CHAPTER 7[1]
ZONING AND TOWN PLANNING

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7.01 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter in accordance with the provisions of the Wisconsin Statutes. Ordinance revisions related to farmland preservation may need to be certified by DATCP to allow landowners within certain agricultural districts to qualify for farmland preservation tax credits. This Ordinance is adopted under the authority granted under subchapter V, ch. 91,and Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and amendments thereto. The Board of Supervisors of the Town of Sheboygan Falls, Wisconsin, does ordain as follows:

7.02 TITLE

This Ordinance shall be known as, referred to as, and cited as the “ZONING ORDINANCE FOR TOWN OF SHEBOYGAN FALLS, WISCONSIN” and hereinafter referred to as the “Ordinance.”

7.03 PURPOSE

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Sheboygan Falls.

7.04 INTENT

It is the general intent of the Ordinance to:

1. Stabilize and protect property values and the tax base.
2. Recognize the needs of agriculture, forestry, industry, residents, recreation, and business in the future growth.
3. Encourage the appropriate use of land and conversation of natural resources.
4. Encourage the wise use, conservation, development, and protection of the Town of Sheboygan Falls water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.
5. Preserve natural growth and cover and promote the natural beauty of the Town of Sheboygan Falls.

6. Facilitate the adequate provision of public facilities and utilities.
7. Promote the safety and efficiency of streets, highways, and other transportation systems.
8. Promote adequate light, air, sanitation, drainage, and open space.
9. Regulate the use of structures, lands, and waters outside of shore land areas.
10. Regulate lot coverage, population density and distribution, and the location and size of structures outside of shore land areas.
11. Prohibit uses or structures incompatible with natural characteristics, existing development or intended development within or adjacent to a zoning district.
12. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town of Sheboygan Falls.

Additionally, it is intended to provide for the administration and enforcement of the Ordinance and to provide penalties for its violation.

7.05 ABROGATION AND GREATER RESTRICTIONS

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

7.06 INTERPRETATION

In the interpretation of this Ordinance and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the public welfare and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin statutes.

7.07 SEVERABILITY AND NON-LIABILITY

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

If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

7.08 REPEAL OF CONFLICTING & EARLIER ORDINANCES

All other Ordinances or parts of Ordinances of the Town of Sheboygan Falls inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

7.09 ADOPTION AND EFFECTIVE DATE

This Ordinance shall be effective after a recommendation by the Planning Commission/Board of Appeals, a public hearing, adoption by the Town of Sheboygan Falls, and publication or posting as provided by law.

7.10 INTRODUCTION

The proper regulation of certain structures, lands, and waters only through the use of the zoning districts contained within this ordinance is neither feasible nor adequate. Therefore, the following restrictions and regulations which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this Ordinance.

7.11 JURISDICTION

The provisions of the Ordinance shall apply to all structures, land, water, and air within the unincorporated areas of the Town of Sheboygan Falls, Wisconsin.

7.12 COMPLIANCE

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except minor structures, and without full compliance with the provisions of the Ordinance and all other applicable local, county, and state regulations.

Nothing herein contained shall require any change in plans, construction, size, or designated use of any building, or part thereof, for which a building permit has been issued before the effective date of the Ordinance and the construction of which shall have been started within 6 months from the date of such permit. Construction pursuant to a permit shall be substantially completed within 1 year of commencement.

The Town Board shall accept all applications, issue or deny all building permits, investigate all complaints, give notice of violations, and enforce the provisions of this Ordinance. All violations of this Ordinance shall be reported to the Town Board who shall bring action to enforce the provisions of this Ordinance.

7.13 BUILDING PERMIT REQUIRED

No building or any part thereof shall be erected or ground broken therefore within the Town limits unless a permit for same has been approved by the Town Board or designated appointee, as required by Chapter 8 or Chapter 15 of the Town Code. The term “building”, as used in this section shall include erection, enlargement, or alteration of any structure; installation, enlargement, or alteration of any plumbing, heating, or electrical system; any moving or demolishing of structures; or any operation affecting the value of real property within the Township.

7.14 USE REGULATIONS

Only the following uses and their essential services may be allowed in any district.

1. Principal Uses Specified for a District: Only 1 principal structure as allowed hereunder shall be located, erected, or moved onto a lot except as permitted under planned unit development districts and other provisions hereof.

2. Accessory Uses and Structures:

A. Permitted in the A-1, A-1-S, A-4, and C-1 districts; also permitted in A-2, A-3, B-1, R-1, R-2, and R-3 if the principal structure on the lot has been erected or is under construction. However, any building, structure, or improvement associated with an agritourism use listed in section 7.21.6 is only allowed in the A-T District. See each district subsection in 7.21 for additional requirements, if any. See also subsection (1) below for an exception.

(1) Accessory structures may precede the principal structure if they meet all of the following requirements:

(a) Maximum square footage of 170 per structure;

(b) No electrical or gas service;

(c) No heating or cooking devices that use propane, pellets, or similar fuels;

(d) No foundation other than a slab three inches thick or less.

B. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined in Section 7.25.

3. Conditional Uses and their accessory uses shall be permitted in specified districts after review & recommendation from the Plan Commission, public hearing, and approval by the Town Board in accordance with procedures and standards established in Section 7.22 of this Ordinance.

4. Uses Not Specifically Listed in this Ordinance as permitted but which are substantially similar to permitted uses may be recommended by the Plan Commission to the Town Board. Subsequent action by the Town Board shall be deemed clarification of the ordinance.

5. Temporary Uses such as real estate field offices, shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board, after recommendation by the Plan Commission as provided for in this Ordinance.

7.15 SUBDIVISION REGULATIONS

All land divisions within the Town shall conform in full with the provisions of the Subdivision Regulations, Town of Sheboygan Falls, Wisconsin (Chapter 14, Town of Sheboygan Falls Code of Ordinances). All land divisions shall be referred to the Plan Commission for recommendation prior to Town Board approval. No building permit shall be issued for any lot until such compliance is assured.

7.16 SANITARY REGULATIONS

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No building permit shall be issued until a safe and adequate water supply and sewage disposal system is assured and a Sanitary Permit is issued. Any future subdivisions adjacent to a public sewer system must join onto such system.

7.17 GENERAL SITE RESTRICTIONS

No land shall be used or structure erected when the land is held unsuitable for such use or structure by the Town Board by reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography, impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and/or general welfare of the Town of Sheboygan Falls. The Town Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.

All lots created after November 4, 2019 shall have at least 66 feet of frontage on a public road or officially approved private way. Where access is to be provided by a private way, said way shall have a minimum right-of-way or access easement of 50 feet in width and shall be continuous to a public road or approved private road. For cul-de-sac lots the minimum frontage shall be 40 feet.

Additionally, all principal structures shall be located on a single lot; only 1 principal structure shall be located, erected, or moved onto a lot except as permitted under planned unit development districts or other provisions hereof. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side of such public street from which the required dedication has not been secured.

All lots with driveways over 300 feet in length shall include an adequate turnaround space at end for emergency vehicles. Driveways subbase shall be constructed of solid material covering a minimum of 12 feet in width and 12 inches in depth to support emergency vehicles year-round and shall be cleared to a height of 14 feet. All driveways shall be installed prior to any construction activities commencing on any lot.

7.18 REDUCTION OF LOT SIZE

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations.

7.19 VIOLATIONS

It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, any municipality or sanitary district, or any owner of real estate within the district affected who may be specifically damaged by such violation, may institute the appropriate action or proceeding to enjoin a violation of this Ordinance.

7.20 PENALTIES

Any person, firm, partnership or corporation who fails to comply with the provisions of this Ordinance or any order of the Town Board issued in accordance with this Ordinance, or resists enforcement, shall, upon conviction thereof, forfeit not more than $500.00 for each offense, together with the costs of prosecution an, in default of payment for such forfeiture, shall be imprisoned in the County Jail of Sheboygan County until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.

7.21 ZONING RESTRICTIONS

1. Establishment:

For purpose of the Ordinance, the Town of Sheboygan Falls, Sheboygan County Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following zoning districts, namely:

A-1 Exclusive Agricultural Use District
A-1-S Exclusive Agricultural Use District (Small-Scale)
A-2 Agricultural Land District
A-3 Agricultural Land Holding District
A-4 Limited Development Agricultural District
A-T Agritourism District
B-1 Local Business & Industrial District
C-1 Natural Resource Conservation District
R-1 Single-Family Residence District (unsewered)
R-2 Single-Family Residence District (sewered)
R-3 Multiple-Family Residence District (sewered and unsewered)

The boundaries of these districts are hereby established as shown on a map entitled, "ZONING MAP, TOWN OF SHEBOYGAN FALLS, WISCONSIN", which accompanies and is part of this Ordinance. All notations and references shown on the Zoning Map are as much a part of this Ordinance as those specifically described herein. Boundaries shall be construed to follow: Corporate limits, U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resources areas as shown by changes in vegetation, slope, and other natural resource base features, unless otherwise noted on the Zoning Map

shall be as much a part of this Ordinance as if the matter and things set forth by the said map were fully described herein.

2. Zoning Map:
The official copy of the Zoning Map shall be adopted as part of this Ordinance and shall be available to the public in the Office of the Town Clerk. The Clerk shall, from time to time, update the Zoning Map as is necessary to reflect changes in zoning district boundaries effective under this Ordinance.

3. Agricultural Districts and Character of Town:
The Town recognizes that the Town is primarily agriculturally oriented. Environmental conditions customarily associated with farming, including smells, noises, dust and mud of farming, are understood to be a normal part of such agricultural character.

4. Farmland Preservation Zoning:
Farmland Preservation Zoning (FPZ) in the Town of Sheboygan Falls consists of the A-1 Exclusive Agricultural Use District and the A-1-S Exclusive Agricultural Use District (Small-Scale). The purposes of FPZ are to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

A. Reporting: By March 1st of each year, the Town shall report to DATCP and Sheboygan County the total acres rezoned out of the Town's Farmland Preservation Zoning during the preceding year and a map that clearly shows the location of those acres.

7.21.1 A-1 EXCLUSIVE AGRICULTURAL USE DISTRICT

A. Purpose: The purposes of the A-1 District are to:

(1) preserve larger tracts of productive agricultural land for food and fiber production;
(2) preserve productive farms by preventing land use conflicts between incompatible uses;
(3) maintain a viable agricultural base to support agricultural processing and service industries;
(4) prevent conflicts between incompatible uses;
(5) reduce costs of providing services to scattered, non-farm uses;
(6) control and shape urban growth;
(7) All comprehensive revisions need to be certified by DATCP in order for landowners in the exclusive agricultural district to be eligible to receive tax credits.
(8) comply with provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under the Wisconsin Statutes.

B. Lands Included:

The A-1 District is generally intended to apply to lands in productive farm operations and must be restricted to "agricultural uses" or "uses consistent with agricultural uses". These include:
(1) lands historically exhibiting high crop yield or capable of such yields;
(2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing;
(3) other lands which are integral parts of such farm operations; and
(4) land used for the production of specialty crops such as sod, fruits, and vegetables.

As a matter of policy, it is the intent of this Ordinance to implement the goals and objectives of the Town's comprehensive plan regarding the preservation of productive agricultural lands. No structure or improvement may be built on the land unless it is consistent with agricultural use.

C. Permitted Uses: The following permitted uses are governed by § 91.44, Wis. Stats.:

(1) Accessory uses, meaning any of the following land uses on a farm:
(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. However, any building, structure, or improvement associated with an agritourism use listed in Section 7.21.6 is only allowed in the A-T District.
(b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

[1] Such activities or operations include but are not limited to the following:
[a] Community supported agriculture (CSA) operations
[b] Roadside Stands; not to exceed one per tract.

[c] U-pick Operations
[d] Greenhouses
[e] Paddocks and Stables

[2] However, uses that met the definition of agritourism as defined in this chapter listed in Section 7.21.6 are only allowed in the A-T District.

(2) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood—except those activities that require a conditional use permit under subsection D:

(a) Apiculture (Beekeeping)
(b) Aquaculture
(c) Dairying
(d) Enrolling land in a federal agricultural commodity program or a federal or state agricultural conservation payment program
(e) Fur Farming that does not exceed one animal unit per acre
(f) Floriculture (Cultivation of Ornamental Flowering Plants)
(g) Forest and Game Management
(h) Grazing
(i) Livestock Raising (including pigs, sheep, goats, beef, and poultry)
(j) Orchards
(k) Plant Nurseries
(l) Raising of equine animals, farm-raised deer, captive game birds, ratites (e.g., ostrich), camelids, rabbits, or fowl (not including poultry) that does not exceed one animal unit per acre
(m) Raising of Grain, Grass, Mint, Seed Crops
(n) Raising of Trees, Fruits, Nuts, and Berries
(o) Sod Farming
(p) Vegetable Raising
(q) Viticulture (Grape Growing)

(3) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
(a) An owner or operator of the farm.
(b) A parent or child of an owner or operator of the farm.
(c) An individual who earns more than 50% of his or her gross income from the farm.

(NOTE: Such accessory residential uses listed in subsection (3) shall conform with all regulations set forth in the Ordinance. The residence must be “consistent with agricultural use.” If any residence built under this provision is sold to persons unconnected to the operation and not principally engaged in a permitted use or approved conditional use, no additional homes may be constructed.

(4) Any residence existing prior to January 1, 2014, regardless of whether an occupant meets subsection (3) (a), (b) or (c) above. (Note: Any such residence damaged or

destroyed by fire, wind, or similar causes may be rebuilt as a permitted use, provided that the rebuilt residence occupies the same general footprint or an alternate site that does not impair agricultural uses to any greater degree than the original residence.)

(5) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

(6) Undeveloped natural resource and open space areas, including equestrian trails, and nature trails and walks.

D. Conditional Uses:

(1) See Section 7.22 (4) under Conditional uses.
(2) Agriculture related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
(3) Raising, propagating, or boarding of the following that exceeds one animal unit per acre: fur-bearing animals (e.g., mink, rabbit, fox, equine animals, bison, farm-raised deer, captive game birds, ratites, or camelids; and dogs if in compliance with 91.01(1)(d).
(4) Raising and/or processing of industrial hemp.
(5) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, and that meets the definition of a home occupation in Section 7.25.
(6) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46(4), Wis. Stats.
(7) Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46(1)(f), Wis. Stats., that qualify under § 91.46(5), Wis. Stats.
(8) Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats.
(9) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subch. II of Ch. 295.

E. Area, Height and Yard requirements:

LOT	Size	Minimum 35 acres
	Width	Minimum 200 feet
BUILDING		
Farm Residence	Height	Maximum 35 feet
Other Structures	Height	Maximum 2 times the distance from the nearest lot line
YARD		
Farm Residence	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	Minimum 75 feet from center

		line of Town & County Highways & 200 feet from State Highways
Other Structures	Rear	Minimum 25 feet if not used for the housing of animals; Minimum 100 feet if used for the housing of animals
	Side	Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals
	Street	Minimum 75 feet from centerline of Town & County Highways & 100 feet from State Highways; 100 feet from the center line of all highways if used for the housing of animals.

