas planted as orchards with long term management plans for continuous operation.

Ornamental and Display Gardens are landscapes designed for aesthetic impact to display different forms of plant materials using a traditional aesthetic approach of formal or picturesque gardening, botanical display, or environmental restoration. These landscapes are also designed to improve the ecological condition of the natural environment (for example, this may include restored prairies or wildlife habitats). These areas should be designed by a recognized landscape architect or ecologist with substantial experience and professional credentials in landscape architecture, garden design, ecology or similarly appropriate field. These areas may include structures for aesthetic purposes as well as environmental management.

Parkway Landscapes are heavily landscaped areas along existing arterials. Parkways should include a double row of canopy shade trees planted in a rhythmic pattern with a walkway or bicycle path located between the rows. The parkway or edge should not include berms.

Play Areas are places with play equipment for children to play informally that should be located in parks and squares. Play areas shall have access from a trail or sidewalk and shall be connected to trail systems entering the park. Play areas should be sited within a small space or along the edge of a space and should have a clearly defined perimeter with fencing or hedges.

Scenic Drives are single-loaded vehicular rights-of-way which provide an open view of common open space. A pedestrian walkway must be included along at least one edge of the scenic drive. This may be a sidewalk, side path, or trail. The common open space area shall be at least sufficiently deep to provide a view of natural features rather than built areas.

Traditional Farmsteads are structures that reflect the agricultural and rural history of the Town, including farmhouses, barns, stables, and a variety of related facilities and common open space. Many of these, while not qualifying as historic landmarks using strict national or state standards, are still part of the cultural and visual history of the community. They provide an essential part of the character of the community and should be preserved. In general, such structures and facilities created prior to 1950 shall be considered as a traditional farmstead. Those components of the farmstead that are to be preserved should be documented by a local historic society or by a person with credentials in historic preservation. The proposed inclusion of the traditional farmstead must state what components of the farmstead will be preserved. A study of the historic properties of the Town of West Bend is available for reference.

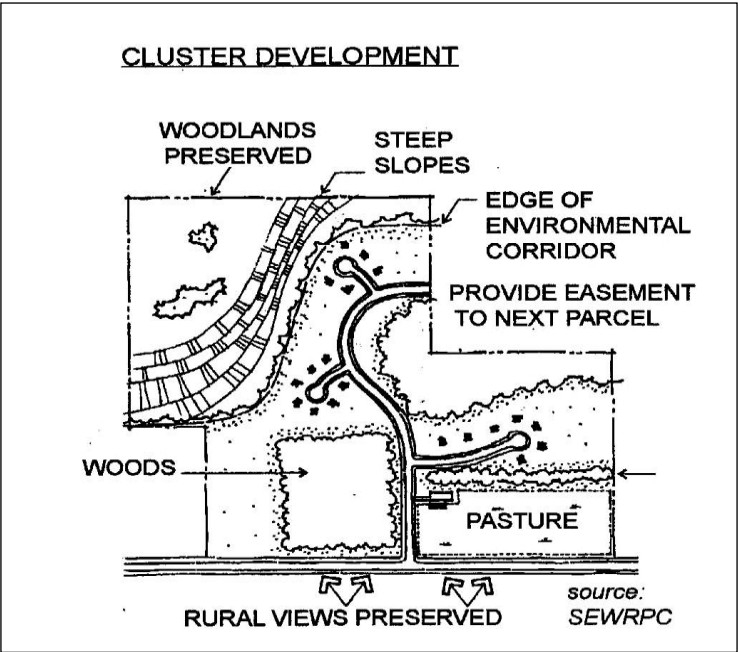
Trails and Walkways promote broad social use of a linear system of paths for walking, horseback riding, or bicycling that connect trail users to rights-of-way and other public or semi-public places. These should be determined by the context of circulation, access points, and other common open space components that should be linked together. Trails should be located along the edge of other common open space or public rights-of-way. Trails should be physically separated from side or rear lot lines (approximately 25 feet). Trails shall be a continuous path and should link to all existing and proposed trails and rights-of-way that abut the perimeter of the development. Trails should be constructed with suitable materials for long term operation and maintenance. The suitability of the materials will be determined by the Town. There should be a clear understanding of whether or not the trail system will be owned by a public entity and, if not, the circumstance under which public access is allowed.

Conditional Uses. Uses of a special nature as to make impractical their predetermination as a Principal Use in a District.

~~**Decommissioning.** The removal of all of the following:~~

- ~~a. The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.~~
- ~~b. All below ground facilities, except the following:~~
 - ~~(1) Underground collector circuit facilities.~~
 - ~~(2)(1) Those portions of concrete structures 4 feet or more below grade.~~

Development. Any manmade 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.

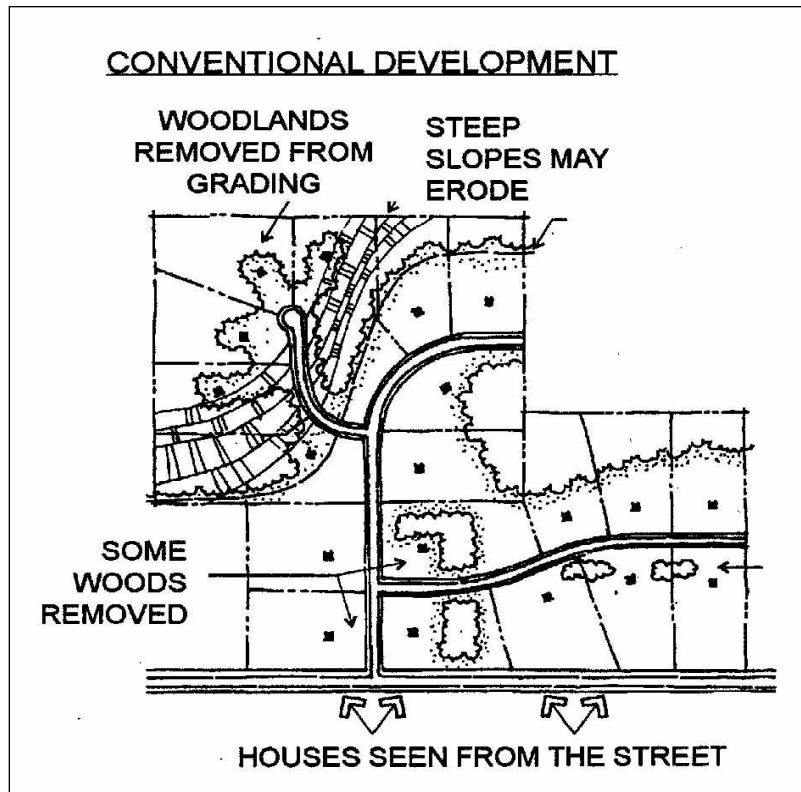


Development, Conservation. A housing development in a rural area that is characterized by compact lots, clustered home sites and common open space, and where the natural features of land are preserved and enhanced to the greatest extent possible. This type of development is sometimes referred to as a “cluster development”.

- a. The illustration below provides a visual representation of various features of a conservation or cluster development.

Development, Conventional. A housing development that subdivides an entire parcel of land into private lots and does not contain significant common open space.

- a. The illustration below provides a visual representation of various features of a conservation or cluster development.



Developer's 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 Chapter 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.

District. A part or parts of the Town for which the regulations of this Chapter governing the use and location of land and buildings are uniform (such as the Residential, Business, and Industrial District classifications).

Drive-in Restaurant. An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises.

Dwelling. A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including hotels, motels, lodging houses, boardinghouses, tents, cabins, or mobile homes.

Dwelling, Multi-Family. A building or portion thereof used for occupancy by three or more families living independently of each other.

Dwelling, Single-Family. A dwelling consisting of one dwelling unit designed for, converted to, and/or occupied by one family and not attached to another dwelling unit.

Dwelling, Two-Family. A detached building used for residential occupancy by two families living independently of each other.

Dwelling Unit. Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

Electric vehicle. 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.

Electric vehicle charging station. 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.

Electric vehicle charging station-private restricted use. An electric vehicle charging station that is:

- a. Privately owned and restricted access (e.g., single family home, executive parking, designated employee parking); or,
- b. Publicly owned and restricted (e.g., fleet parking with no access to the general public).

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); or,
- b. Privately owned and available to visitors of the use (e.g., shopping center parking).

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.

Electric vehicle parking space. Means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Environmental Conservancy (EC). Areas designated (EC) in the Cooperative Boundary Plan Between the City of West Bend and the Town of West Bend, Washington County, Wisconsin (2001) as Environmental Conservancy lands. For the purposes of this Chapter these areas are zoned, C-2 Conservancy Overlay District

Environmental Conservancy District Areas. This area is defined as those lands designated and mapped by the Southeast Wisconsin Regional Planning Commission (SEWRPC) as either; Primary Environmental Corridor, Secondary Environmental Corridor, or Isolated Natural Resource Area and lands held in conservation by non-profit organizations. Approximate locations of the Environmental

~~Conservancy District areas are shown on the Town's Land Use Plan map in the adopted Town of West Bend Comprehensive Plan.~~

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, stormwater 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 alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

~~**Family.** Any number of persons related by blood, adoption, or marriage living together in 1 dwelling unit, or 4 or fewer persons not so related, living together in 1 dwelling unit. See household unit~~

~~**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, rail fences, and others as identified in Chapter 17.11.16.~~

~~**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 and other as identified in Chapter 17.11.16.~~

~~**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 exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire or as identified in Chapter 17.11.16.~~

~~**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 or as identified in Chapter 17.11.16.~~

Frontage. The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

~~**Garage Lot.** An undeveloped lot, or lot with an Off-Site Residential Garage, associated with a lakefront lot as defined in this section and in Chapter 17.11.18. The garage lot shall be a separate tax parcel from the lakefront lot.~~

~~**Garage, Off-Site Residential.** A free standing residential Accessory Structure intended to house motor vehicles, yard equipment, and household items belonging to the person that owns the lot on which it is located and as further defined in Chapter 17.11.18.~~

~~**Garage, Private.** A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the resident(s) upon the premises. Carports are considered garages.~~

~~**Garage, Public or Commercial.** Any garage other than a private garage.~~

Gazebo. An unglazed and unscreened, open air roofed garden structure that offers an open view of the surrounding area, typically used for relaxation or entertainment. For the purposes of this Chapter a gazebo cannot exceed 300 square feet in area and it cannot be permanently occupied as a residence, used for long-term storage, or be served by sanitary sewer service.

~~**Geothermal Energy System.** A sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate a liquid solution through a heat exchanger. This includes but~~

~~is not limited to: vertical closed loop, horizontal closed loop and body of water closed loop systems.~~

~~**Geothermal Energy System, Horizontal.** A geothermal energy system constructed to contain horizontal piping and the installation and grouting of the horizontal piping when such piping does not exceed 20 feet in depth.~~

~~**Geothermal Energy System, Vertical.** A geothermal energy system constructed to contain vertical piping and the installation and grouting of the vertical piping exceeding 20 feet in depth.~~

~~**Ground-Mounted Solar Energy System.** A solar energy system not attached to another structure and is ground mounted.~~

~~**Home Occupation.** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the Principal Use of the premises, does not exceed 25 percent of the area of any floor, and uses only household equipment, and for which no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations or uses as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.~~

Household unit An individual living alone in a dwelling unit, or 2 or more individuals living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means, or a group of not more than 4 individuals who are not so related who live together as a single housekeeping unit in a dwelling unit. A single housekeeping entity infers the use in common of all spaces, household services, and utilities with a single source of food preparation for all occupants.

Impervious Surface. Any artificial or natural surface which does not allow the entrance or passage of water or sediment into the ground surface. These areas seal the ground surface from infiltration of water into the subsurface and prevent recharge of the ground water and increase the amount of stormwater runoff. Runoff from impervious surfaces tends to increase the potential for flooding, and carries sediment and pollutants that are detrimental to the quality of surface waters. New developments typically increase the amount of impervious surface. It is important to manage and minimize the amount of impervious surface in new and existing developments to help protect the surface waters and help recharge natural ground water. Impervious surfaces include, but are not limited to buildings and roof areas, structures, concrete or asphalt surfaces, gravel or traffic bond surfaces, decks with no spaces in between the decking, and bricks or pavers with no spacing between, which are placed on traffic bond.

Impervious Surface Area. That total area of a lot which is covered with an Impervious Surface as indicated in this Chapter.

~~**Irrevocable Letter of Credit.** An agreement, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town of West Bend, and which is approved, as to form, by the Town Attorney.~~

Living area. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, ~~utility rooms~~, garages, porches, breezeways, and unfinished attics.

Loading Area. A completely off-street space or berth on the same lot as the Principal Use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot. For the purpose of this chapter a lot shall be defined as a parcel of land on which a principal structure and its accessory structure are placed, together with the required open spaces, provided

that no such parcel shall be bisected by a public street and shall not include any portion of a public right-of-way. ~~No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot area.~~ A lot of record prior to April 1, 1986, which is bisected by a public street or private roadway shall be 1 lot for the purpose of this chapter.

Lot, Corner. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. The Primary Street Yard shall be that associated with the mailing address or fire number, as applicable. The other street yard shall be the Secondary Street Yard. (See Lot Type Illustration)

Lot, Double Frontage. A parcel of land, other than a corner lot, with frontage on more than 1 street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this Chapter, shall be deemed to have two Street Yards and no Rear Yard. The Primary Street Yard shall be that associated with the mailing address or fire number, as applicable. The Secondary Street yard shall be opposite the Primary Street Yard. (See Lot Type Illustration).

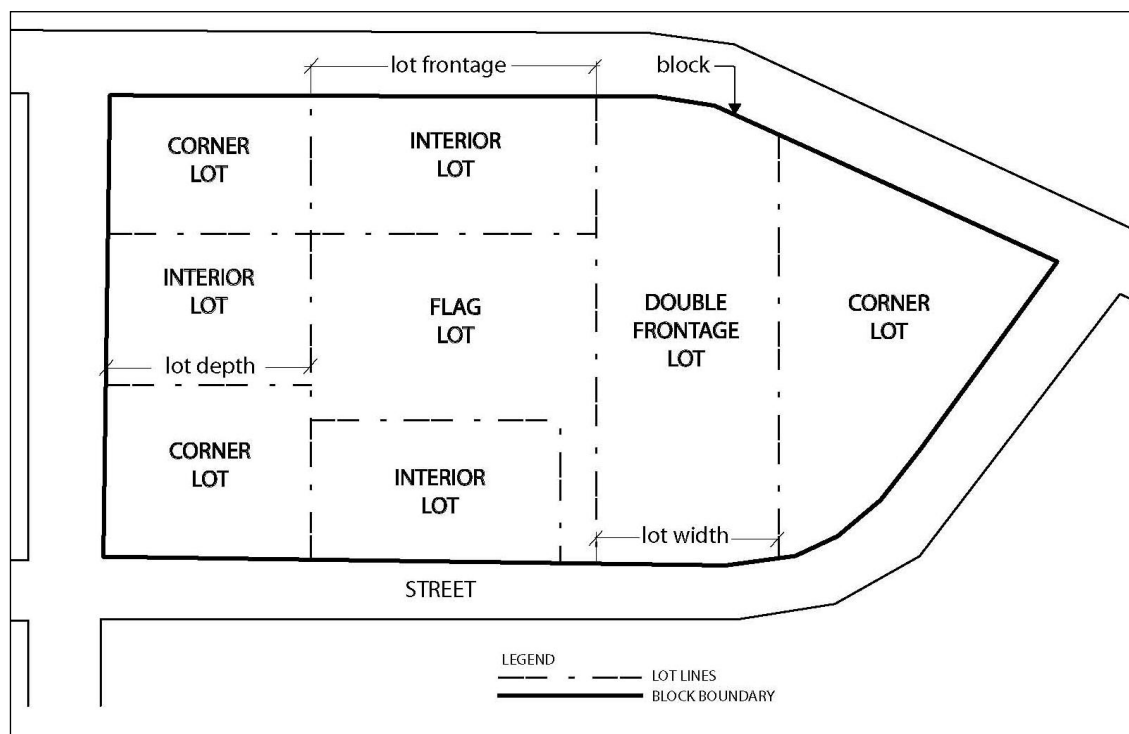
Lot, Garage. An undeveloped lot, or lot with an Off-Site Residential Garage, associated with a lakefront lot as defined in this section and in § 325-102. The garage lot shall be a separate tax parcel form the lakefront lot.

