



Winnebago County  
Planning & Zoning  
Department

**ORDINANCE REVISION OVERVIEW**

1. **Chapter 13 (LWCD) Cross Compliance Reference Addition. (23.1-10)**  
PAGE 1-3
2. **Accessory Area Definition Revision. (Article 3-1)**  
PAGE 3-1
3. **Campground Space Definition Revision. (Article 3-42)**  
PAGE 3-5
4. **Living Space Definition Revision. (Article 3-114)**  
PAGE 3-10
5. **Sign, Directional Definition Revision. (Article 3-197)**  
PAGE 3-16
6. **Agricultural, General Definition Revision. (23.3-2 -1.03)**  
PAGE 3-20
7. **Truck Stop Definition Revision. (23.3-2 -7.02)**  
PAGE 3-24
8. **Vehicle Fuel Station Definition Revision. (23.3-2 -7.03)**  
PAGE 3-24
9. **Commercial Kennel Definition Revision. (23.2-2 -9.04)**  
PAGE 3-25 to 3-26
10. **Commercial Solar Energy System Definition Revision. (23.3-2 -12.01)**  
PAGE 3-28 to 3-29
11. **Backyard Chickens Definition Revision. (23.3-2 -17.04)**  
PAGE 3-33
12. **Residential Solar Energy System, Building Mounted Definition Revision. (23.3-2 -17.47)**  
PAGE 3-36
13. **Residential Solar Energy System, Free-Standing Definition Revision. (23.3-2 -17.48)**  
PAGE 3-36
14. **Storage Container Definition Revision. (23.3-2 -17.49)**  
PAGE 3-36
15. **Utility Cabinet Definition Revision (23.3-2 -17.52)**  
PAGE 3-36
16. **Portable Storage Container Definition Revision. (23.3-2 -18.10)**  
PAGE 3-38

17. Zoning Administrator Appointment Deletion. (23.4-52)  
PAGE 4-5
18. Zoning Map Amendment Due to Annexation Deletion. (Article 7, Division 2)  
PAGE(S) 7-5 to 7-6
19. Conditional Use Commentary Revision (<sup>90</sup> Commentary. Bottom of Page 7-17)  
PAGE 7-17
20. Conditional Use Amendment Revision. (23.7-123)  
PAGE 7-18
21. Suburban Residential (R-2) Zoning District Explanation Revision. (23.8-22)(a)(4).  
PAGE 8-2
22. Exhibit 8-1 Revisions.  
PAGE(S) 8-6 to 8-11
23. Exhibit 8-1 Note Revisions. [25]  
PAGE 8-12
24. Measurement of Lot Area Revision. (23.8-62(c)(1))  
PAGE 8-15
25. Setback Averaging for Street Yard Setbacks Revision. (23.8-65(d))  
PAGE 8-17
26. Exhibit 8-2 Revisions.  
PAGE(S) 8-22 to 8-40
27. Exhibit 8-2 Note Revisions.  
PAGE(S) 8-22 to 8-40
28. Special Provisions for Residential Land Uses - Use, Storage, & Placement of a Recreational Vehicle Revision. (23.8-85)  
PAGE 8-41
29. Greenhouse Special Standards Addition. (23.8-234)  
PAGE 8-45
30. Commercial Solar Energy System Special Standards Addition. (23.8-371)  
PAGE 8-62
31. Telecommunication Facility, Unconcealed Special Standards Revision. (23.8-374(o))  
PAGE 8-66
32. Boathouse Special Standards Revision. (23.8-447)  
PAGE 8-80
33. Fence Location Special Standard Revision (23.8-456)  
PAGE 8-83
34. Garage, Nonresidential Special Standard Addition. (23.8-458)  
PAGE 8-84
35. Garage, Off-Site Residential Special Standard Addition. (23.8-459)  
PAGE 8-84

36. Garage, Residential Special Standard Addition. (23.8-460)  
PAGE 8-84
37. Greenhouse Special Standards Addition. (23.8-463)  
PAGE 8-85
38. Residential Solar Energy System, Building Mounted Special Standards Addition. (23.8-487)  
PAGE 8-90
39. Residential Solar Energy System, Free-Standing Special Standards Addition. (23.8-488)  
PAGE 8-90
40. Microwave Radio Path Overlay District Deletion. (Article 8, Division 12)  
PAGE(s) 8-96 to 8-98
41. Off-Premise Directional Sign (Billboard) Revision. (23.12-12)  
PAGE 12-11
42. **WDNR Required** -EC/Stormwater Permitting Requirements, Procedures, & Fees Revision. (Section 15)  
PAGE 15-18
43. Storm Water Management Plan Spelling Correction. (Section 16)  
PAGE 15-20



*Winnebago County*

*Chapter 23*

***Town/County Zoning Code***

## Chapter 23 Town/County Zoning

### Article

---

1. General Provisions
2. Interpretation and Construction
3. Definitions
4. Administrative Bodies
5. Reserved
6. General Review Requirements
7. Specific Review Procedures and Requirements
8. Land Use
9. Buffer Yards and Landscaping
10. Reserved
11. Parking
12. Signs
13. Nonconformities
14. Enforcement
15. Erosion Control and Stormwater

### Appendix

---

- A. Mapping Requirements
- B. Microwave Radio Path Height Elevations

**23.1-10 Additional local regulations**

In addition to meeting the regulations contained in this chapter, development shall comply with all applicable regulations in the general code for Winnebago County, including the following chapters:

- (1) Chapter 18 Subdivision and Platting
- (2) Chapter 20 Non-Metallic Mining Reclamation
- (3) Chapter 24 Wittman Regional Airport Zoning Code
- (4) Chapter 26 Floodplain Zoning Code
- (5) Chapter 27 Shoreland Zoning Code
- (6) Chapter 28 Stormwater Management and Construction Site Erosion Control

In all cases, the strictest of the applicable provisions shall apply.

**In addition, any land use involving the Land and Water Conservation Department shall comply with Chapter 13 of the Winnebago County general code.**

Land located in the vicinity of the Outagamie County Regional Airport may also be subject to additional land use regulations as may be adopted by Outagamie County under s. 114.136, Wis. Stats.

**23.1-11 No defense to nuisance action**

Compliance with the standards and requirements in this chapter shall not constitute an absolute defense to an action to abate a public or private nuisance.

**23.1-12 Applicability to public entities**

This chapter shall apply to all publicly-owned land to the fullest extent allowed by state and federal law. When a public entity undertakes any development that is exempted from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

**23.1-13 Applicability to projects under the purview of the Public Service Commission**

This chapter shall apply to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law.<sup>4</sup> The Planning and Zoning Committee or the Board of County Supervisors, or both, may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

---

<sup>4</sup> Commentary: See s. 196.491(3)(i), Wis. Stats., and also *American Transmission Co., LLC v. Dane County*, 2009 WI App. 126

**ARTICLE 3  
DEFINITIONS**

**Sections**

23.3-1	General definitions	
23.3-2	Land use definitions	

**23.3-1 General definitions**

(a) **Words and phrases not defined.** Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it’s most reasonable application. Any word or phrase relating to livestock facilities that is used in this chapter but which is not defined in this article shall have the meaning given in s. ATCP 51.01 (Livestock Facility Siting), Wis. Admin. Code.

(b) **Words and terms defined.** For the purpose of this chapter, certain terms and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

**A**

- (1) **Accessory area** The floor area of an accessory structure or combination of accessory structures, whether attached or detached from the principal structure. When calculating this area the following areas are exempt from contributing: stairwells when leading to a separate floor of the principal structure; and rooms with direct access into the principal structure provided that they have the amenities (e.g. electrical, heating and cooling, plumbing, etc) of living space and do not have characteristics of accessory structures such as a garage door(s). **For the purpose of this section, direct access is an opening into the principal structure's first floor, or any floor above the first floor, which allows for ingress and egress to and from livable areas of the principal structure by person(s) occupying the principal structure. Direct access is provided by a door(s) or patio door(s). (In contrast see Living space)**
- (2) **Accessory building** See Building, accessory
- (3) **Accessory land use** See Land use, accessory
- (4) **Adult arcade** An establishment where coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to 5 or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- (5) **Adult bath house** An establishment which provides the services of baths, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities.
- (6) **Adult body painting studio** An establishment wherein patrons are afforded an opportunity to paint images on another person’s body which is wholly or partially nude. An adult body painting studio shall not be deemed to include a tattoo parlor.
- (7) **Adult book/video store** An establishment that as one of its principal business purposes offers for sale, lease, or rental any of the following (1) books, magazines, periodicals, or other printed matter that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; (2) photographs, paintings, or other visual renderings that are distinguished or characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas; (3) films, motion pictures, video cassettes, video reproductions, DVDs, CD-ROMs, or similar media that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; (4) games,

- (41) **Caliper** The diameter of a tree, measured at a point 6 inches above the ground line if the resulting measurement is not more than 4 inches. If the resulting measurement is more than 4 inches, the measurement is taken 12 inches above the ground line.<sup>7</sup>
- (42) **Campground space** A designated portion of a campground that is rented for the exclusive use of its occupants. A campground space may include a parking spur, fire ring, table, and other amenities. **The area of a campground space must meet all special standards of a campground, including the campground perimeter setback.**
- (43) **CFR** An acronym for Code of Federal Regulations
- (44) **Co-location** The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.
- (45) **Commercial zoning district** A base zoning district established by this chapter that has a “B” followed by a number as its abbreviation (e.g., B-1).
- (46) **Common ownership** When used in the context of determining base farm tracts, ownership by the same person or persons. The term includes joint tenancy and tenancy in common. For the purpose of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.<sup>8</sup>
- (47) **Comprehensive plan** The document the Winnebago County board of supervisors adopted consistent with s. 66.1001, Wis. Stats.
- (48) **Conditional use** See Land use, conditional
- (49) **Conditional use order** A written decision issued by the Planning and Zoning Committee authorizing the zoning administrator to issue a conditional use permit provided those conditions imposed by the committee precedent to the issuance of the permit have been satisfied.
- (50) **Conditional use permit** A permit issued by the zoning administrator authorizing establishment of a conditional use consistent with the provisions of this chapter.
- (51) **Condominium** A form of ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.
- (52) **Contiguous** When used in the context of determining base farm tracts, two parcels are “contiguous” if they adjoin, border, or abut along a common boundary at any point or if they are only separated by a public road right-of-way that is 100 feet in width or less, private road, pipeline, transmission line, railroad right-of-way, state-owned bike trail, creek or river, or privately-owned access, whether improved or unimproved, that is 66 feet in width or less (e.g., stem of a flag lot). Two parcels are not contiguous if they meet only at a single point.
- (53) **Corner lot** See Lot, corner
- (54) **County development plan** See Comprehensive plan
- (55) **Curb** The barrier used to separate a street and other vehicle use areas from the surrounding environs.

## D

- (56) **Dawn to dusk** The time period extending from 30 minutes before sunrise to 30 minutes after sunset of any given day. (In contrast see Dusk to dawn)

<sup>7</sup> Commentary: The plant nursery trade uses this measurement standard, while the timber industry uses diameter breast height (DBH).

<sup>8</sup> Commentary: Land is deemed to be under “common ownership” if it is all owned by the same individual, married couple, joint tenants, tenants in common, corporation, limited liability company, partnership, estate, or trust.



- (114) **Living space** The square feet of floor space contained within a **residential principal** structure and includes the total of all space on all floors of a structure **(also known as a habitable area)**. It does not include **any accessory areas including but not limited to** porches, garages, or space in an unfinished attic, basement or cellar when said unfinished attic, basement or cellar is used for storage of incidental uses. **(In contrast see Accessory area)**
- (115) **Loading area** An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer, or truck.
- (116) **Lot** A parcel of ground with a definable location based on a recorded survey or similar instrument.
- (117) **Lot, corner** A lot situated at the junction of and fronting on two more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (Exhibit 3-4)
- (118) **Lot, flag** A lot with access provided by a corridor from a street to the bulk of the lot.
- (119) **Lot, interior** A lot that abuts only one street.
- (120) **Lot, through** A lot having a frontage on two streets that are more or less parallel to one another.
- (121) **Lot area** As the context would indicate, lot area can refer to the minimum required area, actual area, or proposed area.<sup>19</sup>
- (122) **Lot frontage** The linear distance a lot abuts on a street right-of-way or other similar feature. As the context would indicate, lot frontage can refer to the minimum required distance, actual distance, or proposed distance.<sup>20</sup>
- (123) **Lot line** See Property boundary line
- (124) **Lot line, front** A property boundary line described for each of the following types of lots (1) interior lot, the property boundary line abutting a street; or, on a corner lot, the shorter property boundary line abutting a street; (2) through lot, the property boundary line abutting the street providing the primary access to the lot; and (3) flag lot, the interior property boundary line most parallel to and nearest the street from which access is obtained.
- (125) **Lot line, rear** A property boundary line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.
- (126) **Lot line, side** A property boundary line that is not a front or rear lot line.
- (127) **Low-impact stormwater design** A design approach to stormwater management intended to mimic the predevelopment hydrology of a site. Initial site design strategies include minimizing impervious surfaces and the integration of existing wetlands, riparian areas, and other environmentally sensitive natural resources into the overall site design. Manmade features, generally distributed throughout the site, are also used to store, infiltrate, evaporate, and detain stormwater runoff. Examples of such features include bioswales, rain gardens, and pervious surfaces.

Exhibit 3-4 An example of a corner lot



## M

<sup>19</sup> Commentary: See the applicable section in division 4 of article 8 for a description of how lot area is measured.

<sup>20</sup> Commentary: See the applicable section in division 4 of article 8 for a description of how lot frontage is measured.

- (194) **Sign, awning** A sign displayed on the surface of an awning.
- (195) **Sign, banner** A sign made of a light, pliable material (e.g., fabric, plastic, paper, or vinyl) not enclosed in a rigid frame that is tethered between vertical poles or buildings using string, wire, or rope.
- (196) **Sign, blade** A sign affixed to a structure that is taller than it is wide.
- (197) **Sign, directional** A permanent off-premise sign (also referred to as billboard) that provides information indicating the location (e.g., including but not limited to: name, direction, and/or distance) of a business, club, worship facility, or other such organization which is located on a local road (i.e., town, county, state road).
- (198) **Sign, hanging** A sign suspended above a pedestrian walkway that fronts a multi-tenant building from the underside of an awning, canopy, marquee, or floor overhang.
- (199) **Sign, monument** A freestanding sign affixed to a solid, low-profile base structure. (Exhibit 3-7)
- (200) **Sign, pole** A sign supported by one or more vertical poles or pylons that are generally exposed to view.
- (201) **Sign, projecting** A sign that is attached to the wall of a building and projects more than 12 inches beyond such wall. (Exhibit 3-8)
- (202) **Sign, wall** A sign that is painted directly on an exterior wall of a building or is attached to the exterior wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.
- (203) **Sign, window** A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of an exterior door. (Exhibit 3-9)
- (204) **Site plan** A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter. (Also see Plan of operation and landscaping plan)
- (205) **Site-built home** A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on site. Also known as a "conventional home" or "stick-built home."
- (206) **Special exception** An approval that may be granted to deviate from otherwise applicable provisions of this chapter. (In contrast see Variance)
- (207) **Specified anatomical areas** The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast.
- (208) **Specified sexual activity** Any of the following (1) showing of human genitals in a state of sexual stimulation or arousal; (2) the fondling or erotic touching of human genitals, pubic region, anus, or female breasts; (3) the act of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, or cunnilingus; or (4) excretory functions as part of, or in connection with, any of the activities set forth above.

Exhibit 3-7 An example of a monument sign



Exhibit 3-8 An example of a projecting sign

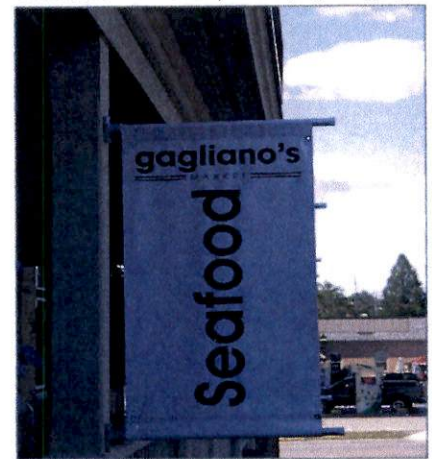
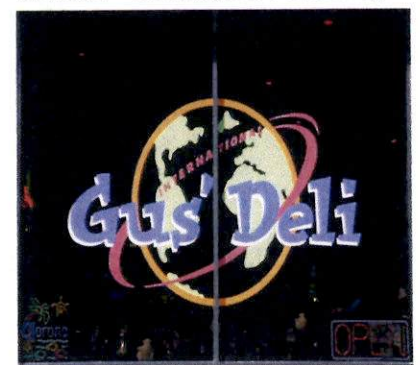


Exhibit 3-9 An example of a window sign



**23.3-2 Land use definitions**

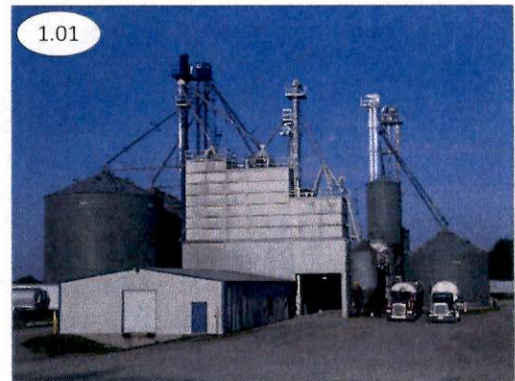
For the purpose of this chapter, certain land uses are defined below and shall have the meaning ascribed to them. For organizational purposes, similar land uses are grouped together to form a series. The first 16 series are principal land uses, accessory land uses are found in series 17, and temporary land uses are found in series 18.

**Land Use Series**

1. Agriculture	8. General Sales	13. Transportation
2. Resource-Based Uses	9. General Services	14. General Storage
3. Residential	10. Recreation and Entertainment	15. Industrial
4. Special Care Facilities	11. Government and Community Services	16. Solid Waste
5. Group Accommodations	12. Telecommunications and Utilities	17. Accessory Uses
6. Food and Beverage Sales		18. Temporary Uses
7. Vehicle Rental, Sales, and Service		

**1.0 AGRICULTURE**

1.01 **Agriculture-related use** A place primarily involved in (1) providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services; (2) storing, processing, or handling raw agricultural commodities; (3) slaughtering livestock; (4) marketing livestock; and/or (5) processing agricultural byproducts or wastes. Examples include (1) a grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms; (2) a dairy plant that processes or handles milk from farms; (3) a meat slaughter establishment; (4) a food processing plant that processes raw agricultural commodities received from farms; (5) a feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms; (6) a communal manure digester; (7) a pelletizing plant or other facility that processes raw agricultural commodities, by-products, or wastes (received directly from farms) to produce fuel or other products; (8) a sawmill or other facility that processes wood or other forest products received directly from farms; (9) a facility that provides farm inputs such as fertilizer, pesticides, seed, or feed directly to farms; (10) a facility that is primarily engaged in providing agronomy or veterinary services to farms; and (11) a winery, distillery, or microbrew. The term does not include an ethanol plant or a bio-diesel plant.



(6) a communal manure digester; (7) a pelletizing plant or other facility that processes raw agricultural commodities, by-products, or wastes (received directly from farms) to produce fuel or other products; (8) a sawmill or other facility that processes wood or other forest products received directly from farms; (9) a facility that provides farm inputs such as fertilizer, pesticides, seed, or feed directly to farms; (10) a facility that is primarily engaged in providing agronomy or veterinary services to farms; and (11) a winery, distillery, or microbrew. The term does not include an ethanol plant or a bio-diesel plant.

1.02 **Agriculture, crop** A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants typically grown by agricultural operations in the region are grown.



1.03 **Agriculture, general** A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants are primarily grown for commercial purposes and/or livestock is raised primarily for commercial purposes.

**The term includes but is not limited to structures such as, agricultural or machine sheds, garages, pole barns, silos, etc.** The term does not include commercial stable, farm stand retail outlet, or agricultural product sales

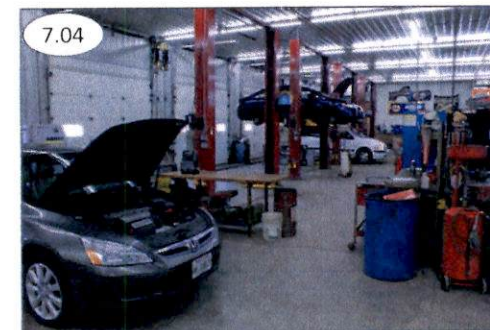
**6.0 FOOD AND BEVERAGE SALES**

- 6.01 **Brewpub** A place where fermented malt beverages are manufactured and those beverages, along with other beverages and food, are offered for retail sale and on-site consumption.
- 6.02 **Restaurant** 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.
- 6.03 **Tavern** 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 bars, drinking establishments, sports bar, and lounges.