F. **Farm Consolidations-The combination of two or more farms to produce a smaller number of farms.** The separation of farm residences or structures from the larger farm parcel may be allowed as a conditional use if it meets all of the following requirements:

(1) The separation is for the purpose of farm consolidation;
(2) The residence or structures existed prior to January 1, 2014;
(3) The separated parcel is no larger than reasonably necessary to accommodate the proposed use;
(4) The separation meets all of the standards applicable to conditional uses.

G. All structures, improvements and conditional uses must be "consistent with agricultural uses."

H. Rezoning A-1 Land out of Farmland Preservation Zoning (FPZ):

(1) The Town may not rezone A-1 land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

(a) The rezoned land is better suited for a use not allowed in Farmland Preservation.
(b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
(c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.
(d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

7.21.2 A-1-S EXCLUSIVE AGRICULTURAL USE DISTRICT (SMALL-SCALE)

A. Purpose:

The primary purposes of the A-1-S District are to maintain, preserve, and enhance agricultural lands historically utilized for crop production but are too small to be included within the A-1 District. The A-1-S District aims to implement the policies of the Sheboygan County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

B. Lands included:

Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, niche farming, organic farming, and similar agricultural-related farming activities.

C. Permitted uses. All permitted uses allowed in the A-1 Exclusive Agricultural Use District, except that livestock raising shall not exceed one animal unit per acre.

D. Conditional uses. All conditional uses allowed in the A-1 Exclusive Agricultural Use District, with the addition of livestock raising that exceeds one animal unit per acre.

E. Area, height, and yard requirements:

LOT	Size	Minimum 3.0 acres
	Width	Minimum 200 feet
BUILDING		
Farm Residence	Height	35 feet
Other structures	Height	Maximum 2 times their distance from nearest lot line.
YARD		
Farm Residence	Rear	Minimum 50 feet
	Side	Minimum 20 feet
	Street	Minimum 75 feet from centerline of Town & County Highways & 100 feet from State Highways
Other Structures	Rear	Minimum 25 feet if not used for the housing of animals; Minimum 50 feet if used for the housing of animals
	Side	Minimum 20 feet if not used for the housing of animals; 50 feet if used for the housing of animals
	Street	Minimum 75 feet from centerline of Town & County highways; 100

feet from center of all highways if used for the housing of animals

F. Rezoning A-1-S land out of Farmland Preservation Zoning (FPZ):
(1) Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:
(a) The rezoned land is better suited for a use not allowed in FPZ.
(b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
(c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
(d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

7.21.3 A-2 AGRICULTURAL LAND DISTRICT

A. Purpose:

The primary purpose of the A-2 District is to maintain, preserve and enhance agricultural land while still allowing limited residential uses and maintaining the rural agricultural atmosphere of the Town. A variety of lot sizes may be allowed depending upon the characteristics of the land involved, the neighboring land and uses and all other factors referred to in Sections 7.04, 7.21.3 and 7.26.2 of the ordinance.

B. Lands Included:

Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural related farming activities. Other lands included will be those lands which are in agricultural areas but which land is not generally suited to agricultural activities except in an incidental manner. Existing nonconforming parcels in other agricultural districts may be included herein where appropriate.

C. Permitted Uses:

All permitted uses in the A-1 Agricultural Land District, except as such may be provided as a Conditional Use for this District in Section 7.22 of this Ordinance, and subject to the requirements below:

(1) Livestock raising must not exceed one animal unit per acre;

(2) A residence is only permitted as follows:

(a) One single-family residence for each resident owner or resident child of one legal owner;

(b) The residence must be located as to conform with the intent of preserving productive farmland;

(c) If any residence built under this provision is sold to persons unconnected to the operation and not principally engaged in a principal use or approved conditional use, no additional homes may be constructed.

(3) However, uses that meet the definition of agritourism as defined in this chapter are only allowed in the A-T District.

D. Animal Units:

See Section 7.25 - Definitions, “Animal Unit.”

E. Conditional Uses:

All conditional uses allowed for A-2 in Section 22 of this Ordinance; and all conditional uses allowed in the A-1 District, with the addition of livestock raising that exceeds one animal unit per acre.

F. Area, Height and Yard Requirements:

The following provisions shall apply, except that the minimum lot size shall be the greater of two acres or the lot size at the time the lot is classified as being in the A-2 District. Lots

under five acres will only be allowed when the Town Board has agreed that the unique characteristics of the lot, the neighborhood, and the purpose of the district make the allowance of such reduced lot size to be in the best interest of the Town. The Town Board shall have wide discretion with respect to such determination. Furthermore, if the lot size is less than five acres, the rear yard minimum shall be 50 feet. Notwithstanding the above, existing nonconforming parcels under two acres in the other agricultural districts may be reclassified to this zoning category by the Town Board after review and recommendation from the Plan Commission.

LOT	Size	5 acres -see 7.21.3(F)
	Width	Minimum 200 feet
BUILDING		
Residence	Height	35 feet
Other structures	Height	Maximum 2 times their distance from nearest lot line.
YARD		
Residence	Rear	Minimum 50 feet
	Side	Minimum 20 feet
	Street	Minimum 75 feet from centerline of Town & County Highways & 100 feet from State Highways
Other Structures	Rear	Minimum 25 feet if not used for the housing of animals; Minimum 50 feet if used for the housing of animals
	Side	Minimum 20 feet if not used for the housing of animals; 50 feet if used for the housing of animals
	Street	Minimum 75 feet from centerline of Town & County highways; 100 feet from center of all highways if used for the housing of animals

G. Subdivision Prohibition:

No subdividing of land within an A-2 District is allowed without Town Board approval after filing therefore in the same manner as for rezoning.

7.21.4 A-3 AGRICULTURAL LAND HOLDING DISTRICT

A. Purpose:

The primary purposes of the A-3 District are to:

(1) provide for the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion;

(2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost;

(3) ensure that urban development is compatible with local land use plans and policies;

(4) strive to provide periodic review to determine whether all or part of the land should be transferred to another zoning district. Recommended opportunities for such review include:

(a) upon completion or revision of a County Farmland Preservation Plan or Municipal Comprehensive Plan which affects land in this district;

(b) upon extension of public services such as sewer and water necessary to serve urban development.

B. Lands Included:

The A-3 District is generally intended to apply to land located where such lands are predominantly adjacent to incorporated municipalities or urbanized areas in agricultural or related open space uses but where conversion to nonagricultural use is expected to occur in the foreseeable future. Land indicated as transition areas in agricultural plans or similar lands are to be included.

C. Permitted Uses:

All permitted uses in the A-1 Agricultural Land District, except as such may be provided as a Conditional Use for this District in Section 7.22 of this Ordinance, and subject to the requirement below:

(1) Livestock raising must not exceed one animal unit per acre;

D. Conditional Uses:

All conditional uses allowed for A-3 in Section 22 of this Ordinance; and all conditional uses allowed in the A-1 District, with the addition of livestock raising that exceeds one animal unit per acre.

E. Area, Height and Yard Requirements:

LOT	Size	Minimum 3 acres
	Residential Density	Minimum 35 acres
	Width	Minimum 66 feet
BUILDING		
Residence	Height	Maximum 35 feet
Other Structures	Height	Maximum 2 times their distance

			from nearest lot line
YARD			
	Residence	Rear	Minimum 100 feet
		Side	Minimum 20 feet
		Street	Minimum 75 feet from center line of Town & County Highways & 100 feet from State Highways
	Other Structures	Rear	Minimum 25 feet if not used for the housing of animals; Minimum 100 feet if used for the housing of animals
		Side	Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals
		Street	Minimum 75 feet from center line of Town & County Highways & 100 feet from State Highways; 100 feet from center line of all highways if used for the housing of animals

7.21.5 A-4 LIMITED DEVELOPMENT AGRICULTURAL DISTRICT

A. Purpose:

The primary purpose of the A-4 District is to maintain, preserve, and enhance agricultural and open space remnants while allowing limited non-residential uses which are consistent with the existing rural agricultural atmosphere of the Town. A variety of lot sizes may be allowed depending upon the characteristics of the land involved and the neighboring land and uses.

B. Lands Included:

The A-4 District is generally intended to apply to lands in productive farm operations and open space remnants. These include:

(1) lands historically exhibiting high crop yield or capable of such yields;
(2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing;
(3) other lands which are integral parts of such farm operations; and
(4) land used for the production of specialty crops such as sod, fruits, and vegetables.

C. Permitted Uses:

(1) All permitted uses allowed in the A-2 District, except that no residence is allowed.

D. Conditional Uses:

All conditional uses allowed for A-4 in Section 22 of this Ordinance; and all conditional uses allowed in the A-2 District, except that no residence is allowed.

E. Lot Size:

There shall be no minimum lot size within the A-4 District. Lots under five acres, however, will only be allowed when the Town Board agrees that the unique characteristics of the lot, the neighborhood, and the purpose of the district make the allowance of such reduced lot size to be in the best interest of the Town. The Town Board shall have wide discretion with respect to such determination.

F. Setbacks:

YARD		
Non-Residential Structures	Rear	Minimum 25 feet if not used for the housing of animals; 50 feet if used for the housing of animals
	Side	Minimum 20 feet if not used for the housing of animals; 50 feet if used for the housing of animals
	Street	Minimum 75 feet from center line of Town & County Highways and 100 feet from State Highways; 100 feet from center line of all highways if used for the housing of animals

G. Subdivision Prohibition:

No subdividing of land within an A-4 District is allowed without Town Board approval after filing therefore in the same manner as for rezoning.

7.21.6 A-T AGRITOURISM DISTRICT (New section 4-4-2024)

A. Purpose.

1. The purpose of this district is to allow agritourism and farm-based entrepreneurial uses while maintaining the rural character, preserving farmland, and protecting the health, safety, and welfare of citizens. Further, this district was created to enable increased contributions to the local economy and tax base; to provide standard definitions related to agritourism and farm-based business operations; to provide a list of activities that are eligible for conditional use permit consideration; and to provide a clear understanding of the expectations for these uses for operators, landowners and residents, and local officials.

2. Although a purpose of the A-T District is preserving farmland, the district is not within the Town's farmland preservation zoning (FPZ) and is therefore not subject to the standards of Ch. 91, Wis. Stats.

B. Definitions

AGRICULTURAL PRODUCTS
Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); aquaponics products; horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap.

AGRICULTURAL PRODUCTS, VALUE-ADDED
The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging; and educational presentation, activities, and tours that relate to agriculture or agricultural products.

AGRICULTURALLY-RELATED PRODUCTS
Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Wisconsin, and value-added agricultural products and on-site production.

1. NON-AGRICULTURALLY RELATED PRODUCTS
Those items not related to farming or the farm operation, such as novelty T-shirts or other clothing, crafts and knick-knacks imported from other

states or countries. Such items are not allowed for retail sale within the A-T District.

AGRICULTURALLY RELATED STRUCTURES
Those structures that predominantly store or support agricultural products, uses, or equipment, such as barns, silos, coops, cribs, sheds, cellars, granaries, stables, mills, farmhouses, etc.

AGRITOURISM
The visiting of an agribusiness, horticultural, or agricultural operation for recreational or educational purposes related to the activities and/or products of the operation.

AGRITOURISM-RELATED ACTIVITIES
Those activities that predominantly use, for agritourism purposes, agricultural products, structures, or equipment, such as pony rides, horseback riding, petting zoos, fishing ponds, ornamental gardens, corn mazes, straw mountains, pumpkin patches/rolling, barn dances, sleigh/hay/wagon rides, campfires, and educational events, such as farming and food preserving classes.

1. NON-AGRITOURISM RELATED ACTIVITIES
Activities that are part of an agritourism operation's total offerings but not tied to farming. Such non-agriculturally related activities include small carnivals for children; musical, artistic, or similar performances; weddings; reunions; celebrations; meetings; and retreats, and must be held within an event barn, similar facility, or designated area for which a conditional use has been granted.

BED AND BREAKFAST BUSINESS
A building other than a hotel or motel in which accommodations, with or without meals, are offered to transient (maximum stay of 21 days) guests for compensation and in which there are no more than 4 sleeping rooms providing accommodations for no more than 8 adults and 4 children total, with no cooking facilities in any guest room or common guest space. The building is also the residence of the owner, operator, or manager of the business.

BREWERY, MICRO- / NANO- / PICO-
The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 10,000 U.S. beer barrels (310,000 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

CABIN
A small cottage, lacking a basement and usually of simple design and construction, for the temporary (maximum stay of 21 days) occupancy by guests. Cabins may contain a food preparation area and bath but may not exceed 600 square feet of floor space.

CIDER MILL
The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue where apples are processed into cider, and that produces no more than 10,000 gallons of cider in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

COMMERCIAL KITCHEN - A small-scale food processing and/or sales facility licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

DISTILLERY (MICRO-)
The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 gallons of distilled spirits in one calendar year. Also known as “Farm-to-Flask” or “Grain to Glass.” May include retail/wholesale of beverage and related products, as well as a tasting room.

EVENT BARN
A barn or barn-like building used for the hosting of agritourism-related and non-agritourism-related activities for compensation.

FARM MARKET / ON-FARM MARKET/ FARM DIRECT MARKETING - The sale of agricultural products or value-added agricultural products, at least 50% of which is produced on-site, directly to the consumer.

FARMER’S MARKET
A market (e.g., group of stalls and/or booths) where vendors sell agricultural products, value-added agricultural products, and agriculturally related products directly to consumers.

INTERIOR SPACE
Any building, or area within a building, that has a roof and is at least partially enclosed by side coverings of any type in which the square footage of the side coverings is greater than 66% of the total square footage of the sides

LODGE
A building other than a hotel or motel in which accommodations, with or without meals, are offered to transient (maximum stay 21 days) guests for compensation and in which there are no more than 8 sleeping rooms providing accommodations for a total of no more than 16 adults and 8 children, with no cooking facilities in any guest room or common guest space.

MEADERY
The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 1,000 U.S. beer

barrels (31,000 gallons) of mead in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

RENT-A-TREE OPERATION
An orchard that sells in advance the potential yield of a specific tree(s) to an individual(s) or group who harvests the fruit of their tree(s) at the end of the growing season. The orchard operators are typically responsible for the care of the trees, such as pruning and watering.

RURAL CHARACTER
Rural character consists of a pleasant, quiet landscape of open spaces, natural areas, farms, wildlife, historic features, and small-scale development with low densities and traffic levels, unobtrusive signage, and limited lighting.

