Shawano County Zoning Ordinance

Ordinance No. 7-14

Effective January 1, 2015

Amended March 18, 2020

Amended January 28, 2022

Amended May 22, 2024

Original Adoption of Ordinance:

April 19, 2011 (2-11)

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SECTION 1: INTRODUCTION

Sections:

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X.1.10 Zoning Map and Interpretation of Zoning District Boundaries
X.1.11 Overview of Zoning Districts

X.1.01 TITLE

This document shall be known, cited and referred to as the Shawano County Zoning Ordinance.

X.1.02 AUTHORITY

This Zoning Ordinance is enacted pursuant to the authority granted by Wisconsin Statutes.

X.1.03 PURPOSE

This Zoning Ordinance is adopted for the purpose of protecting the public health, safety, comfort, convenience and general welfare of the residents of Shawano County, and is further intended to:

(1) Control and lessen congestion in the streets;

(2) Secure safety from fire, panic and other dangers;

(3) Promote adequate light and air;

(4) Manage growth and the impacts of land development;

(5) Encourage the protection of ground and surface water and other natural resources;

(6) Preserve productive farmland;

(7) Preserve rural character

(8) Prevent the overcrowding of land;

(9) Preserve, protect and promote property values;

(10) Promote high quality and lasting community design;

(11) Clearly present land development opportunities and review processes; and

(12) Facilitate the adequate provision of transportation, water, sewerage, and other public services and facilities.

X.1.04 SEPARABILITY AND NON-LIABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Zoning Ordinance are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge invalid any provision of this Zoning Ordinance, such judgment shall not affect any other provisions of this Zoning Ordinance not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Zoning Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

(3) The County does not guarantee, warrant or represent that only those areas officially designated as floodplains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the County, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages, regardless of whether land is in a mapped floodplain.

X.1.05 ABROGATION AND GREATER RESTRICTION

(1) Where property is affected by the regulations imposed by any provision of this Zoning Ordinance and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Zoning Ordinance, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.

(2) If any other legally adopted ordinance is more restrictive than this Zoning Ordinance or any amendments thereto, such other ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.

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

(4) In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort and convenience and general welfare, and shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power now granted by Wisconsin Statutes and possessed by the County.

X.1.06 JURISDICTION

(1) This Zoning Ordinance is applicable to all territory located within those portions of the unincorporated areas of Shawano County in which the associated town board has adopted this Zoning Ordinance pursuant to Wisconsin Statutes Section 59.69(5).

(2) Unless specifically exempted by law, all cities, villages, towns and counties are required to obtain all necessary permits for projects undertaken by them within this Zoning Ordinance's geographic jurisdiction. State agencies are required to comply as provided in Wisconsin Statutes Section 13.48(13).

X.1.07 ENACTMENT OF ZONING ORDINANCE AND ITS EFFECT

(1) This Zoning Ordinance shall become effective per the procedures under Wisconsin Statutes Section 59.69. Each town within which this Zoning Ordinance applies has adopted the Ordinance independently of one another and generally on different dates, as follows:

Town	Date
Angelica	June 16, 2011
Aniwa	February 14, 2012
Birnamwood	June 23, 2011
Fairbanks	April 17, 2012
Germania	June 22, 2011
Grant	July 13, 2011
Green Valley	October 17, 2011
Herman	October 4, 2011
Maple Grove	July 28, 2011
Morris	July 22, 2011
Navarino	May 11, 2011
Red Springs	June 14, 2011
Seneca	June 13, 2011
Washington	June 22, 2011
Waukechon	March 19, 2012
Wittenberg	August 17, 2011

(2) The version of this Zoning Ordinance adopted by the Shawano County Board of Supervisors on April 19, 2011 was a comprehensive revision to the previous Shawano County Zoning Ordinance that, in part, carried forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the Shawano County Zoning Ordinance, adopted prior to the effective date of this comprehensive revision to the Zoning Ordinance. While it was the intention of this comprehensively revised Zoning Ordinance to repeal the prior Shawano County Zoning Ordinance, it was also the intention to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Zoning Ordinance or altered by the Official Zoning Map.

(3) All provisions of the Shawano County Zoning Ordinance which existed prior to April 19, 2011 and which are not re-enacted herein are hereby repealed.

(4) The adoption of this Zoning Ordinance shall not adversely affect the County's right to prosecute any violation of the predecessor Zoning Ordinance, provided that such violation occurred while that Zoning Ordinance was in effect.

(5) All development approvals under the predecessor Zoning Ordinance shall be valid for a period of not more than one year from April 19, 2011 except that each land use permit issued under the predecessor Zoning Ordinance shall be valid for a period of one year from its issuance before construction authorized by such permit must commence.

X.1.08 RELATIONSHIP TO SHAWANO COUNTY COMPREHENSIVE PLAN AND FARMLAND PRESERVATION PLAN

(1) The County Board has formally adopted a "comprehensive plan," pursuant to Wisconsin Statutes Section 66.1001(4)(c). The Comprehensive Plan is intended to guide the physical development of the County over a 20 year planning period and serve as the partial basis for this Zoning Ordinance. The County Board may, from time to time, amend the Comprehensive Plan following the procedures included in Wisconsin Statutes Section 66.1001.

(2) This Zoning Ordinance implements aspects of the Comprehensive Plan that are best addressed through zoning approaches, as enabled and in certain cases required by Wisconsin Statutes. Per Wisconsin Statutes Section 66.1001(3), this Zoning Ordinance is consistent with the Comprehensive Plan. Further, all subsequent amendments must be consistent with the County Comprehensive Plan, as the term "consistent with" is defined under Wisconsin Statutes Section 66.1001(1)(am).

(3) Per Wisconsin Statutes Section 91.10(2) and (3), Shawano County has included a Farmland Preservation Plan as a component of its Comprehensive Plan, and had such Farmland Preservation Plan certified by the State Department of Agriculture, Trade and Consumer Protection. Such adoption and certification is required to make owners of property within the Farmland and Forest Preservation area mapped in the Farmland Preservation Plan eligible to obtain Wisconsin income tax credits.