Lot, Lakefront. A property with a legal description which extends to the Ordinary High Water Mark of a lake.

Lot area. The horizontal area of a lot, excluding (1) wetlands as delineated by a professional wetland delineator recognized by the Wisconsin Department of Natural Resources, (2) the area of a flag lot that constitutes the stem, (3) the area below the ordinary high-water mark, and (4) any area dedicated to the public or reserved for road purposes.

Lot frontage. The distance measured along the street right-of-way line.

Lot width. The width of a parcel of land measured at the street setback line.



Lot Type Illustration

~~**Machine Shops.** Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.~~

~~**Manufacturing.** When used in describing an industrial operation, the making or processing of a product with machinery.~~

~~**Maximum blade tip height.** The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" means the actual hub height plus the blade length.~~

Minor Land Division. Minor land divisions include the division of land by the owner or his agent resulting in the creation of 2, but not more than 4, parcels of building sites, any one of which is 10 acres or less in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a Certified Survey Map (CSM).

~~**Minor Structure.** Any small, movable Accessory Structure such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under 4 feet in height.~~

~~**Motel.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.~~

~~**Nameplate capacity.** The nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.~~

Nonconforming Uses or Structures. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Chapter or amendments thereto which does not conform to the regulations of this Chapter or amendment thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

~~**Non-electric vehicle.** Any motor vehicle that does not meet the definition of electric vehicle.~~

~~**Nonparticipating property.** Real property that is not a participating property.~~

~~**Nonparticipating residence.** A residence located on nonparticipating property.~~

Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

Overlay district. A zoning district that is super-imposed on one or more other base zoning districts and which characteristically modifies one or more of the requirements of the base district or imposes additional restrictions ~~on the underlying districts, or both.~~

~~**Owner (Wind Energy System).**~~

~~A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.~~

- ~~a. At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by~~

~~planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.~~

Parking Lot. Any public or private land area designated and used for parking motor vehicles. A parking lot may be at ground level and not be subject to the setback and other yard requirements of a structure; or may be located within a structure which must meet the yard requirements of a specified Zoning District.

Participating property. Any of the following:

- ~~a. A turbine host property.~~
- ~~b. Real property that is the subject of an agreement that does all of the following:~~
 - ~~(1) Provides for the payment of monetary compensation to the landowner from the owner regardless of whether any part of a wind energy system is constructed on the property.~~
 - ~~(2) Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.~~

Participating residence. A residence located on participating property.

Parties in Interest. Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.

Personal communications. Includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

Pervious Surface. Any artificial or natural surface which allows the entrance or passage of water or sediment into the ground surface via the porous nature of the material itself. The void areas and the infiltration rates of these materials allow rainwater and surface water to penetrate deep into the soil areas allowing the natural recharge of groundwater. The Town of West Bend promotes and in some cases requires the use of pervious materials in lieu of impervious materials in developed areas of the Town; therefore the Town is encouraging the use of materials and technologies which achieve the goals of protection of surface water quality, prevention of flooding and groundwater recharge. Some examples of these materials include open cell block grass pavers, spaced paving bricks or pavers, pervious asphalt and pervious concrete.

Photovoltaic Cell. A semiconductor device that converts solar energy into electricity.

Plug-in hybrid electric vehicle. 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.~~

Premises. Any lot or parcel of land owned by any person, firm or corporation, public or private, improved with building, whether occupied or unoccupied.

Principal Structure. The primary structure on a parcel of land where the Principal Use occurs.

Principal Use. The Permitted or Conditional Use on a parcel of land.

Processing. When used in describing an industrial operation, the series of continuous actions that changes 1 or more raw materials into a finished product. The process may be chemical as in the

~~processing of photographic materials; it may be a special method such as processing butter or cheese; it may be a mechanical process such as packaging a base product.~~

~~**Recycling.** The process by which waste products such as metal cans, scrap metal, paper, or glass are reduced to raw materials and transformed into new and often different products. For the purpose of this Chapter, recycling does not include the reclamation of sewage sludge, food wastes, and other organic materials.~~

Redevelopment. Any substantive change to a developed site, its structures, or its uses.

~~**Residence** (specifically regarding Wind Energy System). An occupied primary or secondary personal residence including a manufactured home as defined in Chapter 101.91(2), Wis. Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. Residence includes a temporarily unoccupied primary or secondary personal residence. Residence does not include any of the following:~~

- ~~a. A recreational vehicle as defined in Chapter 340.01(48r), Wis. Stats., notwithstanding the length of the vehicle.~~
- ~~b. A camping trailer as defined in Chapter 340.01(6m), Wis. Stats.~~
- ~~c. a. A permanently abandoned personal residence.~~

~~**Seat.** Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.~~

Setback. The minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure.

~~**Shadow flicker.** A pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.~~

Shoreland. Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond of flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non-navigable streams before streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.

Short-term Rental. A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business.

Sign, Awning. A sign that is mounted or painted on, or attached to an awning, canopy, or marquee. (See Sign Type Illustration)

Sign, Copy. The message or advertisement, and any other symbols on the face of a sign. (See Sign Type Illustration)

Sign, Face. The area or display surface used for the message.

Sign, Ground. Any sign placed upon or supported by the ground independent of any other structure. (See Sign Type Illustration)

Sign, Portable. A sign that is not permanent, affixed to a building, structure, or to the ground. Such sign may be mounted on wheels to make it transportable. (See Sign Type Illustration)

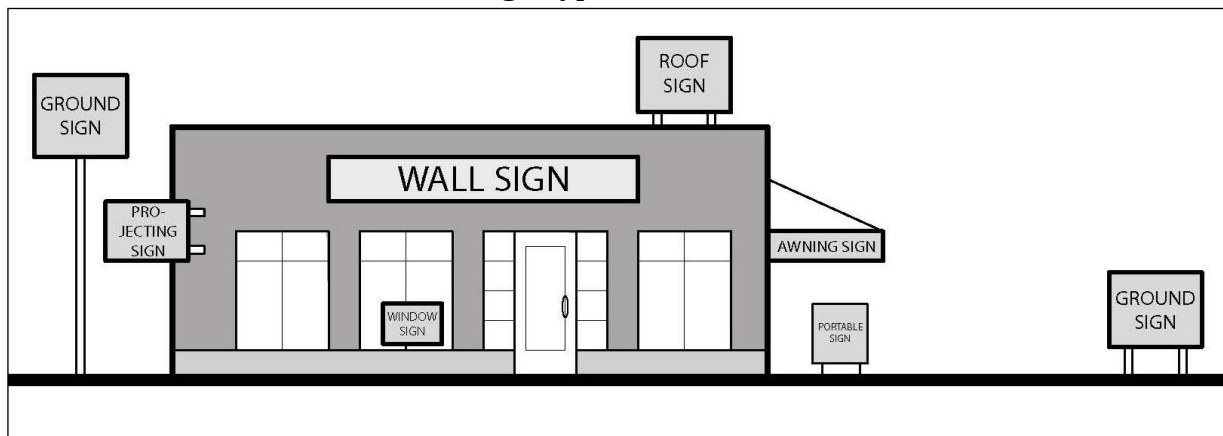
Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Sign Type Illustration)

Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above a point of a building with a flat roof, the eave line of a building with a gambrel, or hip roof, or the deck line of a building with a mansard roof. (See Sign Type Illustration).

Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and does not project more than 12 inches from such building or structure. (See Sign Type Illustration)

Sign, Window. A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Sign Type Illustration)

Sign Type Illustration



~~**Small wind energy system.** A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.~~

Solar Collector. A device, structure or part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

~~**Solar Glare.** The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.~~

Solar Panel. A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.

Street. A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Structure. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled structures, decks, towers, masts, poles, booms, signs, decorations, carports, machinery, ~~and~~ equipment, ice fishing shanties, ~~and~~ gas or liquid storage tanks.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or,
- b. Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

~~**Sustained Yield Forestry.** Management of forested lands to provide annual or periodic crops of forest products.~~

~~**Swimming Pool.** Any structure, portable or permanent, containing a body of water 36 inches or more in depth, intended for recreational purposes, but not including a wading pool, an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming.~~

~~**Transitory Structure.** A non-permanent Accessory Structure in a Residential District including: enclosed structures no larger than 120 sq. ft. in area; open gazebos; cabanas; screen houses; fences; towers; personal energy systems; in ground and above ground swimming pools; children's playhouses, play apparatus, swing sets, and the like; hot tubs/spas; patios and decks; raised bed gardens; trellises; bee hives; enclosures for backyard chickens; dog enclosures; and other structures deemed to be substantially the same by the Plan Commission.~~

~~**Turbine host property.** Real property on which at least one wind turbine is located.~~

Unnecessary hardship. That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.

Use.

- a. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or,
- b. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Variance. An authorization granted by the Zoning Board of Appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit the use of a property that is otherwise prohibited by the Chapter or allow flood land construction that is not protected to the flood protection elevation.

Wetlands. Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wind energy system. ~~A system as defined in Chapter 66.0403(1)(m), Wis. Stats., used to convert wind energy to electrical energy.~~

Wind energy system emergency. ~~A condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.~~

Wind energy system facility. ~~Any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.~~

Wind energy system lease. ~~A written agreement between a landowner and the owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.~~

Wind Tower. ~~The monopole, freestanding, or guyed structure that supports a wind turbine generator.~~

Yard. ~~An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The Street and Rear Yards extend the full width of the lot. The area of a lot that is required to be unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise allowed in the Town's zoning regulations.~~

Yard, Primary Street. ~~The area of a lot that is associated with the mailing address or fire number and which extends across the full width of the lot from the front lot line to the face of the principal building that is most parallel to the front lot line. A yard associated with the primary mailing address or fire number for the Principal Structure extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the street right-of-way of a public street or road or the paving edge of a private roads and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).~~

Yard, Rear. ~~The area of a lot that extends across the full width of the lot from the rear lot line to the face of the principal building that is most parallel to the rear lot line. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the Principal Structure. This yard shall be opposite the Primary Street Yard on a corner lot. (See Yard Type Illustration).~~

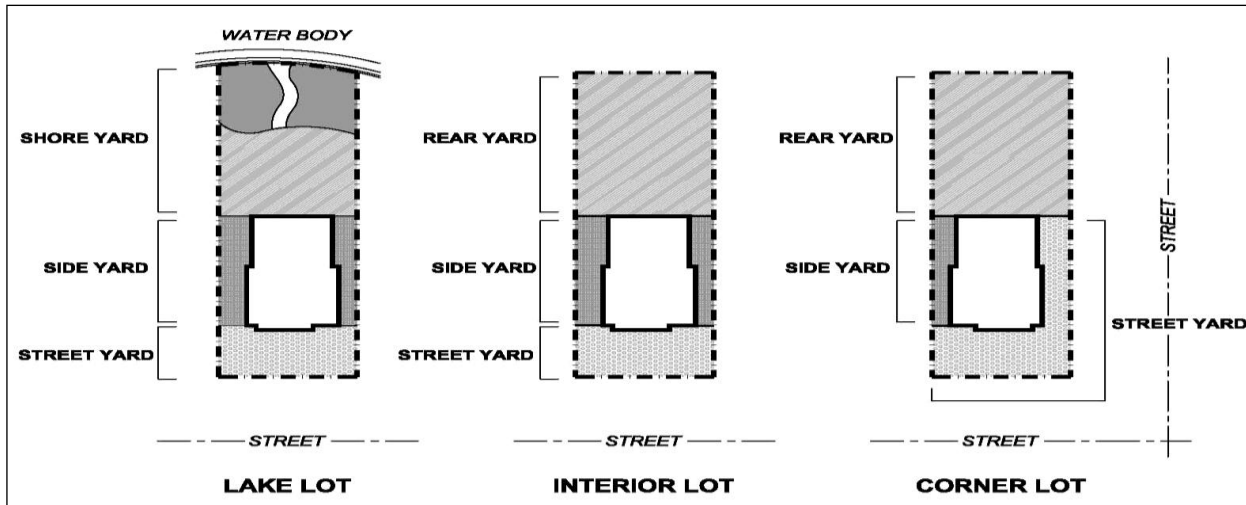
Yard, Secondary Street. ~~The area of a lot that is not associated with the mailing address or fire number and which extends from the lot line to the face of the principal building that is most parallel to the lot line between the rear yard and the primary street yard. A yard that abuts an existing or proposed street or highway not otherwise defined as a Primary Street Yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the street right-of-way of a public street or road or the paving edge of a private roads and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).~~

Yard, Shore. ~~The area of a lot that extends across the full width of the lot from the ordinary high-water mark to the face of the principal building that is most parallel to the ordinary high-water mark. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the Ordinary High Water Mark of a navigable body of water and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).~~

Yard, Side. ~~The area of a lot that extends between the street yard and rear yard from the side lot line to the principal building. Note: A corner lot only has one side yard. A yard extending from the Street Yard to the Rear Yard or Shore Yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).~~

Yard, Street. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the street right-of-way of a public street or road or the paving edge of a private roads and a line parallel thereto through the nearest point of the Principal Structure. Corner lots shall have two such yards. The Primary Street Yard on a double frontage lot or corner lot shall be that associated with the mailing address or fire number, as applicable. (See Yard Type Illustration).

1. **Yard Type Illustration.**



Article XVI. AdoptionRESERVED

325-121. VILLAGE POWERS

The electors of the Town of West Bend, Washington County, Wisconsin, authorized the Town Board to exercise all powers related to villages and conferred on villages by Chapter 61 of the Wisconsin Statutes at an Annual Meeting held on the 5th day of April, 1954.

325-122. PUBLIC HEARING

Pursuant to and in accordance with the Laws of the State of Wisconsin and this Chapter the Town of West Bend Plan Commission held a public hearing on this Chapter on the 20th day of September 2018 and a second hearing on the 24th day of January 2019.

325-123. PLAN COMMISSION RECOMMENDATION

The Town of West Bend Plan Commission recommended the adoption of this Chapter at a meeting held on the 24th day of February 2019.