**7.0 VEHICLE RENTAL, SALES, AND SERVICE**

- 7.01 **Heavy vehicle sales and rental** A place where new and used large vehicles, such as recreational vehicles and campers, personal watercraft, and heavy trucks, 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.
- 7.02 **Truck stop** A place where fuels primarily for tractor trucks are offered for retail sale. Ancillary uses are limited to retail sale of motor vehicle fuel for cars, motorcycles, and light trucks; retail sale of food and beverages; a restaurant; sleeping quarters; overnight parking; a truck wash; truck scales; tire repair and sales; light maintenance activities, such as engine tune-ups, lubrication, and minor repairs; and other incidental uses customarily associated with a truck stop. **The term includes electrical vehicle (EV) charging/fueling stations.**
- 7.03 **Vehicle fuel station** 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 includes electrical vehicle (EV) charging/fueling stations.**
- 7.04 **Vehicle repair shop** 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. The term includes do-it-yourself shops where patrons use the facility, tools, and other equipment for a fee and perform the work themselves.



- 7.05 **Vehicle sales and rental** A place where new and used cars, light trucks, motorcycles, mopeds, snowmobiles, and all-terrain vehicles (ATVs) 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.
- 7.06 **Vehicle service shop** 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.
- 7.07 **Vehicle storage yard** A place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before being taken to a repair shop or while waiting for an insurance adjustment to occur. The salvaging of motor vehicle parts or the repair of motor vehicles is not allowed.



**8.0 GENERAL SALES**

- 8.01 **Convenience retail sales** A place where a limited product line of frequently needed personal items is offered for retail sale. The term includes convenience stores and small grocery stores.
- 8.02 **General retail sales** A place where a diverse product line is offered for retail sale. The term includes grocery stores, retail outlets, comparison shopping stores, full-line department stores, and dollar stores.
- 8.03 **General retail sales, large format** (1) A single building that contains more than 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area, (2) two or more buildings with a total of 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area, or (3) a group of buildings on adjoining lots with more than 20,000 gross square feet of floor where the primary tenant owns the lots and occupies 65 percent or more of the gross floor area. The term does not include a retail store that is part of an industrial building or warehouse when the floor area of such store is less than 20,000 gross square feet.
- 8.04 **Outdoor sales** A place where the merchandise offered for sale is primarily displayed outside of a building or other structure. This term does not include those land uses otherwise defined in this section.

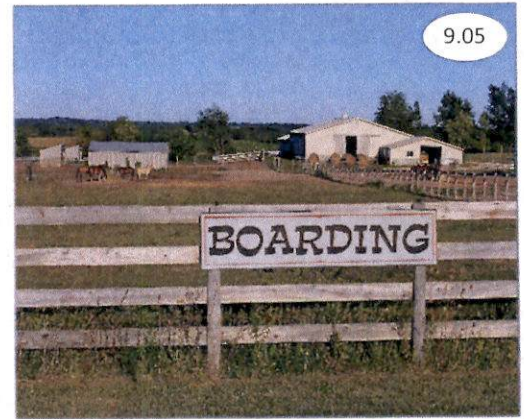


**9.0 GENERAL SERVICES**

- 9.01 **Administrative services** A place where employees primarily perform administrative functions and where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, and engineering firms.
- 9.02 **Adult-oriented establishment** 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, or adult motion picture theater.
- 9.03 **Body-piercing establishment** A place where a body piercer performs body piercing.
- 9.04 **Commercial kennel** A place where 4 or more dogs or other similar domesticated animals over 6 months of age are housed for the purpose of boarding, breeding, training, or sale. The term includes boarding kennels, dog

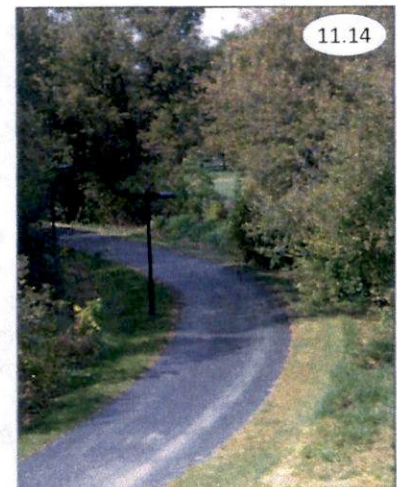
motels, **animal grooming parlors**, and dog training centers. **The term includes sale of pet merchandise.** The term does not include animal hospitals ~~animal grooming parlors~~ or pet shops.<sup>42</sup>

- 9.05 **Commercial stable** A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides. Nonresidential buildings and other structures, such as barns, stables, riding arenas, and sheds, necessary for the operation are allowed.
- 9.06 **Equipment rental, large** A place where large equipment that is normally stored out of doors is offered for rent. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, and other types of heavy equipment.
- 9.07 **Equipment rental, small** A place where small equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are stored indoors and may include hand tools, party equipment, and lawn and yard equipment.
- 9.08 **Financial services** 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. The term does not include automated teller machines, which are considered an accessory use.
- 9.09 **Funeral home** 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.
- 9.10 **General repair** A place where consumer goods such as shoes, bicycles, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.
- 9.11 **General services** A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.
- 9.12 **Health care clinic** 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.
- 9.13 **Health care center** A place where medical treatment or nursing, rehabilitative, or preventative care is offered. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.
- 9.14 **Instructional services** A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.
- 9.15 **Landscape business** A place where a landscape contractor may establish a base of operation, which may include one or more of the following: retail sale of plant and landscape materials; office space; indoor and outdoor storage of materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.



<sup>42</sup> Commentary: Also see “kennel, hobby” and “kennel, private” which are accessory uses to a residential use (Series 17).

- 11.04 **Civic use facility** A place where large gatherings of people may assemble for public purposes. The term includes zoos, arenas, stadiums, and fairgrounds.
- 11.05 **Community center** A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; wedding venues and banquet facilities; and union halls.
- 11.06 **Community cultural facility** A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts.
- 11.07 **Community garden** A place where a group of unrelated individuals grow vegetables, fruits, and flowers for their personal use. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.
- 11.08 **Correctional facility** A place where individuals who are serving a comparatively long court-imposed sentence may be housed.
- 11.09 **Educational facility, pre-K through 12** A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, and high schools.
- 11.10 **Educational facility, post-secondary** A place where post-secondary educational opportunities are offered. The term includes colleges, universities, community colleges, and vocational schools.
- 11.11 **Maintenance garage** A place where a municipal government maintains administrative offices, equipment, and supplies necessary for maintaining public roadways, parks, and other types of public facilities.
- 11.12 **Park** A place where primarily outdoor recreational activities may occur. A 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. A park may be developed with recreational facilities or undeveloped. The term includes dog parks and neighborhood recreation centers.
- 11.13 **Public safety facility** 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.
- 11.14 **Recreation trail** A place where a linear path may be dedicated to a single recreational use or multiple uses. Examples include hiking trails, bike trails, cross-country ski trails, and horse trails.
- 11.15 **Unspecified public use** A place, whether in public or private ownership, that is used or intended for a public purpose as determined by the zoning administrator.
- 11.16 **Worship facility** 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.



## 12.0 TELECOMMUNICATIONS AND UTILITIES

- 12.01 **Commercial solar energy system** A free-standing solar energy system **less than 100 Megawatts** that constitutes the principal use of the property **with the primary purpose of supplying power to the electrical grid**, or that

exceeds the limitations established for a **residential** free-standing **solar** energy system as an accessory use. (In contrast see **Residential** solar energy system, free-standing – series 17.38)

12.02 **Stormwater management facility** A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.

12.03 **Telecommunication facility, concealed** An antenna that a casual observer would consider a part of the structure to which it is attached or made a part of.

12.04 **Telecommunication facility, unconcealed** An antenna that a casual observer would consider a separate and distinct structure that may be mounted on a tower or mounted on the ground.

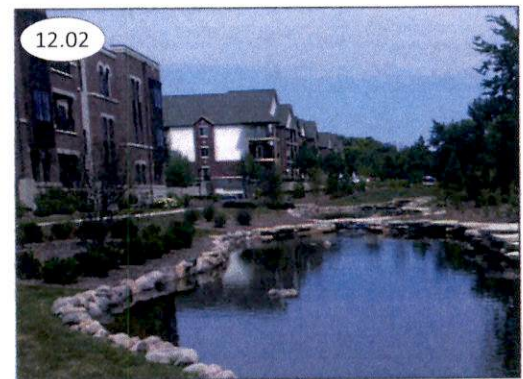
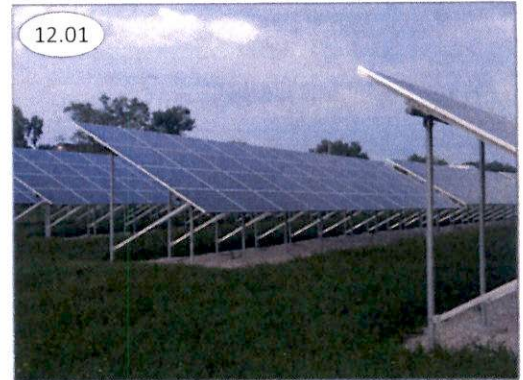
12.05 **Utility installation, major** A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, and water towers.

12.06 **Utility installation, minor** A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use (Series 17).

12.07 **Utility maintenance yard** A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.

12.08 **Wind Energy System, large** A wind energy system that exceeds the definition of a small wind energy system, but totals a capacity of less than 100 megawatts (wind energy systems exceeding 100 megawatts are regulated by the State of Wisconsin Public Service Commission).

12.09 **Wind Energy System, small** 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.



**13.0 TRANSPORTATION FACILITIES**

13.01 **Airport** A place where airplanes, ultralights, helicopters, or similar aircraft may land and takeoff. This use may also include facilities for the housing and maintenance of the same and facilities for passenger ticket sales and accessory food service areas primarily intended for pilots and passengers.

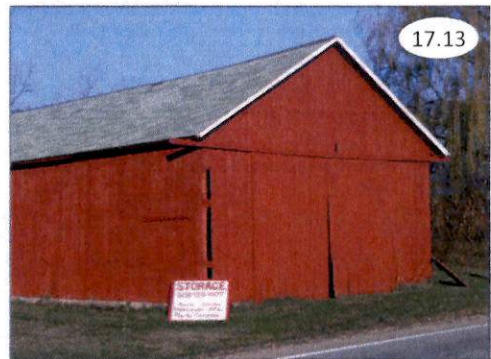
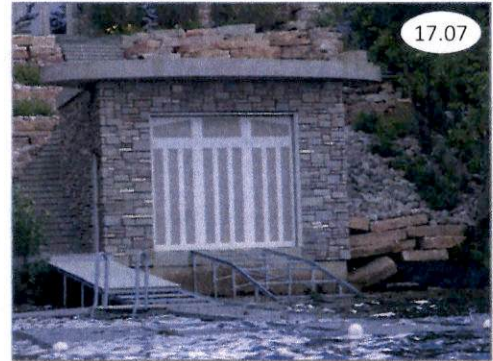
13.02 **Bus storage facility** A place where buses are parked when not in use and may include administrative offices and a building for the storage, care, and maintenance of buses in the fleet.

13.03 **Marina** A place where pleasure watercraft may dock on a temporary or permanent basis, watercraft may be trailered or untrailered, or both, and related services may be provided, such as retail sale of fuel for watercraft and supplies and minor servicing and repair of watercraft.



**17.0 ACCESSORY USES**

- 17.01 **Adult family home** A private residence licensed by the state under s. 50.032(1m), Wis. Stats.<sup>46</sup>
- 17.02 **Amateur radio antenna** An antenna and related support structure used by a licensed user to send and receive telecommunications for noncommercial purposes.
- 17.03 **Automated teller machine** An automated device for conducting financial transactions that is accessed from outside of a building.
- 17.04 **Backyard chickens** A place where chickens are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of a chicken as part of a 4-H or similar educational project shall not be considered a commercial purpose. (Also see Household livestock, which is considered a separate and distinct accessory use.) **The term does not include any other type of livestock or poultry.**
- 17.05 **Bed and breakfast** A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner.
- 17.06 **Boat dock** A pier or wharf.
- 17.07 **Boathouse** A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.
- 17.08 **Boathouse, off-site** A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment belonging to the people that own the lot on which it is located.<sup>47</sup>
- 17.09 **Commercial vehicle parking** The parking of a commercial type vehicle on a residential lot when such vehicle is owned or leased and operated by a person living in the dwelling unit and used on a daily basis for transportation to and from a separate work place.
- 17.10 **Deck** An above-ground, unroofed platform free standing or extending from a building or structure and intended for outdoor living.
- 17.11 **Exterior communication device** An antenna used to capture wireless telecommunication signals.
- 17.12 **Family day care home** A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.<sup>48</sup>



<sup>46</sup> Commentary: An adult family home can either be a principal use or an accessory use. If the operator lives in the residence with the adults, it is considered an accessory use.

<sup>47</sup> Commentary: Although an off-site boathouse is the only building permitted on a lot hosting this use, it is considered an accessory use to the parent parcel to which it is associated.

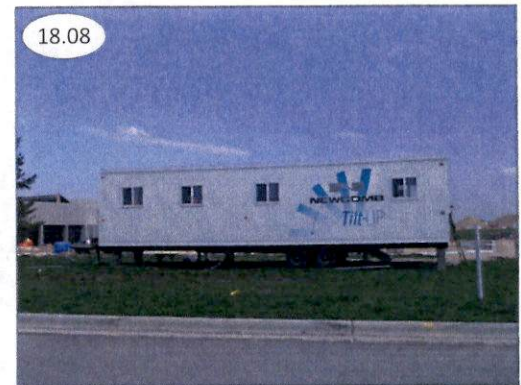
<sup>48</sup> Commentary: See s. 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (Series 4.0).

- 17.41 **Play structure** A playhouse and recreational equipment, such as swings, slides, basketball hoops, and jungle gyms, normally found in a residential setting.
- 17.42 **Pond** A manmade body of water exceeding 100 square feet in area that is not required for stormwater management purposes.
- 17.43 **Private reception venue** A location, indoors or outdoors, which is used primarily to host events such as weddings, corporate events, fundraisers, and anniversary celebrations. The term includes event barns.
- 17.44 **Rural accessory structure** A structure so designated consistent with division 17 of article 7 of this chapter.
- 17.45 **Service window, drive-up** An opening in a building through which patrons are served while remaining in a motor vehicle.
- 17.46 **Service window, walk-up** An opening in a building through which patrons are served while standing outside of the building.
- 17.47 **Residential solar energy system, building-mounted** An installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or hot water to a residential building as an accessory use. (In contrast see Commercial solar energy system – series 12.01)
- 17.48 **Residential solar energy system, free-standing** An installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a residential building as an accessory use. (In contrast see Commercial solar energy system – series 12.01)
- 17.49 **Storage container** An enclosed metal container exceeding 900 cubic feet typically used to temporarily store merchandise and/or to transport materials. (In contrast see Portable storage container)
- 17.50 **Swimming pool** A structure placed on the ground surface that is filled with water for swimming. The term does not include those pools that are below ground or those pools that are less than 15 feet in diameter and which are taken down and stored in the off-season.
- 17.51 **Temporary shelter** A place where abuse victims or homeless individuals are temporary housed and provided with ancillary services.
- 17.52 **Utility cabinet** A ground-mounted pedestal, junction box, cabinet, or similar feature that a service provider uses to provide telephone, electric, natural gas, cable television, cable Internet, transmission line, high speed monopole, or similar public service. A utility cabinet may be located within a public right-of-way or on private property.
- 17.53 **Yard shed** An accessory building designed to store yard furniture and tools, equipment, and supplies normally associated with lawn and garden care.

## 18.0 TEMPORARY USES

- 18.01 **Agricultural product sales, off-site** A place where agricultural products not produced on the premises are offered for sale at retail.
- 18.02 **Agricultural product sales, on-site** A place where agricultural products produced exclusively on the premises are offered for sale at retail.

- 18.06 **Model home** A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.
- 18.07 **Off-site construction yard** A place where construction materials and equipment may be stored, prepped, or staged for an off-site construction project (e.g., highway reconstruction project or construction of an electric transmission line or pipeline).
- 18.08 **On-site construction office** A portable building or enclosed trailer temporarily placed on a construction site for use by the contractor as a field office.
- 18.09 **On-site construction yard** A place where construction materials, equipment, and the like may be stored, prepped, or staged for an on-site construction project.
- 18.10 **Portable storage container** An enclosed metal container that is used to temporarily store household items and similar goods, typically used during household renovations or for moving purposes. For the purpose of this section temporarily shall mean no more than 60 days. (In contrast see Storage container)
- 18.11 **Relocatable building** A portable building or enclosed trailer temporarily placed on a parcel that may be used in conjunction with the principal use of the property. For example, relocatable buildings are used to house students during a construction project or accommodate enrollment in excess of the principal building's design capacity. A mobile home or manufactured home is not considered a relocatable building.
- 18.12 **Seasonal product sales** An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the event. Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween.
- 18.13 **Snow disposal site** A place where snow that accumulates on another site is stored and allowed to naturally melt.
- 18.14 **Special event** An event of limited duration which is open to the public and is not otherwise permitted in the zoning district. Examples include auctions, art fairs, festivals, fundraisers, and bike races. This use may also include camping, parking, and concessions in conjunction with the event.
- 18.15 **Special event of regional significance** An event that is anticipated to draw a large number of short-term visitors to the county and which is so designated by the Planning and Zoning Committee by resolution. Examples include Country USA, Rock USA, Woodstock, and EAA AirVenture Oshkosh.
- 18.16 **Special event camping** A place where camping is allowed when specifically related to a special event of regional significance as designated by the Planning and Zoning Committee.



interest; (3) participation in the matter might violate the letter or spirit of a member’s code of professional responsibility; or (4) another law precludes participation.

(d) **Voting by alternates.** The first alternate may vote only when one of the regular members of the board is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent or is not able to vote.<sup>74</sup>

**23.4-31 Compensation of members**

The regular members and alternates of the Board of Adjustment may be compensated as determined by the county board.<sup>75</sup>

**23.4-32 to 23.4-50 Reserved**

**DIVISION 3  
ZONING ADMINISTRATOR**

**Sections**

23.4-51	Establishment	23.4-53	Authority
23.4-52	Appointment	23.4-54	Conflict of interest

**23.4-51 Establishment**

The position of zoning administrator is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

~~**23.4-52 Appointment**~~

~~The county executive shall appoint and supervise the zoning administrator. Such appointment is subject to confirmation by the county board unless the board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.52(8) or ch. 63, Wis. Stats. The board may, by resolution or ordinance, provide that, notwithstanding s. 17.10(6), Wis. Stats., the zoning administrator may not be removed from his or her position except for cause.<sup>76</sup>~~ **23.4-52 Reserved**

**23.4-53 Authority**

The zoning administrator shall administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties shall have the authority to:

- (1) meet with applicants to advise them of the requirements of this chapter;
- (2) issue administrative permits;
- (3) issue written interpretations relating to this chapter;
- (4) revoke or modify any administratively-issued permit or interpretation with reasonable cause;
- (5) keep a written record of permits issued, interpretations made, inspections, work approved, enforcement activities, and other similar official actions;
- (6) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;
- (7) prepare meeting agendas for the Planning and Zoning Committee and Board of Adjustment and submit them to the appropriate chairperson for review and approval;

<sup>74</sup> Commentary: See s. 59.694(2)(am), Wis. Stats.

<sup>75</sup> Commentary: See s. 59.694(2)(a)(c), Wis. Stats.

~~<sup>76</sup> Commentary: See s. 59.69(10)(a)(2), Wis. Stats.~~

- (8) investigate complaints regarding alleged violations of this chapter;
- (9) have access to premises, public or private, during reasonable hours to conduct inspections deemed necessary to ensure compliance with this chapter;
- (10) procure a special inspection warrant in accordance with s. 66.0119, Wis. Stats., if a property owner does not give the administrator permission to enter a property to verify compliance with this chapter;
- (11) issue violation notices;
- (12) issue stop work orders;
- (13) initiate legal proceedings to correct violations in consultation with Winnebago County's corporation counsel;
- (14) develop, amend, and utilize application forms, checklists, and other forms he or she deems appropriate to administer the development review processes contained in this chapter;
- (15) recommend amendments to this chapter and to other chapters of the general code of Winnebago County relating to land use and development; and
- (16) under take any other activity not enumerated in this section but necessary to administer and enforce this chapter or any other section of the general code of Winnebago County as may be appropriate.

**23.4-54 Conflict of interest**

The zoning administrator and/or authorized designee of the zoning administrator shall not perform work on a proposed or approved development project in which he or she has a conflict of interest.

department a report of the number of acres that the political subdivision has rezoned out of a Farmland Preservation District under sub. (1) during the previous year and a map that clearly shows the location of those areas.