(4) Per Wisconsin Statutes Chapter 91, Subchapter III, Shawano County has also incorporated a farmland preservation zoning district within this Zoning Ordinance—the FP Farmland and Forest Preservation district. The State Department of Agriculture, Trade and Consumer Protection has certified the FP district as a farmland preservation zoning district under Chapter 91. Such certification is required in most cases to make owners of property zoned FP eligible to obtain Wisconsin income tax credits. The FP zoning district is mapped only in areas that are planned as Farmland and Forest Preservation area in the Farmland Preservation Plan.

(5) Table X.1.08 lists the latest town board adoption dates of the FP zoning maps in towns where this zoning district applies.

Table X.1.08: Adoption Dates of FP District by Town

Town	Date	
Aniwa	July 14, 2014	**Shawano County Comprehensive and Farmland Preservation Plan updated with final approval by the Shawano County Board of Supervisors on December 20, 2023.** **Updates to plan includes all towns associated with Farmland Preservation Districts.**
Fairbanks	July 14, 2014	
Grant	May 7, 2014	
Navarino	April 15, 2014	
Maple Grove	April 14, 2014; Town Board adopted stricter rezoning policies per Section X.8.07(6)	
Washington	April 21, 2014	

X.1.09 RELATIONSHIP TO ZONING ORDINANCE APPENDICES

This Shawano County Zoning Ordinance references several appendices, although the appendices may not be distributed with every copy of the Zoning Ordinance. The appendices are included for informational purposes,

and shall not be construed as part of this Zoning Ordinance. Therefore, amendments to the appendices do not require compliance with the amendment procedures in Section X.8.06 or in Wisconsin Statutes Section 59.69.

X.1.10 ZONING MAP AND INTERPRETATION OF ZONING DISTRICT BOUNDARIES

(1) All lands located within the jurisdiction of this Zoning Ordinance are hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of land uses within each district, to implement the Comprehensive Plan, and to achieve the other stated purposes of this Zoning Ordinance.

(2) Base zoning districts established by this Zoning Ordinance are shown on the Official Zoning Map of Shawano County, which together with all explanatory materials thereon, is hereby made part of this Zoning Ordinance. Where the Official Zoning Map does not indicate a base zoning district for a particular area, unless the Map is in error, the area is within the corporate limits of a city or village, within a town that has not adopted this County Zoning Ordinance, or within an area subject to extraterritorial zoning.

(3) The following rules shall be used to determine the precise location of any base zoning district boundary shown on the Official Zoning Map of Shawano County:

(a) Base zoning district boundaries shown as following or approximately following the limits of any city, village, town, or county boundary shall be construed as following such limits.

(b) Base zoning district boundaries shown as following or approximately following public streets or railroad lines shall be construed as following the centerline of such streets, recreational trails, or railroad lines.

(c) Base zoning district boundaries shown as following or approximately following platted lot lines, ordinary high water marks, or other property lines as shown on the Shawano County parcel maps shall be construed as following such lines.

(d) Base zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing navigable watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(e) Base zoning district boundaries shown as separated from any of the features listed in subsections (a) through (d) above shall be construed to be at such distances as shown on the Official Zoning Map.

(f) Where the exact location of a base zoning district boundary, as shown on the Official Zoning Map, is uncertain, the boundary location shall be determined by the Zoning Administrator.

(4) No tax parcel shall be divided into more than one base zoning district, unless that tax parcel is legally divided so that new lot lines and new zoning boundaries coincide.

(5) See Section X.8.05 (2) for the appeal process for interpretations of zoning district boundaries.

X.1.11 OVERVIEW OF ZONING DISTRICTS

(1) Areas within the jurisdiction of this Zoning Ordinance are divided into the following base zoning districts

(a) Working Lands and Open Space Zoning Districts

FP Farmland and Forest Preservation District

FH Farmland and Forest Holding District

OAR Open Lands, Agriculture, and Residential District

RPOS Recreation and Public Open Space District

(b) Residential Zoning Districts

R-R Residential – Rural District

A-R Agricultural – Residential District

R-S Residential – Sewered District

R-M Residential – Mixed District

(c) Commercial, Industrial, and Mixed Use Districts

H Hamlet District

C-C Commercial – Community District

C-G Commercial – General District

M Manufacturing District

PUD Planned Unit Development District

(2) Areas within the County may also be subject to the following overlay zoning districts. See the referenced County ordinance or section of this Zoning Ordinance for precise jurisdiction and regulations related to each listed overlay districts.

SW Shoreland-Wetland Overlay District (see Shawano County Shoreland Zoning Ordinance)

FW Floodway Overlay District (see Shawano County Floodplain Zoning Ordinance)

FF Flood Fringe Overlay District (see Shawano County Floodplain Zoning Ordinance)

GFP General Flood Plain Overlay District (see Shawano County Floodplain Zoning Ordinance)

SECTION 2: WORKING LANDS AND OPEN SPACE ZONING DISTRICTS

Sections:

X.2.01 Purposes
X.2.02 Permitted and Conditional Uses
X.2.03 Dimensional Standards

X.2.01 PURPOSES

(1) **FP Farmland and Forest Preservation District**

The FP district is intended to promote continued agricultural and forestry uses on lands suited for such uses; protect and encourage long-term investments in food, fiber, building material, bioenergy, and other resource-related production; maintain property owner eligibility in the State's farmland preservation tax credit program; preserve rural character and manage non-agricultural and non-forestry development; provide opportunities for farm residences, agriculturally- and forestry-related businesses, and home occupations. The County will approve rezoning away from FP for new residences only upon a finding that the requirements of Wisconsin Statutes Section 91.48 are met, which includes consistency with the County Comprehensive Plan. With the consent of or at the direction of the affected town, the FP district is intended to be used in areas mapped as Farmland and Forest Preservation on the Farmland Preservation Plan map in the County Comprehensive Plan and within the County's zoning jurisdiction.

(2) **FH Farmland and Forest Holding District**

The FH district is intended to preserve, for an unspecified time, agricultural and forestry uses on lands suited for such uses; maintain rural character; and provide opportunities for farm residences, agriculturally- and forestry-related businesses, and home occupations. The FH district is not certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection for farmland preservation tax credits. With the consent of or at the direction of the affected town, the FH district is intended to be used in areas that are not mapped as Farmland and Forest Preservation on the Farmland Preservation Plan map in the County Comprehensive Plan. Lands in the FH district may be subject to future rezoning if consistent with the policies of the Comprehensive Plan.