325-124. TOWN BOARD APPROVAL

The Town Board of Supervisors concurred with the recommendations of the Plan Commission and adopted this Chapter at a meeting held on the 12th day of February 2019.

|

Appendix A

Exhibit A for Ordinance 2024-06

Series	Land Use	Residential						Business			Special Purpose	Secondary Review
		R-1N	R-1NC	R-1R	R-1RC	R-1S	R-1S/MU	B-1	B-2	M-1	P-1	
1	Residential											
1.01	Assisted living facility							C	C			SP
1.02	Community living arrangement, 8 or fewer residents	P	P	P	P	P						ZP
1.03	Community living arrangement, 9 to 15 residents	C	C	C	C	C						ZP
1.04	Nursing home							P	P			SP
1.05	Single-family dwelling	P	P	P	P	P						ZP
2	Group Accommodations											
2.01	Group recreational camp										C	SP
2.02	Overnight lodging							P				SP
2.03	Resort						C				C	SP
3	Food and Beverage Sales											
3.01	Restaurant						C	P	P			SP
3.02	Tavern						C	P	P			SP
4	Vehicle Sales and Service											
4.01	Vehicle fuel station							P	P	C		SP
4.02	Vehicle repair shop							P	P	P		SP
4.03	Vehicle sales and service							P	P	C		SP
4.04	Vehicle service shop							P	P	C		SP
5	Commercial											
5.01	Adult-oriented establishment									C		SP
5.02	Business incubator							C	C			SP
5.03	Commercial greenhouse									P		SP
5.04	Commercial stable			C	C							SP
5.05	Craft brewery, winery, distillery							P	P			SP
5.06	Equipment rental, large									C		SP
5.07	Equipment rental, small							C	P	C		SP
5.08	Financial service							P	P			SP
5.09	Funeral home							P	C			SP
5.10	Group day care center							C	C			SP
5.11	Healthcare clinic							P	P			SP
5.12	Personal and professional services							P	P	C		SP
5.13	Retail sales, 15,000 square feet or less							P	P			SP

		Residential						Business			Special Purpose	Secondary Review
		R-1N	R-1NC	R-1R	R-1RC	R-1S	R-1S/MU	B-1	B-2	M-1	P-1	
Series	Land Use											
5.14	Retail sales, more than 15,000 square feet							C	C			SP
5.15	Veterinary clinic							P	P	C		SP
6 Recreation and Entertainment												
6.01	Commercial recreation facility, indoor							C	C			SP
6.02	Commercial recreation facility, outdoor							C	C		C	SP
6.03	Golf course										C	SP
6.04	Indoor entertainment							P				SP
6.05	Park, community	C	C	C	C	C					P	SP
6.06	Park, neighborhood	P	P	P	P	P						SP
6.07	Recreational trail	C	C	C	C	C	C				C	SP
6.08	Ski hill										C	SP
7 Institutional												
7.01	Cemetery	C	C	C	C	C		C	C	C	C	SP
7.02	Community center	P	P	P	P	P		P	P			SP
7.03	Community cultural facility							P	P			SP
7.04	Government facility										P	SP
7.05	Place of worship	P	P	P	P	P		P	P			SP
7.06	Public safety facility	C	C	C	C	C		C	C	C	C	SP
7.07	School, K-12	C	C	C	C	C		C	C		C	SP
8 Industrial												
8.01	Artisan shop							C	C			SP
8.02	General repair							C	C	P		SP
8.03	Manufacturing									P		SP
8.04	Recycling center									C		SP
9 Storage												
9.01	Warehouse									P		SP
10 Telecommunications and Utilities												
10.01	Dam	P	P	P	P	P					P	SP
10.02	Stormwater management facilities	P	P	P	P	P	P	P	P	P	P	SP
10.03	Telecommunication, Class 1 collocation and new tower	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	SP
10.04	Telecommunication, Class 2 collocation	P	P	P	P	P	P	P	P	P	P	ZP
10.05	Utility installation, major	C	C	C	C	C		C	C	C	C	SP
10.06	Utility installation, minor	P	P	P	P	P	P	P	P	P	P	SP
10.07	Wind energy system, less than one megawatt	WES	WES	WES	WES	WES	WES	WES	WES	WES	WES	

Series	Land Use	Residential						Business			Special Purpose	Secondary Review
		R-1N	R-1NC	R-1R	R-1RC	R-1S	R-1S/IMU	B-1	B-2	M-1	P-1	
10.08	Wind energy system, one megawatt and more							WES	WES	WES	WES	
11 Agriculture, Resource Uses, and Related												
11.01	Fish hatchery										P	SP
11.02	General agriculture	P	P	P	P						P	
11.03	Growing and sale of Christmas trees			P	P							SP
11.04	Open lands	P	P	P	P	P	P	P	P	P	P	
12 Accessory Uses for All Principal Uses												
12.01	Exterior communications device	P	P	P	P	P	P	P	P	P	P	
12.02	Retaining wall	P	P	P	P	P	P	P	P	P	P	ZP
12.03	Solar energy system, ground-mounted	C	C	C	C	C	C	C	C	C	C	ZP
12.04	Solar energy system, roof-mounted	P	P	P	P	P	P	P	P	P	P	
13 Accessory Uses for Residential Uses												
13.01	Accessory building, residential	P	P	P	P	P						ZP
13.02	Amateur radio tower	P	P	P	P	P	P					ZP
13.03	Backyard chickens	P	P	P	P	P						BC
13.04	Boathouse					P						ZP
13.05	Family day care home	P	P	P	P	P						
13.06	Garage, off-site residential					P						ZP
13.07	Home occupation	P	P	P	P	P						ZP
13.08	Hot tub	P	P	P	P	P						ZP
13.09	Household livestock			P	P							
13.10	Household pets	P	P	P	P	P						
13.11	Keeping of bees	P	P	P	P	P						BK
13.12	Mechanical lift					P						ZP
13.13	Outdoor fireplace	P	P	P	P	P						ZP
13.14	Patio	P	P	P	P	P						ZP
13.15	Pergola	P	P	P	P	P						ZP
13.16	Play structure	P	P	P	P	P						
13.17	Residential fence, perimeter	P	P	P	P	P						ZP
13.18	Residential fence, privacy	P	P	P	P	P						ZP
13.19	Residential fence, sport court	P	P	P	P	P						ZP
13.20	Sport court (residential)	P	P	P	P	P						ZP
13.21	Swimming pool	P	P	P	P	P						ZP
14 Accessory Uses for Other Principal Uses												
14.01	Accessory building, non-residential							P	P	P	P	SP

Series	Land Use	Residential						Business			Special Purpose	Secondary Review
		R-1N	R-1NC	R-1R	R-1RC	R-1S	R-1S/MU	B-1	B-2	M-1	P-1	
14.02	Drive-through window							P	P			SP
14.03	Fence, non-residential							P	P	P		SP
14.04	Outdoor food and beverage service							C	C			SP
14.05	Outdoor play area						C	C	C			SP
14.06	Outside storage, as an accessory use							C		C		SP
14.07	Parking lot (on-site)						P	P	P	P	P	SP
14.08	Tasting room									C		SP
15 Temporary Uses												
15.01	Livestock for vegetation management	P	P	P	P	P	P	P	P	P	P	ZP
15.02	Model home	P	P	P	P							ZP
15.03	Off-premises display of vehicles and equipment							P	P			ZP
15.04	Party tent	P	P	P	P	P						
15.05	Portable storage container	P	P	P	P	P	P	P	P			
15.06	Rummage sale	P	P	P	P	P						
15.07	Sale of vehicles and recreational equipment	P	P	P	P	P						
15.08	Seasonal retail sales							P	P			ZP
15.09	Temporary dwelling unit	P	P	P	P	P						ZP
15.10	Topsoil removal and sale	C	C	C	C	C		C	C	C	C	SP

Key for Zoning Districts:

R-1N Neighborhood Residential; **R-1NC** Neighborhood Residential (Conservation Development); **R-1R** Rural Residential; **R-1RC** Rural Residential (Conservation Development); **R-1S** Shoreland Residential; **R-1S/MU** Shoreland Residential/Mixed-Use; **B-1** Commercial/Mixed-Use; **B-2** Commercial/Mixed-Use; **M-1** Industrial; **P-1** Public and Private Park

Key for Primary Reviews:

P Permitted

C Conditional Use - See below if (1) the parcel is nonconforming, (2) a nonconforming use is currently on the parcel, or (3) there is already a conditional use on the parcel.

TFR Telecommunication Facility Review

WES Wind Energy System Review

Key for Secondary Reviews:

BK Bee Keeping Permit

CK Chicken Keeping Permit

SP Site Plan

ZP Zoning Permit

Special Reviews for Certain Conditional Uses

(1) In the event a lot is classified as a nonconforming lot (e.g., lot area, lot width), all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the nature of the nonconformity does not affect the appropriateness of the lot for the conditional use. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation or the Town Board's decision made under this chapter.

(2) In the event a lot has a nonconforming use, all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the nonconforming use and proposed conditional use are compatible. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation or the Town Board's decision made under this chapter.

(3) In the event a lot has an approved conditional use, all other conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the existing and proposed conditional uses are compatible. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation or the Town Board's decision made under this chapter.

Appendix B. Land Use Summary

(Exhibit C for Ordinance 2024-06)

Series	Land Use
1	Residential
1.01	Assisted living facility Description: 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 common areas for dining and entertainment and limited on-site commercial and medical facilities for the exclusive use of residents. Vehicle Parking: 0.5 space for each dwelling unit, plus 1 space for each employee on the largest work shift Supplemental Standards: (A) Required green space. If an assisted living facility is not located in a commercial zoning district, at least 30 percent of the parcel must remain undeveloped (i.e., landscaped). (B) Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.
1.02	Community living arrangement, 8 or fewer residents Description: Any one of the following with 8 or fewer residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats. Vehicle Parking: 2 spaces Supplemental Standards: (A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.^[1] (B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application. (C) Proximity to same use. A community living arrangement may 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.^[2] 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 § 48.62, Wis. Stats., are exempt from this requirement. (D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.
1.03	Community living arrangement, 9 to 15 residents Description: Any one of the following with more than 8 but fewer than 16 residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

[1] See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] See § 59.69 (15)(a), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed by right in all residential zoning districts.

Vehicle Parking: 4 spaces

Supplemental Standards:

(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.^[1]

(B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(C) Proximity to same use. A community living arrangement may 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.^[2] 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 § 48.62, Wis. Stats., are exempt from this requirement.

(D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.

[1] See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] See § 59.69 (15)(a), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed by right in all multi-family residential zoning districts and with conditional use approval in single-family and two-family zoning districts.

1.04 Nursing home

Description: 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 (1) 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, (2) a hospice as defined in state law, or (3) a residential care apartment complex as defined in state law.

Note: See § 50.01 (3), Wis. Stats.

Vehicle Parking: 1 space for each 6 beds, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of a nursing home, the operator must obtain a license from the state as provided for in § 50.02, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.

(B) Required green space. If a nursing home is not located in a commercial zoning district, at least 30 percent of the lot must remain undeveloped (i.e., landscaped).

(C) Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

1.05 Single-family dwelling

Description: A dwelling consisting of one dwelling unit designed for, converted to, and/or occupied by one household unit and not attached to another dwelling unit.

Vehicle Parking: 2 spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a single-family dwelling is limited to one household unit.

(B) Number of principal dwellings per parcel. No more than one single-family dwelling unit may occupy any single parcel of land.

(C) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(D) Garage requirements. An attached or detached garage must be built concurrently with construction of the single-family dwelling and must be at least 480 square feet, but not more than 50 percent of the floor area of the dwelling unit.

(E) Architectural design. A single-family dwelling must comply with the design standards in § 325.80A.



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(F) Short-term rental. If a single-family dwelling is used as a short-term rental, the property owner must comply with Town of West Bend Ordinance #2019-01, as may be amended.

2 Group Accommodations

2.01 Group recreational camp

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

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) State permit. Prior to the establishment of a group recreation camp, the operator must obtain a permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.^[1]

(B) Minimum lot area. The minimum lot area for a group recreation camp is 10 gross acres.

(C) Density. If campground spaces are provided, the maximum number of individual campsites is 12 per net acre.

(D) Management plan. The owner must submit an onsite management plan to the Town Board and obtain approval of the same.

(E) Access. Campsites must be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.

(F) Separation. Each campsite must be separated from other campsites within the group recreation camp by a yard area not less than 15 feet wide.

(G) Setbacks. A campsite must be at least 50 feet from a road right-of-way and at least 40 feet from any other property boundary.

(H) Screening. A group recreation camp must be completely screened except for permitted entrances and exits by either a temporary planting of fast-growing plant material, capable of reaching a height of 10 feet or more within two years, or a permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years a dense screen will be formed. Such permanent planting must be grown or maintained to a height of not less than 10 feet.

(I) 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 must be designed, operated, and located to inhibit use by non-occupants.

(J) Limitation on addition of features. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, are prohibited within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, are also prohibited. Raised tent platforms are permitted.

(K) Solid waste collection. An off-street area for the collection of solid waste (trash) must be provided within a group recreation camp.

(L) Continuing maintenance. The owner of the group recreation camp must maintain the group recreation camp in a clean and sanitary manner.

[1] See ch. DHS 175, Wis. Admin. Code

2.02 Overnight lodging

Description: A place where individual guest rooms with private bathrooms are offered to transient guests for rent. This use may also include (1) recreational/fitness rooms and a food service area for the exclusive use of guests and (2) banquet facilities for meetings and other gatherings. The term includes hotels and motels but does not include bed and breakfasts, short-term rentals, or tourist rooming houses.

Vehicle Parking: 1 space for each guest room and 1 space for each employee on the largest work shift, plus any required parking for other uses such as restaurants or banquet facilities

Supplemental Standards:

(A) State permit. Prior to the establishment of a hotel or motel, the operator must obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.^[1]

(B) Location of customer entrance. A customer entrance to a hotel or motel that is located on the side or rear of the building must

be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

[1] See ch. DHS 195, Wis. Admin. Code

2.03 Resort

Description: 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. A resort may also include a tavern and restaurant that is open to the public.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) State permit. Prior to the establishment of a resort, the operator must obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.^[1]

(B) Minimum lot area. The minimum lot area for a resort is 20 acres.

(C) Special dimensional standards. Club houses and similar buildings, lodging facilities, and maintenance buildings with a floor area exceeding 1,200 square feet must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(D) Special provision for R-1S/MU district. A resort that has operated in a longstanding and uninterrupted manner in the R-1S/MU district is allowed subject to the restrictions in § 325-29 (A).

[1] See ch. DHS 195, Wis. Admin. Code

3 Food and Beverage Sales

3.01 Restaurant

Description: A place where food and beverages are offered for retail sale for on-site or off-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.

Vehicle Parking: 1 space for every 3 seats (1 seat is equal to 10 square feet of dining floor area), plus 1 space for each employee on the largest work shift, plus 2 dedicated spaces for customer pick-up if offered

Supplemental Standards:

(A) State permit. Prior to the establishment of a restaurant, the operator must obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.^[1]

(B) Alcohol license. If the establishment serves alcohol, the operator must obtain an alcohol license from the Town and maintain the license for the life of the use or until the license is no longer required.

(C) Grease trap. If the premises is connected to public sewer system, a restaurant must have a grease trap unless exempted by the wastewater treatment manager.

(D) Sampling manhole. If the premises is connected to public sewer system, a restaurant must have a sampling manhole unless exempted by the wastewater treatment manager.

(E) Exhaust systems. The exhaust system for a restaurant should be vented through the roof. Venting towards a residential building is prohibited unless there is no other feasible option as determined by the reviewing authority.

(F) Location of entrance. A customer entrance to a restaurant that is located on the side or rear of the building must be located at least 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

(G) Special provision for R-1S/MU district. A restaurant that has operated in a longstanding and uninterrupted manner in the R-1S/MU district is allowed subject to the restrictions in § 325-29 (A).