(c) **Zoning map amendment initiated by the county.** If a proposed zoning map amendment is initiated by the county, the Planning and Zoning Committee in making its recommendation and the Board of County Supervisors in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;
- (2) whether the amendment is consistent with other planning documents adopted by the Board of County Supervisors; and
- (3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.

### 23.7-6 Application content

(a) **Landowner-initiated map amendment.** An application for a landowner-initiated zoning map amendment shall include the following:

- (1) an application form as may be used by the county;
- (2) a project map prepared at an appropriate scale depicting the information listed in appendix A; and
- (3) other supporting information the applicant deems appropriate.

(b) **Other amendments.** For all other types of amendments, the application shall include the following:

- (1) an application form as may be used by the county; and
- (2) other supporting information the applicant deems appropriate.

### 23.7-7 Staff report content

The staff report shall contain the following:

- (1) a summary of the comments received from the interdepartmental/agency review;
- (2) preliminary findings based upon the decision criteria listed in this division;
- (3) a recommendation to approve the proposed amendment, approve the proposed amendment with conditions, or deny the proposed amendment;
- (4) a preliminary list of revisions, if appropriate, regardless of whether the staff recommendation is for approval or denial; and
- (5) other information deemed necessary by the staff.

### 23.7-8 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 days of the final decision.

### 23.7-9 Informational brochure

The zoning administrator is authorized to prepare and to update from time to time an informational brochure that describes the requirements relating to a protest of a zoning map amendment as allowed by s. 59.69(5)(e)(5g), Wis. Stats.

### 23.7-10 to 23.7-20 Reserved

## DIVISION 2 - RESERVED

## ZONING MAP AMENDMENT DUE TO ANNEXATION<sup>85</sup>

### Sections

<sup>85</sup> Commentary: See s. 59.69(5)(e)(7), Wis. Stats.

<p><del>23.7.21</del> — <del>Generally</del>  <del>23.7.22</del> — <del>Initiation</del>  <del>23.7.23</del> — <del>Review procedure</del></p>	<p><del>23.7.24</del> — <del>Basis of decision</del>  <del>23.7.25</del> — <del>Appeal</del></p>
--	--

**~~23.7.21~~ — ~~Generally~~**

From time to time, cities and villages in the county may annex lands in those towns that are subject to this chapter. This division describes the procedures and requirements to amend the zoning map following such annexation.

**~~23.7.22~~ — ~~Initiation~~**

Following the approval of an ordinance annexing land into a city or village, any of the following may initiate the process to amend the zoning map as described in this division:

- (1) the person owning the annexed land;
- (2) the municipality that annexed the subject property;
- (3) the zoning administrator;
- (4) the corporation counsel for Winnebago County;
- (5) the town board of the town in which this chapter is in effect;
- (6) the Planning and Zoning Committee, or any member thereof; or
- (7) the Board of County Supervisors, or any member thereof.

**~~23.7.23~~ — ~~Review procedure~~**

The general steps outlined below shall be used to amend the zoning map following an annexation.

- (1) **Initiation.** Upon written notice that a village or city has annexed land, the zoning administrator shall prepare a draft ordinance that if adopted would remove the annexed lands from the county’s zoning map.
- (2) **Schedule date of review.** The Board of County Supervisors shall schedule the date the board will review the draft ordinance and take action on the same.
- (3) **General notice.** Notice for this review shall consist of meeting agenda notice.
- (4) **Meeting.** Allowing for proper notice, the board shall review the draft ordinance at a regular or special meeting.
- (5) **Decision.** The board shall make a decision based on the decision criteria contained in this division to remove the annexed lands from the county’s zoning map or not remove the annexed lands from the county’s zoning map. The board may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 days from the date of first consideration.
- (6) **Town notification of decision.** If the board adopts an ordinance removing annexed lands from the county’s zoning map, the county clerk shall within 30 days of adoption mail a duplicate copy of the ordinance by regular mail to the clerk of each town in which the affected lands were located.
- (7) **Preparation of new zoning map.** If the board adopts an ordinance removing annexed lands from the county’s zoning map, the administrator shall within 60 days of the date of adoption cause a new zoning map to be prepared consistent with division 2 of article 8.

**~~23.7.24~~ — ~~Basis of decision~~**

The Board of County Supervisors in making its decision shall determine whether a city or village has annexed the subject property.

**~~23.7.25~~ — ~~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 days of the date of the final decision.

that a procedure, in whole or in part, was not followed as required, the review process shall not progress until such time as the deficiency has been remedied or the decision shall be stayed until such time as the deficiency and subsequent steps have been completed.

(b) **Appeal relating to Board of Adjustment decision or relating to the substantive decision.** An aggrieved person may appeal the final decision of the Board of Adjustment to a court of competent jurisdiction within 30 days of the final decision or the final decision of the Planning and Zoning Committee to a court of competent jurisdiction within 30 days of the final decision.

**23.7-79 Development within a pre-existing Planned Development District**

Development in a Planned Development District which existed prior to the adoption of this ordinance shall be held to the standards approved by the Conditional Use Permit. For developments where no conditional use has been approved or the conditional use did not specify development standards, R-1 zoning district standards shall apply.

**23.7-80 to 23.7-90 Reserved**

**DIVISION 5  
RESERVED**

**23.7-91 TO 23.7-110 Reserved**

**DIVISION 6  
CONDITIONAL USE**

**Sections**

23.7-111 Generally	23.7-118 Staff report content
23.7-112 Initiation	23.7-119 Content of decision notice
23.7-113 Application and review procedure	23.7-120 Effect of approval
23.7-114 Basis of decision	23.7-121 Revocation or modification of an approval
23.7-115 Special requirements for certain land uses in a A-1 district	23.7-122 Expiration of approval
23.7-116 Imposition of conditions	23.7-123 Amendment of an approved conditional use
23.7-117 Application form and content	23.7-124 Violation of a condition of approval
	23.7-125 Appeal

**23.7-111 Generally**

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as “conditional uses” and are listed in division 3 of article 8. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

**23.7-112 Initiation**

The owner of the subject property may submit an application for the establishment of a conditional use.

**23.7-113 Application and review procedure**

The general steps outlined below shall be used in the review of an application for a conditional use.



- (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (1) applicable regulations and procedures, (2) applicable sections of the county's comprehensive plan, and (3) the proposal. The administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary.
- (2) **Submittal of application materials.** The applicant shall submit a completed application and other required materials to the administrator along with the application fee as may be established by the Board of County Supervisors.
- (3) **Staff review.** Within 30 days of submittal, the administrator shall either schedule a date for the public hearing with the Planning and Zoning Committee allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.
- (4) **General notice.** Consistent with division 2 of article 6, the administrator shall provide for a class 2 public notice, an on-site sign, town notice, property owner notice, agency notice, and meeting agenda notice.
- (5) **Town review.** The town board and town plan commission may review the application at a regular or special meeting.
- (6) **Town decision.** The plan commission may render a recommendation to the town board and the board may render a recommendation to the committee based on the decision criteria contained in this division to (1) approve the conditional use, (2) approve the conditional use with conditions, or (3) deny the conditional use. Such decision shall be supported by written findings. If the decision is to approve the conditional use with conditions, the Town Board may also submit conditions of approval. If the town board does not submit a decision supported by written findings to the committee prior to or at the public hearing, it shall be deemed to have consented to whatever action the committee may take.
- (7) **Public hearing.** Allowing for proper notice, the committee shall conduct a public hearing consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant, the town, or the committee may request a continuance consistent with division 3 of article 6. The committee shall not render a decision at the meeting.
- (8) **Staff report preparation and distribution.** Following the public hearing, the administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the committee and the applicant. The administrator shall also provide a copy to interested people upon request.
- (9) **Decision.** At a subsequent meeting but no later than 40 days after the public hearing, the committee after considering the comments and the staff report shall make a decision based on the decision criteria contained in this division to (1) approve the conditional use, (2) approve the conditional use with conditions, or (3) deny the conditional use.
- (10) **Preparation of decision notice.** Based on the action of the committee, the administrator shall within 15 days of such decision prepare a decision notice consistent with this division.
- (11) **Applicant notification.** Within a reasonable time following the committee's decision, the administrator shall mail the decision notice to the applicant by regular mail.
- (12) **Acceptance by property owner required.** If an approval includes one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the administrator. Failure to sign and return the decision notice within 45 days of the committee's decision shall void the approval. The decision notice shall become effective upon the property owner's signature.
- (13) **Public record copy.** A duplicate copy of the decision notice shall be retained as a public record.

### 23.7-114 Basis of decision

The town board and town plan commission of the town in which the proposed conditional use is located in making their recommendation and Planning and Zoning Committee in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter as set forth in s. 23.1-5 and other sections as may apply.

In the event the conditional use being proposed is an adult-oriented establishment, the above-named decision-making bodies shall not consider the nature of expressive conduct protected by the U.S. Constitution with regard to any of the above-mentioned criteria.<sup>88</sup>

### **23.7-115 Special requirements for certain land uses in a A-1 district**

(a) **Agriculture-related uses.** Subject to the general requirements under this division, the Planning and Zoning Committee may approve agriculture-related uses in a A-1 district as a conditional use only if all of the following apply:

- (1) The use supports agricultural uses in the A-1 zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to an industrial or commercial zoning district.
- (2) The use and its location in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
- (3) The use and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (4) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
- (5) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- (6) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(b) **Nonmetallic mine.** Subject to the general requirements under this division, the Planning and Zoning Committee may approve a nonmetallic mine in the A-1 district as a conditional use only if all of the following apply:

- (1) The operation complies with (1) subchapter I of ch. 295, Wis. Stats., and administrative rules promulgated under that subchapter; (2) applicable provisions of chapter 20 of the general code; and (3) any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.
- (2) The use and the location of such use in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
- (3) The use and the location of such use in the A-1 zoning district are reasonable and appropriate, considering alternative locations outside the A-1 zoning district, or are specifically approved under state or federal law.
- (4) The use is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

<sup>88</sup> Commentary: The development standards for adult-oriented establishments are intended to address secondary negative effects of this use.

- (5) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- (6) Following cessation of this use, all disturbed areas will be restored to a condition suitable for agricultural use consistent with a written restoration plan as approved under chapter 20 of the general code.

(c) **Government and nonprofit community uses.** Subject to the general requirements under this division, the Planning and Zoning Committee may approve government and nonprofit community uses in the A-1 district as a conditional use only if all of the following apply:

- (1) The use and the location of such use in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
- (2) The use and the location of such use in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- (4) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- (5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(d) **Specified infrastructure.** Subject to the general requirements under this division, the Planning and Zoning Committee may approve certain types of compatible infrastructure in the A-1 district as a conditional use only if all of the following apply:

- (1) The use and the location of such use in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
- (2) The use and the location of such use in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- (4) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

### 23.7-116 Imposition of conditions

(a) **Generally.** The town board may recommend and the Planning and Zoning Committee may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Conditions which are imposed shall be achievable.

(b) **Limitation on imposing conditions.** A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Effect on contracts with another party.** The Planning and Zoning Committee shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract with a third party under which the third party is engaging in a lawful use of the property.<sup>89</sup>

(d) **Special condition for business as property owner.** As a condition of approval of a conditional use, the property owner if it is a business entity, such as a limited liability company or a corporation, shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.

<sup>89</sup> Commentary: See s. 59.69(2)(g), Wis. Stats. The county, 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.

**23.7-117 Application form and content**

The application submittal shall include an application form as may be used by the county and a project map prepared at an appropriate scale depicting the information listed in appendix A. In addition, the applicant shall also provide a site plan and plan of operation along with the application materials.

**23.7-118 Staff report content**

The staff report shall contain the following:

- (1) a summary of the comments received from the interdepartmental/agency review;
- (2) preliminary findings based upon the decision criteria listed in this division;
- (3) a recommendation to approve the application, approve the application with conditions, or deny the application; and
- (4) a preliminary list of conditions regardless of whether the staff recommendation is for approval or denial;
- (5) other information deemed necessary by the staff.

**23.7-119 Content of decision notice**

(a) **Approval.** If an application for a conditional use is approved, the decision notice shall include the following:

- (1) a statement that the application is approved;
- (2) a description of where the conditional use will occur on the property;
- (3) a description of the conditional use;
- (4) findings based upon the decision criteria listed in this division;
- (5) a list of conditions of approval imposed by the town that must be satisfied prior to the establishment of the conditional use or complied with during the life of the conditional use, or both;<sup>90</sup>
- (6) a list of conditions of approval imposed by the county that must be satisfied prior to the establishment of the conditional use or complied with during the life of the conditional use, or both;
- (7) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision notice and return it to the zoning administrator within 45 days of such decision to acknowledge acceptance of the same;
- (8) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (9) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (10) other information the Planning and Zoning Committee or zoning administrator deems appropriate;
- (11) the signature of the zoning administrator on behalf of the Planning and Zoning Committee; and
- (12) the date of the decision.

(b) **Denial.** If an application for a conditional use is denied, the decision notice shall include the following:

- (1) a statement that the application is denied,
- (2) a description of the project, including acreage and proposed use characteristics,
- (3) findings based upon the decision criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Planning and Zoning Committee or zoning administrator deems appropriate,

<sup>90</sup> Commentary: As provided for in article 1214 of this chapter, Winnebago County is not responsible for those conditions of approval imposed by the town.

- (7) the signature of the administrator on behalf of the committee; and
- (8) the date of the decision.

### **23.7-120 Effect of approval**

When a conditional use approval authorizes the construction of a new structure eligible for assessment for real property tax purposes, the approval shall run with the land and be binding on all subsequent property owners. In all other cases, a conditional use approval shall be personal to the applicant and shall automatically lapse when the applicant ceases to operate the conditional use.

### **23.7-121 Revocation or modification of an approval**

Following a public hearing, the Planning and Zoning Committee may revoke or modify an approval if it determines that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and such information would have altered its decision to approve the application or the conditions of approval which were or were not imposed.

### **23.7-122 Expiration of approval**

(a) **Non-establishment of use.** If the zoning administrator determines that substantial work as authorized by a conditional use 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 9 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months.

(b) **Cessation of use.** If the zoning administrator determines that a conditional use 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 pursuant to division 9 of this article.

### **23.7-123 Amendment of an approved conditional use**

Following approval of a conditional use, the Planning and Zoning Committee shall review all proposed changes to the approval. If in the opinion of the committee, the proposed change constitutes a minor alteration, the committee may approve the requested change in writing at a regular or special meeting of the committee without following the application and review procedure in this division. If the proposed change constitutes a major alteration, the application and review procedure in effect at the time of submittal shall be followed. **Any amendment to an existing legally approved conditional use permit shall meet the zoning standards in effect at the time of the proposed amendment. For the purposes of this section the term amendment may include but is not limited to a change, alteration (either minor or major), or addition.**

### **23.7-124 Violation of a condition of approval**

If a property owner does not comply with one or more condition of approval, such action shall be deemed a violation of this chapter and cause for termination of the approval consistent with division 9 of this article.

### **23.7-125 Appeal**

(a) **Appeal relating to procedural requirements.** An aggrieved person who claims the required procedural requirements were not followed, in whole or in part, may file a written appeal with the Board of Adjustment prior to issuance of a final decision or within 30 days of issuance of a final decision. If an appeal is filed with the board prior to issuance of a final decision, the zoning administrator at his or her discretion may suspend the review process until such time as the deficiency is remedied. The board shall only consider the procedural requirements and may not alter the decision of the Planning and Zoning Committee. If the board determines that a procedure, in whole or in part, was not followed as required, the review process shall not progress until such time as the deficiency has been remedied or the decision shall be stayed until such time as the deficiency and subsequent steps have been completed. An aggrieved person may appeal the final decision of the board to a court of competent jurisdiction within 30 days of the board's decision.

(b) **Appeal relating to Board of Adjustment decision or relating to the substantive decision.** An aggrieved person may appeal the final decision of the Planning and Zoning Committee to a court of competent jurisdiction within 30 days of the final decision.

**23.7-126 to 23.7-130 Reserved**

**DIVISION 2  
ZONING DISTRICTS AND ZONING MAP**

**Sections**

23.8-21 Generally 23.8-22 Establishment and purpose of zoning districts 23.8-23 Necessity of zoning district designation 23.8-24 Effect of boundary line relocation on zoning designation	23.8-25 Continued effect of this chapter on annexed land 23.8-26 Zoning map
--	--

**23.8-21 Generally**

The county is divided into a number of base zoning districts so that each parcel of land is located in at least one district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable. In addition to these zoning districts, overlay districts are established to accomplish specific purposes not generally applicable to the entire base district. Where the requirements of a base district and overlay district conflict, the most restrictive applies. The zoning map depicts the location of the base districts used in this chapter along with some of the overlay districts as may be appropriate.

**23.8-22 Establishment and purpose of zoning districts**

(a) **Base zoning districts.** Recognizing that different areas of the county serve unique functions, the county is divided into a number of base zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this article and development limitations as described in s. 23.8-49. The base districts are as follows:

- (1) **Agribusiness (A-1) district.** This district is intended to accommodate large-scale agricultural uses and related support services. It includes those areas of the county where productive agricultural lands predominate and can be used for the production of forest products, crops, and livestock, including large livestock operations. Because the primary intent of this district is agricultural production, incompatible urban uses are not permitted. It is designed to meet the requirements of a certified farmland preservation zoning ordinance under ch. 91, Wis. Stats.
- (2) **General agriculture (A-2) district.** This district is intended to accommodate both large and small-scale farms and hobby farms. Although scattered residential lots are allowed, agriculture is the predominant land use. This district should be located in those areas suitable for agriculture, but not for large-scale agricultural operations, and adjacent to urbanizing areas.
- (3) **Rural residential (R-1) district.** This district is intended to accommodate single-family residences on scattered lots to foster and maintain the rural character and lifestyle of the surrounding area. Lots are generally served by on-site wastewater treatment systems.
- (4) **Suburban residential (R-2) district.** This district is intended to accommodate low- and medium-density residential lots commonly located, but not limited to, in a duly recorded and legally maintained subdivision. This district provides a “suburban” arrangement of amenities, services, and facilities. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (5) **Two-family residential (R-3) district.** This district is intended to accommodate two-family dwellings, twin homes, and single-family dwellings. This district provides a “suburban” arrangement of amenities, services, and facilities. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, this district is generally adjacent to, but not within, a single-family neighborhood. Lots are connected to a public sanitary sewer system or have an on-site sewage disposal system.
- (6) **Multifamily residential (R-4) district.** This district is intended to accommodate multifamily buildings and townhouses at urban densities. This district provides a “suburban” arrangement of amenities, services, and facilities. Lots are connected to a public sanitary sewer.