(3) **OAR Open Lands, Agriculture, and Residential District**

The OAR district is intended to accommodate agricultural uses, undeveloped lands, small woodlots, grasslands and other open lands in agriculture, aqua culture, commercial and private forestry use, small-acreage farms/hobby farms, and residential development. The OAR district provides two basic residential development options that may be selected by towns per adopted town and county comprehensive plans. Option A applies to the Towns of Angelica, Germania, Seneca and Waukechon. This requires a minimum lot width of 290 feet and a maximum front yard area of 323 feet from the centerline of the improved road surface. Option B (all other County Zoned Townships) residential development must comply with Table X.2.03A: Dimensional, yard and Other Development Regulations.. The OAR zoning district corresponds with the Open Lands, Agriculture and Residential future land use designation within the Shawano County Comprehensive Plan.

(4) **RPOS Recreation and Public Open Space District**

The RPOS district is intended to accommodate all publicly-owned land designated as state parks, scenic areas, or conservation areas; County or town parks or recreation areas; and other outdoor recreational facilities owned by public, private, or non-profit agencies, in accordance with areas mapped as such within the Shawano County Comprehensive Plan.

X.2.02 PERMITTED AND CONDITIONAL USES

(1) Table X.2.02 indicates all of the permitted and conditional uses in the Working Lands and Open Space zoning districts. Land uses designated with a "P" are permitted-by-right in the associated zoning district. Land uses designated with a "C" are conditional uses in the associated zoning district. If a cell is empty, the associated land use is prohibited in that zoning district. Also prohibited are land uses that are not listed at all in Table X.2.02, except that the Planning, Development and Zoning Committee is authorized to determine that such an unlisted land use is similar enough to one of the land uses listed in Table X.2.02 to have the same permitted-by-right, conditional, or prohibited status as that listed use, subject to any federal, state, or county regulations that affect whether an unlisted use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and ATCP 49, Wis. Admin. Code.

(2) Permitted uses should not be considered the equivalent of uses that require a land use permit, as that term is defined in Section X.9.03(171). While many permitted (and conditional) uses require a land use permit, others do not. See Section X.8.09 for the types of uses, structures, and other activities that require a land use permit.

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Accessory dwelling unit	C	P		C	X.9.03(1)
Accessory residential structur	P	P	P	P	X.9.03(3)
Agricultural accessory use	P	P	P	P	X.9.03(15)
Agricultural home occupation	P/C [5]			P/C [5]	X.9.03(16)
Agriculture-related use	C	C		C	X.9.03(17)
Agricultural structure	P	P	P	P	X.9.03 (14)
Agricultural use	P	P	P	P	X.9.03(18)
Airport, private use		C	C		X.9.03(21)

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Animal waste storage facility	P	P		P	Shawano County Livestock Waste Management Ordinance & Shawano County Livestock Facilities Licensing Ordinance & X.9.03(26)
Bed and breakfast establishment	C	C		C	X.9.03(44)
Campground or camping resort		C	C		X.9.03(61)
Commercial animal services and boarding	C	C		C	X.9.03(70)
Conservation neighborhood development		P			X.9.03(81)
Contractor's on-site equipment storage facility		P			X.9.03(84)
Contractor's project office		P			X.9.03(85)
Contractor's shop		P			X.9.03(86)
Family day care home (4-8 children)	P	P		P	X.9.03(114)
Farm residence (FP & FH)	P [2]			P	X.9.03(118)
Filling and grading	P/C [3]	P/C [3]	P/C [3]	P/C [3]	X.9.03(120)
Game farm	C	C	C	C	X.9.03(127)
Golf course, public or private		C	C		X.9.03(132)

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Hobby farm	P	P	P	P	X.9.03(145)
Home Occupation, Major		C			X.9.03(147)
Home Occupation, Minor		P			X.9.03(148)
Hunting, fishing, or recreational shelter	C	P	C	P	X.9.03(150)
Indoor institutional use, Major	C	P	P	C	X.9.03(158)
Indoor institutional use, Minor	C	P	P	C	X.9.03(159)
Indoor sales		C			
Intermediate day care home (9 – 15 children)	C	C		C	X.9.03(165)
In-unit suite	C	P		C	X.9.03(166)
Keeping of farm animals	P	P	P	P	X.5.10 & X.9.03(168)
Light Manufacturing		C			X.9.03(174)
Livestock facility	P	P		P	Shawano County Livestock Waste Management Ordinance & Shawano County Livestock Facilities Licensing Ordinance & X.9.03(177)
Nonfarm residence constructed before January 1, 2014 (FP & FH)	C[7]			C	X.9.03(208)

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Non Residential Principal Structure	P	P	P	P	X9.03(212)
Non-metallic mineral extraction	C	C		C	X.9.03(211)
Outdoor commercial entertainment or recreation		C	C		X.9.03(224)
Outdoor institutional use	C	C	C	C	X.9.03(226)
Outdoor public recreation	C	P	P	C	X.9.03(227)
Outdoor wood furnace	P	P	P	P	X.9.03(230)
Personal Antenna or Tower	P[6]/C	P[6]/C	P[6]/C	P[6]/C	X.9.03(236)
Personal storage facility/mini-warehouse		C			X9.03(237)
Pond	P	P	P	P	X.9.03(239)
Portable outdoor storage unit	P	P		P	X.9.03(241)
Private reception venue	C	C		C	X9.03(248)
Public utility or service	P[4]/C	P[4]/C	P[4]/C	P[4]/C	X.9.03(254)
Replacement of existing manufactured/mobile home	P	P	C	P	X.9.03(260)
Sales of farm and forestry products	P	P	P	P	X.9.03(270)
Single-family dwelling (including manufactured homes meeting standards in Section X.9.03(287)		P	C		X.9.03(287)
Solar energy system, Large	C	C	C	C	X9.03(291)
Solar energy system, Small	P	P	P	P	X.9.03(292)

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Telecommunication facility	C	P	P	C	X.9.03(302)
Temporary occupancy of recreational vehicles	P	P	P	P	X.9.03(307)
Temporary standalone manufactured or mobile home	P	P		P	X.9.03(310)
Tents	P	P	P	P	X.9.03(313)
Trucking Facility		C			X.9.03(318)
Two-family dwelling		C			X.9.03(319)
Vehicle course or track	P	P	P	P	X.9.03(327)
Vehicle repair or maintenance service		C			X.9.03(328)
Wind energy system, Large	C	C	C	C	X.9.03(336)
Wind energy system, Small	P	P	P	P	X.9.03(288)

Notes:

[2] See Section X.8.11, the Shawano County Comprehensive Plan, and the applicable town comprehensive plan for siting and density policies for new residences. New farm residence only applies in the FP and FH zoning districts.