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3.02 Tavern

Description: A place where fermented malt beverages, wine, or liquor are offered for retail sale for on-site consumption and where food consumption, if any, is clearly secondary and subordinate to the sale of alcoholic beverages. The term includes bar, drinking establishment, lounge, pub, and sports bar.

Vehicle Parking: 1 space for every 3 seats (1 seat is equal to 10 square feet of dining/service floor area), plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Alcohol license. Prior to the establishment of a tavern, the operator must obtain an alcohol license from the Town and maintain the license for the life of the use or until the license is no longer required.

(B) Compliance with state requirements. A tavern must comply with requirements as may be adopted by the state of Wisconsin.

(C) Location of entrance. A customer entrance to a tavern that is located on the side or rear of the building may not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

(D) Special provision for R-1S/MU district. A tavern that has operated in a longstanding and uninterrupted manner in the R-1S/MU district is allowed subject to the restrictions in § 325-29 (A).



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4 Vehicle Sales and Service

4.01 Vehicle fuel station

Description: A place where fuels for cars, motorcycles, and light trucks are offered for retail sale. Ancillary uses are limited to the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs. The term does not include truck stops or similar uses.

Vehicle Parking: 1 space for each 250 square feet of floor area for retail sales, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Street access. A vehicle fuel station must front on and take access off of a collector road or higher classification.

(B) Restroom facilities. If a vehicle fuel station provides restroom facilities, the door to each restroom must be accessed from within the interior of the building in which they are located.

(C) Fuel pump setbacks. A fuel pump must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

(D) Pump island canopy height. The maximum height of a pump island canopy is 18 feet from the surrounding grade.

(E) Fuel canopy setbacks. A pump island canopy must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

(F) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 2 vehicles in front of each pump island.

(G) Lighting. Under canopy lighting is strictly limited to recessed fixtures.

(H) Surface. All vehicle use areas must be concrete or a bituminous material capable of supporting a 4-ton axle load.



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4.02 Vehicle repair shop

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, vehicle upholstery, engine repair and overhauls, and similar activities.



Vehicle Parking: 0.5 space for each service bay, plus 1 space for each employee on the largest work shift

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Supplemental Standards:

(A) Work area. Motor vehicles must be repaired inside of an enclosed building.

(B) Vehicle storage. When a vehicle repair shop is located in a commercial zoning district, no more than 10 motor vehicles may be stored out-of-doors overnight. When located in an industrial zoning district, if otherwise allowed, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.

4.03 Vehicle sales and service

Description: A place where new and used cars, light trucks, and motorcycles are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use to the extent deemed appropriate by the Plan Commission. The display of heavy machinery, construction equipment, recreational vehicles snowmobiles, all-terrain vehicles (ATVs) and similar is not allowed.



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Vehicle Parking: 1 space for each 400 square feet of showroom floor area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of this use, the operator must obtain a motor vehicle dealer license from the Wisconsin Department of Transportation and maintain the license for the life of the use or until the state no longer requires the license.^[1]

(B) Show room. An indoor vehicle display area must be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area must be large enough to display at least 3 motorcycles.^[2]

(C) Setback for display area. Display areas and other activity areas must be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district.

(D) Junk vehicles. Junk vehicles and inoperable vehicles must be kept inside of an enclosed building.

[1] See ch. 218, Wis. Stats.

[2] See § TRANS 138.03 (a), Wis. Admin. Code

4.04 Vehicle service shop

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks are serviced while the owner waits and typically are not left overnight. Examples include quick lube/oil change facilities, tire stores, car washes, and vehicle detailing.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Work area limited. Motor vehicles must be serviced inside of an enclosed building.

(B) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 2 vehicles for each bay, although more may be required as part of the site plan review based on the nature of the service being provided.



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5 Commercial

5.01 Adult-oriented establishment

Description: A place where no more than one of the following are located: adult arcade, adult bath house, adult body painting studio, adult book/video store, adult cabaret, adult massage parlor, adult modeling studio, adult theater, or adult health/sport club.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Legislative findings. The town board makes the following legislative findings regarding adult-oriented establishments:

(1) Negative secondary effects associated with adult, sexually-oriented establishments have been confirmed by the United States Supreme Court in its decisions in, for example, *City of Renton v. Playtime Theatres, Inc.* (475 U.S. 41 (1986)) and by the United States Court of Appeals in its decisions in, for example, *Hang On, Inc. v. City of Arlington* (65 F.3d 1248 (5th Cir., 1995)), *Fantasy*

Ranch v. City of Arlington Texas (459 F.3d 546 (5th Circuit, 2006)), and Andy's Restaurant & Lounge, Inc. v. City of Gary (466 F.3d 550 (7th Cir., 2006)) and such negative secondary effects include, for example, personal and property crimes, prostitution, lewd behavior, assault, public indecency, obscenity, illicit drug use and drug trafficking, potential spread of disease, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

(2) The decisions issued by the appellate courts constitute reliable sources of information that may be reasonably relied upon by the Town Board.

(3) Each of the foregoing negative secondary effects constitutes a harm that the Town has a substantial governmental interest in preventing and/or abating.

(4) Continued regulation of adult-oriented establishments is necessary to limit the aforementioned negative secondary effects associated with adult-oriented establishments and thereby promote the health, safety, and welfare of the Town of West Bend.

(5) The Town Board intends, via this chapter, to establish reasonable regulations on adult-oriented establishments, while preserving free speech pursuant to the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.

(B) 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, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the town. 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 United States 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.

(C) Applicability. Upon any of the following events, an adult-oriented establishment must comply with the provisions of this section:

- (1) the opening or commencement of an adult-oriented establishment;
- (2) the conversion of an existing business, whether or not an adult-oriented establishment, to an adult-oriented establishment;
- (3) the addition of a new adult-oriented establishment to an existing adult-oriented establishment;
- (4) the relocation of an adult-oriented establishment;
- (5) the sale, lease, or sublease of an adult-oriented establishment;
- (6) the transfer of securities which constitute a controlling interest in an adult-oriented establishment, whether by sale, exchange, or similar means; or
- (7) 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.

(D) Exclusions. The provisions of this section do not apply to the following:

- (1) Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber provided the licensed individual is only engaged in performing the normal and customary functions authorized under the license held;
- (2) Any business operated by, or employing a licensed physician or licensed chiropractor while engaged in practicing the healing arts;
- (3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live model(s); or
- (4) An activity sponsored by a school licensed by the State of Wisconsin or a college, junior college or university supported entirely or partly by taxation; or a private college or university that maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Any activity conducted or sponsored by an entity identified in subsection (4) above must meet all of the following requirements:

- (1) The activity must be situated in a structure that has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing; and
- (2) All students participating in the class must be enrolled at least 3 days in advance of the class; and
- (3) Not more than one (1) nude model is on the premises at any one time.

(E) Proximity to another adult-oriented establishment. An adult-oriented establishment may not be located within 500 feet of another adult-oriented establishment.

(F) Proximity to other specified land uses. An adult-oriented establishment may not be located within 600 feet of any of the following:

- (1) public library;
- (2) public playground or park, including nature trails, pedestrian/bicycle paths, or other public lands open for recreational activities;
- (3) educational facility, including K-12 and post-secondary, but not including facilities used primarily for another purpose and used only incidentally at a school;

- (4) state licensed family day care home, group day care home, or day care center;
- (5) worship facility;
- (6) any youth-oriented establishment;
- (7) tavern; or
- (8) any commercial business, other than a tavern, holding a valid liquor license.

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 does not need to relocate. This provision only applies to a renewal of a valid permit or other license. It does not apply when a license or permit expires or when the town terminates this use due to a violation of this chapter.

(G) Measurement of distances. For the purpose of this part, 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 lot line of the parcel with the specified use or to the specified zoning district. If an adult-oriented establishment is located on the first floor of a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). If an adult-oriented establishment is located above the first floor of a multi-tenant building (e.g., shopping center), the measurement is taken from the exterior door on the first floor that is nearest to the adult-oriented establishment, excluding emergency exists. The presence of a city, county, or other political subdivision boundary is be irrelevant for purposes of applying the separation requirements of this part.

(H) Licensing. An adult-oriented establishment must comply with any licensing requirements established by the Town of West Bend.

5.02 Business incubator

Description: A place where multiple start-up companies can operate within a single building for a defined period of time not exceeding two years. While each of the participating companies may have their own defined space, a business incubator will often have office space for the operator and common areas for the start-up companies including conference rooms, co-work areas, an employee lounge, copying and computer services, 3D printers, light machinery, and the like. In addition to a physical space, a business incubator provides access to business resources such as mentors, networking opportunities, training and educational programs, and other forms of material support. A business incubator can be operated by a university or other secondary school, governmental agency, non-profit organization, or private company.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Legislative findings. The regulations in this part are intended to promote opportunities for start-up companies and grow the local and regional economy while protecting the public health and safety.

(B) General standards. All uses must be conducted entirely within an enclosed building unless otherwise approved by the Plan Commission.

(C) Industrial uses. Industrial uses are allowed but may not occupy more than 10 percent of the floor area.

5.03 Commercial greenhouse

Description: 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. Plants grown on site may be sold at retail along with other related merchandise provided the sale of such merchandise is clearly subordinate to the sale of plants.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Light shades. When a greenhouse uses supplemental lighting for growing purposes, shades must be used from sundown to sunrise to prevent sky glow.

(B) Reserved



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5.04 Commercial stable

Description: A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides.

Vehicle Parking: 1 space for each 4 stalls, or equivalent

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a commercial stable is 20 acres.

(B) Not in a subdivision. The parcel with this use may not be located in a platted subdivision.

(C) Number of animals. The number of livestock is based on the lot area as follows: 1 head for the first 3 acres and 1 head for each additional acre over 3.

(D) Buildings. Nonresidential buildings and other structures related to a commercial stable, such as barns, stables, riding arenas, and sheds, are allowed subject to compliance with all other requirements of the zoning regulations.

(E) Location of buildings. A building that houses livestock must be located at least 100 feet from any lot line of any adjoining lot in a district permitting a residential use.

(F) Manure management plan. The property owner must submit a manure management plan to the Plan Commission for review and obtain approval of the same.

(G) Special events. Special events related to a commercial stable, such as horse shows, exhibitions, and contests, may be allowed if otherwise permitted by the Town.



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5.05 Craft brewery, winery, distillery

Description: An establishment where beer, malt beverages, wine, mead, and/or spirits are made in small batches and then sold onsite and distributed off-site. This use may also include a restaurant.

Vehicle Parking: 1 space for each 350 square feet for customer service, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Other licenses/approvals. Prior to establishment of this use, the property owner must obtain all required alcohol licenses/permits from the Town of West Bend and all necessary permits and approvals from the state of Wisconsin as may be required and maintain the permits for the life of the use or until the issuing entity no longer requires the permit.

(B) Limitations on production area. When located in a commercial district (if otherwise allowed), the production area, including storage of raw materials and finished products, is limited to 60 percent of the floor area. When located in an industrial district (if otherwise allowed), there is no limitation on the production area.

(C) Location of entrance. A customer entrance to a craft brewery, winery, distillery that is located on the side or rear of the building must be located at least 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses as the predominant land use.



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5.06 Equipment rental, large

Description: A place where large equipment that is normally stored out of doors is offered for rent or lease. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, excavators, and other types of heavy equipment.

Vehicle Parking: 1 space for each 8,000 square feet of outdoor display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. Outdoor display and storage areas and other activity areas must comply with the building setback standards for the zoning district where the lot is located.

(B) Reserved

5.07 Equipment rental, small

Description: A place where equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are predominantly stored indoors and may include hand tools, party equipment, and lawn and yard equipment.

Vehicle Parking: 1 space for each 450 square feet of floor area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5.08 Financial service

Description: A place where financial and banking services are offered. The term includes banks, savings and loan institutions, other lending institutions, auto title loan businesses, and payday loan businesses.

Vehicle Parking: 1 space for each 250 square feet of floor area

Supplemental Standards:

(A) Proximity to same or other specified use or district. A payday loan business or auto title loan business may not be located within 5,000 feet of another payday loan business or auto title loan business or within 150 feet of a residential zoning district or a planned development district that allows residential uses. For the purpose of this part, the distance is 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 lot line of a parcel in the specified zoning district. The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part. If a payday loan business or auto title loan business was operating on January 1, 2011 and does not comply with the locational standards in this part, such business may continue to operate at that location.^[1]

(B) Reserved

[1] See § 59.69 (4h), Wis. Stats.

5.09 Funeral home

Description: A place where the deceased may be prepared for burial or cremation and people may gather for visitation or funeral ceremonies. The indoor display of funeral equipment may also occur. The term includes mortuaries.

Vehicle Parking: 1 space for each 3 patron seats at the maximum capacity, plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5.10 Group day care center

Description: 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.

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in Series 13.

Vehicle Parking: 1 space for each 3 children the facility is licensed by the state to accommodate, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. An outdoor activity area associated with a group day care center may not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

(B) Reserved



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5.11 Healthcare clinic

Description: A place where medical services are offered and patients do not stay overnight. The term includes dental clinics, medical offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

Vehicle Parking: 1 space for each 250 square feet of floor area

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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5.12 Personal and professional services

Description: An establishment within an enclosed building that provides services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, barber shops,

beauty shops, and fitness studios and instructional studios (e.g., dance, art, martial arts). The term does not include any other use specifically defined in this part.

Vehicle Parking: 1 space for each 350 square feet of display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5.13 Retail sales, 15,000 square feet or less

Description: One or more establishments providing retail services in a single building with a floor area of 15,000 square feet or less. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, photo and film pickup stores, shoe stores, soda and ice cream stores, sporting goods stores, tobacco stores, and variety stores. The term does not include adult-oriented establishments, or any other retail use defined in Appendix B.



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Vehicle Parking: 1 space for each 350 square feet of display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5.14 Retail sales, more than 15,000 square feet

Description: One or more establishments providing retail services in a single building with a floor area of more than 15,000 square feet. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, photo and film pickup stores, shoe stores, soda and ice cream stores, sporting goods stores, tobacco stores, and variety stores. The term does not include adult-oriented establishments, or any other retail use defined in Appendix B.

Vehicle Parking: 1 space for each 350 square feet of display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

5.15 Veterinary clinic

Description: 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.

Vehicle Parking: 1 space for each 400 square feet of floor area

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6 Recreation and Entertainment

6.01 Commercial recreation facility, indoor

Description: An establishment offering recreational activities entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include bowling alleys, arcades, roller rinks, pool halls, and fitness studios and instructional studios (e.g., dance, art, martial arts).

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6.02 Commercial recreation facility, outdoor

Description: An establishment providing recreational activities primarily outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples include outdoor commercial swimming pools, driving ranges, miniature golf, batting cages, amusement parks, drive-in theaters, and water parks. The term does not include golf courses and ski hills.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Hours of operation. The Plan Commission may recommend and the Town Board may establish hours of operation for this use when the operation has the potential to negatively affect surrounding properties.

(B) Site design considerations. The site must be designed to minimize the effects of outdoor lighting and noise on surrounding properties.



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6.03 Golf course

Description: A place where individuals, for a fee or other consideration, play golf outdoors. This use may include one or more buildings and other structures directly related to the operation of this use, such a club house and buildings for housing maintenance equipment, supplies, and related materials.

Vehicle Parking: 36 spaces for each 9 holes of golf, or fraction thereof; plus 1 space for each employee on the largest work shift. If a tavern or restaurant is also part of the golf course facility, the parking requirements of such use is 25 percent of the requirement.

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a golf course is 100 acres.