SEASONAL
A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

SEASONAL SIGN
A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

TENT
A portable shelter made of canvas, cloth or similar material, supported by one or more poles, and stretched tight by cords or loops attached to stakes driven into the ground, lacking a basement, for the temporary (maximum stay of 21 days) occupancy by guests. Tents may contain a food preparation area and bath but may not exceed 600 square feet of floor space.

WINERY, BOUTIQUE
The retail and/or manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 cases (23,780 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

YURT
A small, typically circular tent of skins, felt, or similar material stretched over a framework of poles, lacking a basement, for the temporary (maximum stay of 21 days) occupancy by guests. Yurts may contain a food preparation area and bath but may not exceed 600 square feet of floor space.

C. Permitted Uses:

Community Supported Agriculture (CSA) **-** A farm supported in full or in part by individuals from the surrounding region who pledge their monetary and/pr physical assistance to the farm operation in exchange for share of the harvest.

U-PICK OPERATION -A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

D. General Requirements

The following requirements shall be considered for all conditional uses listed in subsection E. If additional requirements are listed for a particular use in subsection E, the requirements listed in subsection E shall also apply and will take precedence if there is any conflict between the two.

The requirements listed in this subsection are the recommended standards and will be followed unless the applicant provides a Plan of Operation that shows an alternative standard would be adequate to protect the public health, safety, and welfare, and, further, preserve the general solitude and rural character of the Town. Such Plan of Operation must be approved by both the Plan Commission and Town Board prior to the final submittal of a conditional use permit application or any amendment to a conditional use permit.

Notwithstanding anything to the contrary in this Section, all conditions imposed in any conditional use permit shall be based on "substantial evidence" as required by 2017 Wisconsin Act 67. If the standards described herein are not supported by substantial evidence, or if different standards are required based on substantial evidence, the standards described in this subsection and subsection E may be modified by the Town.

(1) Federal, State, County Approvals – Where any use and/or structure requires a license, permit, or other approvals from any entity other than the Town of Sheboygan Falls all such approval(s) shall be obtained prior to issuance of a conditional use permit.

(2) Road Restrictions

(a) All vehicles related to an agritourism use shall comply with applicable road weight restrictions on public roads and with any road association requirements for private roads.

(b) Guest access to any agritourism use shall be via public road or a private road with at least two (2) driving lanes, a surfaced roadway of at least sixteen (16) feet in width and shoulders at least one (1) foot in width on each side.

(3) Lot Size – If part of a lot is sold, and the remaining lot is less than the minimum required size for a particular conditional use(s), such conditional

use(s) shall no longer be allowed, and the Town may initiate conditional use permit revocation procedures.

(4) Number of Conditional Use Permits per Site – In addition to any conditional use permit required of the property owner, a separate conditional use permit will be required for each use or group of uses that is operated by someone other than the property owner.

(6) Structures – All structures intended for a use listed in subsection E shall meet the following criteria:

(a) The conditional uses listed in subsection E that require interior space shall only be housed in the following:

[1] Agriculturally related structures and/or expansions completed prior to April 4, 2024;

[2] Structures and/or expansions completed after April 4, 2024 on lots with existing agriculturally related structures, if said structures and/or expansions support a use listed in the A-T District, and if the total square footage of said new structures and/or expansions does not exceed 25% of the square footage of the existing agriculturally related structures on the lot as of April 4, 2024 or 4,000 square feet, whichever is less; unless additional square footage is explicitly granted by the conditional use permit. Plans must be approved by the Plan Commission prior to applying for a building permit.

[3] On a lot without pre-existing agriculturally related structures, new structures that are needed to support a use listed in the A-T District, if the total square footage of said structures does not exceed 2,000 square feet, unless additional square footage is explicitly granted by the conditional use permit. Plans must be approved by the Plan Commission prior to applying for a building permit.

[4] Any new structures or expansions must comply with current building codes appropriate for the use.

(b) The conditional~~s~~ uses listed in Subsection E that use an area of a building not considered interior space shall only use such areas of the following:

[1] Agriculturally related structures and/or expansions completed prior to April 4, 2024;

[2] New buildings that are needed to support a use listed in the A-T District, if the total square footage of said buildings does not exceed 2,000 square feet, unless additional square footage is explicitly granted by conditional use permit after both the Plan Commission and the

Town Board approve the plan of operation as provided in the general requirements paragraph D.

(c) The exterior and interior style, design, and décor of any new or renovated structure shall be consistent with the Town's rural character. Plans must be approved by the Plan Commission prior to applying for a building permit.

(d) The building plans for any new or renovated structure must be reviewed and found to be consistent with the requirements of this chapter by the Plan Commission prior to applying for a building permit

(e) The location and operation of any new or expanded structure within the Farmland Preservation Area shall avoid interfering with normal agricultural practices on and off site or converting prime agricultural lands to a non-agricultural use.

(f) Any new structures or expansions must comply with current building codes appropriate for the use.

(7) Parking – All structures, uses, and activities dependent on vehicular access shall meet the following criteria:

(a) No parking on any public roadways.

(b) Safe vehicular access and customer parking shall be provided on-site or on an adjacent property on the same side of the public road if a formal agreement is reached between the applicant and the adjacent landowner.

(c) Parking shall be designed in such a way that vehicles do not need to back off of or onto a public road.

(d) Parking areas that are accessed by driveways or lanes inside the property are recommended. Entries and exits to parking areas that directly access a public roadway shall require a driveway permit from the Town of Sheboygan Falls or Sheboygan County, whichever applies.

(e) Parking areas shall be defined by cut grass, gravel, or other visible marking.

(f) Parked vehicles shall be located outside of public right-of-ways and at a minimum distance of 15 feet from the road pavement edge abutting the property.

(f) Parked vehicles shall be located at least 20 feet from the side and rear property lines.

(g) Landscaping or fences shall be used to minimize vehicle headlights from projecting onto neighboring properties not of common ownership.

(h) Conditional use applicants shall include a parking plan, drawn to scale, with their application materials that shows the following:

[1] Extent of parking areas and vehicle capacity.

[2] Estimate of the peak number of vehicles for normal business operations.

[3] A plan for overflow parking for events expected to exceed the normal peak number of vehicles.

[4] Parking sign locations, sizes, and type of construction.

[5] Parking lot runoff controls considering local conditions.

[6] Landscaping, screening, or fencing to buffer neighboring properties and roadways.

(8) Signs

(a) All signs related to this district shall conform with the applicable standards listed in the Agriculture regulations under Section 7.30- "Signs".

(b) Property boundaries shall be clearly marked to avoid guests trespassing on neighboring properties.

(9) Lighting

(a) Any exterior lighting installed that is related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize light pollution.

(b) Any exterior lighting that is on during non-operating hours shall automatically be regulated by either on/off or level-1/level-2 lighting to minimize light pollution during non-operating hours.

(c) Conditional use applicants shall include an exterior lighting plan, drawn to scale, with their application materials.

(10) Fires

(a) Fires shall be confined to designated fire pits.

(b) Fire pits shall be no more than three (3) feet in diameter.

(c) The ground surface surrounding fire pits shall be covered by non-combustible materials for a minimum distance of five (5) feet.

(d) No more than one (1) fire pit shall be allowed per five (5) acres of tract acreage.

(e) Conditional use applicants shall include a fire pit plan, drawn to scale, with their application materials. The fire pit plan requires the review and approval of the appropriate local fire inspector prior to issuance of the conditional use permit. The fire pit plan must show the following:

[1] Location of fire pits, which must be at least fifty (50) feet from property boundaries.

[2] Locations of fire pits, which must be at least fifty (50) feet from buildings and other structures,

[3] Property boundaries.

(f) Fires shall have flames no more than three (3) feet in height.

(g) Fire shall be attended at all times unless completely extinguished.

(h) Property management shall confirm all fires and coals have been extinguished before midnight on each day that fires occur.

(i) Ashes and coals shall be disposed of safely after completely cool.

(j) Fire extinguishing devices and materials shall be located within 50 feet of each fire pit.

(k) A notice of fire restrictions shall be posted near each fire pit.

(l) Fire restrictions issued by the Wisconsin DNR shall be monitored and fires shall be prohibited when local Fire Danger levels are rated "Very High" or "Extreme". See dnr.wi.gov/topic/ForestFire/restrictions.html.

(11) Alcohol beverages – All agritourism uses that manufacture or sell alcohol beverages shall require the proper permits and licenses.

(a) The manufacture of alcohol beverages requires the appropriate Alcohol Beverage Permits from the Wisconsin Department of Revenue per Ch. 125, Wis. Stats.

(b) The sale of alcohol beverages requires the appropriate licenses from the Town of Sheboygan Falls per Town Code Chapter 5.

E. Conditional Uses

See Section 7.22, "Conditional Uses" for application, review and approval procedures for conditional uses. All uses listed in this section require a conditional use permit prior to applying for a building permit and/or starting operations. The owner of the property is required to notify the Plan Commission of any change in ownership within 30 days of such change. The conditional use permit may shall require a review by the Plan Commission at the time of the ownership transfer to assess the need for any changes to the conditional use permit.

The requirements listed in this subsection are the recommended standards and will be followed unless the applicant provides a Plan of Operation that shows an alternative standard would be adequate to protect the public health, safety, and welfare, and, further, preserve the general solitude and rural character of the Town. Such Plan of Operation must be approved by both the Plan Commission and Town Board prior to the final submittal of a conditional use permit application or any amendment to a conditional use permit.

(1) Agritourism related activities not specifically listed in (2) through (16) below, as well as non-agritourism related activities held outside an event barn

(a) Attendance is based on the acreage of the tract.

Tract Acreage	Attendance Allowed at One Time
5 acres to less than 7 acres	100 persons
7 acres to less than 10 acres	150 persons
10 acres to less than 15 acres	200 persons
15 acres or more	250 persons

(c) Dates, times, durations, and descriptions of upcoming events shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.

(d) The frequency of events that include activities using sound amplification that is audible beyond the property boundaries shall be limited to one Friday or Saturday evening every other weekend.

(e) Noise from event activities that is audible beyond the property boundaries shall not exceed 20 dbA over background noise on non-activity days at the same location and time of day, as measured by a certified sound testing technician.

(f) Minimum tract size is five (5) acres.

(g) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.

(2) Bed and Breakfast businesses

(a) The only meal served shall be breakfast, and food service shall be limited to overnight guests. There shall be no cooking facilities in any guest room or common guest space.

(b) Up to 4 sleeping rooms and provide accommodations for up to 8 adults and 4 children.

(c) Maximum stay of 21 days.

(d) Hours of operation: unlimited.

(3) Breweries, micro- / nano- / pico-

(a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

(4) Cabins, Tents, Yurts

(a) Number of units allowed:

Tract Acreage	Number of Units Allowed
5 acres to less than 10 acres	2 units
10 acres to less than 15 acres	4 units
15 acres or more	6 units

(b) Maximum unit size is 600 square feet, with no basement allowed.

(c) Sleeping capacity for each unit not to exceed 1 person per 100 square feet. Plans detailing the sleeping areas and capacity shall accompany the conditional use application.

(d) Maximum stay of 21 days.

(e) Hours of operation: unlimited.

(f) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.

(5) Cafés, Delicatessens, Diners, Eateries, Bakeries

(a) At least 50% of the menu items must be derived from ingredients grown, raised, or produced within Wisconsin.

(b) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

(6) Cider mills

(a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

(7) Distilleries, micro-

(a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

(8) Event barns

(a) Attendance is based on the acreage of the tract where the structure is located or the maximum allowed capacity of the structure per the state building code, whichever is less.

Tract Acreage	Attendance Allowed at One Time
10 acres to less than 15 acres	200 persons
15 acres or more	250 persons

(c) Dates, times, durations, and descriptions of upcoming events shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.

(d) The frequency of events that include activities using sound amplification that is audible beyond the property boundaries shall be limited to one Friday or Saturday evening every other weekend.

(e) Noise from event activities that is audible beyond the property boundaries shall not exceed 20 dbA over background noise on non-activity days at the same location and time of day, as measured by a certified sound testing technician.

(f) Existing barns may be renovated by a licensed contractor for this use, but the footprint shall not be expanded and shall comply with applicable building codes; including but not limited to emergency egrees. No barns built after April 4, 2024 may be used for this purpose.

(g) Minimum setback for an event barn is one hundred (100) feet from any adjacent landowner's property line.

(h) Minimum tract size is ten (10) acres.

(i) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.

(9) Farmer's markets

(a) Such markets shall be limited to two (2) days within a single week.

(b) Dates, times, durations, and descriptions of upcoming markets shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.

(c) Markets are limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday and 9:00 a.m. to 3:00 p.m. Sunday.

(d) Each stall and/or booth is limited in size to one hundred and forty-four (144) square feet of ground floor space.

(e) Minimum setback for any stall or booth is one hundred (100) feet from any adjacent landowner's property line.

(f) Minimum tract size is ten (10) acres.

(10) Livestock shows, Livestock handling shows

(a) Shows shall be limited to three (3) days within a single week.

(b) Dates, times, durations, and descriptions of upcoming shows shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.

(c) Shows are limited to 8:00 a.m. to 7:00 p.m. Monday through Thursday, 8:00 a.m. to 10:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday.

(d) Capacity is limited to two hundred and fifty (250) persons at any one time.

(e) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.

(f) Minimum tract size is ten (10) acres.

(11) Lodges

(a) Up to eight (8) sleeping rooms and provide accommodations for up to sixteen (16) adults and eight (8) children.

(b) Maximum stay of 21 days.

(c) Minimum tract size is ten (10) acres.

(d) Hours of operation: unlimited.

(e) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.

(12) Meaderies

(a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

(13) Museums

(a) At least 50% of the exhibits must be related to agriculture, horticulture, or agribusiness.

(14) Nature trails

(a) Hours of operation: sunrise to sunset.

(15) Rent-a-tree operations

(16) Wineries, boutique

(a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

F. Animal Units (see definition in § 7.25)

One animal unit per acre. Landowners wishing to exceed this limit must apply for a conditional use permit from the Town. Approval of said permit will consider the potential impact of the increase in animal units to the surrounding properties, among other factors.

G. Area, Height, and Yard Requirements

(1) Lot and/or A-T area.

(a) A-T area: Unless specified as a requirement of a particular conditional use in subsection E, minimum five (5) acres of a single lot or parcel of record as evidenced by a legal document, such as a deed or other legal conveyance, survey map prepared by a licensed land surveyor, or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the five-acre minimum density.

(Note: An entire property does not necessarily need to be zoned A-T; only the part that encompasses the agritourism use is required to be zoned A-T.)

(b) Lot width: Minimum 66 feet of road frontage on public road.

(c) Lot coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Building height.

(b) Other structures: Maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.

(3) Yards, unless the land zoned A-T is only a portion of a larger legal parcel, in which case the yards requirements of the entire legal parcel pertains.

(b) All structures.