[3] Placement of between 18 and 199 cubic yards of fill is a permitted-by-right use that requires a land use permit. For lots 2 acres or less in size: placement of 200 cubic yards of fill or greater requires a conditional use permit. For lots greater than 2 acres in size: placement of 500 cubic yards of fill or greater require a conditional use permit. See Section X.9.03 (120) for additional performance standards.

[4] If a transportation, utility, communication, or other use is required under state or federal law to be located in a specific place or is authorized to be located in a specific place under a state or federal law, that use shall be a permitted-by-right use. In other cases, such use shall require a conditional use permit.

[5] See Section X.9.03 (16)(b) for circumstances that require a conditional use permit for an "agricultural home occupation."

6 Personal Antennas or Towers: If a tower or antenna is required under state or federal law to be located in a specific place or is authorized to be located in a specific place under a state or federal law, that use shall be a permitted-by-right use.

7

7 A nonfarm residence only applies to the FP & FH zoning districts. See Section X.9.03(208) for zone change or conditional use options.

1

X.2.03 DIMENSIONAL STANDARDS FOR WORKING LANDS AND OPEN SPACE DISTRICTS

Tables X.2.03A and B indicate dimensional, yard, and other development regulations in Working Lands and Open Space zoning districts. For additional dimensional standards applicable to lands within the shoreland zone, see the Shawano County Shoreland Zoning Ordinance. In the event of conflict, the more restrictive standard applies.

Table X.2.03A: Dimensional, Yard, and Other Development Regulations, Working Lands and Open Space Zoning Districts

	Farmland and Forest Preservation District (FP); Farmland and Forest Holding District (FH)	**Open Lands, Agriculture, and Residential District (OAR) [7]**	**Recreation and Public Open Space District (RPOS)**
Minimum Lot Size [1]	1.5 acres [2]	1.5 acres [2]	1.5 acres [2]
Minimum Lot Width (feet)[1]	100	Option A: 290 [7] Option B: 100	100
Development Specifications			
Maximum New Residential Development Ratio or Density[3]	Maximum of 1 principal farm residence per lot; new nonfarm residences require rezoning per associated Comprehensive Plan policies.	N/A	N/A
Maximum Building Height (ft.) [6]	35	35	35
Minimum Single Family Dwelling livable Area (sq. ft.)	500	500 (1,200 for two-family dwelling)	500
Minimum Required Yards (feet)[4]			

Table X.2.03A: Dimensional, Yard, and Other Development Regulations, Working Lands and Open Space Zoning Districts

	Farmland and Forest Preservation District (FP); Farmland and Forest Holding District (FH)	Open Lands, Agriculture, and Residential District (OAR) [7]	Recreation and Public Open Space District (RPOS)
Front Yard or Street Yard	See Table X.2.03B	See Table X.2.03B; Option A: Maximum 323 ft. between principal residential structure (does not include hunting/fishing shelter) and public road right-of-way centerline [8]	See Table X.2.03B
Interior Side Yard [5]	10	10	10
Rear Yard [5]	25	25	25
Minimum distance between any building and wetland	15	15	15
Minimum distance between any building and State Natural Area	75	75	75

Notes:

Powts: If lot is served by private on-site waste treatment system, or pcwts serving four or fewer lots.
Pcwts: If lot is served by private community waste treatment system serving five or more lots.

[1] For lots created before April 19, 2011, see Section X.7.05.

[2] An individual town may have land division regulations or other policies that require a larger minimum lot size in that town.

[3] See Section X.8.11 and the County Comprehensive Plan for detailed information associated with the tracking and calculation of allowable new dwelling units on parcels in the FP and FH zoning districts.

[4] For lots that are less than 100 feet in width, a plat of survey and field demarcation by a professional land surveyor is required for buildings proposed to be within 5 feet of any minimum required yard or setback (see Section X.8.09(8) for further details).

[5] For storage sheds and other accessory buildings 200 sq. ft. or less in gross floor area, a minimum 5 foot rear and interior side yard shall instead be permitted. Structures 200 sq. ft. or less in gross floor areas do not require a land use permit except within the Shoreland area.

[6] See Section X.5.03(5) for exemptions from the maximum building height standard.

[7] The OAR zoning district has two basic options for arranging development on the landscape. The following towns have Option A outlined in their town comprehensive plans: Angelica, Germania, Seneca, Waukechon. Option B applies to all other locations where the OAR district is mapped.

[8]

[8] The maximum 323' between principal residential structure and road right-of-way centerline shall not apply when the existing principal residences to be rebuilt or replaced within 500' of its original location.

Table X.2.03B: Minimum Required Setback for Front and Street Side Yards

Jurisdiction of Public Road	Minimum Required Front or Street Yard from Centerline of Paved or Gravel Roadway Surface (feet)	Minimum Required Front or Street Yard from Closest Public Road Right-of-Way or Easement Line, <u>if no Paved or Gravel Road Surface</u> (feet)
Municipal Road	50	17
County Trunk Highway	65	35
State Trunk or U.S. Highway	75	45
Exceptions: (1) In no case shall a building be set back less than 25 feet from the nearest State Trunk or U.S. Highway right-of-way line. (2) Where each of the two adjoining lots on either side of a lot contains at least one pre-existing principal building, the minimum required front yard setback on the lot may be reduced to a number equal the average setback of the closest principal buildings to the public street on the adjoining lots, except where such setback would be in violation of exception (1).		