(B) Proximity to other districts. Club houses and maintenance buildings with a floor area exceeding 1,200 square feet must be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.



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6.04 Indoor entertainment

Description: A place where entertainment is offered within an enclosed building. The term includes theaters, movie theaters, dance halls, and theaters for performing arts. The term does not include adult-use establishments.

Vehicle Parking: 1 space per 3 patrons, plus 1 space for each employee at largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6.05 Park, community

Description: A place set aside for active and passive recreation and leisure facilities and activities. Examples of features in a park include playgrounds, pavilions, community recreation centers, picnic areas with open-sided shelters, multi-purpose trails, ball and racquet fields and courts, indoor and outdoor swimming pools, beaches, boat launches, sledding hills, and ice-skating. A community park is operated by a public entity for the benefit of the general public.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



6.06 Park, neighborhood

Description: A place set aside for passive recreation and other low impact leisure activities. Examples of features include playgrounds, open play fields, picnic areas with open-sided shelters, multi-purpose trails, sledding hills, and ice-skating. A neighborhood park may be operated by a public entity for the benefit of the general public or by a homeowners association for the benefit of its members.

Vehicle Parking: Determined on a case-by-case basis



Supplemental Standards:

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There are no supplemental standards that apply to this specific land use.

6.07 Recreational trail

Description: A linear path, not otherwise part of a public park, that is dedicated to recreational uses such as hiking, biking, cross-country skiing, and horseback riding.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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6.08 Ski hill

Description: A site and associated facilities that has been primarily developed for alpine or Nordic skiing and other snow sports, and that has at least one ski lift. The site may be used for other off-season recreational activities such as downhill mountain biking.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7 Institutional**7.01 Cemetery**

Description: A place where human remains may be buried or interned. Accessory uses may include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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7.02 Community center

Description: 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.

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each 3 patrons at design capacity, whichever is greater, plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.03 Community cultural facility

Description: 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.

Vehicle Parking: 1 space for each 350 square feet of floor area or 1 space for each 3 patrons at design capacity, whichever is greater, plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.04 Government facility

Description: A facility operated by a governmental entity that provides a service to the public.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.05 Place of worship

Description: A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, and health care facilities.

Vehicle Parking: 1 space for each 4 patrons at design capacity, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Street access. The primary access for a worship facility with 600 seats or more must be off of a collector road.

(B) Floor area ratio. When located in a residential zoning district, the maximum floor area ratio for a worship facility is 35 percent.



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7.06 Public safety facility

Description: A place where public safety services are offered. The term includes ambulance services, fire stations, police stations, and jails. The term does not include correctional facilities.

Vehicle Parking: 1 space for each 500 square feet of office area, plus 1 space for each employee on the largest work shift, plus 1 space for each vehicle normally parked on the premises

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.07 School, K-12

Description: A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, and high schools.

Vehicle Parking: 0.5 space for each (K-8) classroom; 1 space for each 8 students (grades 9-12) at design capacity, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Temporary buildings. A temporary building may be used as a classroom when an existing facility is being renovated or when school enrollment exceeds the capacity of the existing facility, provided such building complies with all building code requirements.

(B) Reserved



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8 Industrial**8.01 Artisan shop**

Description: 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, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small furniture and other similar wooden items, candles, soaps, and lotions.

Vehicle Parking: 1 space for each 400 square feet of display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Generally. When an artisan shop is located in a commercial zoning district, all materials and activities, except loading and unloading, must be conducted entirely within an enclosed building.

(B) Demonstrations and workshops. The operator may conduct demonstrations and workshops within the confines of the building provided attendance at the event or function does not create a demand for parking spaces that is greater than the number provided on site.



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8.02 General repair

Description: A place where consumer goods such as shoes, bicycles, furniture, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.

Vehicle Parking: 1 space for each 500 square feet of floor area

Supplemental Standards:

(A) Work area limited. All activities related to this use must occur within an enclosed building, except when the parcel of land is located in an industrial zoning district (if otherwise allowed there).

(B) Reserved



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8.03 Manufacturing

Description: A place where products or goods are produced within an enclosed building and any smoke, dust, noise, or odor related to such activities are confined within the building. This use may include administrative offices and storage of raw materials and finished goods as a subordinate use. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Restriction on location of manufacturing processes. All manufacturing processes must be conducted entirely within an enclosed building.

(B) Location of outdoor activity areas. Outdoor activity areas must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(C) Material storage. Materials may be stored out of doors, provided such areas are sufficiently screened as determined by the Plan Commission.



8.04 Recycling center

Description: A place where recoverable materials, which have been removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, and plastic. The term does not include salvage yard.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Compliance with other requirements. In addition to meeting the requirements in this part, a recycling center must comply with all county, state, and federal regulations that may apply.

(B) Location of materials and activities. All materials and activities, including unloading of materials, must be conducted entirely inside of an enclosed building.

9 Storage

9.01 Warehouse

Description: A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.

Vehicle Parking: 1 space for each employee on the largest work shift, plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(A) Setback of outdoor storage area. Outdoor storage areas and other activity areas must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(B) Control of fugitive dust. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, should be addressed.



10.01 Dam

Description: An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam may include appurtenant works, such as dikes, canals, and a powerhouse.

Vehicle Parking: 1 space if needed for maintenance and inspections

Supplemental Standards:

(A) State and federal compliance. A dam must comply with all state and federal rules and regulations.

(B) Removal. A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.

(C) Safety. The owner of the dam must comply with the safety measures required in § NR 33.07 (3), Wis. Admin. Code.

(D) Termination of use. If the zoning administrator determines that a dam has not been operational for a continuous period of 12 months, the administrator must initiate proceedings to formally terminate the approval.

10.02 Stormwater management facilities

Description: A natural or manmade feature that collects, conveys, channels, holds, infiltrates, inhibits, or diverts the movement of stormwater.

Supplemental Standards:

(A) Design. Stormwater management facilities must be designed consistent with the Town's standards in the municipal code.

(B) Maintenance. Stormwater management facilities must be maintained to ensure they continue to serve their intended purposes and design.



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10.03 Telecommunication, Class 1 collocation and new tower

Description: A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities or the placement of a new mobile service facility on an existing support structure which constitutes a substantial modification.

Note: This definition is based on the corresponding definitions in § 66.0404, Wis. Stats.

Vehicle Parking: 1 space

Supplemental Standards:

(A) Legislative findings. The Town Board makes the following legislative findings with regard to telecommunication towers providing mobile telecommunication services:

(1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269(1)) that imposed limits on local municipalities with respect to regulating telecommunication facilities within their jurisdictions.

(2) The federal government adopted the Telecommunications Act of 1996 which established various requirements relating to telecommunication facilities.⁽¹⁾

(3) The regulations in this part are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities.

(4) The regulations in this part are intended to accomplish the following purposes, to the fullest extent permitted by law (a) protect the visual character of the Town from the potential adverse effects of telecommunication facilities; (b) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided; (c) create and preserve telecommunication facilities that will serve as an important and effective part of the Town's emergency response network; (d) minimize the number of towers by requiring collocation; and (e) avoid damage to adjoining properties by establishing setback standards.

(B) Federal requirements. A telecommunication tower must comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any 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.

(C) Single parcel. The fall zone and all structures related to the telecommunication facility must be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

(D) Setbacks. The center of the tower may not be located closer to a property boundary line than the height of the tower. If the lot



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hosting the proposed tower is not located adjacent to a parcel where a single-family residence may be located and the applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the fall zone must be the smaller calculated area, unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

^[2] The fence around anchor points for a guyed tower must be located at least 25 feet from a property boundary line.

(E) Security fencing. A tower and related equipment compound consisting of equipment buildings, shelters, and cabinets, must be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points must be enclosed by a security fence.

(F) Lighting. A tower or any attachment may not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration (FAA), or another federal authority. Any required lighting must be the least obtrusive to the surrounding views.

(G) Aesthetic requirements. All users of the Town right-of-way must comply with the following aesthetic standards:

(1) In areas where facilities are currently nonexistent or underground, undergrounding is required.

(2) No new above-ground structures, including collocations on existing structures, may be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.

(3) Attachments to existing structures must be designed to be flush with the existing structure as much as can reasonably be done, must be a color that matches the existing structure and must be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment must be modified to match the new color.

(4) Any party objecting to the requirements of this subsection has the opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law as set forth in this part.

(H) Equipment buildings. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet must be covered with building materials typically used on buildings found in the area.

(I) Emergency power system. A backup generator may be placed within the equipment compound.^[3]

(J) Identification sign. An identification, sign no larger than 18 inches by 24 inches, must be placed in a visible location near the base of the tower that lists (1) the name of the tower owner, (2) the Federal Communications Commission identification number, and (3) a telephone number to contact in case of an emergency.

(K) Accommodation of other users on new towers (collocation). A tower over 150 feet in height, along with the tower site and all support facilities and appurtenances, must accommodate at least two additional users, unless the zoning administrator 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 must 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 zoning administrator must 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 must be removed and the site restored within 90 days of such determination.

(L) Requirement for collocation. A new tower shall only be permitted if the applicant demonstrates with a sworn statement that collocation on an existing or planned tower 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.^[4] If the applicant does not provide such analysis and sworn statement, the application for a new tower must be denied.^[5]

(M) Collocation review. The collocation of an antenna or antenna array on an existing tower is permitted subject to site plan, building plan, and plan of operation review.

(N) Landscaping. Landscaping must be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the Plan Commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Plan Commission may waive this landscape requirement or defer the requirement to a later date.

(O) Lease agreement. If the operator of the telecommunication tower does not own the land where the facility is to be located, the property owner and the operator must execute a lease agreement prior to any land-disturbing activity. Such agreement is binding on future property owners and future operators and must address the rights and responsibilities of each party with respect to subs. (Q) and (R) in this part.

(P) Ongoing maintenance. The subject property must be maintained and kept in a good condition, so as not to become a nuisance as determined by the Plan Commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site must be kept clear of junk and debris.

(Q) Termination of approval. If the zoning administrator determines that the tower is unsafe or otherwise defective or that the tower

has not hosted an operational antenna for a continuous period of 12 months, the administrator must initiate proceedings to formally terminate the approval. Within 90 days after the date of termination, the property owner must remove the tower, equipment cabinets, and all related equipment and improvements that are part of its communication facilities and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the specified period, the Town has the right to use the financial guarantee as required by this section to pay for such work.

(R) Financial guarantee. Prior to issuance of a building permit authorizing construction of a tower, the applicant must submit a financial guarantee to the Town in a form acceptable to the Town Board. The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the Town to remove the tower, equipment compound, and related site improvements and restore the site to the satisfaction of the zoning administrator.^[6] The financial guarantee will be held until the tower, equipment compound, and related site improvements are removed and the site is restored to the satisfaction of the zoning administrator.

(S) Third-party consultant. The zoning administrator may, at the applicant's expense, hire a third-party consultant to conduct an objective analysis of the submitted materials including the application, calculation of the fall zone, and certification that collocation is not possible. The third-party consultant may not charge the applicant for any travel expenses incurred in such review.^[7]

(T) Duration of approval. The approval authorizing a telecommunication tower runs with the land and is binding on successors in interest.^[8]

[1] See § 704 of the act in particular

[2] See § 66.0404 (2)(g), Wis. Stats.

[3] See § 66.0404 (4)(j), Wis. Stats.

[4] See § 66.0404 (2)(b)6, Wis. Stats.

[5] See § 66.0404 (2)(e), Wis. Stats.

[6] See § 66.0404 (4)(f), Wis. Stats.

[7] See § 66.0404 (4)(f), Wis. Stats.

[8] See § 66.0404 (4)(n), Wis. Stats.

10.04 Telecommunication, Class 2 collocation

Description: The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.

Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Vehicle Parking: No additional parking is required if there is 1 space for the existing tower

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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10.05 Utility installation, major

Description: 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, water towers, electric transmission lines with a design capacity of 110kV or more, and underground pipelines.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Building materials. If a major utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, such building must be compatible with residential buildings in regard to design and exterior materials.

(B) Reserved



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10.06 Utility installation, minor

Description: 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.

Vehicle Parking: NA

Supplemental Standards:

(A) Building materials. If a minor utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, such building must be compatible with residential buildings in regard to design and exterior materials.

(B) Reserved



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10.07 Wind energy system, less than one megawatt

Description: A wind energy system that has a nominal capacity less than one megawatt (1,000 kilowatts).

Supplemental Standards:

(A) Standards. A wind energy system must comply with the standards as set forth in ch. PSC 128, Wis. Admin. Code.

(B) Reserved

10.08 Wind energy system, one megawatt and more

Description: A wind energy system that has a nominal capacity of at least one megawatt (1,000 kilowatts).

Supplemental Standards:

(A) Standards. A wind energy system must comply with the standards as set forth in ch. PSC 128, Wis. Admin. Code.

(B) Reserved.

11 Agriculture, Resource Uses, and Related

11.01 Fish hatchery

Description: A place where game fish are reared and then released into a lake or stream in the area. A fish hatchery may be operated by the Wisconsin Department of Natural Resources or a recognized conservation organization.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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11.02 General agriculture

Description: 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. Buildings and other structures necessary for the operation are allowed. The term does not include commercial stables.

Vehicle Parking: NA

Supplemental Standards:

(A) Prohibitions. Filling of wetlands is prohibited along with the creation of new artificial drainage systems or the extension or expansion of existing artificial drainage systems.

(B) Number of livestock. One animal unit, in any combination of animals, is allowed for each 2.5 acres on parcels that are less than 20 acres. For farm operations existing as of insert date of adoption, 2024, there is no limitation on livestock when the parcel is 20 acres or larger.

(C) Livestock in subdivisions. The keeping of livestock is prohibited in a platted subdivision, except on an outlot within a residential subdivision developed as a conservation development.



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11.03 Growing and sale of Christmas trees

Description: A place where Christmas trees are grown and then sold to customers at retail. Customers may cut their own tree or purchase one that has been precut.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Minimum lot area. The minimum lot are for this use is 5 acres.

(B) Not in a subdivision. The parcel with this use may not be located in a platted subdivision.

(C) Parking areas. Parking areas must be located and configured to minimize potential conflicts with surrounding properties.

11.04 Open lands

Description: Undeveloped land that is kept and managed in a natural state for the purpose of forest management; game management; protection of habitat, environmental features, scenic qualities, and land forms; biodiversity; and protection of flora and fauna. Such lands may include forests, woodlots, prairies, natural grasslands, and wetlands.

Vehicle Parking: NA

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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12 Accessory Uses for All Principal Uses

12.01 Exterior communications device

Description: An antenna used to capture wireless telecommunication signals.

Supplemental Standards:

(A) General standards. The maximum height of a ground-mounted exterior communications device is 10 feet above the surrounding ground surface. A building-mounted exterior communications device shall not extend more than 10 feet above the roofline.

(B) Reserved



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12.02 Retaining wall

Description: A nearly vertical wall intended to hold back earth materials.

Supplemental Standards:

(A) Maximum height. The maximum height of a retaining wall is 6 feet, measured from the surrounding grade to the top of the wall.

(B) Terrace separation. If multiple retaining walls are used, the minimum separation for the space (i.e., terrace) between the walls is 3 feet, measured from the back of the top course to the face of the lowest course above grade.