[1] Rear: Minimum 50 feet.

[2] Side: Minimum 50 feet if the structure is not to be used for the housing of animals; minimum 100 feet if the structure is to be used for the housing of animals.

[3] Street: Minimum 75 feet from Centerline on Town & County Highways, 100 feet from State Highways or any other County or DOT regulation; 100 feet from the center line of all highways if used for the housing of animals.

H. Reimbursement of Expenses. See Section7.27 of this chapter for possible requirements.

7.21.7 B-1 LOCAL BUSINESS & INDUSTRIAL DISTRICT

A. Uses:[2]

(1) Permitted Uses. The following uses are permitted in the B-1 District:

(a) Indoor single-engine airplane storage and maintenance
(b) Post office
(c) Small animal vet clinic

(2) Conditional Uses. In addition to the uses specified for B-1 in Section 22 of this Ordinance, the following uses are conditional uses in the B-1 District:

(a) Arts, crafts, antique, and hobby shop; bakery; barbershop; beauty shop; sporting goods store; tobacco store; painting studio
(b) Book and stationary store; business office; clinic; clothing and apparel store; clothing repair shop; shoe store; cleaning, pressing, and dyeing
(c) Confectionary; drugstore; florist; gift store; ice cream store, soda fountain, soft drink stand; restaurant
(d) Grocery store (retail, delicatessen, meat and fish market, and fruit and vegetable market) commercial bakery
(e) Hardware store; music store; optical store; club or lodge; dancing school
(f) Packaged beverage store; personal service establishment; photographic supply store; professional office; second-hand store; self-service and pick-up laundry and dry cleaning establishment; distributor; manufacturing and bottling of non-alcoholic beverages
(g) Residential dwelling unit, not to exceed one per parcel when attached to the principal structure
(h) Automotive repair; automotive upholstery shop; building material sales and storage
(i) Commercial greenhouses; contractor and construction offices, shops, and yards; farm machinery plant; food lockers; machinery sales
(j) Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; food, including fish and fish products, meat, and meat products, cabbage, vegetables, and pea vining; instruments; jewelry; pharmaceuticals; tobacco; and toiletries
(k) Manufacturing and/or assembling from substances such as wood, cork glass, leather, fur, plastic, felt, ceramics, precious metals, metals and textiles
(l) Manufacturing of electronic products and components
(m) Printing, publishing, and binding plants; radio and television broadcasting stations and electric equipment research laboratories;

[2] Section 7.21.6 (A) repealed and recreated April 4, 2011 by Ordinance 1 2010/2011

warehouses and storage units (not including scrap or junk yards); wholesale outlets

(n) Shooting range

(o) Multi-engine airplane storage and maintenance

B. Area, Height and Yard Requirements:

LOT	Area	Minimum sufficient area for the principal structure and its accessory buildings, necessary wells and septic systems, off street parking and loading areas required by this Ordinance and all required yards.
BUILDING	Height	Maximum 35 feet
YARD	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	Minimum 75 feet from centerline of Town & County Highways & 100 feet form State Highways

7.21.8 C-1 NATURAL RESOURCE CONSERVATION DISTRICT

A. Purpose:

The primary purpose of the C-1 Natural Resource Conservation District is to: protect the water based recreation and open space resources of the Town of Sheboygan Falls. This District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land-water interface.

(1) Preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands;
(2) Maintain and improve ground water and surface water quality;
(3) Prevent flood damage; protect fish and wildlife habitat;
(4) Prohibit the location of structures on soils which are generally not suitable for such use;
(5) Protect natural watersheds;
(6) Protect the water based recreation and open space resources of the Town.

B. Lands Included:

The C-1 District may include certain areas delineated as swamp, marshes, bogs, wetlands, and/or floodplain on the Sheboygan County shoreland-wetland district map and/or Sheboygan County floodplain zoning map, as described in Chapters 72 and 73 of the Sheboygan County Code of Ordinances, as well as those natural resource areas identified as being of local concern.

C. Permitted Uses:

The following uses are permitted in the C-1 District provided that such uses are conducted in accordance with sound conservation practices as established by the Natural Resources Conservation Service and do not involve dumping or filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography.

(1) Dugout ponds and level ditches
(2) Flood overflow and movement of water
(3) Forestry and game management
(4) Hiking trails
(5) Hunting, fishing, trapping
(6) Wildlife preserves, and other historic/scientific areas
(7) Navigation
(8) Raising of waterfowl, fish, and other lowland animal or crops
(9) Park and recreation areas
(10) Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds
(11) Raising of waterfowl, fish, and other lowland animal or crops
(12) Hunting and fishing clubs
(13) Buildings and accessory structures directly and exclusively related to any of the uses listed in this subsection

D. Conditional Uses:

See Section 22 of this Ordinance. The following uses may be conditionally permitted in the C-1 District except that issuance of a “Shoreland/Floodplain Zoning Permit” (pursuant to Chapters 72 and 73 of the Sheboygan County, Wisconsin Code of Ordinances and/or Department of Natural Resources permits may be required.

(1) cranberry bogs
(2) piers and docks
(3) removal of peat or topsoil
(4) special crop farming
(5) utilities such as communication, gas, and transmission lines

E. Area, Height and Yard requirements:

LOT	Size	No minimum
	Width	No minimum

Due to the environmentally sensitive characteristics of properties in the C-1 District, height and yard requirements shall be approved by the Town Plan Commission on a site by site basis. Building permits for buildings and structures in this district must be accompanied by a detailed site plan that provides sufficient information for the Commission to determine whether the proposed heights and setbacks are appropriate. The Commission may use the standards below as a general guide, but the Commission may be more or less restrictive as necessary.

BUILDINGS & STRUCTURES:		
Buildings	Height	Maximum 35 feet
Other Structures	Height	Maximum 2 times the distance from the nearest lot line
YARD		
Buildings	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	Minimum 75 feet from center line of Town & County Highways & 200 feet from State Highways
Other Structures	Rear	Minimum 25 feet if not used for the housing of animals; Minimum 100 feet if used for the housing of animals
	Side	Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals
	Street	Minimum 75 feet from centerline of Town & County Highways & 100 feet from State Highways; 100 feet from the center line of all highways if used for the housing of animals.

7.21.9 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

A. Permitted Uses:

(1) Single-family detached residence on a lot not served by public sanitary sewer
(2) Garage
(3) Accessory structures (e.g., sheds)
(4) For lots 3 acres or larger: Livestock and similar animals, up to one animal unit per acre, and setbacks equal to those specified in A-2.
(5) For lots smaller than 3 acres:
    (a) Total of 3 domestic small livestock and/or common household pets. Such livestock must be properly housed (e.g., hutches for rabbits) and must be at least 15 feet from any property line. As much as possible, grounds should be clean, dry, and odor-free; and kept in neat, sanitary conditions at all times, in a manner that will not disturb the use or enjoyment of neighbors due to noise, odor, or other adverse impacts.
    (b) Up to 4 female chickens, subject to all of the following:
        1. a "Chicken Permit" is obtained from the Town Board;
        2. free-range hens are prohibited;
        3. as much as possible, enclosures (e.g., pen, fenced area, henhouse) shall be clean, dry, and odor-free, kept in neat and sanitary conditions at all times, in a manner that will not disturb the use of enjoyment of neighbors due to noise, odor, or other adverse impacts.
        4. enclosures must be at least 15 feet from property lines;
        5. no enclosures are allowed in any front yard;
        6. the lot owner(s) abides by the intent of this Ordinance for this particular use, which is to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts to neighbors.

B. Conditional Uses:

(1) See Section 7.22 of this Ordinance.
(2) On lots 3 acres or larger, livestock that exceeds one animal unit per acre.
(3) On lots smaller than 3 acres, keeping of 4 or more dogs, domestic small livestock, and/or common household pets.
(4) Home-based veterinarian or pet care business (without boarding facilities) if all of the following apply:
    (a) occupies less than 25 percent of the residence;
    (b) employs no more than one person who does not live in the residence;
    (c) does not require any specialized equipment or utility services;
    (d) customer and truck delivery services are "occasional" at most.

C. Area, Height and Yard Requirements:

LOT AREA. Each building hereafter erected or structurally altered shall provide a lot area of not less than one acre per family and no such lot shall be less than 100 feet in width.

Building on lots of record at the time of passage of the Ordinance having a lot area of less than one acre may be permitted by the Board of Appeals. Sanitary permits are required before any building may be permitted unless a sewage facility is available.

BUILDING	Height	Maximum 35 feet
YARD	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	Minimum 75 feet from centerline of Town & County Highways & 100 feet from State Highways

7.21.10 R-2 SINGLE-FAMILY RESIDENCE DISTRICT (sewered)

A. Permitted Uses:

(1) Single-family detached residence on a lot served by public sanitary sewer
(2) Garage
(3) Accessory structures (e.g., sheds)
(4) For lots 3 acres or larger: Livestock and similar animals, up to one animal unit per acre, and setbacks equal to those specified in A-2.
(5) For lots smaller than 3 acres:
    (a) Total of 3 domestic small livestock and/or common household pets. Such livestock must be properly housed (e.g., hutches for rabbits) and must be at least 15 feet from any property line. As much as possible, grounds should be clean, dry, and odor-free; and kept in neat, sanitary conditions at all times, in a manner that will not disturb the use or enjoyment of neighbors due to noise, odor, or other adverse impacts.
    (b) Up to 4 female chickens, subject to all of the following:
        1. a "Chicken Permit" is obtained from the Town Board;
        2. free-range hens are prohibited;
        3. as much as possible, enclosures (e.g., pen, fenced area, henhouse) shall be clean, dry, and odor-free, kept in neat and sanitary conditions at all times, in a manner that will not disturb the use of enjoyment of neighbors due to noise, odor, or other adverse impacts.
        4. enclosures must be at least 15 feet from property lines;
        5. no enclosures are allowed in any front yard;
        6. the lot owner(s) abides by the intent of this Ordinance for this particular use, which is to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts to neighbors.

B. Conditional Uses:

(1) See Section 7.22 of this Ordinance.
(2) On lots 3 acres or larger, livestock that exceeds one animal unit per acre.
(3) On lots 3 acres or smaller, keeping of 4 or more dogs, domestic small livestock, and/or common household pets.
(4) Home-based veterinarian or pet care business (without boarding facilities) if all of the following apply:
    (a) occupies less than 25 percent of the residence;
    (b) employs no more than one person who does not live in the residence;
    (c) does not require any specialized equipment or utility services;
    (d) customer and truck delivery services are "occasional" at most.

C. Area, Height and Yard Requirements:

LOT AREA	Not less than 18,000 square feet.

BUILDING	Height	Maximum 35 feet
YARD	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	Minimum 75 feet from center line of Town & County Highways and 100 feet from State Highways

7.21.11 R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT (sewered and unsewered)

A. Permitted Uses:[3]
(1) Two-family residence.
(2) Garages
(3) Accessory structures (e.g., sheds)
(4) For lots 3 acres or larger: Livestock and similar animals, up to one animal unit per acre, and setbacks equal to those specified in A-2.
(5) For lots smaller than 3 acres:
(a) Total of 3 domestic small livestock and/or common household pets. Such livestock must be properly housed (e.g., hutches for rabbits) and must be at least 15 feet from any property line. As much as possible, grounds should be clean, dry, and odor-free; and kept in neat, sanitary conditions at all times, in a manner that will not disturb the use or enjoyment of neighbors due to noise, odor, or other adverse impacts.
(b) Up to 4 female chickens, subject to all of the following:
1. a "Chicken Permit" is obtained from the Town Board;
2. free-range hens are prohibited;
3. as much as possible, enclosures (e.g., pen, fenced area, henhouse) shall be clean, dry, and odor-free, kept in neat and sanitary conditions at all times, in a manner that will not disturb the use of enjoyment of neighbors due to noise, odor, or other adverse impacts.
4. enclosures must be at least 15 feet from property lines;
5. no enclosures are allowed in any front yard;
6. the lot owner(s) abides by the intent of this Ordinance for this particular use, which is to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts to neighbors.

B. Conditional Uses:
(1) See Section 7.22 of this Ordinance.
(2) Multiple-family residences, with or without accompanying garages and accessory structures.
(3) On lots 3 acres or larger, livestock that exceeds one animal unit per acre.
(4) On lots smaller than 3 acres, keeping of 4 or more dogs, domestic small livestock, and/or common household pets.
(5) Home-based veterinarian or pet care business (without boarding facilities) if all of the following apply:
(a) occupies less than 25 percent of the residence;
(b) employs no more than one person who does not live in the residence;
(c) does not require any specialized equipment or utility services;
(d) customer and truck delivery services are "occasional" at most.

[3] Section 7.21.10 (A) repealed and recreated April 4, 2011 by Ordinance 1 2010/2011

C. Area, Height and Yard Requirements:

MULTIPLE-FAMILY DENSITY[4]		Maximum 2 dwelling units per net developable acre if sewered and 1 dwelling unit per acre in unsewered
LOT (SEWERED)		Width and area of all lots to be determined by the Board at the time of rezoning
LOT (UNSEWERED)		Width and area of all lots to be determined by the Board
BUILDING	Height	Maximum 35 feet
YARD	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	Minimum 75 feet from center line of Town & County Highways and 100 feet from State Highways
LOT COVERAGE		No more than 50 percent of the area of an interior lot or more than 60 percent of a corner lot shall be occupied by a residential building with its accessories

[4] Section 7.21.10 (C) "Multi-family Density" repealed and recreated April 4, 2011 by Ordinance 1 2010/2011

7.22 CONDITIONAL USES

1. Application:

Application for conditional use permits shall be made in duplicate to the Town Board on forms furnished by its Clerk and shall include the following where pertinent and necessary for proper review by the Plan Commission and Town Board and shall include the following:

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

B. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structures; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

C. Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the County Planner showing the location, property boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines; mean and historic high water lines on or within 40 feet of the subject premises, and existing and proposed landscaping.

D. Additional information as may be required by the Plan Commission or Town Board such as ground surface elevations, basements and first floor elevations, utility elevations, historic and probable future floodwater elevations, flood proofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to its effects on flood flows.

E. The fees for conditional use permits are included in the Town of Sheboygan Falls Zoning and Town Planning Fee Schedule on file with the Town Clerk. The Town Board shall have authority to amend the fee schedule related to zoning and town planning from time to time by Town Board resolution.

2. Review and Approval of Conditional Uses:

The Plan Commission shall review and make a recommendation to the Town Board as to the site conditions, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shore land cover, natural beauty and wildlife habitat.

The Town Board may authorize the issuance of a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or

otherwise adverse to the environmental quality, water quality, shore land cover, or property values in the Town of Sheboygan Falls and its communities. Notice of the public hearing shall be given by a Class 1 under the Wisconsin Statutes notice listing the time, place, property and use involved.