Exhibit 8-1 Land use matrix

1	Agriculture	Review	Special Standards	Base Zoning District													
				A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2	
1.01	Agriculture-related use	ZP,SP,PO	23.8-231	C	C	-	-	-	-	-	-	-	-	-	-	P	C
1.02	Agriculture, crop	-	23.8-232	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.03	Agriculture, general	ZP	23.8-233	P	P	-	-	-	-	-	-	-	-	-	-	-	-
1.03	Agriculture, general, 500 animal units or more	ZP	23.8-233	C	C	-	-	-	-	-	-	-	-	-	-	-	-
1.04	Greenhouse	ZP,SP,PO	23.8-234	P	P	-	-	-	-	-	-	-	C	C	-	C	C
<b>2 Resource-Based Uses</b>																	
2.01	Dam	ZP,SP,PO	23.8-241	C	C	C	C	C	C	C	C	C	C	C	C	C	C
2.02	Forestry	-	23.8-242	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2.03	Hunting preserve	ZP,SP,PO	23.8-243	-	C	-	-	-	-	-	-	-	-	-	-	C	C
2.04	Sewage sludge disposal	-	23.8-244	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2.05	Wildlife park	ZP,SP,PO	23.8-245	-	C	-	-	-	-	-	-	-	-	-	-	C	C
<b>3 Residential</b>																	
3.01	Mixed-use housing	ZP,SP	23.8-251	-	-	-	-	-	-	-	-	-	C	P	P	-	-
3.02	Manufactured/mobile home community	ZP,SP,PO	23.8-252	-	-	-	-	-	-	P	-	-	-	-	-	-	-
3.03	Multifamily building, 2 units	ZP	23.8-253	-	-	-	-	P	P	-	-	-	-	P	-	-	-
3.04	Multifamily building, 3-4 units	ZP	23.8-254	-	-	-	-	-	P	-	-	-	C	P	-	-	-
3.04	Multifamily building, 5-8 units	ZP	23.8-254	-	-	-	-	-	P	-	-	-	C	C	-	-	-
3.04	Multifamily building, 9 or more units	ZP	23.8-254	-	-	-	-	-	C	-	-	-	-	C	-	-	-
3.05	Nonfarm residence	ZP	23.8-255	CP	-	-	-	-	-	-	-	-	-	-	-	-	-
3.06	Single-family dwelling [1]	ZP	23.8-256	-	P	P	P	P	-	-	-	-	-	-	-	-	-
3.07	Townhouse, 3-4 units	ZP,SP	23.8-257	-	-	-	-	-	P	-	-	-	C	P	-	-	-
3.07	Townhouse, 5-8 units	ZP,SP	23.8-257	-	-	-	-	-	P	-	-	-	C	C	-	-	-
3.07	Townhouse, 9 or more units	ZP,SP	23.8-257	-	-	-	-	-	C	-	-	-	-	C	-	-	-
3.08	Twin home	ZP	23.8-258	-	-	-	-	P	P	-	-	-	-	P	-	-	-
<b>4 Special Care Facilities</b>																	
4.01	Adult family home	ZP	23.8-261	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.02	Community living arrangement, 8 or fewer residents [2]	ZP	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.02	Community living arrangement, 9-15 residents [2]	ZP	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.02	Community living arrangement, 16 or more residents [2]	ZP,SP, PO	23.8-262	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.03	Foster home and treatment foster home [3]	ZP	23.8-263	-	-	P	P	P	P	-	-	-	-	-	-	-	-
4.04	Group day care center [4]	ZP,SP	23.8-264	-	-	-	-	C	C	-	P	P	P	P	C	C	-
4.05	Hospice care center	ZP,SP	23.8-265	-	C	C	C	C	P	-	C	C	P	C	-	-	-
4.06	Nursing home	ZP,SP	23.8-266	-	-	C	C	C	P	-	-	C	P	C	-	-	-
4.07	Retirement home	ZP,SP	23.8-267	-	-	C	C	C	P	-	-	C	P	C	-	-	-
4.08	Temporary shelter [5]	ZP,SP, PO	23.8-268	-	-	-	-	-	-	-	C	C	C	-	-	-	-
<b>5 Group Accommodations [6]</b>																	
5.01	Boardinghouse	ZP,SP, PO	23.8-271	-	-	-	-	-	C	-	-	C	P	C	-	-	-
5.02	Campground	ZP,SP,PO	23.8-272	-	C	-	-	-	-	-	-	-	C	-	-	-	-
5.03	Group recreation camp	ZP,SP,PO	23.8-273	-	C	-	-	-	-	-	-	-	C	-	-	-	-
5.04	Migrant labor camp	ZP,SP,PO	23.8-274	C	C	-	-	-	-	-	-	-	-	-	-	-	-
5.05	Overnight lodging	ZP,SP,PO	23.8-275	-	-	-	-	-	-	-	-	C	P	P	-	-	-
5.06	Resort	ZP,SP,PO	23.8-276	-	C	-	-	-	-	-	-	C	P	C	-	-	-
<b>6 Food and Beverage Sales</b>																	
6.01	Brewpub	ZP,SP,PO	23.8-281	-	-	-	-	-	-	-	-	C	P	P	C	-	-
6.02	Restaurant	ZP,SP,PO	23.8-282	-	-	-	-	-	-	-	-	C	P	P	P	-	-
6.03	Tavern	ZP,SP,PO	23.8-283	-	-	-	-	-	-	-	-	C	P	P	C	-	-

continued on next page

Exhibit 8-1 Land use matrix – continued

7	Vehicle Rental, Sales, and Service	Review	Special Standards	Base Zoning District														
				A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2		
7.01	Heavy vehicle sales and rental	ZP,SP,PO	23.8-291	-	-	-	-	-	-	-	-	-	-	C	-	P	C	
7.02	Truck stop	ZP,SP,PO	23.8-292	-	-	-	-	-	-	-	-	-	-	C	-	C	C	
7.03	Vehicle fuel station	ZP,SP,PO	23.8-293	-	-	-	-	-	-	-	-	-	C	P	C	C	C	
7.04	Vehicle repair shop	ZP,SP,PO	23.8-294	-	-	-	-	-	-	-	-	-	C	P	-	C	-	
7.05	Vehicle sales and rental	ZP,SP,PO	23.8-295	-	-	-	-	-	-	-	-	-	C	P	-	C	-	
7.06	Vehicle service shop	ZP,SP,PO	23.8-296	-	-	-	-	-	-	-	-	-	C	P	-	C	C	
7.07	Vehicle storage yard	ZP,SP,PO	23.8-297	-	-	-	-	-	-	-	-	-	-	-	-	C	C	
<b>8 General Sales</b>																		
8.01	Convenience retail sales	ZP,SP,PO	23.8-301	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
8.02	General retail sales	ZP,SP,PO	23.8-302	-	-	-	-	-	-	-	-	-	C	P	P	C	-	-
8.03	General retail sales, large format	ZP,SP,PO	23.8-303	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
8.04	Outdoor sales	ZP,SP,PO	23.8-304	-	-	-	-	-	-	-	-	-	C	C	P	-	C	-
<b>9 General Services</b>																		
9.01	Administrative services	ZP,SP,PO	23.8-311	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.02	Adult-oriented establishment	ZP,SP,PO	23.8-312	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
9.03	Body-piercing establishment	ZP,SP,PO	23.8-313	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.04	Commercial kennel	ZP,SP,PO	23.8-314	-	C	-	-	-	-	-	-	-	C	P	P	C	-	-
9.05	Commercial stable	ZP,SP,PO	23.8-315	-	C	-	-	-	-	-	-	-	-	-	-	-	C	-
9.06	Equipment rental, large	ZP,SP,PO	23.8-316	-	-	-	-	-	-	-	-	-	-	-	C	-	P	C
9.07	Equipment rental, small	ZP,SP,PO	23.8-317	-	-	-	-	-	-	-	-	-	-	C	P	-	-	-
9.08	Financial services	ZP,SP,PO	23.8-318	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
9.09	Funeral home	ZP,SP,PO	23.8-319	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.10	General repair	ZP,SP,PO	23.8-320	-	-	-	-	-	-	-	-	-	C	P	P	P	C	-
9.11	General services	ZP,SP,PO	23.8-321	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.12	Health care clinic	ZP,SP,PO	23.8-322	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.13	Health care center	ZP,SP,PO	23.8-323	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-
9.14	Instructional services	ZP,SP,PO	23.8-324	-	-	-	-	-	-	-	-	-	C	P	P	P	C	-
9.15	Landscape business	ZP,SP,PO	23.8-325	-	C	-	-	-	-	-	-	-	-	-	C	-	P	-
9.16	Professional services	ZP,SP,PO	23.8-326	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
9.17	Tattoo establishment	ZP,SP,PO	23.8-327	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
9.18	Veterinary clinic, general	ZP,SP,PO	23.8-328	C	C	-	-	-	-	-	-	-	-	-	C	-	C	-
9.19	Veterinary clinic, small animal	ZP,SP,PO	23.8-329	-	-	-	-	-	-	-	-	-	C	P	P	P	C	-
<b>10 Recreation and Entertainment</b>																		
10.01	Driving range	ZP,SP,PO	23.8-341	-	C	-	-	-	-	-	-	-	-	-	C	-	C	-
10.02	Golf course	ZP,SP,PO	23.8-342	-	C	C	C	C	C	C	-	-	-	-	-	-	C	-
10.03	Indoor entertainment	ZP,SP,PO	23.8-343	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
10.04	Indoor recreation	ZP,SP,PO	23.8-344	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
10.05	Outdoor entertainment	ZP,SP,PO	23.8-345	-	-	-	-	-	-	-	-	-	-	C	P	-	C	-
10.06	Outdoor recreation	ZP,SP,PO	23.8-346	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-
10.07	Outdoor shooting range	ZP,SP,PO	23.8-347	-	C	-	-	-	-	-	-	-	-	-	-	-	C	C
<b>11 Government and Community Services</b>																		
11.01	Administrative government center	ZP,SP,PO	23.8-351	-	C	C	C	C	C	C	-	-	P	P	P	C	C	-
11.02	Animal shelter	ZP,SP,PO	23.8-352	-	C	-	-	-	-	-	-	-	-	-	C	-	P	C
11.03	Cemetery	ZP,SP,PO	23.8-353	C	C	C	C	C	C	C	-	-	C	C	C	-	-	-
11.04	Civic use facility	ZP,SP,PO	23.8-354	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-
11.05	Community center	ZP,SP,PO	23.8-355	-	C	C	C	C	C	C	-	-	C	P	P	C	-	-
11.06	Community cultural facility	ZP,SP,PO	23.8-356	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
11.07	Community garden	ZP,SP,PO	23.8-357	C	P	P	P	P	P	P	-	-	P	P	P	P	P	-

continued on next page



Exhibit 8-1 Land use matrix – continued

11 Government and Community Services - cont.	Review	Special Standards	Base Zoning District													
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2	
11.08 Correctional facility	ZP,SP,PO	23.8-358	-	C	-	-	-	-	-	-	-	-	-	-	P	C
11.09 Educational facility, pre-K through 12	ZP,SP,PO	23.8-359	-	C	C	C	C	C	C	-	C	P	P	P	-	-
11.10 Educational facility, post-secondary	ZP,SP,PO	23.8-360	-	-	-	-	-	-	-	-	C	P	P	P	C	-
11.11 Maintenance garage	ZP,SP,PO	23.8-361	-	C	C	-	-	-	-	-	-	C	-	P	C	
11.12 Park	ZP,SP,PO	23.8-362	-	P	P	P	P	P	P	P	P	P	P	P	P	P
11.13 Public safety facility	ZP,SP,PO	23.8-363	-	C	C	C	C	C	C	-	P	P	P	P	P	C
11.14 Recreation trail	SP, PO	23.8-364	C	P	P	P	P	P	P	P	P	P	P	P	P	P
11.15 Unspecified public use	ZP,SP,PO	23.8-365	-	C	C	C	C	C	C	C	C	C	C	C	C	C
11.16 Worship facility	ZP,SP,PO	23.8-366	C	C	C	C	P	P	-	P	P	P	P	P	C	-
<b>12 Telecommunications and Utilities [7]</b>																
12.01 Commercial solar energy system	ZP,SP,PO	23.8-371	C	C	C	C	C	C	C	C	C	C	C	C	C	C
12.02 Stormwater management facility	ZP,SP,PO	23.8-372	C	P	P	P	P	P	P	P	P	P	P	P	P	P
12.03 Telecommunication facility, concealed	ZP	23.8-373	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12.04 Telecommunication facility, unconcealed	ZP	23.8-374	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12.05 Utility installation, major	ZP,SP,PO	23.8-375	C	C	C	C	C	C	C	C	C	C	C	C	P	P
12.06 Utility installation, minor	ZP,SP,PO	23.8-376	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12.07 Utility maintenance yard	ZP,SP,PO	23.8-377	C	C	-	-	-	-	-	-	-	-	-	-	P	P
12.08 Wind energy system, large	-	23.8-378	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12.09 Wind energy system, small	ZP,SP,PO	23.8-379	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>13 Transportation</b>																
13.01 Airport	ZP,SP,PO	23.8-381	-	C	C	C	-	-	-	-	-	-	-	-	P	P
13.02 Bus storage facility	ZP,SP,PO	23.8-382	-	C	-	-	-	-	-	-	-	C	C	C	P	P
13.03 Marina	ZP,SP,PO	23.8-383	-	C	C	C	C	C	C	C	C	C	C	C	C	C
13.04 Mass transit terminal	ZP,SP,PO	23.8-384	-	-	-	-	-	-	-	-	P	P	P	C	-	
13.05 Off-site parking lot	ZP,SP,PO	23.8-385	-	-	-	-	-	-	-	-	C	P	P	P	C	-
13.06 Parking structure	ZP,SP	23.8-386	-	-	-	-	-	-	-	-	-	-	P	P	C	-
13.07 Park-and-ride lot	ZP,SP	23.8-387	-	C	C	C	C	C	-	C	P	P	C	C	C	
13.08 Railroad line	ZP, BP, SP PO	23.8-388	C	P	P	P	P	P	P	P	P	P	P	P	P	P
13.09 Street	-	23.8-389	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>14 General Storage</b>																
14.01 Bulk fuel storage	ZP,SP,PO	23.8-401	-	-	-	-	-	-	-	-	-	-	-	-	P	P
14.02 Personal storage facility	ZP,SP,PO	23.8-402	-	C	-	-	-	-	-	-	-	C	-	P	C	
14.03 Truck terminal	ZP,SP,PO	23.8-403	-	-	-	-	-	-	-	-	-	-	-	P	P	
14.04 Warehouse	ZP,SP,PO	23.8-404	-	-	-	-	-	-	-	-	-	-	-	P	P	
<b>15 Industrial Uses</b>																
15.01 Artisan shop	ZP,SP,PO	23.8-411	-	C	-	-	-	-	-	-	C	C	P	P	P	C
15.02 Batchng plant associated with a nonmetallic mine [21]	ZP,SP,PO	23.4-412	C	C	-	-	-	-	-	-	-	-	-	C	C	
15.03 Biofuels production plant	ZP,SP,PO	23.8-413	C	C	-	-	-	-	-	-	-	-	-	-	-	C
15.04 Construction equipment repair	ZP,SP,PO	23.8-414	-	-	-	-	-	-	-	-	-	C	-	P	P	
15.05 Construction equipment sales and service	ZP,SP,PO	23.4-415	-	-	-	-	-	-	-	-	-	C	-	P	P	
15.06 Contractor yard	ZP,SP,PO	23.8-416	-	-	-	-	-	-	-	-	-	-	-	P	C	
15.07 Industrial, heavy	ZP,SP,PO	23.8-417	-	-	-	-	-	-	-	-	-	-	-	-	P	
15.08 Industrial, light	ZP,SP,PO	23.8-418	-	-	-	-	-	-	-	-	-	-	-	P	P	
15.09 Nonmetallic mine	ZP,SP,PO	23.8-419	C	C	-	-	-	-	-	-	-	-	-	C	C	
15.10 Salvage yard	ZP,SP,PO	23.8-420	-	-	-	-	-	-	-	-	-	-	-	-	-	C

continued on next page

**Exhibit 8-1 Land use matrix – continued**

16 Solid Waste	Review	Special Standards	Base Zoning District													
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2	
16.01 Composting facility	ZP,SP,PO	23.8-431	P	P	-	-	-	-	-	-	-	-	-	-	P	P
16.02 Recycling center	ZP,SP,PO	23.8-432	-	-	-	-	-	-	-	-	-	-	-	-	P	P
16.03 Solid waste landfill	ZP,SP,PO	23.8-433	-	C	-	-	-	-	-	-	-	-	-	-	C	C
16.04 Solid waste transfer station	ZP,SP,PO	23.8-434	-	C	-	-	-	-	-	-	-	-	-	-	P	P
<b>17 Accessory Uses</b>																
17.01 Adult family home [9]	ZP	23.8-441	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.02 Amateur radio antenna [8]	-	23.8-442	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.03 Automated teller machine	ZP	23.8-443	-	-	-	-	-	-	-	-	P	P	P	P	-	-
17.04 Backyard chickens	-	23.8-444	P	P	P	P	P	-	P	-	-	-	-	-	P	P
17.05 Bed and breakfast [8]	ZP,SP,PO	23.8-445	C	C	C	C	C	-	-	P	P	-	P	-	-	-
17.06 Boat dock	-	23.8-446	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.07 Boathouse [8][24]	ZP	23.8-447	P	P	P	P	P	P	-	-	-	-	-	-	-	-
17.08 Boathouse, off-site [24]	ZP	23.8-448	-	-	P	P	-	-	-	-	-	-	-	-	-	-
17.09 Commercial truck parking [8]	-	23.8-449	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.10 Deck [23]	ZP	23.8-450	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.11 Exterior communication device [8]	-	23.8-451	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.12 Family day care home [8]	ZP	23.8-452	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.12 Farm building storage	ZP	23.8-453	P	C	-	-	-	-	-	-	-	-	-	-	-	-
17.14 Farm residence [20]	ZP	23.8-454	P	P	-	-	-	-	-	-	-	-	-	-	-	-
17.15 Farmstead retail outlet	ZP,SP,PO	23.8-455	C	C	-	-	-	-	-	-	-	-	-	-	-	-
17.16 Fence	ZP	23.8-456	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.17 Foster home and treatment foster home [8]	ZP	23.8-457	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.18 Garage, shed, nonresidential [10]	ZP	23.8-458	-	-	-	-	-	-	-	P	P	P	P	P	P	P
17.19 Garage, shed, off-site residential	ZP	23.8-459	-	-	P	P	-	-	-	-	-	-	-	-	-	-
17.20 Garage, residential [8,22]	ZP	23.8-460	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.21 Garden	-	23.8-461	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.22 Gazebo [23]	ZP	23.8-462	P	P	P	P	P	P	P	P	P	P	P	P	P	-
17.23 Greenhouse [8,13]	ZP	23.8-463	P	P	P	P	P	P	P	-	-	-	-	-	-	-
17.24 Helipad [11, 12]	ZP,SP,PO	23.8-464	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17.25 Home occupation, major [8]	ZP,SP,PO	23.8-465	-	C	C	C	C	C	-	C	C	C	C	-	-	-
17.26 Home occupation, minor [8]	ZP	23.8-466	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.27 Hot tub [8]	-	23.8-467	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.28 Household livestock, 2.5 acres or more but less than 5 acres [8]	ZP	23.8-468	P	C	C	-	-	-	-	-	-	-	-	-	-	-
17.29 Household livestock, 5 acres or more [8]	ZP	23.8-468	P	P	C	-	-	-	-	-	-	-	-	-	-	-
17.30 Indoor sales incidental to light industrial use	ZP	23.8-469	-	-	-	-	-	-	-	-	-	-	-	-	C	-
17.31 Kennel, hobby [8]	ZP,SP,PO	23.8-470	C	C	C	C	C	C	C	C	C	C	C	C	-	-
17.32 Kennel, private [8]	-	23.8-471	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.33 Lean-to	ZP	23.8-472	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.34 Light industrial use incidental to indoor sales	ZP,SP,PO	23.8-473	-	-	-	-	-	-	-	-	-	-	-	-	C	-
17.35 Mother-in-law suite [8, 23]	ZP	23.8-474	P	P	P	P	P	-	-	-	-	-	-	-	-	-
17.36 Outdoor display incidental to indoor sales	ZP,SP,PO	23.8-475	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17.37 Outdoor food and beverage service	ZP,SP,PO	23.8-476	-	-	-	-	-	-	-	C	C	C	C	-	-	-
17.38 Outdoor furnace	ZP	23.8-477	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.39 Parking lot (on-site)	ZP	23.8-478	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.40 Patio [25]	-	23.8-479	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.41 Pergola [23]	ZP	23.8-480	P	P	P	P	P	P	P	P	P	P	P	P	P	-
17.42 Play structure [8]	-	23.8-481	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.43 Pond	ZP,SP	23.8-482	P	P	C	C	C	C	C	P	P	P	P	P	P	P
17.44 Private reception venue	ZP	23.8-483	-	P	-	-	-	-	-	-	-	-	-	-	-	-
17.45 Rural accessory building [8]	ZP	23.8-484	P	P	P	P	P	P	P	-	-	-	-	-	-	-

continued on next page

Exhibit 8-1 Land use matrix – continued

17 Accessory Uses – continued	Review	Special Standards	Base Zoning District													
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2	
17.46 Service window, drive-up	ZP,SP	23.8-485	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17.47 Service window, walk-up	ZP,SP	23.8-486	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17.48 Residential solar energy system, building-mounted	-	23.8-487	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.49 Residential solar energy system, free-standing	ZP	23.8-488	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.50 Storage container, 1 or 2 units	ZP	23.8-489	-	-	-	-	-	-	-	-	P	P	P	-	P	P
17.51 Storage container, 3 or more units	ZP,SP	23.8-489	-	-	-	-	-	-	-	-	C	C	C	-	C	C
17.52 Swimming pool	ZP	23.8-490	P	P	P	P	P	P	P	P	P	P	P	P	-	-
17.53 Temporary shelter [10]	ZP,SP,PO	23.8-491	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17.54 Utility cabinet	-	23.8-492	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.55 Yard shed [13][24][25]	-	23.8-493	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>18 Temporary Uses</b>																
18.01 Agricultural product sales, off-site	-	23.8-501	-	P	P	-	-	-	-	-	P	P	P	P	P	P
18.02 Agricultural product sales, on-site	-	23.8-502	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.03 Earth materials stockpile, off-site [14]	ZP,SP,PO	23.8-503	-	C	-	-	-	-	-	-	-	-	-	-	C	C
18.03 Earth materials stockpile, on-site [15]	-	23.8-503	-	P	P	P	P	P	P	P	P	P	P	P	P	P
18.04 Farmers market [16]	TU,SP,PO	23.8-504	P	P	P	-	-	-	-	-	C	P	P	P	C	-
18.05 General outdoor sales	TU,SP,PO	23.8-505	-	-	-	-	-	-	-	-	-	C	P	-	C	-
18.06 Model home	ZP	23.8-506	-	-	P	P	P	P	P	-	-	-	-	-	-	-
18.07 Off-site construction yard	SP,PO	23.8-507	-	C	C	C	C	C	C	C	C	C	C	C	C	C
18.08 On-site construction office [17]	-	23.8-508	-	-	P	P	P	P	P	-	-	P	P	P	P	P
18.09 On-site construction yard [17]	-	23.8-509	-	-	P	P	P	P	P	-	-	P	P	P	P	P
18.10 Portable storage container	-	23.8-510	-	P	P	P	P	P	P	P	P	P	P	P	P	P
18.11 Re-locatable building [18]	ZP,SP,PO	23.8-511	-	-	-	-	-	-	-	-	C	C	C	C	-	-
18.12 Seasonal product sales	-	23.8-512	C	P	P	-	-	-	-	-	P	P	P	P	P	P
18.13 Snow disposal site	ZP,SP,PO	23.8-513	C	C	-	-	-	-	-	-	C	C	C	C	C	C
18.14 Special event	TU,SP,PO	23.8-514	-	P	P	P	-	-	-	-	P	P	P	P	P	-
18.15 Special event of regional significance	TU,SP,PO	23.8-515	-	C	C	C	-	-	-	-	C	C	C	C	C	-
18.16 Special event of regional significance - camping	TU	23.8-516	-	P	P	P	P	P	P	-	P	P	P	P	P	P
18.17 Special event of reg. significance - concessions	TU	23.8-517	-	P	P	P	P	P	P	-	P	P	P	P	P	P
18.18 Special event of regional significance - parking	TU	23.8-518	-	P	P	P	P	P	P	-	P	P	P	P	P	P
18.19 Wind test tower	-	23.8-519	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.20 Yard sale [19]	-	23.8-520	P	P	P	P	P	P	P	P	P	P	P	P	-	-

Zoning Districts:

A-1 Agribusiness; A-2 General agriculture; R-1 Rural residential; R-2 Suburban residential; R-3 Two-family residential; R-4 Multi-family residential; R-8 Manufactured/mobile home community; B-1 Local service; B-2 Community business; B-3 General business; M-1 Mixed use; I-1 Light industrial; I-2 Heavy industrial

Table Key:

A "P" indicates that the use is permitted in the zoning district by right, provided that all other provisions of this chapter are met. These uses generally do not undergo public review, but are reviewed at the administrative level to ensure compliance.