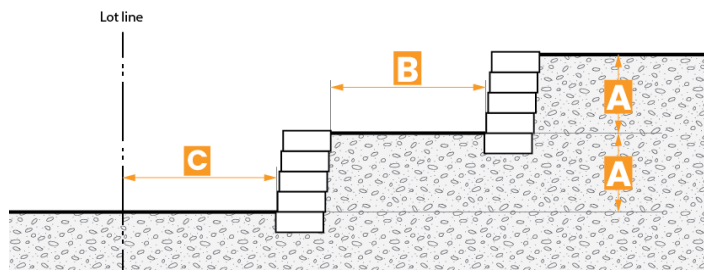
(C) Distance to lot line. There is no minimum setback from lot lines.

(D) Engineering required on certain walls. An engineer licensed to work in Wisconsin must design the retaining wall when the overall height of the retaining wall exceeds 5 feet and when the height is more than the distance from the lot line to the back of the upper-most top course.

(E) Stormwater. A retaining wall may not obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.



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12.03 Solar energy system, ground-mounted

Description: An installation that is mounted on the ground and uses sunlight to produce electricity or provide heat or hot water to an existing building on the property where it is located.

Supplemental Standards:

(A) Surface area. The surface area of a ground-mounted solar energy system must not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.

(B) Maximum height. A ground-mounted solar energy system in any position must not exceed 15 feet in height as measured from the surrounding grade.

(C) Setback. A ground-mounted solar energy system in any position must not extend into the setback of a street yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. The Plan Commission may allow a ground-mounted solar energy system to extend into a setback when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(D) Placement in yards. A ground-mounted solar energy system located in a residential or business zoning district can only be located in the rear or side yard. The Plan Commission may approve a ground-mounted solar energy system in the street yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an agricultural or industrial zoning district may be located in any yard area.

(E) Certification. A ground-mounted solar energy system must be certified by (1) Underwriters Laboratories, (2) National Renewable Energy Laboratory, (3) Solar Rating and Certification Corporation, or (4) other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(F) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(G) Termination of use. If the zoning administrator determines that a ground-mounted solar energy system has not been operational for a continuous period of 12 months, the administrator must initiate proceedings to formally terminate the approval.

(H) Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401 (1m), Wis. Stats. On a case-by-case basis, if the restrictions in this part are found not to comply with the authority of § 66.0401 (1m), Wis. Stats., they are not required. The Plan Commission has the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the Town pursuant to § 66.0401 (1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.



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12.04 Solar energy system, roof-mounted

Description: An installation that is attached to the roof of a building that uses sunlight to produce electricity or provide heat or hot water to a building.

Supplemental Standards:

(A) Maximum surface area. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.

(B) Maximum height. A building-mounted solar energy system must comply with the maximum height requirements of the zoning district in which the building is located.

(C) Placement on a flat roof. The panels of a solar energy system that are mounted on a flat roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.

(D) Placement on a pitched roof. A solar energy system mounted on a pitched roof must be designed and installed to match the shape, proportion, and slope of the roof.

(E) Certification. A solar panel must be certified by (1) Underwriters Laboratories, (2) National Renewable Energy Laboratory, (3) Solar Rating and Certification Corporation, or (4) other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(F) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(G) Termination of use. If the zoning administrator determines that more than 50 percent of the panels (measured by total area) have not been operational for a continuous period of 12 months, the administrator must initiate proceedings to formally terminate the approval.

(H) Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401 (1m), Wis. Stats. On a case-by-case basis, if the restrictions of this part are found not to comply with the authority of § 66.0401 (1m), Wis. Stats., they



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shall not be required. The Plan Commission has the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the Town pursuant to § 66.0401 (1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

13 Accessory Uses for Residential Uses

13.01 Accessory building, residential

Description: A detached building customarily found with a residential use as an accessory use. The term includes greenhouses, detached garages, sheds, gazebos, pool cabanas, saunas, and the like.

Supplemental Standards:

(A) Number and floor area. The number of residential accessory buildings and the floor area must comply with standards in Appendix C.

(B) Standards for lake lots. For lake lots, a residential accessory building may be located in the street yard or side yard. One open-sided gazebos, not to exceed 300 square feet, and one boathouse are the only residential accessory buildings allowed in the shore yard.

(C) Standards for non-lake lots. For non-lake lots, a residential accessory building may be located in the side- and rear-yards. A residential accessory building may be located in the street-yard provided (1) the property owner clearly shows that environmental constraints and limitations (e.g., steep slopes) preclude the placement in the side- and rear-yards; (2) the proposed building is located within 100 feet of the principal building; (3) the proposed building complies with the setback requirements for a principal building; and (4) the building is located and, if necessary, screened to ensure, to the greatest degree practicable, the building does not detract from the appearance of the lot in general or the principal building in particular, or negatively affect the property values and quality of life of adjoining property owners. A residential accessory building may be located in the secondary street yard, provided it complies with the setback requirements for a principal building.

(D) Exterior materials. Exterior materials for a residential accessory building with a floor area of more than 128 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(E) Prohibition on specific materials. Soft-sided structures and canopies are prohibited. Shipping containers, portable on demand storage containers, buses, heavy-duty trucks and their bodies, semi-trailers, freight containers, mobile homes, and similar items which are no longer in use for their designated purpose are prohibited.

(F) Rooflines. The roof lines of a residential accessory building with a floor area of more than 128 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(G) Plumbing fixtures. Plumbing in a residential accessory building is prohibited.

(H) Habitation. A residential accessory building may not be used for habitation.



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13.02 Amateur radio tower

Description: An antenna and related support structure used to send and receive telecommunications for noncommercial purposes.

Supplemental Standards:

(A) Legislative findings. The purpose of this section is to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including: (1) minimizing the unnecessary detriment to the aesthetic quality of the Town and its landscape; (2) preserving the character of various neighborhoods within the Town; (3) preserving the values of properties within the Town; (4) providing for adequate review of designs and installation of facilities that may pose substantial risk of collapse if improperly designed, installed, or maintained; (5) protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities; and (6) assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.

(B) FCC compliance. The amateur radio tower and the operation of the amateur radio service using such antenna shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission (FCC).

(C) Number. Not more than one support structure for licensed amateur radio operator shall be allowable on the parcel.

(D) Height. The antenna may not exceed 70 feet in height above grade measured at the center point of the highest part of the antenna or mast. An amateur radio tower and its antenna exceeding 70 feet in height above grade measured at the center point of the highest part of the antenna or mast is reviewed as a conditional use.

(E) Location. An amateur radio tower, including its antenna and support structure, that is designed, engineered, and constructed to fall within the boundaries of the parcel upon which it is sited, including those attached to the principal building, shall comply with the side yard and rear yard setbacks for the zoning district within which it is located. All other amateur radio towers, including associated antenna and support structures, must be setback a distance equal to 100 percent of its total height from: (1) any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road; (2) any overhead utility lines, unless written permission is granted by the affected utility; and (3) any property lines, unless written permission is granted from the affected landowner. The amateur radio tower, including its antenna and support structure, must be located within the rear yard or secondary street yard on a double-frontage lot and shall not be located within any required setback.

(F) Ground equipment. Ground mounted electrical and control equipment must be labeled or secured to prevent unauthorized access.

(G) Wiring. All electrical wires associated with the amateur radio tower and its antenna and support structure must be located underground.

(H) Anti-climbing. Anti-climbing measures must be incorporated into the amateur radio tower and its antenna and support structure as needed, to reduce potential for trespass and injury.

(I) Lighting. The amateur radio tower and its antenna and support structure may not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(J) Appearance, color, and finish. The amateur radio tower and its antenna and support structure shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. The support structure shall comply with the same requirements as accessory structures in the zoning district.

(K) Waiver of standards. Upon petition, the zoning administrator may waive the height and location requirements of this part if effective communications cannot be obtained due to compliance with these standards. Such determination must be based on a report from a licensed professional engineer familiar with amateur radio operations, or an Extra Class licensed amateur radio operator, other than the owner, that effective communications cannot be obtained by facilities in compliance with the standards. The zoning administrator must keep a record of all waiver requests.

13.03 Backyard chickens

Description: A place where chickens are kept for the use and enjoyment of those living on the premises.

Note: Also see household livestock, which is considered a separate and distinct accessory use.

Supplemental Standards:

(A) Number. The maximum number of chickens that may be kept is based on the lot area of the subject property as follows:

- less than 1 acre: 4
- 1.0 to 1.99 acres: 8
- 2.0 to 3.49 acres: 12
- 3.5 to 4.99 acres: 16

(B) Roosters. The keeping of roosters and crowing hens is prohibited.

(C) Enclosure requirements. Chickens must be kept in a chicken coop which consists of an open-air pen with (at least 7 cubic feet for each chicken) and an enclosure with roosting boxes (at least 3 square feet for each chicken). The re-use of storage containers, vehicles or parts thereof, and similar objects for a chicken coop is prohibited. The use of dilapidated corrugated metal, dilapidated sheet metal, plastic, polymer or tarp-type material, pallets, scrap materials, and/or similar materials is prohibited.

(D) Size restrictions. A chicken coop may not exceed 100 square feet and 6 feet in height as measured from the surrounding grade to the highest point.

(E) Location. A chicken coop may not be located in the street yard or primary street yard on a corner lot or double frontage lot. A chicken coop must be located at least 25 feet from any residential building on an adjacent lot and at least 15 feet from any side or rear lot line. Further, a chicken coop may not obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.

(F) Level of care. Chickens must be kept in a sanitary condition and have fresh water and adequate amounts of food at all times. Chickens must be secured within a chicken coop from sunset to sunrise. Chickens may not roam free outside of a chicken coop, or roam off of the subject property. A dog, cat, or other domesticated animal that kills a chicken off of the permitted property



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shall not, for that reason alone, be considered a dangerous or aggressive animal.

(G) Predators. The chicken coop must be a predator-proof and rodent-resistant.

(H) Slaughter of chickens. Chickens raised and kept on the subject property for food shall not be slaughtered in view of adjoining properties.

(I) Sale of eggs. Eggs laid by the chickens may be sold on site, provided all applicable rules and regulations are met. For the purposes of the Town's zoning regulations, such sales are not considered a commercial use or a home occupation.

(J) DATCP registration. The property owner must register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) as required by state law and maintain registration for so long as may be required.

(K) Waste management. Chicken waste must be properly disposed of in a timely manner.

(L) Discontinuance. A chicken coop that is abandoned or its use discontinued for the keeping of chickens for a period of 365 consecutive days must be removed from the premises by the property owner. Modifications of a chicken coop for some other use is prohibited.

13.04 Boathouse

Description: A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.

Supplemental Standards:

(A) Floor area counted. The floor area of a boathouse is counted in terms of the allowable floor area on a given lot.

(B) Compliance with shoreland regulations. A boathouse must comply with the standards in the county's shoreland regulations as they apply, including § 275-5 (C).



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13.05 Family day care home

Description: A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.

Note: See § 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed in Series 5.

Vehicle Parking: NA

Supplemental Standards:

(A) State license. Prior to the establishment of a family day care home, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.

(B) Reserved

13.06 Garage, off-site residential

Description: A free-standing garage located on a garage lot that is intended for motor vehicles, boats, yard equipment, and household items belonging to the property owner.

Supplemental Standards:

(A) Ownership of lots. The garage lot and the lake lot must be, and remain, in the same ownership.

(B) Location of lots. The garage lot must fully front on the road providing access to the lake lot and be must be generally opposite the lake lot but not more than 5 feet off of the lake lot side lot line.

(C) Number. The lake lot is limited to one garage lot.

(D) Special construction standards. The garage must be fully enclosed (i.e., walled). Roof eaves may not extend more than 2 feet beyond the face of the wall.

(E) Floor area. The floor area of the garage is based on the size of the lot consistent with lot the dimensional standards in Appendix C.

(F) Special setbacks. In the event, a garage, no larger than 432 square feet, cannot be constructed on a garage lot because of the established setbacks for accessory buildings, the Plan Commission can establish a lesser setback on a case-by-case basis, but not less than 5 feet for side and rear yards and 15 feet for street yard. In making its determination, the Plan Commission must obtain a recommendation from the Town's engineer that the reduced street yard setback will not interfere with the Town's ability to provide appropriate road access, road maintenance, and/or stormwater management. If the Plan Commission approves a lesser setback as allowed in this part, the property owner must adopt a deed restriction, as approved by the zoning administrator, which prohibits the

parking of any vehicle between the edge of the road and the front face of the garage from November 1 through April 15.

(G) Outside storage. Motor vehicles may only be kept on the hard surfaced area in front of the garage, subject to any potential restrictions in subsection G of this part. No items or materials of any kind may be stored out-of-doors on the garage lot.

(H) Deed restriction. Prior to issuance of a building permit for an off-site residential garage, the property owner must record a deed restriction with the Washington County register of deeds office, as approved by the zoning administrator, that (1) prohibits the sale of the garage lot separately from the lake lot to which it is associated (i.e., both lots must be sold together) and (2) stipulates that the Town Board is a party to the deed restriction and has the right to enforce the terms of the deed restriction.

13.07 Home occupation

Description: An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the premises, and which by their nature, appearance, and inherent operational activities and characteristics, are compatible in a residential setting. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not

include the display of any goods nor such occupations or uses as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.



Supplemental Standards:

(A) Validity of use. The individual primarily responsible for operating the home occupation must reside in the dwelling unit on the parcel.

(B) Location and space limitation. The home occupation shall not exceed 25 percent of the area of any floor.

(C) Exterior character of building. The exterior character of the building housing the home occupation must not be altered to accommodate such use.

(D) Storage of materials. Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

(E) Limitation on number of on-site workers. The number of individuals working on-site is limited to those individuals living in the dwelling unit.

(F) Retail sales. Retail sale of merchandise is prohibited.

(G) Limitation on customer traffic. A home occupation may not generate more than 10 customer trips per business day, which is determined to be an acceptable level of non-residential traffic in residential neighborhoods.

(H) Nuisance. A home occupation may not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.

(I) Multiple home occupations. More than one home occupation may be permitted on a single lot provided all of the general requirements set forth in this part can be met based on an accumulation of activities.

13.08 Hot tub

Description: A large container for holding heated water for the purpose of relaxation, hydrotherapy, or socialization. They are equipped with built-in heating systems, jets, and filtration systems to maintain water temperature, cleanliness, and hygiene.

Supplemental Standards:

(A) Location. A hot tub must comply with the yard requirements for principal buildings in the zoning district in which they are located.

(B) Fencing. A hot tub must be surrounded by a fence not less than 4 feet or more than 6 feet in height with a self-latching gate. A tightly closed cover may be provided in lieu of fencing with a gate.

(C) Draining of water. No water drained from a hot tub shall be discharged onto or into any on-site sanitary sewerage system, public sewerage system, or directly into a navigable body of water or wetland.

(D) Outdoor lighting. No lighting installed around a hot tub shall throw any rays onto adjacent properties.

13.09 Household livestock

Description: A place where livestock are kept primarily for the use and enjoyment of those living on the premises and occasional commercial purposes.

Note: Also see backyard chickens, which is considered a separate and distinct accessory use.

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for household livestock is 5 acres.

(B) Not in a subdivision. Household livestock are not allowed in a platted subdivision, with the



exception of conservation developments as set forth in the Town's zoning code.

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(C) Number. The number of livestock is limited to one animal unit for each 2.5 acres of land. Livestock on existing farms, 20 acres or more in area shall not be subject to the 1 animal unit per 2.5-acre limitation. For the purposes of this part, one animal unit is defined as:

- One horse, cow, or similar large animal in size, over six months of age.
- One sheep, goats, or similar animal over six months of age.
- 10 rabbits or hares over two months of age.
- 10 chickens, ducks, geese, or similar fowl over two months of age.