Conditions, such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, street dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control hours of operation, improved traffic circulation, highway access restrictions, increased yards, or additional parking may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

Compliance with other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall be permitted only as specified in Section 7.26 of this Ordinance.

All approved conditional uses are subject to review at any time by the Town Board to determine whether the use is in accord with the terms of the use permit. Upon advance notice and hearing, the Board may determine whether the usage is in accord with the permit and at such time determine whether to amend the conditional use permit or enforce the terms thereof by appropriate legal action to terminate a violation of this ordinance. All conditional use permit holders shall be subject to review and up-date of the use every 5 years upon notice provided to them by the Town Board or Plan Commission. Such review is informational and intended to provide a mechanism for regular updating of conditional use permits to reflect anticipated changes in uses and in the zoning ordinances as well as to review compliance.

A conditional use permit may contain time limitations, limitations to the current owner or family, or other such limitations as the Board deems appropriate.

3. Earth and Water Movements:

Earth movements involving a site disturbance in excess of one (1) acre not related to farming activity, stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, dredging, lagooning, and the installation of soil and water conservation structures are conditional uses and may be permitted in any zoning district subject to compliance with all other applicable laws and regulations.

The Town Board may request a review of each such earth or water movement by the Department of Natural Resources, the Soil Conservation Service, LWCB, or other appropriate agency, and await their recommendations before taking final action, but not to exceed 60 days.

4. Agricultural and Related Uses:

In approving or disapproving the location of a conditional use, the Town Board shall consider the recommendation of the Plan Commission and shall consider such other evidence as may be presented bearing upon the general purpose and intent of this Ordinance and upon

the particular land use problems related to development of the site or sites as proposed. The use must be found necessary in light of alternative locations available for that use. Except where specifically allowed as a permitted use, the following agricultural and related uses shall be conditional uses and may be allowed as specified *provided* that they are consistent with agricultural use:

A. Housing for migratory or seasonal farm workers in the A-1 and A-3 Districts.

B. In A-1 and A-3 Districts one temporary mobile home dwelling per farm use by an individual who earns the majority of his or her income from working on the farm or for use by the family, one adult member of which receives the majority of his or her income from working on the farm. Such dwelling shall have a foundation which is a concrete slab with tie-downs or frost free pillars. The mobile home shall be removed if 6 months pass without an eligible individual or family residing therein. In any event such uses are subject to review every 5 years. A grant of a conditional use hereunder may include shorter time periods or other restrictions as the Board deems appropriate. All sanitary and health provisions apply fully to such temporary mobile homes.

C. Livestock sales barns in the A-1 and A-3 Districts.

D. Animal hospitals, shelters, kennels, in an exclusive agricultural use district if they meet the restrictions of a farm family business, and in all other Agricultural and Business districts, provided that the lot area is not less than 5 acres and further provided that, if animals are to be housed outside there is a minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.

E. Veterinarian services in the A-2 and A-3 Districts.

F. Commercial raising, propagation, or boarding of animals such as dogs, mink, rabbit, fox, goats, sheep, pigs, fowl, and beef in the A-2 and A-3 Districts.

G. Commercial egg production in the A-1 and A-3 Districts.

H. Land restoration in all Agricultural Districts when conducted in accordance with the appropriate Natural Resources Conservation Service standards.

I. Roadside stands in all Agricultural districts when not operated as a “farm family business”. Roadside stands may be permitted as a conditional use if limited to existing farm residences or structures or portions of existing farmstead that are not dedicated to agricultural uses. No more than 2 persons who are not members of the resident farm may be employed in the farm family business.

5. Public and Semi-Public Uses:

In approving or disapproving the location of a conditional use, the Plan Commission and Town Board shall view the proposed site or sites and shall consider such evidence as may be presented bearing upon the general purpose and intent of this Ordinance and upon the particular land use problems related to development of the site or sites as proposed. Except where specifically allowed as a permitted use, the following public and semi-public uses in A-1 and A-1-S must be “consistent with agricultural use” and necessary in light of alternative locations:

A. Airports, airstrips, and landing fields in the A-1 Agricultural Land District that qualify under 91.46(4), Wis. Stats. and in the A-3 Agricultural Land Holding District and

B-1 Districts, provided the site area is not less that 20 acres and provided that it is a governmental use, or accessory to the farm operation.

B. Colleges, universities, hospitals, sanitariums, religious, charitable, penal, and correctional institutions; cemeteries and crematories in the B-1 Districts provided all principal structures and uses are not less than 50 feet from any lot line.

C. Government and institutional uses such as fire and police stations, community centers, libraries, public emergency shelters, parks playgrounds, and museums, in all districts, but only in A-1 and A-1-S if qualifying under 91.46(4), Wis. Stats.

D. Public, parochial, and private elementary and secondary schools, ~~and~~ churches, and cemeteries in all Residential, Business and Agricultural Districts, provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line, but only in A-1 and A-1-S if qualifying under 91.46(4), Wis. Stats.

E. Public passenger transportation terminals such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in the B-1 District, provided all principal structures and uses are not less than 100 feet from any Residential District boundary.

F. Utilities, not including radio and TV towers, in all districts provided all principal structures and uses are not less than 50 feet form any Residential District lot line.

6. <u>Recreational and Related Uses</u>:

Except where specifically allowed as a permitted use elsewhere in this Ordinance, the following recreational and related uses shall be conditional uses and may be allowed as specified. In approving or disapproving the location of a conditional use, the Plan Commission and Town board shall view the proposed site or sites and shall consider such evidence as may be presented bearing upon the general purpose and intent of this Ordinance and upon the particular problems related to development of the site or sites as proposed. The following conditional uses will be allowed in the B-1 Local Business and Industrial District unless otherwise noted:

A. Amusement activities such as fairgrounds, roller skating rinks, go-cart tracks, race tracks, and recreational centers

B. Archery ranges, golf driving ranges, firearm ranges, sports fields, polo fields, and skating rinks.

C. Commercial recreation facilities such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, spas, skating rinks, and theaters.

D. Cultural activities such as aquariums, art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planetaria, and zoos.

E. Golf courses and country clubs in all Residential and Business Districts.

F. Hunting and fishing clubs in the A-2 Agricultural Land District.

G. Public assembly uses such as amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums.

H. Public or private campgrounds.

7. Residential and Related Uses:

Except where specifically allowed as a permitted use, the following residential and quasi-residential uses shall be conditional uses and may be allowed as specified:

A. Fraternities, lodges, and meeting structures of a non-commercial nature in all Business Districts provided all principal structures and uses are not less than 25 feet from any lot line.

B. Home occupations and professional offices in all Residential Districts, not to exceed more than 25 percent of the floor area.

C. Single-family detached residences; single-family semi detached residences; single-family attached residences; two-family residences; multiple-family residences; and all principal uses permitted in the B-1 District, provided that such business uses shall not occupy more than 15 percent of the total development area.

D. Planned residential development in the R-1, R-2, and R-3 Districts, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the given district. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity of land use shall be no greater than that permitted for the district in which it is located.

E. Residential dwelling units not to exceed 1 per principal use when attached to the principal structure in B-1 District.

F. Rest homes, nursing homes, homes for the aged, clinics, and children's nurseries or day care centers in the R-3 and B-1 Districts provided all principal structure and uses are not less than 50 feet from any lot line.

8. Standards for Mobile Tower Siting Permit Regulations [5]

SECTION I – TITLE

This Section is entitled the Town of Sheboygan Falls Mobile Tower Siting Permit Regulations.

SECTION II – PURPOSE

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

SECTION III – AUTHORITY

[5] Section 7.22.8 was recreated August 12, 2019 by Ordinance 2 2019/2020

The town board has the specific authority under ss. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

SECTION IV – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

SECTION V – DEFINITIONS

A. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

SECTION VI - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VII – SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES

A. Application Process

1. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is $3,000.

B. Limitations.

1. The Town Board may impose additional conditions on the permit pursuant to Section 7.22.2 of the Town of Sheboygan Falls Zoning Ordinance except for conditions prohibited by Wis. Stat. § 66.0404. In addition, the permit shall provide the following:

    a. That the subject property shall comply with Sections 3.05 through 3.07 of the Town of Sheboygan Falls Municipal Code, as amended.

b. That driveways on the subject property shall be adequately maintained year-round to provide access to emergency services, including snow removal within a reasonable period of time as determined by the Town.

c. That the subject property shall be given its own address for emergency purposes.

d. That the subject property shall comply with Section 10.98 of the Town of Sheboygan Falls Municipal Code, as amended.

e. That, if required by the Town Board, the permittee shall allow a post-construction site inspection to determine compliance with the permittee's permit.

SECTION VIII – CLASS 1 COLLOCATION

A. Application Process

1. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the

equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is $3,000.

B. Limitations.

1. The Town Board may impose additional conditions on the permit pursuant to Section 7.22.2 of the Town of Sheboygan Falls Zoning Ordinance except for conditions prohibited by Wis. Stat. § 66.0404. In addition, the permit shall provide the following:

    a. That the subject property shall comply with Sections 3.05 through 3.07 of the Town of Sheboygan Falls Municipal Code, as amended.

    b. That driveways on the subject property shall be adequately maintained year-round to provide access to emergency services, including snow removal within a reasonable period of time as determined by the Town.

    c. That the subject property shall be given its own address for emergency purposes.

    d. That the subject property shall comply with Section 10.98 of the Town of Sheboygan Falls Municipal Code, as amended.

    e. That, if required by the Town Board, the permittee shall allow a post-construction site inspection to determine compliance with the permittee's permit.

SECTION IX – CLASS 2 COLLOCATION

A. Application Process

1. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

3. A permit application will be provided by the town upon request to any applicant.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject under the Town's Ordinances.

5. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45-day period:

a. Make a final decision whether to approve or disapprove the application.

b. Notify the applicant, in writing, of its final decision.

c. If the application is approved, issue the applicant the relevant permit.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. The fee for the permit is $500.

SECTION X – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than $50 nor more than $500, plus the applicable surcharges, assessments, costs, and attorneys' fees, for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town may seek injunctive relief from a court of record to enjoin further violations.

SECTION XI – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION XII – EFFECTIVE DATE

This ordinance is effective on the day following publication per s. 60.80.

All other provisions of the Town of Sheboygan Falls Zoning Ordinance shall remain in full force and effect.

7.23 NONCONFORMING USES, STRUCTURES AND LOTS

1. Existing Nonconforming Uses:
The lawful nonconforming use of a structure, land, or water existing as of the date this Ordinance is adopted or amended may be continued although the use does not conform with the provisions of this Ordinance; however:

A. If the use of the property is nonconforming, only that portion of a structure, land or water in actual use may be so continued; structures may not be extended, enlarged, reconstructed, substituted, structurally altered, or moved, or the use expanded, except when required to do so by law or order, or so as to comply with other provisions of this Ordinance.

B. Restoration of certain nonconforming structures:

(1) The restoration of a nonconforming structure is allowed if the structure is restored to the size, subject to par. (2), location, and use that it had immediately before the damage or destruction occurred. There are no limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

(a) The nonconforming structure was damaged or destroyed on or after March 2, 2006.

(b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(2) Structures restored pursuant to the preceding paragraph may be increased in size from what they were immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

C. Substitution of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.

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

2. Existing Nonconforming Structures:

A. A lawful nonconforming structure existing at the time this Ordinance is adopted or amended may be continued although the structure's size or location does not conform with the established building setback line along arterial streets and highways, or the yard, height, parking, loading, access, and lot area provisions of this Ordinance; however:

(1) Additions and enlargements to, or moving of, existing nonconforming structures are allowed and shall conform with the established building setback lines along arterial streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to additions or enlargements are applicable only if the lot or parcel conforms with the existing Sheboygan County Sanitary Ordinance requirements or is serviced by a public sanitary sewer.

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

4. Existing Vacant Nonconforming Lots:
In any residential district a single-family detached residence and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance.

Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without the full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

LOT	Width	Minimum 50 feet (public sewerage) Minimum 80 feet (private sanitary system)
	Area	Minimum 5,000 square feet (public sewerage) 16,000 square feet (septic system)
BUILDING PRINCIPAL	Height	Maximum 35 feet
YARD	Street	Minimum 25 feet from lot line; the second street yard on corner lots shall be not less than 10 feet from lot line
	Rear	Minimum 25 feet from lot line
	Side	Minimum 10 feet

If such a lot is located within the A-1 Agricultural Land District, any dwelling or structure shall be consistent with agricultural use.

5. Variances
Variances may be permitted only as specified in Section 7.26 of this Ordinance.

7.24 CHANGES AND AMENDMENTS

1. Authority:

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend or supplement the regulations established by this Ordinance in accordance with Section 62.23(7) of the Wisconsin Statutes.

2. Agricultural Land - Factors to Consider in Zoning Changes.

The town is primarily agricultural in character and such agricultural character is to be retained for the foreseeable future; however re-zoning may be allowed after consideration of relevant factors. Any re-zoning of land which is presently A-1 District, A-1-S District, or A-3 District shall consider the following factors in addition to all other requirements of the ordinance: soil characteristics as shown by soil maps and observation, the grade and erodability of the land, the location and shape of the land, the actual use of the land over the past 20 years, the actual use of adjacent land, the compatibility of adjacent uses, the existence of the natural barriers which set the land apart, and other factors appropriate to the specific parcel being considered. In addition, the Department of Agriculture, Trade and Consumer Protection must be notified of all rezonings into or out of the A-1 or A-1-S districts. In order to consider a rezoning petition Chapter 91, Farmland Preservation, of the Wisconsin Statutes must be adhered to.

3. Initiation:

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the Town Board, by the Plan Commission, or by the Board of Appeals.

4. Petition:

A petition for changing district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed uses and have attached the following:

A. Petitioner's name, address, phone number, and interest in property (owner, broker, etc.)

B. Existing and proposed zoning district.

C. Proposed use (a statement of the type, extent, area, etc., of any development project.)

D. Owner's names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

E. Compatibility with adjacent lands, (a statement of land uses and impact of zoning change.)

F. Legal description of the property to be rezoned.

G. Plat plan or survey of property to be rezoned (show location, dimensions, zoning of adjacent properties, existing uses, and building of adjacent properties, all drawn to scale.)

H. Any additional information as may be required by the Plan Commission to facilitate the making of a comprehensive report to the Town Board.

I. The fee for the Changes and Amendments (Rezonings) is included in the Town of Sheboygan Falls Zoning and Town Planning Fee Schedule on file with the Town Clerk. The Town Board shall have authority to amend the fee schedule related to zoning and town planning from time to time by Town Board resolution.

5. Hearing:

The Town Board shall, after publishing a Class II notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each petition, listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least 20 days prior written notice to the clerk of any municipality with 1,000 feet of any land to be affected by the proposed changed or amendment. By resolution, the Town Board may determine that the Plan Commission shall hold such hearing, it shall provide minutes thereof to the Town Board prior to the Town Board action.