SECTION 3: RESIDENTIAL ZONING DISTRICTS

SECTIONS:

X.3.01 Purposes
X.3.02 Permitted and Conditional Uses
X.3.03 Dimensional Standards

X.3.01 PURPOSES

(1) **R-R Residential-Rural District**

The R-R district is intended for mainly single family detached residential development on small rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity, pre-existing agricultural uses. Development within this district is generally served by individual on-site waste treatment (septic) systems. This district is intended for new residential development in areas mapped as Farmland and Forest Preservation area on the Farmland Preservation Plan map in the County Comprehensive Plan, in accordance with residential density and other standards within the Comprehensive Plan (see Appendix E) or a more restrictive town plan, generally in cases where farm animals are not desired. This zoning district is also intended for areas planned within the Residential (1 - 2.5) future land use category within the County Comprehensive Plan, often in locations where pre-existing small rural residential lots are present.

(2) **A-R Agricultural-Residential District**

The A-R district is intended for mainly single family detached residential development on moderately sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within the A-R district is generally served by individual on-site waste treatment (septic) systems. The A-R district is primarily intended for mapping in areas that are planned to allow rural residential development under adopted town and county comprehensive plans, such as the Residential (1 - 2.5) and Residential (2.5 - 10) future land use categories within the County Comprehensive Plan. The A-R district may also be used for new residential development where farm animals are proposed or likely in areas mapped as Farmland and Forest Preservation area on the Farmland Preservation Plan map in the County Comprehensive Plan.

(3) **R-S Residential-Sewered District**

The R-S district is intended to accommodate single family detached and duplex residential development along with compatible home occupations, and small-scale institutional and recreational uses. The district requires a minimum lot size of 8,000 square feet, with development served by a public sanitary sewer system or a group onsite waste disposal system serving multiple lots. It is primarily intended to be mapped for current or future residential areas with existing or planned public sanitary sewer service, but in any case in accordance with adopted town and county comprehensive plans. The R-S zoning district corresponds with the Residential (Sewered) future land use category within the Shawano County Comprehensive Plan.

(4) **R-M Residential-Mixed District**

The R-M district is intended to accommodate a variety of residential units, including single-family detached homes, duplexes, multiple-family housing, manufactured home parks or mobile home parks; and compatible home occupations, small-scale institutional and recreational uses, and pre-existing, low-intensity agricultural operations. It is primarily intended to be mapped in areas with existing or planned public sanitary sewer service, but in any case in accordance with adopted town and county comprehensive plans. The R-M zoning district corresponds with the Mixed Residential future land use category within the Shawano County Comprehensive Plan.

X.3.02 PERMITTED AND CONDITIONAL USES

(1) Table X.3.02 indicates all of the permitted and conditional uses in the Residential zoning districts. Land uses designated with a "P" are permitted-by-right in the associated zoning district. Land uses designated with a "C" are conditional uses in the associated zoning district. If a cell is empty, the associated land use is prohibited in that zoning district. Also prohibited are land uses that are not listed at all in Table X.3.02, except that the Planning, Development and Zoning Committee is authorized to determine that such an unlisted land use is similar enough to one of the land uses listed in Table X.3.02 to have the same permitted-by-right, conditional, or prohibited status as that listed use.

(2) Permitted uses should not be considered the equivalent of uses that require a land use permit, as that term is defined in Section X.9.03(171). While many permitted (and conditional) uses require a land use permit, others do not. See Section X.8.09 for the types of uses, structures, and other activities that require a land use permit.

Table X.3.02: Permitted and Conditional Uses, Residential Zoning Districts

↓ LAND USES ↓	Residential-Rural District (R-R)	Agricultural Residential-District (A-R)	Residential-Sewered District (R-S)	Residential-Mixed District (R-M)	Subject to Land Use Description and Performance Standards in:
Accessory dwelling unit	C	C	C	C	X.9.03(1)
Accessory residential structure	P	P	P	P	X.9.03(3)
Agricultural structure	P	P			X.9.03 (14)
Agricultural use	C	P			X.9.03(18) or
Agricultural use–low intensity or hobby farm, pre-existing	P	P	P	P	X.9.03(19) or X.9.03(145m)
Agricultural accessory use	P	P			X.9.03(15)
Bed and breakfast establishment	C	C	C	P	X.9.03(44)
Boarding house				C	X.9.03(45)
Community living arrangement (1–8 residents)	P	P	P	P	X.9.03(76)
Community living arrangement (9–15 residents)	C	C	C	P	X.9.03(76)
Community living arrangement (16+ residents)				C	X.9.03(76)
Conservation neighborhood development		P			X.9.03(81)
Contractor's on-site equipment storage facility	P	P	P	P	X.9.03(84)
Contractor's project office	P	P	P	P	X.9.03(85)
Elderly and/or congregate residential facility	C	C	C	C	X.9.03(107)

Table X.3.02: Permitted and Conditional Uses, Residential Zoning Districts

↓ LAND USES ↓	Residential-Rural District (R-R)	Agricultural Residential-District (A-R)	Residential-Sewered District (R-S)	Residential-Mixed District (R-M)	Subject to Land Use Description and Performance Standards in:
Family day care home (4 - 8 children)	P	P	P	P	X.9.03(114)
Filling and grading	P/C [1]	P/C [1]	P/C [1]	P/C [1]	X.9.03(120)
Golf course, public or private	C	C	C	C	X.9.03(132)
Hobby Farm	C	P			X.9.03(145)
Home Occupation, Major	C	C	C	C	X.9.03(147)
Home Occupation, Minor	P	P	P	P	X.9.03(148)
Indoor institutional, Minor	C	C	C	P	X.9.03(159)
Intermediate day care home (9 – 15 children)	C	C	C	C	X.9.03(165)
In-unit suite	P	P	P	P	X.9.03(166)
Keeping of farm animals	C	P			X.5.10 & X.9.03(168)
Manufactured home (not meeting single-family standards in Section X.9.03(283))				C	X.9.03(192)
Manufactured home park or mobile home park				C	X.9.03(193)
Multiple-family dwelling (3-7 units)				P	X.9.03(202)
Multiple-family dwelling (8-16 units)				C	X.9.03(202)
On-site real estate sales office	P	P	P	P	X.9.03(219)
Outdoor institutional	C	C	C	C	X.9.03(226)
Outdoor public recreation	P	P	P	P	X.9.03(227)
Outdoor wood furnace		P			X.9.03(230)
Personal Antenna or Tower	P[3]/C	P[3]/C	P[3]/C	P[3]/C	X.9.03(236)
Pond	C	C	C	C	X.9.03(239)
Portable outdoor storage unit	P	P	P	P	X.9.03(241)
Private Reception Venue		C			
Public utility or service	P/C [2]	P/C [2]	P/C [2]	P/C [2]	X.9.03(254)