A "C" indicates that the use is permitted in the zoning district as a conditional use provided that all other provisions of this chapter are met.

A "-" indicates that the use is not permitted in the zoning district.

“ZP” indicates zoning permit; “SP” indicates site plan; “PO” indicates plan of operation; “TU” indicates temporary use permit

## Notes:

1. In the A-1 zoning district, a single-family dwelling may be located on a parcel not constituting a farm or on a parcel of land created after April 29, 2012.
2. See s. 23.8-47 for special provisions that may apply.
3. See s. 23.8-48 for special provisions that may apply.
4. A family day care home (4-8 children) is an accessory use and is therefore listed in Series 17.
5. This use may be an accessory use when associated with a worship facility, community center, and the like.
6. A bed and breakfast is an accessory use and is therefore listed in Series 17.
7. An amateur radio station is an accessory use and is therefore listed in Series 17.
8. This use may only occur with a principal residential use.
9. This use may only occur with a principal residential use or with a group day care center.
10. In addition to the zoning districts listed, this use may occur with a governmental or institutional use as a conditional use. This use may also be a principal use; see series 1 through 16.
11. In addition to the zoning districts listed, this use may occur with a governmental or institutional use (e.g., school or church) as a permitted use.
12. This use may only occur with a health care center as a conditional use.
13. A zoning permit is not required for this use if less than 8 feet in height and occupies a horizontal area of not more than 100 square feet.
14. Earth materials are obtained in whole or in part from another location.
15. Earth materials are obtained on the parcel as part of the land development process.
16. In addition to the zoning districts listed, this use may occur with a public park as a permitted use or with a governmental or institutional use (e.g., church, library or school) as a conditional use.
17. When this use is in place for more than 365 days, it is considered a conditional use.
18. This use may only occur with a governmental or institutional use (e.g., church, library, or school) as a conditional use.
19. This use may only occur with a principal residential use or with a governmental or institutional use (e.g., church, library, or school).
20. In the A-1 zoning district, no more than one farm residence may be located on a base farm tract as designated by the Board of Supervisors by resolution.
21. A batching plant when not associated with an approved nonmetallic mine is classified as heavy industrial (See 15.07).
22. See s. 23.8-45(d).
23. This structure shall be considered an accessory structure even though principal building setbacks may apply.
24. These structures do not count towards the maximum number of detached accessory buildings or towards the maximum accessory area allowed in the zoning district.
25. Structures located within a shoreland area which have impervious surface requirements require a zoning permit.

**DIVISION 4**  
**DIMENSIONAL AND RELATED STANDARDS**

**Sections**

23.8-61	Generally	23.8-66	Lot width
23.8-62	Lot area	23.8-67	Road frontage
23.8-63	Floor area	23.8-68	Separation requirements for on-site sewage systems and water wells
23.8-64	Building and structure height		
23.8-65	Yard setbacks		

**23.8-61 Generally**

Lots, buildings, and other structures not located within a planned development district shall conform to the dimensional standards specified in Exhibit 8-2, except as may be otherwise allowed in this division. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district.

**23.8-62 Lot area**

(a) **Generally.** Except as specified in this section, the size of lots shall comply with the standards specified in Exhibit 8-2.

(b) **Exemptions.** Parcels of land created by a land division under chapter 18 of the general code of Winnebago County to dedicate land to the public, for stormwater facilities and other types of development related infrastructure, and for common open space areas including internal walking or recreation trails, and other similar purposes are exempt from the specified lot size requirements.

(c) **Measurement of lot area.** Lot area is measured on the horizontal plane. Lot area shall not include any of the following features:

- (1) ~~lakes, streams, manmade ponds, and similar water bodies~~ **All navigable waterbodies** up to the elevation of the ordinary high-water mark,
- (2) the area within the mapped right-of-way,
- (3) the area within an Officially Mapped Road so designated on the county’s highway width map; or
- (4) if the road on which the lot fronts is not located within a public road right-of-way, the area of the easement designated for public road purposes.

For the purpose of this subsection, the location of the proposed right-of-way line is one half the width of the proposed right-of-way as measured from the center of the existing road.

(d) **Use of a lot not meeting specified dimensional standards.** The use of a nonconforming lot is governed by requirements found in article 13 of this chapter.

(e) **Change in lot.** The location of the property boundary lines of a lot and/or the area of a lot containing a conditional use shall not be modified in any manner without the express authorization of the Planning and Zoning Committee. If the committee determines that the proposed reconfiguration or change in lot area is substantive, the proposed change may only occur if the committee grants a new approval with the proposed lot consistent with the review procedures and requirements for a conditional use in effect at the time.

**23.8-63 Floor area**

(a) **Generally.** All buildings and building additions shall comply with the floor area requirements as may be stated in Exhibit 8-2.

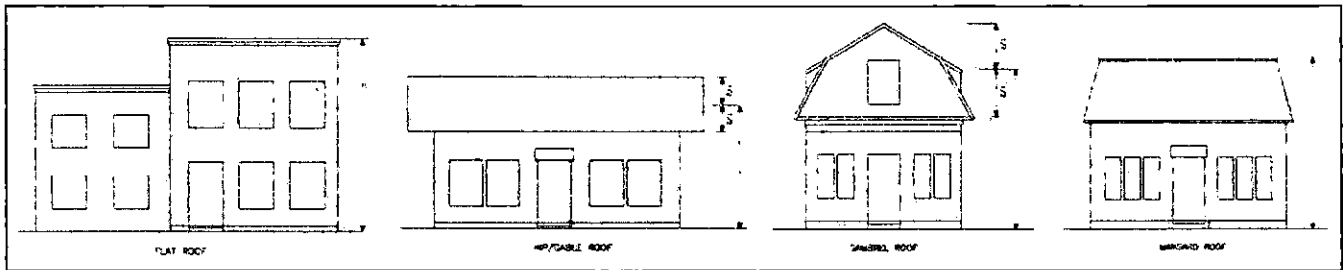
(b) **Measurement of floor area.** The floor area of a building is measured from exterior face to exterior face, excluding unenclosed porches, stoops, steps, and similar features. If a floor area requirement is specified on a per unit basis and is located in a building with other similar or different uses, the floor area is measured from the center of the wall separating such other uses. If a building does not have an exterior wall, the floor area is the area under the horizontal projection of the roof.

**23.8-64 Building and structure height**

(a) **Generally.** Except as specified in this section, the height of structures shall comply with the standards specified in Exhibit 8-2.

(b) **Measurement of building height.** The height of a building is measured from the mean elevation of the finished lot grade along the street yard face of the building to the (1) highest point of flat roofs, (2) the mean height level between the eaves and the highest point of a gable, gambrel, hip, and pitch roofs, or (3) the deck line of a mansard roof as generally depicted in Exhibit 8-3.

Exhibit 8-3 Measurement of building height by roof type



(c) **Modifications.** The height standards in Exhibit 8-2 are modified as follows:

- (1) Essential services, such as utilities, water towers, transmission towers and lines, are exempt from the height limitation for the zoning district in which they are located.
- (2) The height of telecommunication towers are governed by the standards established under division 9 of this article.
- (3) The height of buildings and other structures may be further regulated by (1) the microwave radio path overlay district regulations in this chapter, (2) the Wittman Regional Airport Overlay District regulations in chapter 24 of the general code of Winnebago County, and (3) regulations adopted by Outagamie County pursuant to s. 114.136, Wis. Stats., relating to the height of buildings in the vicinity of the Outagamie County Regional Airport. The location of these overlay districts may be shown on the face of the zoning map.
- (4) Consistent with the procedures and requirements in article 7 of this chapter, the Planning and Zoning Committee may approve a special exception for spires, steeples, copulas, and chimneys on institutional, commercial, and industrial buildings located in a non-residential zoning district.

**23.8-65 Yard setbacks**

(a) **Generally.** Except as modified herein, the placement of a structure on a lot shall comply with the setback standards specified in Exhibit 8-2.

(b) **Exceptions.** The following may be located in a front yard, side yard, and rear yard setback area, provided they do not extend into or are not located within a utility easement or a required fire lane and they meet all other requirements of this chapter:

- (1) landscaping;
- (2) retaining walls;
- (3) fences;
- (4) freestanding mailboxes and newspaper boxes;
- (5) yard furniture, but not when located on a patio or deck;
- (6) gardens;
- (7) compost bins;

- (8) clotheslines;
- (9) sidewalks
- (10) driveways
- (11) boat docks and boathouses when located in a shore yard, but not closer than 3 feet to a side yard property boundary line;
- (12) specified building projections as provided for in Exhibit 8-4;
- (13) components of a private on-site sewage system, including holding tanks (if allowed), absorption fields, and septic tanks provided separation requirements in chapter 16 of the general code of Winnebago County are met;
- (14) water wells not located in a building or other structure, provided separation requirements in state law are met;
- (15) those structures and uses where applicable development standards included in division 9, division 10, and division 11 of this article either exempt or establish alternate setbacks requirements;
- (16) other structures and land uses when exempted by the zoning administrator, provided such exemption is in keeping with the intent of this chapter; and
- (17) in-ground swimming pools, but not closer than 5 feet to a property boundary line.

**Exhibit 8-4 Allowable building projections into a required yard setback**

Feature	Maximum projection
Sills, belt courses, buttresses, cornices, ornamental features, and the like	8 inches into a street, side, or rear yard setback
Chimneys, eaves, and bay or bow windows	24 inches into a street, side, or rear yard setback
Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers	3 feet into a side or rear yard setback
Steps and uncovered porches	6 feet into any setback; uncovered porch not to exceed 36 sq. ft.
Façade-mounted solar energy systems	4 feet

(c) **Reduction.** No lot dimension shall be reduced so as to not meet any dimensional requirement contained in this chapter.

(d) **Setback averaging for street yard setbacks.** The street yard setback as specified in Exhibit 8-2 may be decreased in a residential, mixed-use, or commercial zoning districts to the average of the existing street yards of the abutting principal **or accessory** buildings on each side but in no case shall the setback be less than 15 feet in a residential zoning district or 10 feet in a commercial or mixed-use zoning district. For the purpose of this subsection, the following rules shall apply:

- (1) Building projections are not to be included.
- (2) Setback reductions allowed by a variance shall not be included.
- (3) If the setback of an existing structure is greater than the required setback, the required setback shall be used.

(e) **Measurement of street yard setback.** If the road on which the lot fronts is situated within a public right-of-way, the street yard setback is measured on a horizontal plane perpendicular to the front property boundary line along its entire length or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. If the road on which the lot fronts is located within an easement, the street yard setback is measured on a horizontal plane perpendicular to the easement line along its entire length or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. If the road



on which the lot fronts is not situated in a public right-of-way or an easement, the street yard setback is measured from the edge of the road surface or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. For the purpose of this section, the location of the proposed right-of-way line is one half the width of the proposed right-of-way as measured from the center of the existing road.

(1) The setback requirement from an officially mapped road may be waived upon written authorization from the authorized official of the municipality responsible for the official mapping.

(f) **Measurement of side yard setback.** The side yard setback is measured on a horizontal plane perpendicular to the side property boundary line along its entire length.

(g) **Measurement of rear yard setback.** The rear yard setback is measured on a horizontal plane perpendicular to the rear property boundary line along its entire length.

(h) **Measurement of shore yard setback.** The shoreland setback is measured on a horizontal plane perpendicular to the ordinary high-water mark along its entire length.

(i) **Entrances for physically disabled persons.** Entrances for physically disabled persons shall be allowed to utilize a substandard setback where necessitated by unique circumstances of the lot, structure or individual. Every effort shall be made to conform to the required setbacks while meeting the minimum standards established in the Americans with Disabilities Act. Approval of the reduced setback shall be by administrative review/approval of the Zoning Administrator. Discontinuance of the use as an entryway shall necessitate the removal of the structure. No conversion to living space shall be allowed without the granting of a variance by the Board of Adjustment. An entranceway that meets the standards of this section does not require a zoning permit to be issued for its construction.

#### **23.8-66 Lot width**

(a) **Generally.** A lot shall have a minimum width specified in Exhibit 8-2.

(b) **Measurement.** Lot width is a linear distance measured or calculated as indicated in Exhibit 8-5.

Exhibit 8-2 Dimensional standards by zoning district

A-1 Agribusiness district

<del>Lot density</del> <del>The ratio of nonfarm residential acreage to farm acreage in the base farm tract after April 29, 2012 shall not exceed 1:20, with a maximum of 4 nonfarm dwellings for a base farm tract.</del>			
	Residential	Farm	Nonresidential /Nonfarm
Lot size, minimum:	43,000 sq. ft.	5.0 acres	43,000 sq. ft.
Lot size, maximum:	none, although a lot created after April 29, 2012 may not contain more than 2.0 acres of land previously used to produce forage or a crop	none	none, although a lot created after April 29, 2012 shall not contain more than 2.0 acres of land previously used to produce forage or a crop
Lot width, minimum:	100 ft.	200 ft.	200 ft.
Road frontage, minimum:	60 ft.	200 ft.	200 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [4,5]			
Street yard, minimum:	30 ft.	75 ft.	30 ft.
Side yard, minimum: [3]	20 ft. on each side for a principal building; 15 ft. on each side for a detached accessory building	15 ft.	20 ft. on each side for a principal building; 15 ft. on each side for a detached accessory building
Rear yard minimum:	25 ft. for a principal building; 15 ft. for a detached accessory building	50 ft.	25 ft. for a principal building; 15 ft. for a detached accessory building
Building height:			
Principal building, maximum:	35 ft.	no limitation	35 ft.
Accessory building, maximum:	18 ft.	no limitation	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft. of living space	no limitation	no limitation
Accessory area, maximum:	<del>1,500</del> 1,800 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]; 1 percent of lot area for buildings related to household livestock	no limitation	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]

Number of detached accessory buildings, maximum:	no limitation	no limitation	2 [2]
--	---------------	---------------	-------

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page

Exhibit 8-2 Dimensional standards by zoning district - continued

A-2 General agriculture district

	Residential	Farm	Nonresidential / Nonfarm
Lot size, minimum:	5.0 acres [6]	5.0 acres [6]	5.0 acres [6]
Lot size, maximum:	none	none	none
Lot width, minimum:	200 ft.	200 ft.	200 ft.
Road frontage, minimum:	200 ft.	200 ft.	200 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [4,5]			
Street yard, minimum:	30 ft.	75 ft.	30 ft.
Side yard, minimum: [3]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. on each side for a detached accessory building	15 ft.	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. on each side for a detached accessory building
Rear yard minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building	50 ft.	25 ft. for a principal building; 3 ft. for a detached accessory building
Building height:			
Principal building, maximum:	35 ft.	no limitation	35 ft.
Accessory building, maximum:	18 ft.	no limitation	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft. of living space	no limitation	no limitation
Accessory area, maximum:	<del>1,500</del> 1,800 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]; 1 percent of lot area for buildings related to household livestock	no limitation	1,500 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	no limitation	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.

2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.
6. R-1 Zoning District dimensional standards and allowable land uses as specified in Exhibit 8-1 shall apply to A-2 zoned lots with less than 5 acres.

---

continued on next page

Exhibit 8-2 Dimensional standards by zoning district - continued

R-1 Rural residential district (nonsubdivided)			
	Single-family	<del>Garage Lot</del>	Nonresidential
Lot size, minimum [3]:	43,000 sq. ft. for an unsewered lot; 12,000 sq. ft. for a sewered lot	<del>3,192 sq. ft.</del>	43,000 sq. ft.
Lot size, maximum:	no limitation	<del>no limitation</del>	no limitation
Lot width, minimum:	200 ft. for an unsewered lot; 85 ft. for a sewered lot	<del>56 ft.</del>	200 ft.
Road frontage, minimum:	33 ft.	<del>45 ft.</del>	200 ft. for an unsewered lot; 33 ft. for a sewered lot
Separation between detached buildings, minimum:	10 ft.	<del>10 ft.</del>	10 ft.
Yard setback: [6,7]			
Street yard, minimum:	30 ft.	<del>30 ft.</del>	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	<del>3 ft.</del>	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	<del>3 ft.</del>	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley
Building height:			
Principal building, maximum:	35 ft.	<del>n/a</del>	35 ft. [4]
Accessory building, maximum:	18 ft.	<del>18 ft.</del>	18 ft.
Floor area ratio, maximum:	no limitation	<del>no limitation</del>	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft. of living space	<del>not applicable</del>	no limitation
Accessory area, maximum:	<del>1,500</del> <b>1,800</b> sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]; 1 percent of lot area for buildings related to household livestock	<del>1,500 sq. ft.</del>	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	no limitation	<del>one</del>	2 [2]

## Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. For lots that are less than 65 feet wide at the building setback line, the total side yard is 26 percent of the lot width, with no one side yard less than 5 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.
8. Off-site residential garages/sheds shall meet the requirements of the underlying zoning district.

---

continued on next page

Exhibit 8-2 Dimensional standards by zoning district - continued

R-2 Suburban residential district (subdivided)

	Single-family	<del>Garage Lot</del>	Nonresidential
Lot size, minimum [3]:	20,000 sq. ft. for an unsewered lot; 9,000 sq. ft. for a sewered lot and nonshoreland; 10,000 sq. ft. for a sewered lot and shoreland	<del>2,480 sq. ft.</del>	43,000 sq. ft.
Lot size, maximum:	none	<del>no limitation</del>	no limitation
Lot width, minimum:	100 ft. for an unsewered lot; 65 ft. for a sewered lot	<del>44 ft.</del>	200 ft.
Road frontage, minimum:	33 ft.	<del>35 ft.</del>	200 ft. for an unsewered lot; 33 ft. for a sewered lot
Separation between detached buildings, minimum:	10 ft.	<del>10 ft.</del>	10 ft.
Yard setback: [6,7]			
Street yard, minimum:	30 ft.	<del>30 ft.</del>	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	<del>3 ft.</del>	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	<del>3 ft.</del>	25 ft. for a principal building; 3 ft. for a detached accessory building
Building height:			
Principal building, maximum:	35 ft.	<del>not applicable</del>	35 ft. [4]
Accessory building, maximum:	18 ft.	<del>18 ft.</del>	18 ft.
Floor area:			
Principal building, minimum:	1,000 sq. ft. of living space	<del>not applicable</del>	no limitation
Accessory area, maximum:	<del>1,200</del> 1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]; 1 percent of lot area for buildings related to household livestock	<del>1,200 sq. ft.</del>	1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	<del>2 [2]</del> No Limitation	<del>one</del>	2 [2]



## Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. For lots that are less than 65 feet wide at the building setback line, the total side yard is 26 percent of the lot width, with no one side yard less than 5 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.
8. Off-site residential garages/sheds shall meet the requirements of the underlying zoning district.