6. Board Action:

Following such hearing and after careful consideration of the Plan Commission recommendations, if any, the Town Board shall vote on the passage of the proposed changes or amendments

7. Protest:

In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the member of the Town Board voting on the proposal change.

8. Effective Date:

The amending ordinance shall become effective immediately after adoption by the Town of Sheboygan Falls Board, and publication or posting as provided by law.

7.25 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

1. Accessory Use or Structure:
A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

2. Airport, Public:
Any airport that complies with the definition contained in Section 114.013(3), Wis. Stats., or any airport that serves, or offers to serve, any common carriers engaged in air transport.

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

4. Animal Unit:
An animal unit is the equivalent of 1,000 pounds of live animal weight. Thus, a dairy cow weighing 1,400 pounds would be 1.4 units, a 1,000 pound horse would be 1.0 unit, a 300 pound hog would be 0.3 units, a 4 pound chicken would be 0.004 units. Total animal units would be the combined total of all farm animals on the site during any time period.

Note: The table is from a Wisconsin Department of Agriculture, Trade and Consumer Protection worksheet (April, 2006). The mink numbers are from Chapter 63 - Animal Manure and Nutrient Management, Taylor County, WI (August, 2014).

	Livestock Type	Animal Unit Factor	*Animal Units* For Proposed Facility
Example – Milking & Dry Cows			*1.4 x 800 = 1120 AU*
Dairy Cattle	Milking and Dry Cows	**1.4**	1.4 x =
	Heifers (800 lbs. to 1200 lbs.)	**1.1**	1.1 x =
	Heifers (400 lbs. to 800 lbs.)	**0.6**	0.6 x =
	Calves (up to 400 lbs.)	**0.2**	0.2 x =
Beef	Steers or Cows (600 lbs. to market)	**1.0**	1.0 x =
	Calves (under 600 lbs.)	**0.5**	0.5 x =
	Bulls (each)	**1.4**	1.4 x =
Swine	Pigs (55 lbs. to market)	**0.4**	0.4 x =
	Pigs (up to 55 lbs.)	**0.1**	0.1 x =
	Sows (each)	**0.4**	0.4 x =
	Boars (each)	**0.5**	0.5 x =
Poultry	Layers (each)	**0.01**	0.01 x =
	Broilers (each)	**0.005**	0.005 x =
	Broilers – continuous overflow watering	**0.01**	0.01 x =
	Layers or Broilers – liquid manure system	**0.033**	0.033 x =
	Ducks – wet lot (each)	**0.2**	0.2 x =
	Ducks – dry lot (each)	**0.01**	0.01 x =
	Turkeys (each)	**0.018**	0.018 x =
Sheep (each)		**0.1**	0.1 x =
Goats (each)		**0.1**	0.1 x =
Mink (adults)		0.011	0.011 x =
Mink (kits)		0.0053	0.0053 x =
Horse		1.0	1.0 x =

The permissible number of animal units shall be calculated based on the total acreage of the farm or hobby farm less 20,000 sq. ft. (20,000 sq. ft. is excluded as the "house area") If a portion of the property is considered a marsh, waterway, wetland, is steeply sloped or in any other way unusable for animals, the permissible number of animal units shall be calculated based on the acreage suitable for animal grazing and housing.

(To calculate the maximum number of animals allowed without a conditional use permit, first determine the number of acres of a particular farm or hobby farm owned within the Town of Sheboygan Falls and multiply by 1. Then divide that number by the "animal unit factor" listed in the table to obtain the maximum number of animals allowed without a CUP.)

5. Area, Net Developable:

Those lands within a development parcel remaining after the deletion of flood lands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.

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

7. Basement:
That portion of any structure located partly below the average adjoining lot grade.

8. Buildable Lot Area:
The portion of a lot remaining after required yards have been provided.

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

10. Building, Detached:
A principal building surrounded by open space on the same lot.

11. Building, Principal:
A building in which the principal use of the lot on which it is located is conducted.

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

13. Building Height:
The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs, or to the deck line or mansard roofs.

14. Building Line:
A line between which and any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this Ordinance.

15. Business:
An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

16. Club:
An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

17. Commerical Kitchen - A small-scale food processing and/or sales facility licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

18. Community Supported Agriculture (CSA) **-** A farm supported in full or in part by individuals from the surrounding region who pledge their monetary and/pr physical assistance to the farm operation in exchange for share of the harvest.

19. Conditional Uses:
Uses of a special nature as to make impractical their predetermination as a principal use in a district. Also called special exception uses.

20. Conservation Standards:
Guidelines and specifications for soil and water conservation practices and management and enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Sheboygan County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing soil and water conservation plan.

21. Consistent with Agricultural Use:
Furthers or does not contradict any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; any other use that DATCP, by rule, identifies as an agricultural use.

22. DATCP:
Wisconsin Department of Agriculture, Trade and Consumer Protection.

23. Domestic Small Livestock:
Rabbits, chinchillas, or similar animals, ferrets, and small birds kept for non-commercial purposes.

24. Drain:
A surface ditch or underground tile line constructed for the purpose of transporting water so that land may be farmed or used for other purposes.

25. Dwelling:
A building designed or used as separate living quarters, with cooking, sleeping, and sanitary facilities provided for the exclusive use of maintaining a household, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

26. Dwelling Unit:
A group of rooms constituting all or part of a dwelling which are arranged, designed, used, or intended for use exclusively as living quarters for 1 family.

27. Erosion:
The process of eroding or being eroded by wind, water, or other natural agents.

28. Essential Services:
Services provided by the public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems; and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

29. Excavation:
The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting therefrom.

30. Family:
Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in 1 dwelling as a single housekeeping entity.

31. Farm:
All land under common ownership that is primarily devoted to agricultural use.

32. Farm Residence:
Any of the following structures that is located on a farm:

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

(1) An owner or operator of the farm.

(2) A parent or child of an owner or operator of the farm.

(3) An individual who earns more than 50% of his or her gross income from the farm.

B. A migrant labor camp that is certified under § 103.92.

33. Farm Family Business:
Any lawful activity, except a farm operation, conducted primarily for any of the following:

1. The purchase, sale, lease or rental of personal or real property;
2. The manufacture, processing or marketing of products, commodities or any other personal property;
3. The sale of services.

A farm family business may be permitted as a conditional use under Chapter 91 of the Wisconsin Statutes if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than 2 persons who are not members of the resident farm family may be employed in the farm family business.

34. Farm Market / On-Farm Market / Farm Direct Marketing - The sale of agricultural products or value-added agricultural products, at least 50% of which is produced on-site, directly to the consumer.

35. Feed Lot, Commercial:
A feedlot, dairy farm or other operation where 500 animal units or more are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12–month period.

36. Floor Area - Business, Commercial and Industrial Buildings:
For the purpose of determining off-street parking and off-street loading requirements: The sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks, closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

37. Floor Area - Gross:
The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment - open or closed - located on a roof or in a basement), penthouses, attic space having headroom of 7 feet, 10 inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

38. Frontage:
The smallest dimension of a lot abutting a public street measured along the street line.

39. Garage, Private:
An accessory building or accessory portion of the main building, used or designed, or intended to be used for the storage of private motor vehicles. (Also see, CARPORT.)

40. Garage, Public:
Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.

41. Grade:
The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure on its lot.

42. Grading:
Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

43. Home Occupations:
A home occupation that is customarily incidental to the principal use of a building as a dwelling may be permitted in a dwelling unit as a conditional use. The Town recognizes the need for some citizens to use their residence for limited business use. However, the Town believes it is

important to protect the integrity of neighborhoods. Therefore, the purpose of this section is to allow a limited business use only to an extent that the business use does not adversely affect the appearance, character, value, or condition of the surrounding neighborhood. Home occupations that outgrow or cannot meet these standards are encouraged to work with the Town to find an alternative site that is more compatible with the business.

A. Standards:

In addition to all of the standards applicable to the district in which it is located, no home occupation shall be established, altered, or enlarged unless it complies with the following standards:

(1) No more than 1 person other than a member of the immediate family occupying such dwelling unit shall be employed, except in the A-1 and A-1-S Districts, which are subject to 91.01(1)(d), Wis. Stats. and restricts the total number of persons employed full-time, including family, to 4.
(2) No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall by displayed or sold on the premises.
(3) No alteration of the principal building shall be made which changes the character thereof as a dwelling.
(4) No more than 25 percent of the area of 1 story of a single-family residence nor more than 20 percent of the area of any other dwelling unit shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.
(5) No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
(6) The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage or other accessory building(s) thereto.
(7) There shall be no outside storage of equipment or materials used in the home occupation.
(8) No signs shall be permitted other than those permitted by Chapter 13 of the Town Code.
(9) No traffic shall be generated in greater volumes than would normally be expected in the neighborhood of the dwelling unit. The home occupation shall not generate more than 10 to-and-from vehicle trips per day from non-resident employees, clients, or customers.

B. Particular Occupations Permitted:

Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirements of Section 7.22 of this Ordinance as well as to any limitations specifically imposed on such occupation by other provisions of this Ordinance.

(1) Dressmakers, seamstresses, tailors.
(2) Music teachers, provided that the instruction shall be limited to 1 pupil at a time except for occasional groups.
(3) Artists, sculptors, or authors.

(4) Physicians, dentists, or other licensed medical practitioners.
(5) Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions.
(6) Ministers, rabbis, or priests.
(7) The letting for hire of not more than 2 rooms for residential use only and for not more than 4 persons, none of whom is a transient.

C. Particular Occupations Prohibited:
Permitted home occupations shall not in any event be deemed to include:
(1) Funeral home.
(2) Restaurant.
(3) Clinic or hospital.

44. Industrial Hemp:
A plant with the Latin species name *Cannabis sativa* L., with a delta-9-THC concentration of 0.3% or less in all parts of the plant when it has dried.

45. Livestock:
Bovine animals, swine, poultry, sheep, and goats.

46. Living Rooms:
All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

47. Lot:
A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.

48. Lot, Corner:
A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

49. Lot, Interior:
A lot situated on a single street which is bounded by adjacent lots along each of its other lines.

50. Lot, Substandard:
A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

51. Lot, Through:
A lot which has a pair of opposite lot lines along 2 substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

52. Lot, Coverage:
The area under a roof and enclosed by the exterior permanent walls.

53. Lot Lines and Area:
The peripheral boundaries of a parcel of land and the total area lying within such boundaries, but not including any area occupied by the waters of a navigable, duly recorded lake, river, or stream.

54. Lot Width:
The width of a parcel of land measured at the rear of the specified street yard.

55. Minor Structures:
Any small, movable accessory erection or construction, such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under 4 feet in height.

56. Mobile Home:
A transportable structure, intended for human habitation, which by its inherent design may be moved from site to site as necessary, which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials. Except for temporary mobile homes allowed as a conditional use in A-1 districts as described in such section, all mobile homes shall be permanently affixed to a foundation which consists of a basement or other frost-free foundation around the perimeter of the home. Such permanently affixed mobile homes shall be treated as residences similarly to other residences for purposes of this ordinance.

57. Mobile Home Lot:
A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

58. Mobile Home Park:
A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. The term mobile home park does not include sales lots on which unoccupied mobile homes or trailers, whether new or used, are parked for the purposes of inspection and sale.

59. Modular Home:
A structure which is partially preassembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called prefabricated or precut homes. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable state and local building codes.

60. Nonconforming Structure:
Any structure lawfully existing at the time this Ordinance is adopted or amended which does not conform to the regulations of this Ordinance or amendments pertaining to structure.

61. Nonconforming Lots:
Any lot lawfully existing at the time this Ordinance is adopted or amended which does not conform to the regulations of this Ordinance or amendments pertaining to structure.

62. Nonconforming Use:
Any land or water lawfully used or occupied at the time this Ordinance is adopted or amended which does not conform to the regulations of this Ordinance or amendments thereto pertaining to uses.

63. Parcel:
A “tax parcel” as identified in the current records of the Sheboygan County Treasurer’s Office. To be buildable, a parcel must meet the definition of a lot as defined in this Ordinance.

64. Park, Public:
An area owned by the state, county, or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

65. Parking Space:
A graded and surfaced area of not less than 180 square feet (9 feet by 20 feet) in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

66. Parties in Interest:
Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

67. Person:
Except when otherwise indicated by the context, the word “person” shall include the plural, or a company, firm, corporation, or partnership.

68. Pets, Household:
Animals commonly found in residences as pets such as dogs, cats, song bids, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement or create a nuisance due to noise, odor, etc. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, or other animals not commonly found in residences.

69. Principal Use:
The main use of land or building as distinguished from a subordinate or accessory use.

70. Professional Home Offices:
Residences of doctors of medicine, practitioners, dentists, clergymen, architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed 25% the area on only 1 floor of the residence and only 1 nonresident person is employed.

71. Residence:
A dwelling, as defined in Section 7.25 of this Ordinance.

72. Residence, Single-Family:
A dwelling that contains one dwelling unit either attached, semi-attached, or detached, not including mobile homes.

73. Residence, Multiple-Family:
A dwelling that contains three or more dwelling units.

74. Roadside Stand:
A small seasonal structure, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and used solely for the sale of farm products produced in Sheboygan County.

75. Sediment:
Soils or other surface materials transported by wind or surface water as a product of erosion.

76. Setbacks:
The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.

77. Shore lands:
Those lands lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lake, ponds, and flowages; 300 feet from the ordinary high water mark of navigable rivers or streams, or to the landward side of the flood plain, whichever is greater.

78 Signs:
Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which is used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

79. Story:
That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

80. Street:
A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

81. Structural Alteration:
Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

82. Structure:
Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting utility lines and appurtenances.

83. Substandard Structures:
Any structure conforming in respect to use but not in respect to the frontage width, height, lot area, yard, parking, loading, or distance requirements of this Ordinance.

84. Tract:
All contiguous land under a common ownership and within the same zoning district.

85. Use:
The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

86. Utilities:[6]
Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards, and communication towers and antennas as more specifically defined in Section7.22.8., of this Zoning Code.

87. U-Pick Operation -A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

88. Vision Clearance:
An unoccupied triangular space at the intersection of highways or streets with other highways or streets or the intersection of highways or streets with railroads. Such visions clearance triangle shall be bounded by the intersection highway, street, or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this Ordinance.

89. Yard:
An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

[6] Section 7.25.82 created September 13, 2005 by Ordinance 1 2005/2006.

90. Yard, Front:
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called street yard. Corner lots shall have 2 such yards.

91. Yard, Rear:
A yard extending across the full width of the lot the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

92. Yard, Side:
A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal street.

7.26 BOARD OF APPEALS

1. CREATION Pursuant to Sec. 62.23 Stats., a Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman, subject to confirmation by the Town Board, for three (3) year terms, except that of those first appointed, one (1) shall serve for one year, two (2) for two years, and two (2) for three years. The Town Chairman shall designate one of the members as the chairperson of the Board of Appeals. Members shall be town residents. The Town Chairman shall appoint a first alternate and second alternate member to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.