Combinations of the above are permitted provided that they do not exceed one animal unit per 2.5 acres.

13.10 Household pets

Description: The keeping of no more than 4 household pets (4 months of age or older) such as dogs and cats.

Supplemental Standards:

(A) Licensing. Dogs must be licensed with the Town of West Bend.

(B) Status as a building. A free-standing dog enclosure with a roof not exceeding 48 square feet does not count as a building with regard to the maximum number of or floor area of accessory buildings allowed on a parcel.

(C) Location. A free-standing dog enclosure must be at least 15 feet from the rear or side lot line. A dog enclosure, run, or housing is not permitted in either the street yard, the primary street yard on a corner lot or double frontage lot, or the shore yard.



13.11 Keeping of bees

Description: The keeping of bees for production of honey and pollination of plants.

Supplemental Standards:

(A) Generally. No bees shall be intentionally kept and maintained other than Mason bees or Honeybees.

(B) Water supply. An ever-present supply of water must be provided for all hives.

(C) Swarming. 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.

(D) Special requirements for residential lots. On residential lots:

1. No more than two colonies may be kept on a residential zoning lot.^[1]
2. Hives shall not be located on vacant lots.
3. Hives shall be located in the back or rear yard in a sunny location.
4. No hive shall be located closer than 10 feet from any property line of a residential district lot.
5. No hive shall be located closer than 10 feet from a public sidewalk or 25 feet from a principal structure on an abutting lot in different ownership.
6. The area around the hive(s) shall be kept clean of hive scrapings to avoid attracting wasps, nuisance insects, and animals.
7. Signage shall be posted informing that bees are kept on the property. Such signage shall (a) be no smaller than seven inches by 10 inches and printed in a font size clearly legible to the general public; (b) be placed at locations visible to all adjoining parcels; (c) be posted to a fence or semi-permanent post at a height no lower than 4 feet and no higher than 6 feet; (d) be made of aluminum, heavy-duty plastic, or vinyl laminate; (e) be composed of black writing on a yellow background; and (f) include the words 'Caution' or 'Warning' in large block letters at the top and 'Bees', 'Honeybees', 'Beehives', or similar below.
8. A flyway barrier at least 6 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.



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[1] One colony can produce 50 to 100 lbs. of honey per year.

13.12 Mechanical lift

Description: A motor-powered carriage that travels along parallel rails to transport persons up and down a slope.

Supplemental Standards:

- (A) Location.** A mechanical lift is only allowed in the shore yard where (1) the slope has a ratio of at least two feet horizontal to one foot vertical, (2) the slope is unstable, or (3) there are naturally-occurring rock outcroppings or boulders.
- (B) Setbacks.** A mechanical lift must be at least 3 feet from the lot line.
- (C) Width.** The maximum width of the carriage is 4 feet.
- (D) Height.** A mechanical lift must be placed as close to the ground surface as possible in order to minimize their height and visibility.
- (E) Landings.** A landing may be located at the top and bottom of the mechanical lift, provided the landing does not exceed 25 square feet in area and there are no attached benches, chairs, seats, tables, or similar amenities.
- (F) Coverings.** A mechanical lift may not have a canopy or roof of any kind.
- (G) Compliance with shoreland regulations.** A mechanical lift must comply with the standards in the county's shoreland regulations as they apply.

13.13 Outdoor fireplace

Description: A free-standing fireplace (with a chimney) that is located out of doors. An outdoor fireplace may be located within or next to a deck or patio.

Supplemental Standards:

- (A) Location.** An outdoor fireplace is not allowed in the street yard or closer than 10 feet to a side or rear lot line.
- (B) Reserved**



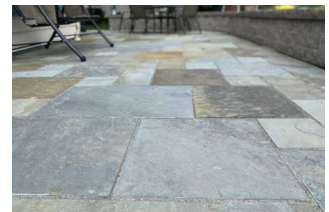
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13.14 Patio

Description: A hard-surfaced area used for outdoor living such as dining and lounging.

Supplemental Standards:

- (A) Location.** A patio must be at least 3 feet from a lot line.
- (B) Reserved**



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13.15 Pergola

Description: A structure with columns that support a grid of beams and perpendicular rafters (i.e., dimensional lumber placed on edge). A pergola may be free-standing or attached to an exterior wall of a building. By definition, a pergola does not have a roof and is therefore not a building.

Supplemental Standards:

- (A) Location for free-standing pergola.** A free-standing pergola is not allowed in the street yard or any closer than 6 feet to the side and rear lot lines for lots less than 90 feet in width at the proposed location or 16 feet to the side and rear lot lines for lots that are 90 feet in width or more at the proposed location.
- (B) Location for attached pergola.** An attached pergola must comply with the building setback standards for the zoning district where the lot is located.
- (C) Height.** A free-standing pergola may not be more than 12 feet above the surrounding grade.



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13.16 Play structure

Description: A playhouse and recreational equipment, such as swings, slides, basketball hoops, and jungle gyms, normally found in a residential setting.

Supplemental Standards:

(A) Location. A play structure must comply with the setback standards for accessory buildings for the zoning district where the lot is located.

(B) Status as a building. A play structure with a roofed area not exceeding 64 square feet does not count as a building with regard to the maximum number of buildings allowed on a parcel.



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13.17 Residential fence, perimeter

Description: A fence placed around the perimeter of a residential lot.

Supplemental Standards:

(A) Height for side and rear yards. The maximum height of a fence or wall within required side and rear setbacks is 6 feet.

(B) Height for street yard or primary street yards. The maximum height of a solid fence or wall within a required street yard or primary street yard setback is 3 feet. A fence located in a required street yard or primary street yard setback may be increased to a maximum height of 4 feet if open, decorative, ornamental fencing materials that are less than 50 percent opaque are used or to a maximum height of 5 feet if open, decorative, ornamental fencing materials that are less than 20 percent opaque are used.

(C) Measurement. The height of fences and walls are measured at grade.

(D) Distance to property lines. A fence in a residential district must be at least 5 feet from a road right-of-way. Fences may be placed up to the side and rear lot lines.

(E) Materials. Fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to the provisions of this chapter. Fences and walls located in the street yard or primary street yard must be made of materials such as wood, brick, vinyl, or stone.

(F) Prohibited materials. Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on farms existing at the time of adoption of this part.

(G) Orientation. All non-decorative posts, horizontal supports, cross-members, and the like must be oriented inward to the lot on which the fence is located.

(H) Placement in utility easement. A perimeter fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority (1) may remove such fence at the property owner's expense, (2) is not liable for any damage to the fence, and (3) is not responsible for the reconstruction of the fence.

(I) Placement in drainage easement. A perimeter fence may not be located within a drainage easement unless the zoning administrator determines that the fence will not restrict the flow of stormwater and the easement holder does not object.

(J) Fencing as a private nuisance. Nothing in this part may be construed to permit a fence that constitutes a private nuisance under § 844.10, Wis. Stats.

(K) Farms. Fences on farms adjoining residential parcels must be screened by a non-electric fence with no less than 2 feet of space separating the fences. The owners of any adjoining residential parcel must be notified in writing prior to the construction or installation of an electric fence.

(L) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.



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13.18 Residential fence, privacy

Description: A solid or partially solid fence placed around an outdoor patio or other private area on a residential property.

Supplemental Standards:

(A) Size. The maximum area to be enclosed by a privacy fence is 250 square feet.

(B) Location. A privacy fence is only allowed in the side and rear yard and must be at least 10 feet from the lot line.

(C) Height. A privacy fence may not exceed 8 feet in height as measured from the surrounding grade to the top of the fence material (i.e., not the fence post, pole, or column). In this regard, the surrounding grade may not be altered so as to raise the overall height of a fence above the grade.

(D) Materials. A privacy fence may be solid.

(E) Orientation. All non-decorative posts, horizontal supports, cross-members, and the like must be oriented inward to the lot on which the fence is located.

(F) Placement in utility easement. A privacy fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority (1) may remove such fence at the property owner's expense, (2) is not liable for any damage to the fence, and (3) is not responsible for the reconstruction of the fence.

(G) Placement in drainage easement. A privacy fence may not be located within a drainage easement unless the zoning administrator determines that the fence will not restrict the flow of stormwater and the easement holder does not object.

(H) Fencing as a private nuisance. Nothing in this part may be construed to permit a fence that constitutes a private nuisance under § 844.10, Wis. Stats.

13.19 Residential fence, sport court

Description: A fence placed on one or more sides of a sport court on a residential property.

Supplemental Standards:

(A) Location. A fence for a sport court may not be placed in the street yard or the side- or rear-yard building setback.

(B) Height. A sport court fence may not exceed 12 feet in height as measured from the surrounding grade to the top of the fence material (i.e., not the fence post, pole, or column). In this regard, the surrounding grade may not be altered so as to raise the overall height of a fence above the grade.

(C) Materials. Fence materials above 6 feet in height must be an open woven wire (e.g., chainlink).

(D) 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.

(E) Placement in utility easement. A sport court fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority (1) may remove such fence at the property owner's expense, (2) is not liable for any damage to the fence, and (3) is not responsible for the reconstruction of the fence.

(F) Placement in drainage easement. A sport court fence may not be located within a drainage easement. Upon written petition, the zoning administrator 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.

(G) Fencing as a private nuisance. Nothing in this part may be construed to permit a fence that constitutes a private nuisance under § 844.10, Wis. Stats.

13.20 Sport court (residential)

Description: A hard-surfaced area located out of doors used exclusively for basketball, tennis, volleyball, pickleball, or other similar sports-related activity. This term does not include any portion of a private driveway that is also used for a sport-related use.

Supplemental Standards:

(A) Use. Those using the sport court are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the sport court by others is strictly prohibited.

(B) Location. A sport court may not be located in a street yard or shore yard. A sport court must be at least 7 feet from a side or rear lot line.

(C) Fence. A sport court may include a fence on one or more sides as specified in Appendix A and B.

(D) Outdoor lighting. Outdoor lighting for a sport court must comply with any standards established by the Town.



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13.21 Swimming pool

Description: Any structure, portable or permanent, containing a body of water 36 inches or more in depth, intended for recreational purposes, but not including a wading pool, an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming.

Supplemental Standards:

(A) Location. A swimming pool must comply with the yard requirements for principal buildings in the zoning district in which they are located.

(B) Fencing required. A swimming pool must be surrounded by a fence not less than 4 feet or more than 6 feet in height with a self-



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latching gate. Sidewalls of an above-ground pool 4 feet high may be used in lieu of a fence. For an above-ground pool, a tip-up ladder may be provided in lieu of a gate.

(C) Pool cover. A pool cover may be used, but does not satisfy the fencing requirement.

(D) Draining of water. No water drained from a swimming pool shall be discharged onto or into any on-site sanitary sewerage system, public sewerage system, or directly into a navigable body of water or wetland.

(E) Outdoor lighting. Outdoor lighting installed around a swimming pool may not throw any rays onto adjacent properties.

14 Accessory Uses for Other Principal Uses

14.01 Accessory building, non-residential

Description: An accessory building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises. The term includes detached garages, storage sheds, greenhouses, and the like.

Supplemental Standards:

(A) Number and floor area. The number of non-residential accessory buildings and the floor area must comply with standards in Appendix C.

(B) Exterior materials. Exterior materials for a non-residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(C) Prohibition on specific materials. Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for greenhouses.

(D) Rooflines. The roof lines of a non-residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(E) Plumbing fixtures. Plumbing in a non-residential accessory building is prohibited.

14.02 Drive-through window

Description: An opening in a building through which patrons are served while remaining in a motor vehicle.

Supplemental Standards:

(A) 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 or a planned development district that allows residential uses.

(B) Crosswalks. A pedestrian crosswalk must be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.

(C) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 4 vehicles per lane for a pharmacy, 2 vehicles per lane for a financial institution, and 6 vehicles per order box for a restaurant although more may be required as part of the site plan review based on the nature of the service being provided.

(D) Noise. Noise associated with an intercom or speaker shall not be audible at any lot line.

(E) Menu board. A restaurant may incorporate a menu board consistent with the sign regulations.



14.03 Fence, non-residential

Supplemental Standards:

(A) Height for side and rear yards. The maximum height of a fence or wall shall not exceed eight feet except in required street yard and primary street yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.

(B) Height for street yard or primary street yards. A fence located in a required street yard or primary street yard setback may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50 percent opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20 percent opaque are used.

(C) Boundary fence. A boundary fence or wall shall not be more than 6 feet in height in residential districts and not more than 12 feet in commercial and industrial districts, except that hedges, shrubbery, trees lines, and other such natural barriers may grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of 3 feet in height between the street yard or primary street yard setback line and the abutting lot lines.

(D) Sound barrier/privacy fence or wall on a roadway. A sound barrier/privacy fence or wall constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a residential property abutting an arterial or collector street that has access restrictions and that is posted at no

more than 45 miles per hour, shall not exceed eight feet in height.

(E) Height for schools. There is no height restriction for fences around schools.

(F) Measurement. The height of fences and walls are measured at grade. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

(G) Distance to property lines. Fences in non-residential districts shall be set back no less than 2 feet from the property line.

(H) Materials. Fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to the provisions of this part. Fences and walls located in the street yard or primary street yard must be made of materials such as wood, brick, vinyl or stone. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.

(I) Prohibited materials. Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on farms existing at the time of adoption of this Chapter.

(J) Farms. Fences on farms adjoining residential parcels must be screened by a non-electric fence with no less than two feet of space separating the fences. The owners of any adjoining residential parcel shall be notified in writing prior to the construction or installation of an electric fence.

(K) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.

(L) Exceptions. Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions in this part, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than 7 feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.

14.04 Outdoor food and beverage service

Description: An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can eat and drink.

Supplemental Standards:

(A) Maximum size of service area. The size of the outdoor service area must not be more than 50 percent of the service area of the brewpub, restaurant, or tavern.

(B) Location of service area. The outdoor service area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area must not be located in a public right-of-way, a required landscape area, or the building setback for a street yard, side yard, shore yard, or rear yard.

(C) Consistency with alcohol license. Alcohol may not be served or consumed within the outdoor service area unless the alcohol license issued by the Town, explicitly states that consumption is permitted within the outdoor service area.

(D) Entrance to service area if alcohol is served. If alcohol is served, and upon recommendation of the police chief, the entrance or entrances to the outdoor service area must be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence must be erected to prevent entry to the outdoor service area by any other means. An emergency access gate may be provided if required by state law.

(E) Restroom requirements. The restroom facilities in the brewpub, restaurant, or tavern must be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.

(F) Hours of operation. The outdoor service area may not remain open after the close of the brewpub, restaurant, or tavern.

(G) Outdoor lighting. Festoon lighting (i.e., lamps wired to a flexible cable) may be placed above the approved outdoor service area, provided (1) the lighting is only used when the outdoor service area can be used, (2) each bulb does not produce more than 200 lumens, and (3) the lighting levels at the property boundary line complies with the standards as may be adopted by the Town.



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14.05 Outdoor play area

Description: An outdoor area on the same lot as a brewpub, restaurant, or tavern where customers can participate in outdoor games including cornhole, horseshoes, basketball, volleyball, dodgeball, and the like, but not pickleball. The outdoor play area may be used for pickup games, league play, and tournaments.

Supplemental Standards:

(A) Nature of use. The outdoor play area may be used for pickup games, league play, and tournaments.

(B) Location of play area. The outdoor play area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor play area must not be located in a required landscape area or the building setback area of the side yard, shore yard, or rear yard.