---

continued on next page

## Exhibit 8-2 Dimensional standards by zoning district - continued

## R-3 Duplex residential district

	Multi-family, 2 units	Twin home	Nonresidential
Lot size, minimum [3]:	43,000 sq. ft. for an unsewered lot; 10,000 sq. ft. for a sewered lot	21,500 sq. ft. per unit for an unsewered lot; 5,000 sq. ft. per unit for a sewered lot	30,000 sq. ft. for an unsewered lot; 15,000 sq. ft. for a sewered lot
Lot size, maximum:	no limitation	no limitation	no limitation
Lot width, minimum:	200 ft. for an unsewered lot; 85 ft. for a sewered lot	100 ft. per lot for an unsewered lot; 43 ft. per lot for a sewered lot	85 ft.
Road frontage, minimum:	33 ft.	17 ft. per lot with 34 contiguous ft. overall	100 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.	10 ft.
Yard setback: [6,7]			
Street yard, minimum:	30 ft.	30 ft.	30 ft.
Side yard, minimum: [5]	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building	9 ft. on one side with no setback along the shared property boundary line; 3 ft. for a detached accessory building	7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building
Rear yard, minimum:	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley	25 ft. for a principal building; 3 ft. for a detached accessory building or 5 ft. to an alley
Building height:			
Principal building, maximum:	35 ft.	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.	18 ft.
Floor area ratio, maximum:	no limitation	no limitation	no limitation
Floor area:			
Principal building, minimum:	1,000 sq. ft. of living space	500 sq. ft. of living space per unit	no limitation
Accessory area, maximum:	<del>1,200</del> 1,500 sq. ft. per dwelling unit	1,200 sq. ft. per dwelling unit; 1 percent of lot area for buildings related to household livestock	1,200 sq. ft. plus 1 percent of the lot area in excess of the minimum lot size [1]
Number of detached accessory buildings, maximum:	<del>2</del> [2] No Limitation	2 [2]	2 [2]

Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
5. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

Continued on next page

## Exhibit 8-2 Dimensional standards by zoning district - continued

## R-4 Multi-family residential district – (3 or more dwelling units)

	Multifamily	Nonresidential
Lot size, minimum [3]:	15,000 sq. ft. for a sewerred lot	24,000 sq. ft.
Lot size, maximum:	none	none
Lot width, minimum:	120 ft.	85 ft.
Road frontage, minimum:	33 ft.	100 ft.
Separation between detached buildings, minimum:	10 ft.	10 ft.
Yard setback: [6,7]		
Street yard, minimum:	40 ft.	40 ft.
Side yard, minimum: [5]	15 ft. on each side for a principal building; 3 ft. for a detached accessory building	15 ft. on each side for a principal building; 3 ft. for a detached accessory building
Rear yard minimum:	40 ft. for a principal building; 3 ft. for a detached accessory building	40 ft. for a principal building; 3 ft. for a detached accessory building
Building height:		
Principal building, maximum:	35 ft.	35 ft. [4]
Accessory building, maximum:	18 ft.	18 ft.
Floor area ratio, maximum:	50 percent	50 percent
Floor area:		
Principal building, minimum:	500 sq. ft. of living space per unit	no limitation
Accessory area, maximum:	500 sq. ft. per dwelling unit	1,200 sq. ft. plus 1 percent of the lot area in excess of 43,000 sq. ft. [1]
Number of detached accessory buildings, maximum:	no limitation	2 [2]

## Notes:

1. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
2. Pursuant to the procedures and requirements contained in article 7 of this chapter, the zoning administrator may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
3. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
4. When an institutional building, such as a church, governmental office, or school, is permitted in a residential zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.

5. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
6. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
7. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page

Exhibit 8-2 Dimensional standards by zoning district - continued

---

R-8 Manufactured/mobile home community district

Lot size, minimum: 2.0 acres

Lot size, maximum: no limitation

Lot width, minimum: 220 ft.

Road frontage, minimum: 100 ft.

Separation between detached buildings, minimum: 10 ft.

Yard setback: [1]

Street yard, minimum: 30 ft.

Side yard, minimum: 25 ft. on each side

Rear yard minimum: 25 ft.

Building height:

Principal building, maximum: 35 ft.

Accessory building, maximum: 18 ft.

Accessory area, maximum: 900 sq. ft.

Notes:

1. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page

---

**Exhibit 8-2 Dimensional standards by zoning district - continued**

---

**B-1 Neighborhood business district**

Lot size, minimum: 15,000 sq. ft. for a sewerd lot; 30,000 sq. ft. for an unsewerd lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewerd lot; 100 ft. for an unsewerd lot

Road frontage, minimum: 75 ft. for a sewerd lot; 100 ft. for an unsewerd lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [4,5]

Street yard, minimum: 30 ft. [3]

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 35 ft. [2]

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. When an institutional building, such as a church, governmental office, or school, is permitted in a commercial zoning district, such building may exceed the stated height limitation, up to a maximum height of 60 feet, provided such building is setback one foot from the required setback line for each foot the building exceeds the stated height limitation.
3. In the case of a lot of record that has a width less than what is required in the zoning district in which such lot is located, the side yard setback for principal buildings shall be reduced proportionately to the ratio between the actual width of the lot and the minimum required width, provided that no setback shall be less than 10 feet.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page

Exhibit 8-2 Dimensional standards by zoning district - continued

---

## B-2 Community business district

Lot size, minimum: 15,000 sq. ft. for a sewerer lot; 30,000 sq. ft. for an unsewered lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewerer lot; 100 ft. for an unsewered lot

Road frontage, minimum: 75 ft. for a sewerer lot; 100 ft. for an unsewered lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 35 ft.

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page



Exhibit 8-2 Dimensional standards by zoning district - continued

---

B-3 **Regional General** business district

Lot size, minimum: 30,000 sq. ft.[1]

Lot size, maximum: none

Lot width, minimum: 100 ft.

Road frontage, minimum: 100 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 45 ft.

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: none

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page

Exhibit 8-2 Dimensional standards by zoning district - continued

---

## M-1 Mixed-use district

Lot size, minimum: 15,000 sq. ft. for a sewerred lot; 30,000 sq. ft. for an unsewerred lot [1]

Lot size, maximum: no limitation

Lot width, minimum: 85 ft. for a sewerred lot; 100 ft. for an unsewerred lot

Road frontage, minimum: 75 ft. for a sewerred lot; 100 ft. for an unsewerred lot

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [2,3]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other for a principal building; 3 ft. for a detached accessory building or 5 ft. from an alley

Rear yard minimum: 25 ft. for a principal building; 3 feet for a detached accessory building or 5 ft. from an alley

Building height:

Principal building, maximum: 45 ft.

Accessory building, maximum: 18 ft.

Floor area:

Principal building, minimum: none

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
3. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page

---

**Exhibit 8-2 Dimensional standards by zoning district - continued**

---

**I-1 Light industrial district**

Lot size, minimum: 10,000 sq. ft. for sewered lot; 20,000 sq. ft. for an unsewered lot; [1]

Lot size, maximum: none

Lot width, minimum: 100 ft.

Road frontage, minimum: 33 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [3,4]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other

Rear yard minimum: 25 ft.

Building height:

Principal building, maximum: 45 ft. [2]

Accessory building, maximum: 30 ft. [2]

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

**Notes:**

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
2. When a commercial, institutional, or industrial building is situated on a parcel that adjoins a side yard of a parcel in a residential zoning district, no portion of such building located within 50 feet of the property boundary line shall exceed 120 percent of the maximum building height established for the residential zoning district.
4. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
5. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.

---

continued on next page

Exhibit 8-2 Dimensional standards by zoning district - continued

---

## I-2 Heavy industrial district

Lot size, minimum: 10,000 sq. ft. for sewerred lot; 20,000 sq. ft. for an unsewered lot; [1]

Lot size, maximum: none

Lot width, minimum: 100 ft.

Road frontage, minimum: 33 ft.

Floor area ratio, maximum: no limitation

Separation between detached buildings, minimum: 10 ft.

Yard setback: [3,4]

Street yard, minimum: 30 ft.

Side yard, minimum: 7 ft. on one side and 10 ft. on the other

Rear yard minimum: 25 ft.

Building height:

Principal building, maximum: no limitation [2]

Accessory building, maximum: no limitation [2]

Floor area:

Principal building, minimum: no limitation

Accessory buildings, maximum: no limitation

Number of detached accessory buildings, maximum: no limitation

Notes:

1. The minimum size of the lot may actually be larger due to environmental constraints and land required for on-site infrastructure requirements such as stormwater management and on-site sewage disposal systems.
  2. When a commercial, institutional, or industrial building is situated on a parcel that adjoins a side yard of a parcel in a residential zoning district, no portion of such building located within 50 feet of the property boundary line shall exceed 130 percent of the maximum building height established for the residential zoning district.
  3. Some land uses that may be allowed in this zoning district may have more restrictive yard setback requirements than what is listed. Refer to the development standards in division 9 of this article.
  4. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting districts. The 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 street yards required in both districts.
- 

**23.8-69 to 23.8-80**

**Reserved**

**DIVISION 5  
GENERAL STANDARDS**

**Sections**

23.8-81 Licensing with the county and town 23.8-82 Licensing with state agencies 23.8-83 Number of principal buildings on a parcel of land 23.8-84 Shopping cart returns	23.8-85 Special provisions for residential land uses 23.8-86 Compliance with building codes
---	--

**23.8-81 Licensing with the county and town**

In addition to meeting the requirements contained in this article, all land uses shall also meet any requirements for licensing with the county and the appropriate town, which may now exist or may be adopted.

**23.8-82 Licensing with state agencies**

If a land use or any related activity requires a license from the state, or its agent, to operate, such license shall be obtained prior to the establishment of such use and maintained for the life of the use or until the state, or its agent, no longer requires such license.

**23.8-83 Number of principal buildings on a parcel of land**

There shall be no more than one principal building on a parcel of land, except as may be specifically allowed in this chapter. When this chapter allows more than one principal building on a lot, the reviewing authority may (1) require a greater yard setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to address concerns related to public health, safety, and welfare.

**23.8-84 Shopping cart returns**

(a) **Applicability.** Each retail project that provides on-site parking with 100 or more vehicle parking spaces shall provide one or more shopping cart returns as provided in this section.

(b) **Number.** A least one cart return shall be provided for each 100 vehicle parking spaces.

(c) **Specifications.** The cart return shall be at least 170 square feet in area, which is roughly the area of a parking space, and shall be constructed of durable materials that are compatible with the building and outdoor light poles and fixtures located in or around the parking lot.

(d) **Placement.** The cart return shall be located within the parking lot area in a central location. The cart return shall not be located within 25 feet of the primary entrance of the principal building, unless there is no other practicable location.

**23.8-85 Special provisions for residential land uses**

(a) **Use of a recreational vehicle for occupancy.** A recreational vehicle shall not be used for occupancy while on a residential premises, except for guests not exceeding 5 days in a calendar month. No more than one recreational vehicle may be occupied as allowed under this section.

(b) **On-site storage of a recreational vehicle.** A recreational vehicle located on a residential property shall be licensed by the state of Wisconsin. No more than 2 recreational vehicles shall be stored on a residential property with a principal building. **A recreational vehicle may not be placed or used on a property without a principal building present.** A recreational vehicle shall not be stored in a street yard or in the setback of a side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located.

**23.8-86 Compliance with building codes**

A building shall comply with all applicable building codes for the intended use.

**23.8-87 to 23.8-230 Reserved**

**23.8-233 Agriculture, general**

(a) **Legislative findings.** The Board of County Supervisors makes the following legislative findings regarding this section:

- (1) The state legislature adopted s. 93.90, Wis. Stats., (Livestock Facility Siting Law) to govern livestock facilities, which is implemented by administrative rule under ch. ATCP 51, Wis. Admin. Code.
- (2) The Livestock Facility Site Law allows local jurisdictions to review livestock facilities with 500 animal units or more as a conditional use.

(b) **Standards for general agriculture.** There are no special standards that apply to general agriculture uses or general agriculture with fewer than 500 animal units.

(c) **Standards for livestock facilities with 500 animal units or more.** A livestock facility with 500 animal units or more shall comply with the following requirements.

- (1) **Minimum lot area.** The facility shall only occur on a parcel of land that is 40 acres or larger. Once this use is established, the parcel shall not be made smaller through a property boundary line relocation or other means, except as may be approved by the Planning and Zoning Committee as a special exception consistent with the procedures and requirements in article 7 of this chapter.
- (2) **Road access requirements.** The primary access to the facility shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
- (3) **Location of livestock structures.** A livestock structure approved after April 29, 2012, except for livestock waste storage structures, shall be located at least 150 feet from a public road right-of-way and 200 feet from a property boundary line, other than for a public road right-of-way.
- (4) **Location of livestock waste storage structures.** A livestock waste storage structure approved after April 29, 2012, shall be located at least 350 feet from a property boundary. If any portion of an existing structure that is closer than 350 feet from a property boundary line, such structure may be expanded, provided the expansion is not located any closer to the property boundary line than the existing structure. A single new livestock waste storage structure may be constructed closer than 350 feet if such structure (1) is located on the same tax parcel as a livestock waste storage structure in existence before May 1, 2006, (2) is not larger than the existing structure, (3) is no further than 50 feet from the existing structure, and (4) is no closer to the property boundary line than the existing structure. An existing structure that does not meet the setback standards in this subsection may be expanded provided such expansion is not located any closer to the property boundary line than the existing structure.
- (5) **Location of livestock structures, except livestock waste storage structures.** Livestock structures, except livestock waste storage structures, associated with an operation with fewer than 1,000 animal units shall be located at least 100 feet from the property boundary line. Livestock structures, except livestock waste storage structures, associated with an operation with 1,000 animal units or more shall be located at least 200 feet from the property boundary line.
- (6) **Wells.** All water wells located within a livestock facility shall comply with chs. NR 811 and 812, Wis. Admin. Code. 122 New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, Wis. Admin. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(d) **Agriculture, general, located in the A-1 District.** General agriculture located in the A-1 District must be for the purpose of earning an income or livelihood.

**23.8-234 Greenhouse**

~~No special standards apply to greenhouses.~~ Use. A greenhouse shall only be used for horticultural purposes.

<sup>122</sup> Commentary: These administrative rules include standards for water well construction and placement.

**23.8-355 Community center**

The primary access to a community center with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**23.8-356 Community cultural facility**

The primary access to a community cultural facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**23.8-357 Community garden**

A community garden located in an A-1 District must meet the requirements of s. 23.115(c) and is a conditional use.

**23.8-358 Correctional facility**

No special standards apply to correctional facilities.

**23.8-359 Educational facility, pre-K through 12**

No special standards apply to pre-K through 12 educational facilities.

**23.8-360 Educational facility, post-secondary**

No special standards apply to post-secondary educational facilities. The primary access to a post-secondary educational facility shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**23.8-361 Maintenance garage**

Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

**23.8-362 Park**

No special standards apply to parks.

**23.8-363 Public safety facility**

No special standards apply to public safety facilities.

**23.8-364 Recreation trail**

A recreation trail located in an A-1 District must meet the requirements of s. 23.115(c) and is a conditional use.

**23.8-365 Unspecified public use**

No special standards apply to unspecified public uses.

**23.8-366 Worship facility**

(a) **Access.** The primary access to a worship facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(b) **Worship facility located in an A-1 District.** A worship facility located in an A-1 District must meet the requirements of s. 23.115(c).

**23.8-367 to 23.8-370 Reserved****Series 12 Telecommunications and Utilities****23.8-371 Commercial solar energy system**

(a) **Yard setbacks.** A solar energy system and support equipment and facilities shall not be located in the yard setback established for the zoning district in which the parcel is located.

(b) **Lighting.** A solar energy system shall not be artificially lighted, except for security purposes or when specifically required by a state or federal authority.

(c) **Security fencing.** A security fence may be located around the perimeter of a large-scale energy system.

(d) **Required signage.** A sign no larger than 18 inches by 24 inches shall be placed on each side of a large-scale solar energy system and at an interval of 100 feet between signs that includes (1) the name of the facility owner/operator, (2) a telephone number to contact in case of an emergency, and (3) information relating to potential voltage hazards.

(e) **Approval by electric utility company.** If the solar energy system is designed to produce electricity, the owner/operator shall submit documentation acceptable to the zoning administrator indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(f) **Financial security for removal of equipment.** Prior to the issuance of a conditional use permit authorizing construction of a large-scale solar energy system, the property owner shall provide a financial guarantee in a form and in an amount acceptable to the zoning administrator. Such financial guarantee shall be maintained until the solar energy system is removed and the site restored or at such time that is mutually agreeable to the property owner and the zoning administrator. If the county exercises its right to sue the financial guarantee and the amount of the financial guarantee does not cover the cost of removing the solar energy system and restoring the site, the balance shall constitute a lien against the property as authorized by state law.

(g) **Unsafe conditions.** If the zoning administrator determines that a solar energy system is unsafe or otherwise defective, the administrator shall follow the procedure outlined in article 7 of this chapter relating to unsafe conditions.

(h) **Termination of approval.** If the zoning administrator determines that the solar energy system has not been operated for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 7 of this chapter relating to termination of the approval.

(i) **Solar energy system located in an A-1 District.** A solar energy system located in an A-1 District must meet the requirements of s. 23.115(d) and is a conditional use unless it qualifies under s. 91.44(1)(f) stats.

### 23.8-372 Stormwater facility

A stormwater facility located in an A-1 District must meet the requirements of s. 23.115(d) and is a conditional use.

### 23.8-373 Telecommunication facility, concealed

(a) **Applicability.** The provisions of this section apply to all telecommunication facilities, except for the following:

- (1) supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater facilities, pump stations, and similar facilities with heights not exceeding 35 feet;
- (2) antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority;
- (3) amateur radio antennas and support structures that are less than 70 feet in height;<sup>134</sup>
- (4) an antenna or tower that is installed on an existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the antenna or tower adds no more than 20 feet to the height of the structure;
- (5) portable antennas that are used in broadcasting public information coverage of news events of a temporary nature (Exhibit 8-6); and
- (6) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices.

(b) **Federal requirements.** A telecommunication facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

<sup>134</sup>Commentary: Amateur radio antennas that are less than 70 feet in height are regulated in s. 23.8-442.



(c) **Equipment buildings.** The exterior of equipment buildings, shelters, and cabinets exceeding 200 cubic feet shall be covered with building materials typically used on buildings found in the area.

**23.8-374 Telecommunication facility, unconcealed**

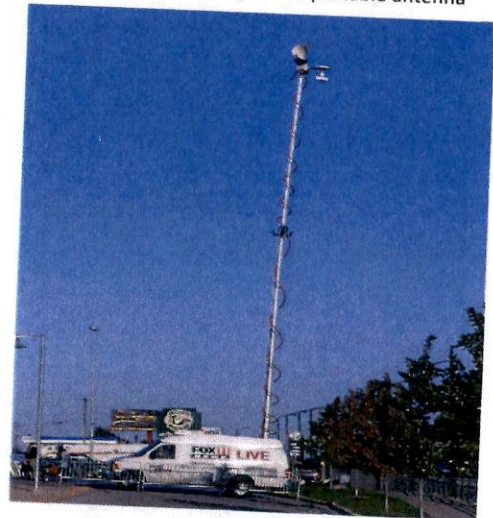
(a) **Purpose.** This section promotes the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunication facilities, and is intended to accomplish the following purposes, to the full extent permitted by law:

- (1) protect the visual character of the county from the potential adverse effects of telecommunication facilities;
- (2) ensure against the creation of visual blight within or along the county's scenic corridors and ridgelines;
- (3) retain local responsibility for and control over the use of public right-of-ways to protect citizens and enhance the quality of their lives;
- (4) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided; and
- (5) create and preserve telecommunication facilities that will serve as an important and effective part of the county's emergency response network.

(b) **Applicability.** The provisions of this section apply to all telecommunication facilities, except for the following:

- (1) supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater facilities, pump stations, and similar facilities with heights not exceeding 35 feet;
- (2) antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority;
- (3) amateur radio antennas and support structures that are less than 70 feet in height;<sup>135</sup>
- (4) an antenna or tower that is installed on an existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the antenna or tower adds no more than 20 feet to the height of the structure;
- (5) portable antennas that are used in broadcasting public information coverage of news events of a temporary nature (Exhibit 8-6);
- (6) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices; and
- (7) temporary antennas that are specifically related to a special event of regional significance.

Exhibit 8-6 An example of a portable antenna



(c) **Required agreement.** If the tower operator does not also own the property on which the tower is to be located, the property owner shall submit a copy of a signed agreement between the tower operator and the property owner with the application. Such agreement shall be binding on future property owners and future operators and shall address the requirements for termination of approval as specified in this section.

(d) **Federal requirements.** A telecommunication facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

<sup>135</sup>Commentary: Amateur radio antennas that are less than 70 feet in height are regulated in s. 23.8-442.

(e) **Yard setbacks.** A tower or antenna and support facilities shall not be located in the yard setback established for the zoning district in which the parcel is located.