The Town Board may provide for compensation to members. Members shall be removable by the Town Board for cause upon written charges and after public hearing.

Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

Not more than one (1) member of the Town Board may be a member of the Board of Appeals.

2. RULES The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

3. MINUTES The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be a public record.

4. PROCEDURE Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the Building Inspector or other administrative officer. Such appeal shall be taken within 30 days of the decision appealed from by filing with the officer from whom the appeal is taken and the Town Clerk a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken and the Town Clerk shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof as well as due notice to the parties in interest, and shall decide the matter within 90 days of receiving the notice of appeal.

5. GENERAL POWERS The Board of Appeals shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Wis. Statutes 62.23 or of any ordinance adopted pursuant thereto including this zoning ordinance.

B. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinance.

C. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

D. In exercising the above-mentioned powers the Board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed form, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

E. If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present. The grounds of every such determination shall be stated.

6. SPECIFIC POWERS In addition to the foregoing, the Board of Appeals shall have the following specific powers:

A. To grant a permit for a temporary building for commerce or industry in a Residential District which is incidental to the residential development with such permit to be issued for a period of not more than one year.

B. To grant a permit for the extension of a district boundary for a distance of not more than 25 feet only where the boundary of a district divides a lot in a single ownership at the time of the adoption or amendment of this ordinance.

C. To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the Zoning District Map accompanying and made a part of this ordinance.

D. To call on any Town Official for assistance in the performance of its duties, and it shall be the duty of the official to render such assistance as may be reasonably required.

E. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.

7. USES Except as specifically provided, no decision of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

8. CONDITIONS In exercising the foregoing powers the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

9. FEE The fee for the Board of Appeals is included in the Town of Sheboygan Falls Zoning and Town Planning Fee Schedule on file with the Town Clerk. The Town Board shall have authority to amend the fee schedule related to zoning and town planning from time to time by Town Board resolution.

7.27 PROFESSIONAL AND CONSULTANT REVIEW FEES[7]

To promote and enhance public safety and general welfare and to ensure that essential improvements are made, the Town may deem it necessary to require a development agreement and/or reimbursement of Town expenses incurred as a result of a proposed development.

(1) Reimbursement of Town expenses. The Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of an application, petition, or proposal under the Town Zoning Code coming before the Plan Commission or Town Board. Before final approval of an application for development, the Town Board may require the developer to reimburse all fees, charges and costs incurred by the Town for such professional services, including but not limited to plan review, inspection, engineering, legal and administrative. The Town Board may, from time to time, establish a schedule of such professional charges by resolution. The Town Board may require that the estimated cost for such professional services be included in the bond, letter of credit, or cash deposit to be provided to the Town. The Town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the applicant. The submittal of a development proposal application or petition by an applicant shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to an applicant, but

[7] Section 7.27 created June 4, 2012 by Ordinance 1 2012/2013

which are not paid, may be assigned by the Town as a special assessment to the subject property.

(2) Development agreement. Before final approval of an application for development, the Town may require the developer to enter into a written development agreement with the Town to install any required improvements and comply with development requirements and to file a bond, letter of credit, or cash deposit in an amount determined by the Town as a guarantee of the performance of the developer's obligations under the development agreement.

7.28 LARGE WIND ENERGY SYSTEMS[8]

1. Applicability. This Ordinance applies to all wind energy systems, as defined by Wis. Stat. § 66.0403(1)(m), used to convert wind energy to electrical energy, except for small wind energy systems, as defined in Wis. Admin. Code § PSC 128.01(20). This Ordinance applies to the construction of a wind energy system or the expansion of an existing or previously approved wind energy system.

2. Definitions. The definitions set forth in Wis. Admin. Code Chapter PSC 128 are incorporated herein.

3. Permitted Uses. Wind energy systems are permitted uses in all zoning districts, except in areas that are primarily designated for future residential or commercial development, as shown on the Town's comprehensive plan that was in existence as of June 1, 2009, or as shown in such maps after December 31, 2015, as part of a required update to a comprehensive plan. This paragraph shall apply only to wind energy systems having a total nameplate capacity of at least one megawatt (1000 kilowatts).

4. Owner Requirements. The owner requirements specified in Wis. Admin. Code PSC 128.13-128.19 related to the following are hereby incorporated in their entirety:

   a. siting criteria, including setback and height requirements;
   b. noise criteria;
   c. shadow flicker;
   d. signal interference;
   e. stray voltage;
   f. construction and operation, including physical characteristics; and
   g. decommissioning.

5. Application and Notice Requirements.

   a. At least 90 days before an owner files an application to construct a wind energy system, an owner shall provide written notice of the planned system to all of the following:

[8] Section 7.28 created June 4, 2012 by Ordinance 2 2012/2013

(1) landowners within one (1) mile of a planned wind turbine host property;
(2) the Town Clerk;
(3) emergency first responders and air ambulance providers servicing the Town;
(4) the Wisconsin Department of Transportation;
(5) the Public Service Commission; and
(6) the Wisconsin Department of Natural Resources.

b. At least 90 days after filing the notice required under Paragraph a, above, an owner shall file with the Town Clerk twelve (12) copies of an application to construct a wind energy system. Such application shall include the information specified in Wis. Admin. Code § PSC 128.30(2). The owner shall also provide documentation showing that the real property owners consent to the installation of the proposed wind energy system on their property and copies of any wind energy system easements that have been recorded in the Register of Deeds Office. The owner shall ensure that all information contained in the application is correct.

c. On the same day an owner files an application with the Town Clerk, the owner shall provide written notice of the filing to property owners and residents located within one (1) mile of the proposed location of the wind energy system facility. Such notification shall meet the requirements of Wis. Admin. Code § PSC 128.30(5)(a).

d. As soon as possible after receiving the application for a wind energy system, the Town Clerk shall publish a Class 1 Notice, under Wis. Stat. Chapter 985, stating that an application for a wind energy system has been filed with the Town. The Notice shall include the following:

(1) brief description of the proposed wind energy system and its proposed location;
(2) the locations where the application is available for public review;
(3) the method and time period for public comments; and
(4) the approximate schedule for reviewing the application by the Town.

e. Within 45 days of receiving an application, the Plan Commission shall determine whether the application is complete and notify the applicant as to the determination. An application is complete if it meets the requirements of Paragraph b, above. If the Plan Commission determines that the application is incomplete, it shall provide notice to the owner stating the reason for the determination, and the owner shall provide the information necessary to complete and re-file the application. There is no limit on the number of times an applicant may supplement and refile an application. If the Plan Commission fails to make a determination as to the completeness within 45 days after the application is filed, it shall be deemed complete. Each time an owner supplements an incomplete application, an additional 45-day completeness review period shall begin the day after the owner re-files the application.

f. The Town Clerk shall make an application for a wind energy system available for public review at the Town Hall and the Sheboygan Falls Memorial Library, 330 Buffalo Street, Sheboygan Falls, Wisconsin 53085.

g. The Plan Commission shall review and make a recommendation as to the approval of the application. At the Town Board's option, the public meeting may be held by the Town Plan Commission.

h. The Town Board or Plan Commission may request additional information necessary to understand the wind energy system after the Plan Commission has determined an application is complete. An owner shall provide additional information in response to all reasonable requests in a timely, complete and accurate manner.

i. The Town Board shall hold at least one public meeting prior to making a decision on the application to inform the public about the proposed wind energy system and to obtain public comments thereon. At least one business day prior to the public meeting, the public may submit written comments to the Town Clerk during the Clerk's regular office hours, by mail, or at the drop-box at the Town Hall.

j. The Town Board shall approve or disapprove an application no later than 90 days after the day on which the Plan Commission notifies the applicant that the application is complete. If the Town Board fails to act within the 90 days, or within the extended review period, the application is considered approved. The review period may be extended if within the initial 90-day review period, the Town Board authorizes in writing any combination of the following extensions, except that the total amount of time for all extensions granted hereunder may not exceed 90 days:

(1) up to 45 days if the Town Board needs additional information to determine whether to approve or deny the application;
(2) up to 90 days if the owner makes a material change to the application for approval;
(3) up to 90 days for other good cause specified in writing by the Town Board.

k. If the wind energy system is proposed to be located in more than one political subdivision, the Town may conduct a joint application review process in accordance with Wis. Admin. Code § PSC 128.30(7).

6. Conditions of Approval. The Town Board may place conditions on the approval of a wind energy system application or require any of the provisions as outlined in Wis. Admin. Code § PSC 128.33.

7. Written Decision.

a. The Town Board shall issue a written decision to grant or deny an application for a wind energy system. The decision shall include findings

of fact supported by evidence in the record. Any denial shall specify the reason for denial.

b. The Town Clerk shall provide the written decision to the owner and to the Public Service Commission. If approved, the Town shall provide the owner with a duplicate original of the decision, and the owner shall record such original with the Sheboygan County Register of Deeds Office.

c. Change in ownership does not affect the approval of a wind energy system. The owner shall provide not less than 90 days prior written notice to the Town Clerk advising of the transfer of ownership.

8. Compliance Monitoring. The Town Board, or their designees, shall act as a monitoring committee to determine compliance with any condition established as a condition of approval or to assess when wind energy system facilities are not maintained in good repair and operating condition. The monitoring committee may establish a compliance monitoring procedure including timelines, provide for payment of reasonable fees, and notice requirements, as it deems appropriate.

9. Post-Construction Filing Requirements. Within 90 days of the date a wind energy system commences operation, the owner shall file with the political subdivision and the Public Service Commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy facilities, geographic information system showing the location of all wind energy systems and current information identifying the owner of the wind energy system. Each wind turbine location shall be labeled with a unique identifier.

10. Modifications. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Town. The owner shall submit an application for the material change, along with the appropriate fee, to the Town Clerk as set forth in the Town of Sheboygan Falls Zoning and Town Planning Fee Schedule, which may be amended from time to time by Town Board Resolution. The application and notice requirements, except the pre-application notice, the conditions of approval, and the written decision requirements of this Ordinance shall apply to any application for a material change.

11. Complaint Process. The complaint process and notice requirements set forth in Wis. Admin. Code § PSC 128.40 and 128.42 are incorporated herein.

12. Fees.

a. An owner shall submit a non-refundable application fee as set forth in the Town of Sheboygan Falls Zoning and Town Planning Fee Schedule, which may be amended from time to time by Town Board Resolution.

b. An owner shall be responsible for all reasonable fees and costs incurred by the Town Board for any services necessary to review an application, which may include the costs of services provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts of the Town's choosing. The owner shall be responsible for third-party inspection fees regarding compliance with approved construction requirements.

c. An owner shall deposit 1% of the total estimated project cost, or an amount as otherwise determined by the Town Board, with the Town Clerk, which represents 50% of the total estimated amount of reimbursement for the Town's review of the application. Such amount shall be paid before the Town issues a written decision on the application. The Town shall hold the estimated fees in a non-interest bearing account, and shall refund any overpayment of estimated fees to the owner one year after the wind energy system commences operation. Any fees or costs that remain unpaid for more than 30 days after written demand by the Town shall result in the application being denied. The owner shall be responsible for the difference between the deposited amount and the Town's actual fees. Any fees that remain unpaid after 30 days shall accrue interest at a rate of 12% per annum and may be assessed against the property as a special charge.

13. Administrative Code References. All references to the Wis. Admin. Code Chapter 128 are to the 2011 version. Any amendments to Chapter 128 shall be incorporated herein."

7.29 SMALL WIND ENERGY SYSTEMS[9]

1. Applicability. This Ordinance applies to small wind energy systems, as defined by Wis. Admin. Code 128.01(20), to be 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. This Ordinance applies to the construction of a wind energy system or the expansion of an existing or previously approved wind energy system.

2. Definitions. The definitions set forth in Wis. Admin. Code Chapter PSC 128 are incorporated herein.

3. Permitted Uses. Small Wind Energy Systems are permitted uses in all zoning districts provided all requirements of this Ordinance are met.

4. Owner Requirements. The owner requirements specified in Wis. Admin. Code PSC 128.13-128.19 related to the following are hereby incorporated in their entirety:

   a. siting criteria, including setback and height requirements;
   b. noise criteria;
   c. shadow flicker;
   d. signal interference;
   e. stray voltage;
   f. construction and operation, including physical characteristics; and
   g. decommissioning.

[9] Section 7.29 created June 4, 2012 by Ordinance 3 2012/2013

Small Wind Energy Systems shall be subject to the exemptions and modifications required by Wis. Admin. Code §§ PSC 128.60 and 128.61.

5. Application and Notice Requirements.

a. At least 60 days before an owner files an application to construct a small wind energy system, the owner shall file a notice of the proposed construction to adjacent landowners and the Town Clerk.

b. An owner shall file with the Town Clerk twelve (12) copies of an application to construct a small wind energy system. Such application shall include the information specified in Wis. Admin. Code § PSC 128.30(2), except the emergency plan and decommissioning and site restoration plan, and shall include all worksheets, maps, and other attachments included in the application. The owner shall ensure that all information contained in the application is correct. The owner shall also provide the following:

(1) documentation showing that the real property owners consent to the installation of the proposed small wind energy system on their property;

(2) copies of any wind energy system easements that have been executed and/or recorded in the Register of Deeds Office;

(3) copies of all necessary state and federal permits and approvals.

c. On the same day an owner files an application with the Town Clerk, the owner shall provide written notice of the filing to adjacent[10] property owners and residents. Such notification shall meet the requirements of Wis. Admin. Code § PSC 128.30(5)(a). An application is considered "filed" the day the owner notifies the Town in writing that all application materials have been filed.

d. Within 45 days of the filing of an application, the Plan Commission shall determine whether the application is complete and notify the applicant as to the determination. An application is complete if it meets the requirements of Paragraph b, above. If the Plan Commission determines that the application is incomplete, it shall provide notice to the owner stating the reason for the determination, and the owner shall provide the information necessary to complete and re-file the application. There is no limit on the number of times an applicant may supplement and re-file an application. If the Town fails to make a determination as to the completeness within 45 days after the application is filed, it shall be deemed complete. Each time an owner supplements an incomplete application, an additional 45-day completeness review period shall begin

[10] Repeal and recreated by Ordinance #4 2021/2022, adopted January 3, 2022

the day after the Town receives responses to the items identified in the notice.

e. As soon as possible after receiving the application for approval of a small wind energy system, the Town Clerk shall publish a Class 1 Notice, under Wis. Stat. Chapter 985, stating that an application for a wind energy system has been filed with the Town. The notice shall include the following:

(1) brief description of the proposed wind energy system and its proposed location;
(2) the locations where the application is available for public review;
(3) the method and time period for public comments; and
(4) the approximate schedule for review of the application by the Town.

f. The Town Clerk shall make an application for a wind energy system available for public inspection at the Town Hall and at the Sheboygan Falls Memorial Library, 330 Buffalo Street, Sheboygan Falls, Wisconsin 53085.

g. The Plan Commission shall review and make a recommendation as to the approval of the application. At the Town Board's option, the public meeting may be held by the Town Plan Commission.

h. The Town Board or Plan Commission shall hold at least one public meeting prior to making a decision on the application to inform the public about the proposed small wind energy system and to obtain public comments thereon. At least one business day prior to the public meeting, the public may submit written comments to the Town Clerk during the Clerk's regular office hours, by mail, or at the drop-box at the Town Hall.

i. The Town Board or Plan Commission may request additional information necessary to understand the small wind energy system after the Plan Commission has determined the application is complete. An owner shall provide additional information in response to all reasonable requests in a timely, complete and accurate manner.

j. The Town Board shall approve or disapprove an application no later than 90 days after the day on which the Plan Commission notifies the applicant that the application is complete. If the Town Board fails to act within the 90 days, or within the extended review period, the application is considered approved. The review period may be extended if within the initial 90-day review period, the Town Board authorizes in writing any combination of the following extensions, except that the total amount of time for all extensions granted hereunder may not exceed 90 days:

(1) up to 45 days if the Town Board needs additional information to determine whether to approve or deny the application;
(2) up to 90 days if the owner makes a material change to the application for approval;

(3) up to 90 days for other good cause specified in writing by the Town Board.

k. If the wind energy system is proposed to be located in more than one political subdivision, the Town may conduct a joint application review process in accordance with Wis. Admin. Code § PSC 128.30(7).