Table X.3.02: Permitted and Conditional Uses, Residential Zoning Districts

↓ LAND USES ↓	Residential-Rural District (R-R)	Agricultural Residential-District (A-R)	Residential-Sewered District (R-S)	Residential-Mixed District (R-M)	Subject to Land Use Description and Performance Standards in:
Replacement of existing manufactured/mobile home	P	P	P	P	X.9.03(260)
Single-family dwelling (including manufactured homes meeting standards in Section X.9.03(287)	P	P	P	P	X.9.03(287)
Solar energy system, Small	P	P	P	P	X.9.03(292)
Telecommunication facility	P	P	P	P	X.9.03(306)
Temporary occupancy of recreational vehicles	C	C			X.9.03(307)
Tent camping	P	P	P	P	X.9.03(313)
Temporary standalone manufactured or mobile home	P	P	P	P	X.9.03(310)
Tourist rooming house (1-2 units)	P	P	P	P	X.9.03(315)
Tourist rooming house (3-4 units)				P	X.9.03(315)
Two-family dwelling	C	C	P	P	X.9.03(319)
Vehicle repair or maintenance service		C			X.9.03(328)
Wind energy system, Small	P	P	P	P	X.9.03(336)

Notes:

[1] Placement of between 18 and 199 cubic yards of fill is a permitted-by-right use that requires a land use permit. For lots 2 acres or less in size: placement of 200 cubic yards of fill or greater require a conditional use permit. For lots greater than 2 acres in size: placement of 500 cubic yards of fill or greater require a conditional use permit. See Section X.9.03 (120) for additional performance standards.

[2] If a transportation, utility, communication, or other use is required under state or federal law to be located in a specific place or is authorized to be located in a specific place under a state or federal law, that use shall be a permitted use. In all other cases, such a use shall require a conditional use permit.

[3] Personal Antennas or Towers: If a tower or antenna is required under state or federal law to be located in a specific place or is authorized to be located in a specific place under a state or federal law, that use shall be a permitted-by-right use.

X.3.03 DIMENSIONAL STANDARDS

Table X.3.03A and B indicate dimensional, yard, and other development regulations in Residential zoning districts. For additional dimensional standards applicable to lands within the shoreland zone, see the Shawano County Shoreland Zoning Ordinance. In the event of conflict, the more restrictive standard applies.

Table X.3.03A: Dimensional, Yard, and Other Development Regulations, Residential Zoning Districts

	Residential- Rural District (R-R)	**Agricultural - Residential District (A-R)**	**Residential-Sewered District (R-S)**	**Residential Mixed District (R-M)**
Minimum Lot Specifications				
Minimum Lot Size in Conventional Development [1]	0.5 acre	1.5 acres	SF: 8,000 sq. ft. TF/Other: 16,000 sq. ft.	**Powts**: 1.5 acres **Pss/Pcwts**: SF: 8,000 sq. ft. TF/Other: 16,000 sq. ft. MF: 16,000 sq. ft. for first two units + 6,000 sq. ft. for every unit thereafter. **Mfh/Mh Park:** Individual Site: 6,000 sq. ft. Min. Park Size: 10 acres
Minimum Lot Size in Conservation Neighborhood Development	N/A	**Powts**: 34,000 square feet **Pcwts**: SF = 12,000 sq. ft. TF/Other = 16,000 sq. ft.	N/A	N/A
Minimum Lot Width (feet) [1]	100	100	SF: 60 TF/Other: 100	**Powts:** 100 **Pss/Pcwts:** SF = 60 TF/MF/Other = 100 **Mfh/Mh Park:** 50
Development Specifications				
Maximum Building Height (feet)	35	35	35	45

Table X.3.03A: Dimensional, Yard, and Other Development Regulations, Residential Zoning Districts

	Residential- Rural District (R-R)	**Agricultural - Residential District (A-R)**	**Residential-Sewered District (R-S)**	**Residential Mixed District (R-M)**
Minimum Principal Building Livable Area (sq. ft.)	SF: 900 TF: 1,200	SF: 900 TF: 1,200	SF: 900 TF: 1,200	SF: 900 TF/MF: 600 sq. ft./DU Mfh/Mh Park**:** N/A
Minimum Required Yards (ft)[1]				
Front Yard or Street Yard	See Table X.3.03B	See Table X.3.03B	See Table X.3.03B	See Table X.3.03B Mfh/Mh Park: from interior park service roads = 20
Interior Side Yard [2]	12.5% of lot width (shall not be less than 5 feet nor exceed 15 feet)	12.5% of lot width (shall not be less than 5 feet nor exceed 15 feet)	12.5% of lot width (shall not be less than 5 feet nor exceed 15 feet)	12.5% of lot width (shall not be less than 5 feet nor exceed 15 feet)
Rear Yard [2]	25	25	25	25 Mfh/Mh Park: 30 ft. between housing units
Minimum distance between any building and wetland	15	15	15	15
Minimum distance between any building and State Natural Area	75	75	75	75

Table X.3.03A: Dimensional, Yard, and Other Development Regulations, Residential Zoning Districts

	Residential- Rural District (R-R)	**Agricultural - Residential District (A-R)**	**Residential-Sewered District (R-S)**	**Residential Mixed District (R-M)**

Notes:

SF = Single-Family Dwelling; TF = Two-family dwelling; Other = All other land uses allowed in district; MF: Multi-family dwelling; Mfh/Mh Park = Manufactured Home/Mobile Home Park; DU = dwelling unit

Powts: If lot is served by private on-site waste treatment system, or a pcwts serving four or fewer lots.
Psss: If lot is served by public sanitary sewer service.
Pcwts: If lot is served by private community waste treatment system serving five or more lots.