(f) **Security fencing.** A tower and all related structures, such as equipment buildings, shelters, and cabinets, shall be enclosed by a security fence.

(g) **Lighting.** A tower or antenna shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting shall be the least obtrusive to the surrounding views.

(h) **Equipment buildings.** The exterior of equipment buildings, shelters, and cabinets exceeding 200 cubic feet shall be covered with building materials typically used on buildings found in the area.

(i) **Required signage on towers.** A sign no larger than 18 inches by 24 inches shall be placed in a visible location near the base of the tower that lists the following information:

- (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.

Exhibit 8-7 is an example of a sign that provides the necessary information.

Exhibit 8-7 An example of appropriate tower signage placed on the security fence



(j) **Availability of suitable existing towers or other structures.** No new unconcealed tower shall be permitted after April 29, 2012, unless the property owner demonstrates to the reasonable satisfaction of the reviewing authority that no existing or planned tower or structure can accommodate the applicant's proposed antenna. Such evidence may consist of any of the following:

- (1) No existing or planned towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (2) Existing or planned towers or structures are not of sufficient height to meet applicant's engineering requirements and cannot be made taller.
- (3) Existing or planned towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be modified to support the additional load.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on an existing or planned tower or structure, or the antenna on an existing or planned tower or structure would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing or planned tower or structure or to adapt an existing or planned tower or structure for sharing are unreasonable. Costs that exceed the cost of establishing a new tower are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing and planned towers and structures unsuitable.

If such evidence is submitted, the zoning administrator may, at the applicant's expense, hire a qualified expert in the field to review the documentation to provide an independent analysis.

(k) **Financial security for removal of tower.** Prior to the issuance of a zoning permit authorizing construction of a tower, the property owner shall provide a financial guarantee in a form and in an amount acceptable to the zoning administrator. Such financial guarantee shall be maintained until the tower is removed and the site restored or at such time that is mutually agreeable to the property owner and the zoning administrator. If the county exercises its right to use the financial guarantee and the amount of the financial guarantee does not cover the cost of removing the tower and restoring the site, the balance shall constitute a lien against the property as authorized by state law.

(l) **Unsafe conditions.** If the zoning administrator determines that a tower is unsafe or otherwise defective, the administrator shall follow the procedure outlined in article 7 of this chapter relating to unsafe conditions.

(m) **Termination of approval.** If the zoning administrator determines that all of the antennas on a tower have not been operated for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 7 of this chapter relating to termination of the approval.

(n) **Review requirements for antennas.** Antennas placed on a tower as a collocation and related ground facilities may occur with the review and approval of a site plan and plan of operation.

(o) **Antenna upgrades.** Antennas on an existing tower may be upgraded without **special approval** **a zoning permit** provided the new antennas do not exceed the number or size of the existing antennas and are generally placed where the existing antennas are located.

(p) **Nonconformity.** Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute an expansion of a nonconforming use or structure.

(q) **Unconcealed telecommunication facility located in an A-1 District.** An unconcealed telecommunication facility located in an A-1 District must meet the requirements of s. 23.115(d) and is a conditional use.

#### **23.8-375 Utility installation, major**

A major utility installation located in an A-1 District must meet the requirements of s. 23.115(d) and is a conditional use.

#### **23.8-376 Utility installation, minor**

A minor utility installation that also includes a security fence is considered a major utility installation.

#### **23.8-377 Utility maintenance yard**

(a) **Location.** Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district and 50 feet from a property in a commercial or mixed-use zoning district.

(b) **Utility maintenance yard located in an A-1 District.** Utility maintenance yard located in an A-1 District must meet the requirements of s. 23.115(d) and is a conditional use unless it qualifies under s. 91.44(1)(f) stats.

#### **23.8-378 Wind Energy System, large**

(a) Setback(s).

A large energy system shall be the lesser of 1,250 feet or 3.1 times maximum blade tip from the following:

- (1) Occupied community buildings
- (2) Non-participating residences

A large energy system must be 1.1 times the maximum blade tip height from the following:

- (1) Participating residences
- (2) Non-participating property lines
- (3) Public right-of-way
- (4) Overhead communication/electric transmission/distribution lines

(b) **Pre-application notice.** At least 90 days before an owner files an application with the County to construct a large energy wind system, the owner must provide written notice of the planned wind energy system to all of the following:

- (1) Landowners within one mile of a planned wind turbine host property.
- (2) The political subdivision(s) within which the wind energy system may be located (wind energy system refers to all wind energy facilities, e.g., turbines, collector lines, substation).
- (3) Emergency first responders and air ambulance service providers serving the political subdivision(s).
- (4) The Wisconsin Department of Transportation.
- (5) The Public Service Commission of Wisconsin.
- (6) The Department of Natural Resources, Office of Energy.
- (7) The Wisconsin Department of Agriculture, Trade, and Consumer Protection.

(8) The office of the Deputy Undersecretary of the U.S. Department of Defense.

The notice must include the following:

- (1) A complete description of the proposed wind energy system including the number and size of the planned wind turbines.
- (2) A map showing the planned location of all wind energy system facilities.
- (3) Owner contact information.
- (4) A list of potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.
- (5) Whether the owner will request a joint application review process under Wis. Admin. Code State Statute PSC 128.30(07) and each political subdivision that may participate in the joint review process.

(c) **Decommissioning.** Requirements to decommission:

- (1) An owner of a large 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.

(d) **Financial security for removal of equipment.** Prior to the issuance of a conditional use permit authorizing the construction of a large wind energy system, the applicant shall provide a financial guarantee in a form and in an amount acceptable to the zoning administrator. Such financial guarantee shall be maintained until the large wind energy system is removed and the site restored or at such time that is mutually agreeable to the property owner and the zoning administrator. If the county exercises its right to use the financial guarantee and the amount of the financial guarantee does not cover the cost of removing the large wind energy system and restoring the site, the balance shall constitute a lien against the property as authorized by state law.

(e) Definitions specific to wind energy systems.

- (1) "Decommissioning" means removal of all of the following:
  - (i) 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
  - (ii) All below ground facilities, except underground collector circuit facilities and those portions of concrete structures 4 feet or more below grade.
- (2) "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.
- (3) "Nameplate capacity" means the nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.
- (4) "Nonparticipating property" means real property that is not a participating property.
- (5) "Nonparticipating residence" means a residence located on nonparticipating property.
- (6) "Occupied community building" means a school, church or similar place of worship, daycare facility or public library.
- (7) "Owner" (with regard to wind energy systems) means:
  - (i) 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.
  - (ii) 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.

(8) “Participating property” means any of the following:

- (i) A turbine host property.
- (ii) 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 an 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.

(9) “Participating residence” means a residence located on a participating property.

(10) “Turbine host property” means real property on which at least one wind turbine is located.

(11) “Wind access easement” means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

(12) “Wind energy system” has the meaning given in s. 66.0403(1)(m), Stats., and is used to convert wind energy to electrical energy.

(f) **Wind energy system, large located in an A-1 District.** A large wind energy system located in an A-1 District must meet the requirements of s. 91.01(1), 91.44(1)(f) or s. 91.46(4), Wis. Stats.

### 23.8-379 Wind Energy System, small

(a) **Setbacks.** A small wind energy system must be at least 1.0 times the maximum blade tip height from the following:

- (1) Occupied community buildings
- (2) Non-participating residences
- (3) Non-participating lot lines
- (4) Overhead communication/electric transmission/distribution lines

(b) Definitions specific to wind energy systems

(1) “Decommissioning” means removal of all of the following:

- (i) 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
- (ii) All below ground facilities, except underground collector circuit facilities and those portions of concrete structures 4 feet or more below grade.

(2) “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.

(3) “Nameplate capacity” means the nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

(4) “Nonparticipating property” means real property that is not a participating property.

(5) “Nonparticipating residence” means a residence located on nonparticipating property.

(6) “Occupied community building” means a school, church or similar place of worship, daycaré facility or public library.

(7) “Owner” (with regard to wind energy systems) means:

**23.8-446 Boat dock**

A boat dock shall comply with all rule and regulations established in state statutes and administrative rules established pursuant to those statutes.

**23.8-447 Boathouse**

(a) **Other permits.** The property owner shall obtain all necessary permits from the Wisconsin Department of Natural Resources, United States Army Corps of Engineers, and other regulatory agencies as may be required.

(b) **Allowable uses.** The use of a boathouse is limited to the storage of watercraft and related equipment. A boathouse shall not be used for human habitation.

(c) **Yard setbacks.** A boathouse shall be located within a shore yard setback, but shall be no closer than 5 feet to the ordinary high-water mark of the stream, lake, pond, or wetland on which it fronts. A boathouse shall not be closer than 3 feet to a side property boundary line.

(d) **Number.** No more than one boathouse shall be located on a parcel of land.

(e) **Maximum floor area/height.** The floor area of a boathouse shall not exceed 500 sq. feet or 15 feet in height.

(f) **Access door.** A boathouse shall have a garage-type door at least 7 feet wide for primary access on the side of the building facing the water. Where water frontage is all marsh and access to open water is not possible, the zoning administrator may waive this requirement at the time of permitting and approve an alternative location for the door.

(g) **Decks and similar features.** Decks and screened in areas are prohibited.

(h) **Use of flat roof.** If the boathouse has a flat roof, the rooftop area ~~may not be used as an outdoor living area.~~ shall be in accordance with the shoreland zoning code.

(i) **Construction standards.** A boathouse shall be placed on a continuous perimeter foundation that extends below the frost line or on a concrete slab.

(j) **Boathouse located in an A-1 District.** A boathouse located in an A-1 District must qualify under s. 91.01(1) stats.

**23.8-448 Boathouse, off-site**

An off-site boathouse shall meet all of the special standards specified in s. 23.8-447 “Boathouse” in addition to the following standards:

(a) **Minimum requirement for establishment of an off-site boathouse.** An off-site boathouse may be established only if the lot with the off-site boathouse is located on the road providing access to the lot housing the residential use and is generally located across from the lot housing the residential use.

(b) **Limitation on number of boathouses.** A lot housing a residential use shall not be associated with more than one boathouse, whether on-site or off-site.

(c) **Deed restriction required.** Prior to the issuance of a zoning permit authorizing the construction of an off-site boathouse, the property owner shall file an agreement and deed restriction with the register of deeds for Winnebago County, as approved by the zoning administrator, that prohibits the sale of the lot with the off-site boathouse separately from the lot housing a residential use to which it is associated (i.e., both lots must be sold together) and that such restriction remain in perpetuity.

(d) **Outdoor storage prohibited.** No items or material of any kind shall be stored out-of-doors on a lot with an off-site boathouse.

(e) **Accessory buildings prohibited.** No additional buildings may be located on a lot with an off-site boathouse.

**23.8-449 Commercial vehicle parking**

No more than one licensed commercial vehicle shall be stored out-of-doors on a residential lot. Examples of commercial vehicles include cars, vans, and trucks painted or embellished with a business logo or color scheme (often referred to as “company vehicles”), school buses, cargo trucks, and tractor-trailers (cab and trailer). Such vehicles shall be fully operative and in active commercial use.

**23.8-450 Deck****(a) Setback requirements**

(1) When attached or adjoining a principal building, the deck shall meet the required yard, height, and separation requirements of the principal building.

(2) When attached or adjoining an accessory building (e.g. pool), the deck shall meet the required yard, height, and separation requirements of an accessory building.

(3) Free standing decks shall meet the yard, height, and separation requirements of an accessory building.

**(b) Accessory floor area.** Decks are exempt from the maximum accessory floor area.

**(c) Maximum number of detached accessory buildings.** Where applicable, a detached or free-standing deck shall count towards the maximum number of detached accessory buildings allowed in a zoning district.

**23.8-451 Exterior communication device (receive-only antenna)**

**(a) Number.** No more than 2 exterior communication devices shall be located on a parcel of land.

**(b) Requirements for satellite dish.** A satellite dish shall not be larger than 36 inches in diameter. If ground mounted, the satellite dish shall not be mounted higher than 6 feet above the ground surface. If a satellite dish is mounted on a building, it shall not extend more than 6 feet above the roof line.

**(c) Requirements for radio/television antenna.** A ground-mounted radio/television antenna shall not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television antenna shall not extend more than 15 feet above the roofline.

**(d) Exterior communication device (receive-only antenna) located in an A-1 District.** An exterior communication device (receive-only antenna) located in an A-1 District must qualify under s. 91.01(1) stats.

**23.8-452 Family day care home**

Prior to the establishment of a family day care home, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.

**23.8-453 Farm building storage**

**(a) Expansion.** The building housing this use may not be enlarged to increase the storage area.

**(b) Alteration of building.** The building may not be altered to accommodate this use, except as may be specifically permitted by the reviewing authority as part of the conditional use process.

**(c) Exterior storage prohibited.** All storage shall occur within the farm building (i.e., no outside storage).

**(d) Farm building storage located in an A-1 District.** Farm building storage located in an A-1 District must qualify under s. 91.01(1) stats.

**23.8-454 Farm residence**

**(a) Standards.** A farm residence shall comply with the standards for single-family dwellings in s. 23.8-255.

**(b) Farm residence located in an A-1 District.** A farm residence located in an A-1 District must qualify under s. 91.01(1) stats.

**23.8-455 Farmstead retail outlet**

A farmstead retail outlet located in an A-1 District must qualify under s. 91.01(1) stats.

**23.8-456 Fence**

**(a) Applicability.** The requirements of this section apply to a fence more than 30 inches in height constructed or rebuilt after April 29, 2012, and which are located in a planned development district or on a parcel, wholly or partially, located in one of the following base zoning districts:

- (1) R-1, Rural residential
- (2) R-2, Suburban residential—low density
- (3) R-3, Suburban residential—medium density

- (4) R-4, Suburban residential—high density
- (5) R-8, Manufactured/mobile home community
- (6) B-1, Neighborhood business
- (7) B-2, Community business
- (8) B-3, Regional business
- (9) M-1, Mixed-use
- (10) I-1, Light industrial
- (11) I-2, Heavy industrial

A fence for a residential use within an agricultural district shall meet residential zoning district standards.

(b) **Measurement of fence height.** The height of a fence shall be measured from the adjoining ground surface to the top of the fence material (i.e., not the fence post, pole, or column).

(c) **General construction specifications.** A fence shall meet the following construction specifications:

(1) **Width.** With the exception of vertical supports, the width of a fence shall not exceed 14 inches.

(2) **Height.** The top of a fence shall not exceed the height listed in Exhibit 8-9, provided a fence used to enclose horses shall not exceed a height of 5 feet.

Where a fence is located on a slope and is stepped, each section shall not be wider than

10 feet and the height shall be measured in the middle of the stepped section (Exhibit 8-10). Pursuant to the procedures and requirements in article 7 of this chapter, the Planning and Zoning Committee may approve a special exception to allow a fence in a commercial zoning district that is higher than the height specified in Exhibit 8-9, but no more than 10 feet. The zoning administrator may allow a fence that does not meet the height requirements in this section when placed around a utility installation, telecommunication tower, or similar facility when required for security or related purposes.

(3) **Orientation.** All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.

(4) **Materials.** A fence shall be constructed of building materials commonly used for fence construction in the region, except for those specifically prohibited in this section. A fence located in a street yard setback shall have a maximum opacity of 50 percent. All other fences may be solid from the ground to the maximum height. Snow fences constructed of wood or plastic shall be permitted only as temporary fences.

(5) **Vertical supports.** A vertical support, such as a post or column, shall not exceed 24 inches in width or extend more than 24 inches above the top of the highest point of the adjoining fence. Any attachments such as lights, caps, or decorations must meet this height limitation.

(6) **Arbors.** An arbor may extend above a pedestrian walkway provided it is not taller than 9 feet, wider than 5 feet, or deeper than 3 feet.

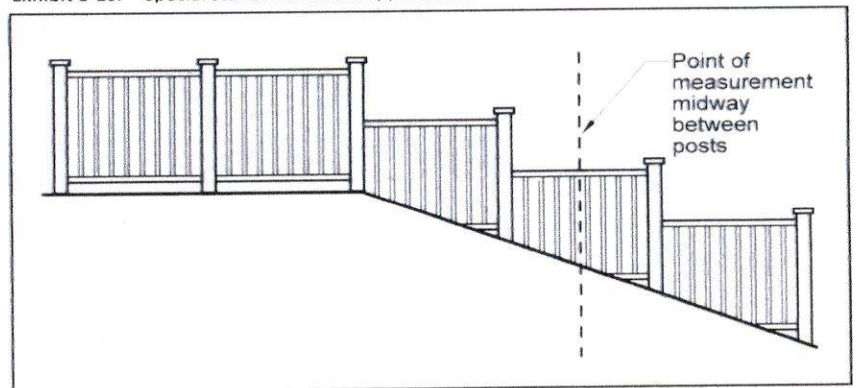
(7) **Trellises.** A trellis may be incorporated into the overall design of a fence provided no part is taller than 8 feet and does not extend for more than 10 percent of the length of the side on which it is located.

Exhibit 8-9. Maximum fence height

Location	Residential Zoning Districts	Mixed-Use Zoning Districts	Commercial Zoning Districts	Industrial Zoning Districts
Street yard	4 feet [1]	4 feet [1]	10 feet	10 feet
Side yard	6 feet	6 feet	10 feet	10 feet
Rear yard	6 feet	6 feet	10 feet	10 feet

1. 30 feet from front property boundary line; side yard height thereafter

Exhibit 8-10. Special standards for a stepped fence





(d) **Location specifications. A fence shall meet the following locational specifications:**

- (1) A fence shall not be located in a shore yard setback **(unless exempt per the shoreland zoning code)**.
- (2) A fence may be placed up to a property boundary line, except that a residential fence shall not be closer than 2 feet to a public road right-of-way.
- (3) A fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority may remove such fence at the property owner's expense, is not liable for any damage to the fence, and is not responsible for the reconstruction of the fence.
- (4) A fence shall not be located within a drainage easement. Upon written petition, the 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.
- (5) Fences on the property line of a through lot in a residential district abutting an access restricted right-of-way shall be allowed at the rear yard height and opacity standards of the underlying zoning district.
- (6) Fences on the property line of a through lot in a residential district abutting an access restricted highway shall be allowed at the rear yard opacity standards and shall be no more than six feet in height, provided that road right-of-way setbacks and vision clearance triangle standards are met.
- (7) Where a residentially zoned property abuts a commercial or industrial zoned property, a solid fence may be allowed in the side or rear yard of the residential property at the maximum height of the abutting zoning district.

(e) **Special standards for fencing around a swimming pool.** A fence may be located around a swimming pool provided it meets the standards in the most current edition of ANSI/IAF-8 as promulgated by the American National Standards Institute and Association of Pool and Spa Professionals that relate to barriers and fencing.

(f) **Special standards for fences within a commercial or industrial zoning district.** Security fences are permitted on the property line. Fences are exempt from the street yard maximum opacity requirements provided that vision clearances at driveways and/or intersections are maintained.

(g) **Special standards for fencing around a sport court. A fence may be located around a sport court, provided it meets the following standards:**

- (1) The fence shall not exceed 12 feet in height.
- (2) The fence shall not be located within a setback line.
- (3) Any portion of the fence above 6 feet in height shall be an open woven wire.

(h) **Special standards for temporary fencing. A temporary fence may be placed around a construction site for the duration of the construction project with a valid zoning permit.**

(i) **Modification of stormwater flow. A fence shall not impede the natural flow of stormwater.**

(j) **Barbed wire fencing. Barbed wire fencing is prohibited except as follows:**

- (1) Three or fewer courses of barbed wire may be installed above the top line of a 6-foot high chain link fence when located in an industrial zoning district.
- (2) Barbed wire may be used to contain livestock as may be allowed in the zoning district.
- (3) The zoning administrator may allow a fence with barbed wire when placed around a utility installation, telecommunication tower, or similar facility when required for security or related purposes.

(k) **Electric fencing.** An electric fence is prohibited except when used to contain livestock as may be allowed in the zoning district.

(l) **Maintenance.** A fence shall be maintained in a structurally sound manner.

(m) **Zoning permit exemption.** Two sections of fencing no longer than eight feet per section or up to two stand-alone arbors which meet the standards of s.23.8-456(c)(6) shall be allowed in any residential district without a zoning permit, so long as each meets the height, setback, and opacity requirements of the underlying zoning district.

(n) **Exemption for agricultural fences.** Fences for the containment of livestock on agriculturally zoned properties or where a conditional use has been granted to allow livestock in an alternative zoning district, shall be exempt from the requirements of this section including the need for a zoning permit.

**23.8-457 Foster home and treatment foster home (operated as an accessory use)**

(a) **License.** Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(b) **Foster home and treatment foster home located in an A-1 District.** A foster home and treatment foster home located in an A-1 District must qualify under s. 91.01(1) stats.

**23.8-458 Garage, shed, nonresidential**

(a) **Size.** The footprint of the garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the building containing the primary use.