6. Written Decision.

a. The Town Board shall issue a written decision to grant or deny an application for a small wind energy system. The decision shall include findings of fact supported by evidence in the record. Any denial shall specify the reason for denial.

b. The Town Clerk shall provide a copy of the written decision to the owner and to the Public Service Commission. If approved, the Town shall provide the owner with a duplicate original of the decision, and the owner shall record such original with the Sheboygan County Register of Deeds Office.

c. Change in ownership does not affect the approval of a small wind energy system. The owner shall provide not less than 90 days prior written notice to the Town Clerk advising of the transfer of ownership.

7. Modifications. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Town. The owner shall submit an application for the material change, along with the appropriate fee, to the Town Clerk as set forth in the Town of Sheboygan Falls Zoning and Town Planning Fee Schedule. The application and notice requirements, except the pre-application notice, and written decision requirements of this Ordinance shall apply to any application for a material change.

8. Complaint Process. The complaint process and notice requirements set forth in Wis. Admin. Code § PSC 128.40 are incorporated herein, except as exempted under Wis. Admin. Code § PSC 128.60.

9. Fees.

a. An owner shall submit a non-refundable application fee as set forth in the Town of Sheboygan Falls Zoning and Town Planning Fee Schedule, which may be amended from time to time by Town Board Resolution.

b. An owner shall be responsible for all reasonable fees and costs incurred by the Town Board for any services necessary to review an application, which may include the costs of services provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts of the Town's choosing. The owner shall be responsible for third-party inspection fees regarding compliance with approved construction requirements.

c. An owner shall deposit 2% of the total estimated project cost, or an amount as otherwise determined by the Town Board, with the Town Clerk. Such

deposit represents 50% of the total estimated amount of reimbursement for the Town's review of the application. Such amount shall be paid before the Town issues a written decision on the application. The owner shall be responsible for the difference between the deposited amount and the Town's actual fees. The Town shall hold the estimated fees in a non-interest bearing account and shall refund any overpayment of estimated fees to the owner one year after the wind energy system commences operation. Any fees or costs that remain unpaid for more than 30 days after written demand by the Town shall result in the application being denied. Any fees that remain unpaid after 30 days shall accrue interest at a rate of 12% per annum and may be assessed against the property as a special charge.

10. Administrative Code References. All references to the Wis. Admin. Code Chapter 128 are to the 2011 version. Any amendments to Chapter 128 shall be incorporated herein."

7.30 SIGNS[11]

1. Definitions. The following definitions shall apply to this Section:

   a. Sign – A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, produce, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street are not considered signs. Each display surface of a sign or sign face is considered a sign.

   b. Sign Area – The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

   c. Sign Face – The entire display surface area of a sign upon, against, or through which copy is placed.

   d. Freestanding – A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.

   e. Ground-Mounted Sign – A sign that extends from the ground or has support that places the bottom of the sign less than two feet from the ground.

   f. Highway Sign – A freestanding sign, Integral Sign, or Ground-Mounted Sign that is erected and maintained within the view of motorists who are driving on a state or interstate highway.

[11] Section 7.30 created May 6, 2019 by Ordinance #1 2019/2020.

g. Integral – A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

h. Portable Sign – Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

i. Temporary Sign – A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and is intended to be displayed for a limited period of time.

j. Window Sign – A sign that is attached to or located within three feet of the interior of a window and can be seen through the window from the exterior of the structure.

k. Billboard – A sign intended to lease to third parties and is itself the primary income generator and commercial use of the property upon which it is located.

l. Digital Billboard – A sign that is static and changes messages by any electronic process or remote control.

2. Permit. No sign other than a Temporary Sign may be constructed, installed, or erected within the Town without a Building Permit and, in the case of Highway Signs, a Sign Permit issued by the Town Board. The fee for a Sign Permit shall be as set forth by separate resolution.

3. Signs in Residential Districts.

   a. Allowed Sign Types:

      i. Freestanding Signs.

      ii. Ground-Mounted Signs.

      iii. Portable Signs.

      iv. Window Signs.

   b. Dimensional Restrictions.

      i. The total of all sign faces on a lot may not exceed 64 square feet, regardless of the number of signs located on the lot.

      ii. Signs other than building-mounted signs may not exceed seven feet in height above the ground, measured to the top of the sign structure.

iii. Building-mounted signs must be flush mounted and must not project above the roof line.

iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.

v. No more than one sign is allowed on each lot.

4. Signs in Local Business & Industrial District.

a. Allowed Sign Types:

i. Freestanding Signs.

ii. Ground-Mounted Signs.

iii. Highway Signs.

iv. Integral Signs.

v. Portable Signs.

vi. Window Signs.

vii. Billboards.

viii. Digital Billboards.

b. Dimensional Restrictions.

i. The total of all sign faces on a lot may not exceed 100 square feet, regardless of the number of signs located on the lot. [12]

ii. Signs other than building-mounted signs may not exceed twelve feet in height above the ground, measured to the top of the sign structure.

iii. Building-mounted signs must be flush mounted and must not project above the roof line.

iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.

v. No more than three signs are allowed on each lot.

c. Special Restrictions for Highway Signs.

i. Notwithstanding the forgoing restrictions in the Local Business & Industrial District, the following restrictions apply to Highway Signs:

1. No sign may exceed 672 square feet per face.

[12] Repeal and recreated by Ordinance #4 2021/2022, adopted January 3, 2022

2. Minimum sign spacing on all roads is 300 feet.

3. Highway Signs may not exceed 30 feet in height.

4. Highway Signs must be placed on a permanent foundation.

5. Signs in Agricultural Districts.

    a. Allowed Sign Types:

        i. Freestanding Signs.

        ii. Ground-Mounted Signs.

        iii. Integral Signs.

        iv. Portable Signs.

        v. Window Signs.

    b. Dimensional Restrictions.

        i. No sign face may exceed 32 square feet in area.

        ii. Signs other than building-mounted signs may not exceed 10 feet in height above the ground, measured to the top of the sign structure.

        iii. Building-mounted signs must be flush mounted and must not project above the roof line.

        iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.

        v. No more than four signs are allowed on each lot.

6. Temporary Signs.

    a. Temporary Signs are allowed in all districts provided that no more than one temporary sign with a sign face no larger than 64 square feet may be on any lot at any time. No Temporary Sign may be displayed for a continuous period exceeding 60 days.

7. Illumination. Signs that are illuminated must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any nearby public way in such an intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

8. Indemnification. By applying for a building permit for a sign, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify,

defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third-party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.

9. Abandoned Signs. No sign in the Town may be abandoned by the owner. Any sign or billboard not properly and reasonably maintained by the owner shall be removed by the owner within thirty days of receipt of a written notice from the Town. Failure to remove an abandoned sign, plus any foundation, within that period shall cause the Town to remove the sign after an additional ten-day written notice is mailed to the owner. Removal expenses will be charged to the owner of the sign or to the owner of the land where the sign is located. In the event removal costs are unpaid, they may be charged against the property as a special charge.

10. Penalty. Any person, partnership, corporation, or other entity that violates or fails to comply with any provisions of this Section, or any regulations or permit issued hereunder, shall be subject to a forfeiture of not less than $150.00 nor more than $500, together with the costs of prosecution, including reasonable attorneys' fees. Each day that a violation continues shall be deemed a separate offense for purposes of calculating forfeitures. The Town may also pursue equitable relief, including injunctions and abatement orders, in the event of a violation.

7.31 SOLAR ENERGY SYSTEMS.[13]

1. Purpose. The purpose of this Section is to provide a regulatory scheme for the construction and operation of Solar Energy Systems, other than those excluded in 7.31(2) below, in the Town of Sheboygan Falls, Sheboygan County, Wisconsin. All regulations contained herein are adopted to preserve and protect the public health and safety.

2. Definitions.

    a. Solar Energy System - Equipment which directly collects, converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. "Solar Energy System" excludes solar powered light fixtures that are ground or wall mounted and solar powered electric fences.

3. Permit Required.

    Roof Mounted Systems – Roof Mounted Solar Systems may be installed or maintained in the Town of Sheboygan Falls without a Solar Energy System Permit but only upon obtaining a Building Permit from the Town Clerk. The Building Permit fee will be the current applicable Building Permit Fee schedule, adopted by resolution. For the purposes of this provision, a 'roof mounted solar system" is a Solar Energy System that consists of the installation of equipment mounted onto or incorporated into the roof of a

[13] Section 7.31 Repeal and recreated by Ordinance #4 2021/2022, adopted January 3, 2022

building provided that no portion of any parcel may extend beyond the roof surface to which it is attached.

No other Solar Energy System may be installed or maintained in the Town of Sheboygan Falls without a Solar Energy System Permit granted pursuant to this ordinance,

4. Application. Every application for a Solar Energy System Permit shall be made in writing and shall include the following information:

    a. Name and address of the applicant and the name and contact information for a designated representative of the applicant.

    b. Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.

    c. Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.

    d. Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots within 300 feet of the Solar Energy System.

    e. Documentation showing that no reasonable alternative location exists for the Solar Energy System that would result in less impact on neighboring lots.

    f. Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the Solar Energy System that would result in less impact on neighboring lots.

    g. A landscape plan that includes proposed topography, grubbing and clearing along with plantings and final vegetation.

    h. Such additional information as may be reasonably requested by the Town.

    i. Any of the information required by this section may be waived by the Town at its discretion.

Ground Mounted System Fees:

.1KW-.99KW An applicant for a Solar Energy System under one (1) megawatt (MW) shall follow the current Building Permit Fee Schedule, adopted by resolution.

Over 1MW – 4.99 MW

An applicant for a Solar Energy System exceeding one (1) megawatt (MW) shall deposit an application fee of five thousand dollars ($5,000) with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of notices, the cost of meeting per diems, the cost of services necessary to review an application that are provided by town officials, outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit regardless of the final outcome of the application. The applicant shall maintain a minimum of one thousand dollars ($1,000) in the account until the review process and construction (if approved) is completed. If the balance in the account drops below one thousand dollars ($1,000), the applicant shall deposit additional money to bring the account balance to five thousand dollars ($5,000) within five (5) business days of receipt of written notice from the Town. The Town will refund any remaining balance in the account within sixty (60) days after the final inspection and Town approval of the constructed solar energy system or within sixty (60) days after denial of the application. The Town reserves the right to refuse continued review of an application in the event an applicant fails to comply with this subsection.

Over 5MW

An applicant for a solar energy system exceeding five (5) megawatts (MW) shall deposit an application fee of twenty-five thousand dollars ($25,000) with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of notices, the cost of meeting per diems, the cost of services necessary to review an application that are provided by town officials, outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit regardless of the final outcome of the application. The applicant shall maintain a minimum of ten thousand dollars ($10,000) in the account until the review process and construction (if approved) is completed. If the balance in the account drops below ten thousand dollars ($10,000), the applicant shall deposit additional money to bring the account balance to twenty-five thousand dollars ($25,000) within five (5) business days of receipt of written notice from the Town. The Town will refund any remaining balance in the account within sixty (60)

days after the final inspection and Town approval of the constructed solar energy system or within sixty (60) days after denial of the application. The Town reserves the right to refuse continued review of an application in the event an applicant fails to comply with this subsection

5. Review of Solar Energy System Permit Application. The Town will consider each Solar Energy System on a case-by-case basis. In addition to all other notice requirements, the applicant shall provide written notice of its application to the owners and occupants of all properties located with 1,000 feet of any parcel upon which any portion of the proposed solar energy system will be located. The Town may deny a permit for a Solar Energy System or may impose restrictions on a Solar Energy System if the Town finds that the denial or restrictions satisfy one of the following conditions:

    a. The denial or restriction serves to preserve or protect the public health or safety.

    b. The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.

    c. The denial or restriction allows for an alternative system of comparable cost efficiency.

6. Solar Energy System Restrictions. The Town may impose restrictions on a Solar Energy System relating to any of the following:

    a. Location of the Solar Energy System.

    b. Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.

    c. Wiring and electrical controls of the Solar Energy System.

    d. Reimbursement for fire department training and emergency services required as a result of the Solar Energy System.

    e. Solar Energy System ground clearance.

    f. Solar Energy System height.

    g. Shared revenue, payments in lieu of taxes and other financial matters.

    h. Financial security, such as bonds, cash deposits, or letters of credit.

i. Additional regulation on driveways over 300 ft in length.

j. Decommissioning.

k. Annexation and boundary issues.

l. Compensation to affected property owners.

m. Any other matters that the Town finds appropriate.

7. Revocation. Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.

This ordinance is effective on the day following publication per S60.80

All other provisions of the Town of Sheboygan Falls Zoning Ordinance remain in full force and effect.

Town of Sheboygan Falls Zoning and Town Planning Fee Schedule

Conditional Use Permit - $300.00

Conditional Use Permit for home occupation and professional office uses in residential districts- $100.00

Board of Appeals - $250.00, fee will be reimbursed if the decision is overturned.

Large Wind Energy System Application Fee - $ To be set

Large Wind Energy System Modification Fee - $ To be set

Small Wind Energy System Application Fee - $ To be set

Small Wind Energy System Application Fee - $ To be set