1

2

[1] For lots that are less than 100 feet in width, a plat of survey and field demarcation by a professional land surveyor is required for buildings proposed to be within 5 feet of any minimum required yard or setback (see Section X.8.09(8) for further details).

[2] For storage sheds and other accessory buildings 200 sq. ft. or less in gross floor area, a minimum 5 foot rear and interior side yard shall instead be permitted.

Table X.3.03B: Minimum Required Setback for Front and Street Side Yards

Jurisdiction of Public Road	Minimum Required Front or Street Yard from Centerline of Paved or Gravel Roadway Surface (feet)	Minimum Required Front or Street Yard from Closest Public Road Right-of-Way or Easement Line, <u>if no Paved or Gravel Road Surface</u> (feet)
Municipal Road	50	17
County Trunk Highway	65	35
State Trunk or U.S. Highway	75	45
Exceptions: (1) In no case shall a building be set back less than 25 feet from the nearest State Trunk or U.S. Highway right-of-way line. (2) Where each of the two adjoining lots on either side of a lot contains at least one pre-existing principal building, the minimum required front yard setback on the lot may be reduced to a number equal the average setback of the closest principal buildings to the public street on the adjoining lots, except where such setback would be in violation of exception (1).		

SECTION 4: COMMERCIAL, INDUSTRIAL, AND MIXED USE ZONING DISTRICTS

SECTIONS:

X.4.01 Purposes
X.4.02 Permitted and Conditional Uses
X.4.03 Dimensional Standards

X.4.01 PURPOSES

(1) **H Hamlet District**
The H district is intended to accommodate historic or planned future collections of small-scale commercial, office, institutional, residential, and open space uses in which community character is protected through building scale, appearance, and signage. This district should be generally mapped at or near road crossings that serve as gathering points for rural communities, which are often referred to as "hamlets" or "unincorporated communities". The district best corresponds with the Downtown/Unincorporated Village and Neighborhood Commercial future land use category within the Shawano County Comprehensive Plan.

(2) **C-C Commercial-Community District**
The C-C district is intended for areas appropriate for indoor commercial, retail, service, tourism-oriented, office, and community facility uses, excluding manufacturing, warehousing, and distribution uses. Development in this district should be characterized by high-quality site, building, landscape, signage, lighting design, and other techniques to manage impacts on surrounding land uses and the rural community. It should be mapped in accordance with adopted town and county comprehensive plans, generally in areas identified within the Community Commercial or Neighborhood Commercial future land use categories in the Shawano County Comprehensive Plan.

(3) **C-G Commercial-General District**
The C-G district is intended to accommodate a wide range and scale of commercial, office, institutional, light industrial, warehousing, distribution, telecommunication, and outdoor display land uses with moderate attention towards site, building, landscape, signage, and lighting design. It should be mapped in accordance with adopted town and county comprehensive plans, generally in areas identified within the General Commercial or Light Industrial future land use categories in the Shawano County Comprehensive Plan.

(4) **M Manufacturing District**
The M district is intended to accommodate a range of manufacturing, assembly, office, storage, and other compatible industrial and related land uses. It should be mapped in accordance with adopted town and county comprehensive plans, generally in areas identified within the Light Industrial or Heavy Industrial future land use categories in the Shawano County Comprehensive Plan.

(5) **PUD Planned Unit Development District**
The PUD district is intended to promote improved design and innovative land uses in the county in accordance with adopted county and town comprehensive plans. This district allows variation in the relationship of uses, structures, and open spaces in developments that are conceived and implemented as cohesive, unified projects. These unified projects must be developed in accordance with detailed site plans approved only following a careful review process. In exchange for this detailed planning, the PUD district offers flexibility from standards required in other zoning districts. The procedure and standards for establishing a PUD district on the zoning map and determining the appropriate range and character of land uses within each individual PUD district are specified in Sections X.8.09(4)(h) and (i) and X.8.07(2)(k).

X.4.02 PERMITTED AND CONDITIONAL USES

(1) Table X.4.02 indicates all of the permitted and conditional uses in the Commercial, Industrial, and Mixed Use zoning districts. Land uses designated with a "P" are permitted-by-right in the associated zoning district. Land uses designated with a "C" are conditional uses in the associated zoning district. If a cell is empty, the associated land use is prohibited in that zoning district. Also prohibited are land uses that are not listed at all in Table X.4.02, except that the Planning, Development and Zoning Committee is authorized to determine that such an unlisted land use is similar enough to one of the land uses listed in Table X.4.02 to have the same permitted-by-right, conditional, or prohibited status as that listed use.

(2) Within the PUD Planned Unit Development District, a range of different land uses may be permitted and shall be specified within the approved General Development Plan (see Section X.8.07(2)(k)) for each individual PUD district.

(3) Permitted uses should not be considered the equivalent of uses that require a land use permit, as that term is defined in Section X.9.03(171). While many permitted (and conditional) uses require a land use permit, others do not. See Section X.8.09 for the types of uses, structures, and other activities that require a land use permit.

Table X.4.02: Permitted and Conditional Uses; Commercial, Industrial, and Mixed Use Zoning Districts

↓ LAND USES ↓	Hamlet (H)	Commercial-Community District (C-C)	Commercial-General District (C-G)	Manufacturing (M)	Subject to Land Use Description and Performance Standards in:
Accessory dwelling unit	C				X.9.03(1)
Accessory non-residential structure	P	P	P	P	X.9.03(2)
Accessory residential structure	P	P	P		X.9.03(3)
Adult use				P	X.9.03(11)
Airport, general aviation				C	X.9.03(20)
Airport, private use		C	C		X.9.03(21)
Artisan workshop	P	P	P	P	X.9.03(36)
Asphalt or concrete rock crushing facility or batch/ ready-mix plant		C	C	C	X.9.03(37)
Bed and breakfast establishment	P	C			X.9.03(44)
Boarding house	C	C	C		X.9.03(45)
Brewery	C	C	C	P	X.9.03(46)
Commercial animal services and boarding	C	C	P	P	X.9.03(70)
Commercial services	P	P	P	P	X.9.03(71)
Community living arrangement (1–8 residents)	P				X.9.03(76)