(b) **Type of construction.** A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.

(c) **Use. Human habitation of a nonresidential garage is expressly prohibited.**

**23.8-459 Garage, shed, off-site residential**

(a) **Legislative findings.** The Board of County Supervisors makes the following findings regarding off-site residential garages:

- (1) There are pre-existing residential lakefront lots in the county that are too small or too narrow to allow the construction of a two-car garage.
- (2) While not necessarily desirable, necessity dictates that special provisions should be made to allow the construction of an off-site garage so long as all of the standards in this section can be met.

(b) **Minimum requirement for establishment of an off-site residential garage.** An off-site residential garage may be established only if the lot with the off-site residential garage is located on the road providing access to the lakefront lot and is generally located across from the lakefront lot.

(c) **Limitation on number of off-site residential garages associated with a lakefront lot.** A lakefront lot shall not be associated with more than one off-site residential garage.

(d) **Reduction of permissible accessory buildings.** The floor area of the off-site residential garage shall not exceed the maximum accessory floor area for **the zoning district in which it was located.** ~~garage lots as specified in Exhibit 8-2.~~ Furthermore, the number of accessory buildings on the lakefront lot and the off-site residential garage shall not exceed the total number of accessory buildings otherwise permitted on the lakefront lot.

(e) **Deed restriction required.** Prior to the issuance of a zoning permit authorizing the construction of an off-site residential garage, the property owner shall file an agreement and deed restriction with the register of deeds for Winnebago County, as approved by the 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.

(f) **Outdoor storage prohibited.** No items or material of any kind shall be stored out-of-doors on a lot with an off-site residential garage.

(g) **Accessory buildings prohibited.** No additional buildings may be located on a lot with an off-site residential garage.

(h) **Use. Human habitation of a nonresidential garage is expressly prohibited.**

**23.8-460 Garage, shed, residential**

(a) **Location.** A garage may be attached to the residence or detached.

(b) **Type of construction.** A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.

(c) **Use. Human habitation of a nonresidential garage is expressly prohibited.**

**23.8-461 Garden**

No special standards apply to gardens.

**23.8-462 Gazebo**

## (a) Setback requirements.

(1) When attached or adjoining a principal building, the gazebo shall meet the required yard, height, and separation requirements of the principal building.

(2) When attached or adjoining an accessory building (e.g. pool), the gazebo shall meet the required yard, height, and separation requirements of an accessory building.

(3) Free standing gazebos shall meet the yard, height, and separation requirements of an accessory building.

(b) **Accessory floor area.** If attached or adjoining a principal building, the floor area of the gazebo shall not count towards the maximum allowed accessory floor area. If free-standing, the gazebo's floor area will contribute to the maximum allowed accessory floor area.

(c) **Maximum number of accessory buildings.** Gazebos shall be counted towards the total maximum number of detached buildings as specified in the underlying zoning district

**23.8-463 Greenhouse**

A greenhouse may be established subject to limitations generally applicable to accessory buildings. **A greenhouse shall only be used for horticultural purposes.**

**23.8-464 Helipad**

No special standards apply to helipads.

**23.8-465 Home occupation, major**

(a) **Validity of use.** The individual primarily responsible for operation of the major home occupation shall reside in a dwelling unit on the parcel.

(b) **Location and space limitation.** The major home occupation may occur within the dwelling unit or within an accessory building located on the lot, or both. The space specifically designated for use of the major home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit. A major home occupation may also be located in a detached residential garage located on the lot, provided at least one bay is reserved for parking a full-size motor vehicle. The establishment of a major home occupation does not authorize the property owner to construct a garage or other accessory building that does not otherwise comply with this chapter.

(c) **Exterior character of building.** The exterior character of the building housing the major home occupation shall not be altered to accommodate such use.

(d) **Storage of materials.** Exterior storage of materials or equipment is allowed, but shall be screened from view from adjoining residentially-zoned properties.

(e) **Limitation on number of on-site workers.** The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.

(f) **Retail sales.** Items produced on site may be sold at retail.

(g) **Limitations on business vehicles.** The use shall not involve the use of more than one commercial vehicle in conjunction with the home occupation. Commercial vehicle parking, as allowed in this chapter, does not constitute a home occupation.

(h) **Nuisance.** A major home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.

(i) **Prohibited uses.** The following uses do not qualify as a major home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.

(j) **Special exception for an operator with a disability.** Consistent with the procedures and requirements of article 7 of this chapter, the Planning and Zoning Committee may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the major home occupation is or would be his or

(d) **Location.** A drive-up service window shall only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district.

### 23.8-486 Service window, walk-up

A walk-up service window shall not be located within 8 feet of a setback of a street yard, side yard, shore yard, or rear yard.

### 23.8-487 Residential solar energy system, building-mounted

(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 shall comply with the maximum height requirements of the zoning district in which the building is located (i.e. accessory and/or principal)

(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.** The panels of a solar energy system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.

(e) **Placement on a façade.** A solar energy system may be mounted on the façade of a commercial building so long as the installation does not project more than 4 feet from the face of the wall.

(f) **Certification.** A solar panel shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator.

(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 shall follow the procedure outlined in article 7 of this chapter relating to the termination of an approval.

(h) **Solar energy system, building-mounted located in an A-1 District.** A building-mounted solar energy system located in an A-1 District must meet the requirements of s. 91.01(1), 91.44(1)(f) or s. 91.46(4), Wis. Stats.

### 23.8-488 Residential solar energy system, free-standing

(a) **Surface area.** The surface area of a free-standing solar energy system shall not exceed ~~150~~ **1,000** square feet when located in one of the following zoning districts: R-1, R-2, R-3, R-4, & R-8. There is no maximum surface area of a free-standing solar energy system in all other districts. The surface area for a free-standing solar energy system shall not be included when determining the total accessory structure area allowed.

(b) **Number.** There shall be no more than one free-standing solar energy system when located in the following districts: R-1, R-2, R-3, R-4, & R-8. There is no maximum number of free-standing solar energy systems in all other districts.

(c) **Maximum height.** A free-standing solar energy system shall meet the maximum height restriction for an accessory structure for the zoning district which the system is located.

(d) **Setback.** A free-standing solar energy system shall meet all setback requirements for an accessory structure for the zoning district which the system is located or a buffer yard as may be required by this chapter. Pursuant to the procedures and requirements in article 7 of this chapter, the Planning & Zoning Committee may approve a special exception to allow a free-standing solar energy system to extend into a yard setback or a buffer yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(e) **Certification.** A free-standing solar energy system shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator.

(f) **Termination of Use.** If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 7 of this chapter relating to the termination of an approval.

(g) **Solar energy system, free-standing located in an A-1 District.** A free-standing solar energy system located in an A-1 District must meet the requirements of s. 91.01(1), 91.44(1)(f) or s. 91.46(4), Wis. Stats.

- (b) **Duration of use.** Special event parking shall be permitted no more than one day prior to the official start of the special event of regional significance and no later than one day after the official close of the event.
- (c) **Setbacks.** Parking must occur within the bounds of the property or properties approved for such use provided that vision clearance is maintained at the intersection of roadways.
- (d) **Removal and clean up.** Within 24 hours following the termination of this use, all features associated with this use and trash and debris of all kinds shall be removed from the site.

**23.8-519 Wind test tower**

Pursuant to s. 66.0401(3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. If the Planning and Zoning Committee, County Board of Supervisors, or the town in which the wind test tower is located determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Public Service Commission requesting the imposition of reasonable restrictions on such use.

**23.8-520 Yard sale**

A yard sale shall not be operated for more than 3 consecutive days. There shall be at least 60 days between the last day of a yard sale and the first day of a subsequent yard sale.

**23.8-521 to 23.8-540 Reserved**

**DIVISION 12 - RESERVED**  
**MICROWAVE RADIO PATH OVERLAY DISTRICT**

**Sections**

<p><del>23.8-541—Legislative findings</del></p> <p><del>23.8-542—Purpose</del></p> <p><del>23.8-543—Technical basis for establishment of regulations</del></p> <p><del>23.8-544—Establishment of districts</del></p>	<p><del>23.8-545—Depiction of district boundaries on suitable map</del></p> <p><del>23.8-546—Height limitation within districts</del></p> <p><del>23.8-547—Nonconforming structures</del></p>
--	---

**~~23.8-541—Legislative findings~~**

The Board of County Supervisors makes the following legislative findings regarding the microwave radio wave overlay district:

- (1) The Winnebago County Sheriff’s Department maintains a microwave antenna off of Sand Pit Road in the town of Omro (“Omro tower”); at the Winnebago County Courthouse in the city of Oshkosh, at the Parkview Health Center in the city of Oshkosh; and at the Menasha Safety Building in the city of Menasha.
- (2) The pathway between the Omro antenna and the other three antennas must be maintained free of obstructions to provide clear communications.
- (3) Clear communications are necessary to maintain public safety.

Microwave Tower in Oshkosh



**~~23.8-542—Purpose~~**

This division promotes the public health, safety, and welfare by providing for an unobstructed flow of microwave radio communications for the Winnebago County Sheriff’s Department.

**~~23.8-543—Technical basis for establishment of regulations~~**

Boundaries and standards as established in this division are based on the report entitled Engineering Study for Winnebago County Sheriff’s Department; Omro-Winnebago County Courthouse, Omro-Parkview Health Center, Omro-Menasha

Safety Building; MRC Project #92012, April 2, 1992. This report is on file at the Winnebago County Sheriff's Department and the Winnebago County Planning Department.

### **23.8-544 – Establishment of districts**

The following overlay districts as described are established in those towns subject to this chapter:

- (1) District 1 extends from the center of the Omro tower in the town of Omro to the center of the tower at the Winnebago County Courthouse in the city of Oshkosh for a width of 200 feet.
- (2) District 2 extends from the center of the Omro tower in the town of Omro to the center of the tower at the Parkview Health Center in the city of Oshkosh for a width of 200 feet.
- (3) District 3 extends from the center of the Omro tower in the town of Omro to the center of the tower at the Menasha Safety Building in the city of Menasha for a width of 200 feet.

### **23.8-545 – Depiction of overlay districts on suitable map**

The overlay districts established in this division shall be shown on the zoning map or on a separate map. If provided as a separate map, the following provisions apply:

- (1) **Title.** The map shall be titled "Microwave Radio Path Overlay Districts – Winnebago County, Wisconsin."
- (2) **Official map.** The county clerk shall maintain one paper copy of the map depicting the overlay districts established in this division which shall be signed by the county executive and attested by the county clerk. If there is a discrepancy between the map maintained by the county clerk and other maps as may be made available, the map maintained by the county clerk shall control in all instances.
- (3) **Availability.** The map depicting the overlay districts established in this division maintained by the county clerk shall be available for public inspection upon request. Other county departments may publish and distribute copies of the map and may include the location of the districts on the county's online GIS system.
- (4) **Preparation of a new map.** In the event the map depicting the overlay districts established in this division maintained by the county clerk is damaged, lost, or destroyed and after each amendment, the zoning administrator shall prepare a new map and submit it to the county executive for certification and to the county clerk for attestation.
- (5) **History of amendment.** The map depicting the overlay districts established in this division maintained by the county clerk may contain a descriptive history of amendments that have been made, indicating the ordinance number and date of action.
- (6) **Archive of superseded maps.** The county clerk shall maintain a permanent archive of superseded maps depicting the overlay districts established in this division that are created after April 29, 2012.
- (7) **Amendment.** The procedures and other requirements to amend the map depicting the overlay districts established in this division are provided in article 7 of this chapter.

### **23.8-546 – Height limitation within districts**

No structure shall be constructed, placed, or erected in an overlay district established in this division that exceeds 60 feet in height above the grade that existed on April 29, 2012, except that a structure may exceed this height if it does not meet or exceed the elevations, which are described as follows:

- (1) District 1: An elevation of 930 feet above mean sea level at the Omro Tower location then decreasing at an even rate (12.57 feet per mile) and ending at 860 feet above mean sea level at the antenna located at the Winnebago County Courthouse as generally depicted in appendix B.
- (2) District 2: An elevation of 920 above mean sea level at the Omro Tower location then decreasing at an even rate (8.58 feet per mile) and ending at 859 feet above mean sea level at the antenna located at the Parkview Health Center as generally depicted in appendix B.
- (3) District 3: An elevation of 1,060 above mean sea level at the Omro Tower location then decreasing at an even rate (11.01 feet per mile) and ending at 882 feet above mean sea level at the antenna located at the Menasha Safety Building as generally depicted in appendix B.

~~23.8-547 Nonconforming structures~~

A nonconforming structure is allowed to continue and exist provided it meets the requirements in article 13 of this chapter.

**DIVISION 13  
SURFACE WATER DRAINAGEWAY OVERLAY DISTRICT**

**Sections**

23.8-548	Generally	23.8-550	Basic district standards
23.8-549	Principal uses	23.8-551	Conditional uses

**23.8-548 Generally**

The intent of this District is to preserve and protect surface water drainage-ways from any encroachment which would affect the hydraulic (water) carrying capacity of surface water drainage-ways.

Since it is not the intent of this District to take lands out of productive use, the Surface Water Drainage-way Overlay District has been established as an Overlay District to work in conjunction with a basic underlying district.

The District boundaries are determined according to the specific watershed area and hydraulic carrying capacity required.

**23.8-549 Principal uses**

Principal uses shall be according to the underlying zoning district.

**23.8-550 Basic district standards**

- (1) Structures – none allowed.
- (2) Lot, building, and yard – according to the underlying zoning district

**23.8-551 Conditional uses (according to s. 23.7-113)**

- (1) According to underlying zoning districts.
- (2) Dams, hydropower plants, flowages, and ponds.
- (3) Any dredging, clearing, cleaning, relocating, etc. of an existing surface water drainage-way, not requiring a permit from a state or federal agency.
- (4) Any dredging, clearing, cleaning, relocating, etc. of an existing surface water drainage-way requiring a permit from a state or federal agency, may be administratively approved per s. 23.7-313 based upon plans/permits authorized by said agency of jurisdiction.

**23.12-12 Off-premise directional signs (Billboard)**

An off-premise directional sign (also referred to as Billboard) is permitted in all zoning districts provided the property of the business or organization being identified only has access off of a town road as designated on the official zoning map and complies with each of the following requirements:

- (1) Placement: The sign is located on a parcel fronting on a road not classified as a town road and the sign is no more than 2,500 feet from the town road on which the business or organization is located
- (2) Type of sign: monument or pole
- (3) Maximum number: 4 for any single business or organization, but no more than 2 on any single road or street
- (4) Maximum sign area: 32 sq. ft. when single sided; 32 sq. ft. per side when double-sided
- (5) Maximum height: 25 feet above existing grade of existing structure at the time of permit approval
- (6) Minimum setback from front property boundary line: 3 feet
- (7) Minimum setback from side property boundary line: 3 feet
- (8) A directional sign shall not face a residential zoning district when located within 50 feet of such district boundary.

**23.12-13 General sign standards by type of sign**

(a) **Projecting sign.** A projecting sign shall comply with each of the following:

- (1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.
- (2) The sign shall not extend more than 10 feet from the building on which it is attached.
- (3) When located above a walkway, the bottom edge of the sign shall be at least 10 feet above the surface of such walkway beneath the sign.
- (4) The sign when located above a driveway or an alley shall not be less than 15 feet above the surface of such driveway or alley.
- (5) The top of the sign shall not be higher than the building on which it is located.

(b) **Free-standing sign.** A free-standing sign shall comply with each of the following:

- (1) A sign when located above a walkway shall not be less than 10 feet above the surface of such walkway.
- (2) A sign when located above a driveway or an alley shall not be less than 15 feet above the surface of such driveway or alley.
- (3) No part of a sign may be closer than 10 feet to the front property boundary line or within the side yard or rear yard setback established for the zoning district in which the sign is located.

(c) **Hanging sign.** A hanging sign shall comply with each of the following:

- (1) The sign shall be constructed of rigid material.
- (2) The sign may be externally illuminated; internal lighting is strictly prohibited.
- (3) The bottom edge of the sign shall be at least 8 feet above the sidewalk beneath the sign.
- (4) The sign shall not have more than two faces.

(d) **Wall sign.** A wall sign shall comply with each of the following:

- (1) A sign shall not project from the wall on which it is attached by more than 12 inches. Sign copy may be placed on an awning, but only on the vertical flap.

**23.12-14 Signage for nonconforming commercial, industrial, or institutional uses**

If a nonconforming commercial, industrial, or institutional use does not have a sign, such establishment may have a wall or window sign stating the name of the establishment without display or elaboration not to exceed 2 feet in height and 10 feet in length.



- (f) The permit application is for land development activity on a single lot and the administering authority determines that less stringent requirements are needed for review and approval.

#### S. 15 PERMITTING REQUIREMENTS, PROCEDURES AND FEES

(1) **PERMIT REQUIRED.** No land owner or land operator may undertake a land development or land redevelopment activity subject to this ordinance without receiving a permit from the administering authority prior to commencing the proposed activity. **A permit shall be required for all construction sites with one acre or more of land disturbance, and to sites of less than one acre if they are a part of a larger common plan of development or sale.** A permit shall be required for land development or redevelopment which increases impervious surfaces greater than 3000 square feet. The total area of impervious surfaces shall be considered within the area of the parcel(s). Land development activities generally fall into the following categories: commercial, industrial, platted subdivisions, or single lot activities. Stormwater plans for commercial, industrial, subdivisions, will require more detailed information generally provided by an engineer whereas, single lot activities normally will require non-engineered plans. Minor land development activities such as the construction of a fence, minor landscaping, or construction of minor structures (10 x 10 or smaller) may be considered exempt from permit requirements if the administering authority determines that no, or very minimal, adverse impacts will result. The determination of impact shall be based, without limitation, upon criteria such as ponding of water, backing up of water, or a threat to neighboring properties.

(2) **PERMIT APPLICATION AND FEE.** Unless specifically excluded by this ordinance, any land owner or operator desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose.

- (a) Unless otherwise exempted by this ordinance, a permit application must be accompanied by the following in order that the permit application may be considered for approval by the administering authority: a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee established in S. 04 of this ordinance.
- (b) The storm water management plan shall be prepared to meet the requirements of S. 14 and 16 of this ordinance; the maintenance agreement shall be prepared to meet the requirements of S. 17 of this ordinance; the financial guarantee shall meet the requirements of S. 18 of this ordinance; and fees shall be those established by the Winnebago County Board of Supervisors as set forth in S. 04 of this ordinance.

(3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The administering authority shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

- (a) Within 30 days of the receipt of a complete permit application, including all items as required by S. 15(2)(a), the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved, approved conditionally, or disapproved. The administering authority shall base the decision on requirements set forth in S. 14, S. 15, and S. 17 of this ordinance.
- (b) If the storm water permit application, plan and maintenance agreement are approved, the administering authority shall issue the permit.
- (c) If the storm water permit application, plan or maintenance agreement are disapproved, the administering authority shall detail in writing of the reasons for disapproval.
- (d) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved, approved conditionally, or disapproved.
- (e) Failure by the administering authority to inform the permit applicant of a decision within the specified number of business days of a required submittal shall be deemed to constitute an approval of the submittal, and the applicant may proceed as if a permit had been issued. In this instance the applicant shall comply with the plan as submitted.

(4) **PERMIT CONDITIONS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The administering

affected by land development and land redevelopment activity, the potential impacts of the proposed development upon the quality and quantity of storm water discharges, the potential for infiltration of **stormwater stormwater**, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed storm water management measures in meeting the performance standards set forth in this ordinance. Unless specified otherwise by this ordinance, storm water management plans shall contain at a minimum the following information:

- (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
- (b) A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat as well as the correct tax parcel number, and where applicable, the correct address.
- (c) Pre-development site conditions, including:
  - (1) One or more site maps at a scale of not less than 1 inch equals 100 feet unless otherwise required by the approving authority. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; existing 2 foot contours; proposed elevations; benchmark(s) as required by the approving authority; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections, including time of travel and time of concentration applicable to each; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes from the site; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells located within 1,250 feet of storm water detention ponds, infiltration basins, or infiltration trenches; wellhead protection areas covering the project area and delineated pursuant to Chapter NR 811.16 Wisconsin Admin. Code.
  - (2) Computations of peak flow discharge rates and volumes for the 1-year, 2-year, 10-year, and 100-year/24 hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
  - (3) A site evaluation of the project site for stormwater infiltration in accordance with WDNR Technical Standards 1002
- (d) Post-development site conditions, including:
  - (1) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
  - (2) Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
  - (3) The location of the outlet or discharge as well as the water body that is recipient of the discharge.
  - (4) One or more site maps at a scale of not less than 1 inch equals 100 feet, or as otherwise required by the approving authority, showing the following: post-construction pervious land use including vegetative cover type and condition; impervious land use including all buildings, structures, and pavement; post-construction elevations; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections, including time of travel and time of concentration applicable to each; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the