(C) Consistency with alcohol license. Alcohol may not be served or consumed within the outdoor play area unless the alcohol license issued by the Town, explicitly states that consumption is permitted within the outdoor play area.

(D) Entrance to play area if alcohol is served. If alcohol is served, and upon recommendation of the police chief, the entrance or entrances to the outdoor play area must be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence must be erected to prevent entry to the outdoor play area by any other means. An emergency access gate may be provided if required by state law.

(E) Hours of operation. The outdoor play area may not remain open after the close of the brewpub, restaurant, or tavern or 9:00 pm, whichever is earlier, unless the Plan Commission determines a later time is acceptable given the nature of the use and the potential effects on surrounding properties.

(F) Fence. An outdoor play area may include a (sport court) fence on one or more sides as specified in Appendix A and B.

(G) Outdoor lighting. Outdoor lighting for an outdoor play area must comply with any standards adopted by the Town.

(H) Parking for league play and tournaments. The outdoor play area may not be used for league play or tournaments when demand for parking is greater than what can be accommodated on site or with on-street parking in front of the subject property, if otherwise allowed.

14.06 Outside storage, as an accessory use

Description: The storage of materials and equipment out-of-doors as an accessory use.

Supplemental Standards:

(A) Required landscaping in B-1 district. When located in the B-1 zoning district, the application must include a landscaping plan showing the proposed landscaping around the perimeter of the outdoor storage area. Such landscaping must consist of 120 landscape points for every 100 feet or fraction thereof. Plant species can be selected from the table in § 325-95 (G). At least 60 percent of the landscape points must consist of evergreen trees and shrubs. The Plan Commission as part of this review may allow a lesser standard but not less than half of what is otherwise required upon a determination that such screening is not needed given the nature of the adjoining use or when a solid fence is proposed. In granting such consideration, the Plan Commission can require the planting of those plants elsewhere around the perimeter in addition to what is otherwise required in those areas.

(B) Stacking height in B-1 district. When located in the B-1 zoning district, the maximum height of any object within the outdoor storage area is 16 feet.

(C) Location in B-1 district. When located in the B-1 zoning district, the outdoor storage area can only be located in the side yard or rear yard.

(D) Maximum area in B-1 district. When located in the B-1 zoning district, the area for outdoor storage may not exceed 7 times the size of enclosed buildings on the subject property.

(E) Limitation on stored materials in B-1 district. When located in the B-1 zoning district, the items kept in the outdoor storage area are strictly limited to inventory for retail or wholesale trade.

14.07 Parking lot (on-site)

Description: A hard-surfaced area use for parking of vehicles associated with the principal use together with driveways and travel aisles.

Supplemental Standards:

(A) General design requirements. A parking lot must comply with the design standards in the zoning regulations as applicable.

(B) Location. A surface parking lot is not be subject to the setback and other yard requirements of a structure.



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14.08 Tasting room

Description: A place within a brewery, winery, or distillery where customers may sample, purchase and consume wine, beer or spirits on the premises as an accessory use.

Vehicle Parking: 1 space for each 250 square feet of floor area devoted to this use

Supplemental Standards:

(A) Limitation on floor area. The tasting room may not occupy more than 25 percent of the floor area of the building.

(B) Reserved

15 Temporary Uses

15.01 Livestock for vegetation management

Description: Keeping of sheep and/or goats on a temporary basis for controlling undesirable plant species such as buckthorn, honeysuckle, invasive rose, garlic mustard, and reed canary grass.

Supplemental Standards:

(A) Vegetation management plan. A vegetation management plan must be submitted that describes (1) the areas to be treated; (2) the nature and extent of the plant species to be controlled; (3) the number of livestock being used; (4) the time periods when livestock will be used, not to exceed 30 days in a calendar year; (5) the type of fencing used, and (6) other operating characteristics. The Town reserves the right to request a third-party review of the proposed management plan.

(B) Buildings. No permanent buildings may be erected or installed on the subject property for housing the livestock.

(C) Fencing. Fencing may be temporarily installed while livestock are kept on the subject property.



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15.02 Model home

Description: A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Duration. A model home must be closed out when all of the houses or units in the development are sold and/or leased.

(B) Parking for special promotions. The property owner may not hold a special promotion when demand for parking is greater than what can be accommodated on site or with on-street parking in front of the subject property if otherwise allowed.



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15.03 Off-premises display of vehicles and equipment

Description: The display of vehicles and equipment that is intended for marketing purposes.

Supplemental Standards:

(A) Location. Any items offered for sale must be located at least 5 feet from any lot line.

(B) Reserved

15.04 Party tent

Description: A nonpermanent tent that is associated with a temporary event that is permitted under the zoning code.

Supplemental Standards:

(A) Duration. A party tent may not be erected for more than 7 continuous days.

(B) General standards. A party tent must be properly anchored and meet all building and fire code requirements.

(C) Status as a building. A party tent does not count as a building with regard to the maximum number of accessory buildings and/or floor area allowed on a parcel.



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15.05 Portable storage container

Description: An enclosed metal container that is used to temporarily store household items and similar goods.

Supplemental Standards:

(A) Number. No more than one portable storage structure is allowed.

(B) Size limitation. The portable storage structure may not be more than 10 feet wide, 20 feet long, and 10 feet high.

(C) Duration. The portable storage structure may not remain at a property for more than 90 days.

(D) Setback. The portable storage structure must be setback a minimum of 5 feet from all lot lines.

(E) Separation to building. The portable storage structure must be setback a minimum of 5 feet from the nearest wall of a building.

(F) Pad required. The portable storage structure must be placed on a paved or gravel surface.



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15.06 Rummage sale

Description: A temporary event where used household items are offered for retail sale. A flea market is not a yard sale.

Note: Also known as garage sale or yard sale.

Supplemental Standards:

(A) Duration. A yard sale may not exceed 4 consecutive days in length or be conducted more often than three times per calendar year.

(B) Reserved



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15.07 Sale of vehicles and recreational equipment

Description: The intermittent sale of automobiles, trucks, vans, motorcycles, boats, snowmobiles, personal watercraft, self-contained motorized campers, and camping trailers as an accessory use to a principal use. The sale of such items is limited to those that have been titled and registered to an individual living on the property and had been operated for personal use.

Supplemental Standards:

(A) Limits on what can be offered. All items posted for sale must be operable and owned and, where applicable, licensed or titled to one or more of the members of the household owning and/or occupying the property from which such items are for sale.

(B) Number of items. No more than 2 items may be available and advertised for sale at any one time.

(C) Placement. All items that are available and advertised for sale must be located outside of all public street or highway rights-of-way and not closer than 10 feet from the side lot lines.

(D) Time limits. The time period during which a particular item is available and advertised for sale may not exceed 20 consecutive days and not more than 3 such periods per year.



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Advisory notes:

1. Individuals may sell up to 5 of their own vehicles each year without a dealer license from the Wisconsin Department of Transportation.

15.08 Seasonal retail sales

Description: Retail sales of products, including but not limited to Christmas trees, nursery products, or agricultural produce, or special event celebrations.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(A) Duration. The retail sales must not exceed the number of days specified in the temporary use permit.

(B) Location. The display of products need not comply with the setback standards for the zoning district, provided that no display is located within a right-of-way or restrict the vision clearance requirements.



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15.09 Temporary dwelling unit

Description: A dwelling unit situated on a lot, parcel, or tract, along with a primary dwelling unit, that provides a temporary residence for the residents of the associated primary dwelling unit that has been deemed uninhabitable due to fire, flood, or other disaster, or is under construction or undergoing substantial repairs or reconstruction. The temporary residence is only allowed while the primary residence is undergoing new construction or repair.

Supplemental Standards:

(A) Occupancy. The person who will occupy the new residence must occupy the temporary residence during the construction period.

(B) Duration. The temporary residence must be removed from the property within 4 months of final occupancy of the new residence, or within 2 years from the date of issuance of the building permit for the new residence, whichever occurs earlier.

(C) Financial guarantee and agreement. Prior to issuance of the building permit for the new residence, the Town Board must enter into a written agreement with the property owner which gives the town the right to access the property and remove the temporary residence using funds from a financial guarantee provided by the property owner, if the temporary residence is not removed as required in this part. The agreement and financial guarantee must be in a form acceptable to the Town Board and the financial guarantee must be in an amount that is equal to 120 percent of the cost to remove the temporary residence and restore the site to a condition acceptable to the building inspector.

(D) Types of temporary residences not allowed. A mobile home, camper, or RV may not be used as a temporary residence.

15.10 Topsoil removal and sale

Description: A place where topsoil is removed and temporarily stored for no more than 3 years. The topsoil must be derived from an on-site land development project and/or be used on site.

Supplemental Standards:

(A) Hours of operation. When the topsoil stockpile is located in a residential zoning district, equipment used to load, move, or process materials may only be used between 8:00 a.m. and 5:00 p.m.

(B) Term of use. The Plan Commission may grant a special exception to allow the use to operate an additional 2 years (i.e., beyond the initial term) if the operation has complied with all applicable terms of the approval, the zoning code, and any other rule or regulation.



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Exhibit D for Ordinance 2024-06

Appendix C
Dimensional Standards

	R-1N	R-1NC	R-1R	R-1RC	R-1S - Existing Lots	R-1S - New Lots	R-1S/MU	B-1	B-2	M-1	P-1
Lot Standards											
Lot area, minimum (See § 325-137, Definitions)	1.5 acres with a base density of one unit per 2.5 acres	1 acre with a base density of one unit per 2.5 acres and additional density as allowed per § 325-26 (F)	2.5 acres with a base density of one unit per 3.5 acres	1 acre with a base density of one unit per 3.5 acres and additional density as allowed per § 325-27(F)	10,000 square feet for sewerred lots and 20,000 square feet for unsewered lots, per § NR 115.05 (1)(a)1.	10,000 square feet for sewerred lots and 20,000 square feet for unsewered lots, per § NR 115.05 (1)(a)1.	10,000 square feet for sewerred lots and 20,000 square feet for unsewered lots, per § NR 115.05 (1)(a)1.	2 acres	1 acre	1 acre	None
Lot width, minimum (See § 325-137, Definitions)	120 feet	120 feet	120 feet	120 feet	Average of 65 feet for sewerred lots; average of 100 feet for unsewered lots, per § NR 115.05 (1)(a)1	Average of 65 feet for sewerred lots; average of 100 feet for unsewered lots, per § NR 115.05 (1)(a)1	Average of 65 feet for sewerred lots; average of 100 feet for unsewered lots, per § NR 115.05 (1)(a)1	150 feet	100 feet	125 feet	None
Lot frontage, minimum (See § 325-137, Definitions)	66 feet	66 feet	66 feet	66 feet	50 feet	66 feet	66 feet	66 feet	66 feet	66 feet	66 feet
Building Standards											
Principal building height, maximum (See § 325-Definitions)	35 feet	35 feet	35 feet	35 feet	22 feet for a predominantly flat or slightly pitched roof on a lot that is 50 feet or less in width at the building line 25 feet for a gable, hip, or gambrel roof on a lot that is 50 feet or less in width at the building line 25 feet for a predominantly flat or slightly pitched roof on a lot that is wider than 50 feet at the building line 35 feet for a gable, hip, or gambrel roof on a lot that is wider than 50 feet at the building line Note: (1) For the purpose of measuring the lot width, the measurement is taken at the building face closest to the lake shore. (2) The height of the basement is excluded if less than 50 percent of the foundation wall is exposed	35 feet	35 feet	35 feet	35 feet	45 feet	35 feet
Accessory building height, maximum	20 feet	20 feet	20 feet	20 feet	12 feet for sidewall facing the street and 13 feet (mean) on sidewall facing the side lot line	20 feet	20 feet	35 feet	35 feet	35 feet	35 feet
Accessory building floor area, maximum								No maximum	No maximum	No maximum	No maximum
Less than 1 acre	864 square feet	864 square feet	864 square feet	864 square feet	864 square feet	864 square feet	864 square feet				
1 acre to 1.99 acres	1,200 square feet	1,200 square feet	1,200 square feet	1,200 square feet	1,200 square feet	1,200 square feet	1,200 square feet				
2 acres to 2.99 acres	1,400 square feet	1,400 square feet	1,400 square feet	1,400 square feet	1,400 square feet	1,400 square feet	1,400 square feet				
3 acres to 4.99 acres	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet				
5 acres to 6.99 acres	2,000 square feet	2,000 square feet	2,000 square feet	2,000 square feet	2,000 square feet	2,000 square feet	2,000 square feet				
7 acres and larger	7,000 square feet, none larger than 2,000 square feet	7,000 square feet, none larger than 2,000 square feet	7,000 square feet, none larger than 2,000 square feet	7,000 square feet, none larger than 2,000 square feet	7,000 square feet, none larger than 2,000 square feet	7,000 square feet, none larger than 2,000 square feet	7,000 square feet, none larger than 2,000 square feet				
Living area, minimum (See § 325-137, Definitions)	1,500 square feet	1,500 square feet	1,500 square feet	1,500 square feet	1,200 square feet with at least 600 square feet on first floor	1,200 square feet with at least 950 square feet on first floor	1,200 square feet with at least 600 square feet on first floor	NA	NA	NA	NA

	R-1N	R-1NC	R-1R	R-1RC	R-1S - Existing Lots	R-1S - New Lots	R-1S/MU	B-1	B-2	M-1	P-1
Principal Building Setbacks											
Street or primary street setback, minimum	50 feet	50 feet	50 feet	50 feet	25 feet	50 feet	75 feet	50 feet	50 feet	50 feet	25 feet
Side setback, minimum (See § 325-137, Definitions)	25 feet	25 feet	30 feet	30 feet	7 feet	25 feet	10 feet	25 feet	25 feet	25 feet	10 feet
Rear setback, minimum (See § 325-137, Definitions)	50 feet	50 feet	50 feet	40 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Shore setback, minimum (See § 325-137, Definitions)	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet
Accessory Building Setbacks											
Street setback, minimum	50 feet	50 feet	50 feet	50 feet	25 feet	50 feet	75 feet	50 feet	50 feet	50 feet	25 feet
Side setback, minimum	25 feet	25 feet	25 feet	25 feet	7 feet	10 feet	Existing setback	25 feet	25 feet	25 feet	10 feet
Rear setback, minimum	25 feet	25 feet	25 feet	25 feet	7 feet	10 feet	Existing setback	25 feet	25 feet	25 feet	10 feet
Shore setback, minimum	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	NA	NA	NA	75 feet
Other Standards											
Impervious surface, maximum (See § 325-137, Definitions)	20 percent	20 percent	20 percent	20 percent	NA	NA	NA	50 percent outside of shoreland	50 percent outside of shoreland	75 percent outside of shoreland	20 percent outside of shoreland
Separation between principal and accessory buildings, minimum	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Separation between accessory buildings, minimum	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	10 feet	10 feet	10 feet	10 feet
Separation from lot line to driveway, minimum	5 feet	5 feet	5 feet	5 feet	3 feet	3 feet	5 feet	5 feet	5 feet	5 feet	5 feet

Key for Districts: **R-1N** Neighborhood Residential; **R-1NC** Neighborhood Residential (Conservation Development); **R-1R** Rural Residential; **R-1RC** Rural Residential (Conservation Development); **R-1S** Shoreland Residential; **R-1S/MU** Shoreland Residential/Mixed-Use; **B-1** Commercial/Mixed-Use; **B-2** Commercial/Mixed-Use; **M-1** Industrial; **P-1** Public and Private Park