Table X.4.02: Permitted and Conditional Uses; Commercial, Industrial, and Mixed Use Zoning Districts

↓ LAND USES ↓	Hamlet (H)	Commercial-Community District (C-C)	Commercial-General District (C-G)	Manufacturing (M)	Subject to Land Use Description and Performance Standards in:
Community living arrangement (9–15 residents)	C				X.9.03(76)
Community living arrangement (16+ residents)	C				X.9.03(76)
Contractor shop	P	P	P	P	X.9.03(86)
Contractor's project office	P	P	P	P	X.9.03(85)
Contractor's on-site equipment storage facility	P	P	P	P	X.9.03(84)
Day care center	C	C	C		X.9.03(92)
Distribution center				C	X.9.03(99)
Drive-in or drive-through, including fueling	C	C	C	C	X.9.03(102)
Elderly and/or congregate residential facility	C	C	C		X.9.03(107)
Family day care home (4-8 children)	P				X.9.03(114)
Filling and grading	P/C [1]	P/C [1]	P/C [1]	P/C [1]	X.9.03(120)
Freight or bus terminal				C	X.9.03(126)
General manufacturing				C	X.9.03(130)
General temporary outdoor sales	P	P	P	P	X.9.03(131)
Home Occupation, Major	C	P	P		X.9.03(147)
Home Occupation, Minor	P	P	P		X.9.03(148)
Hotel, motel, or lodging resort	C	C	P		X.9.03(149)
Indoor commercial entertainment or recreation	P	P	P		X.9.03(157)
Indoor sales	P	P	P	P	X.9.03(160)
Indoor sales accessory to manufacturing use			P	P	X.9.03(161)

Table X.4.02: Permitted and Conditional Uses; Commercial, Industrial, and Mixed Use Zoning Districts

↓ LAND USES ↓	Hamlet (H)	Commercial-Community District (C-C)	Commercial-General District (C-G)	Manufacturing (M)	Subject to Land Use Description and Performance Standards in:
Indoor storage or wholesaling			C	P	X.9.03(162)
Intermediate day care home (9-15 children)	C				X.9.03(165)
In-unit suite	P	P	P		X.9.03(166)
Junk yard or salvage yard				C	X.9.03(167)
Light manufacturing		C	C	P	X.9.03(174)
Light manufacturing use accessory to indoor sales use	C	C	P	P	X.9.03(175)
Major indoor institutional		C	C	C	X.9.03(158)
Minor indoor institutional	P	P	P		X.9.03(159)
Multi Use Facility	C	P	P		X.9.03(201)
Multiple-family dwelling (3-7 units)	C	C			X.9.03(202)
Multiple-family dwelling (8+ units)		C			X.9.03(202)
Non-metallic mineral extraction		C	C	C	X.9.03(211)
Off-site parking lot	C	C	C	C	X.9.03(216)
Office	P	P	P	P	X.9.03(214)
On-site real estate sales office	P	P	P	P	X.9.03(219)
Outdoor commercial entertainment or recreation	C	C	C		X.9.03(224)
Outdoor display incidental to indoor sales use	P	P	P	P	X.9.03(225)
Outdoor institutional	C	P	P		X.9.03(226)
Outdoor public recreation	P	P	P	C	X.9.03(227)
Outdoor sales, display, or repair	C	C	C	C	X.9.03(228)
Outdoor storage or wholesaling				C	X.9.03(229)
Personal Antenna or Tower	C				X.9.03(236)

Table X.4.02: Permitted and Conditional Uses; Commercial, Industrial, and Mixed Use Zoning Districts

↓ LAND USES ↓	Hamlet (H)	Commercial-Community District (C-C)	Commercial-General District (C-G)	Manufacturing (M)	Subject to Land Use Description and Performance Standards in:
Personal storage facility/ mini-warehouse	C	C	C	P	X.9.03(237)
Pond	C	C	C	C	X.9.03(239)
Portable outdoor storage unit	P	P	P	P	X.9.03(241)
Private Reception Venue	C				X.9.03(248)
Public utility or service	P[2]/C	P[2]/C	P[2]/C	P[2]/C	X.9.03(254)
Replacement of existing manufactured/mobile home	P	P	P	P	X.9.03(260)
Research and development	C	C	C	P	X.9.03(262)
Restaurant	P	P	P		X.9.03(265)
Sales of farm and forestry products	P	P	P	P	X.9.03(270)
Salvage Transfer Site		C	C	C	X.9.03(271)
Shipping Containers		C	C	P	X.9.03(282)
Single-family dwelling (including manufactured homes meeting standards in Section X.9.03(287)	P	C	C	C	X.9.03(287)
Solar energy system, Small	P	P	P	P	X.9.03(292)
Solar energy system, Large		C	C	P	X.9.03(291)
Telecommunication facility	P	P	P	P	X.9.03(306)
Temporary stand-alone manufactured or mobile home	P				X.9.03(310)
Tourist rooming house	P	P	P	P	X.9.03(315)
Trucking Facility		P	P	P	X.9.03(318)
Two-family dwelling	P	C			X.9.03(319)
Vehicle course or track		C	C		X.9.03(327)
Vehicle repair or maintenance service	C	C	P	P	X.9.03(328)
Waste disposal/ composting operation				C	X.9.03(332)

Table X.4.02: Permitted and Conditional Uses; Commercial, Industrial, and Mixed Use Zoning Districts

↓ LAND USES ↓	Hamlet (H)	Commercial-Community District (C-C)	Commercial-General District (C-G)	Manufacturing (M)	Subject to Land Use Description and Performance Standards in:
Wind energy system, Large		C	C	C	X.9.03(335)
Wind energy system, Small	P	P	P	P	X.9.03(336)

[1] Placement of between 18 and 199 cubic yards of fill is a permitted-by-right use that requires a land use permit. For lots 2 acres or less in size: placement of 200 cubic yards of fill or greater require a conditional use permit. For lots greater than 2 acres in size: placement of 500 cubic yards of fill or greater may require a conditional use permit. See Section X.9.03 (120) for additional performance standards.

[2] If a transportation, utility, communication, or other use is required under state or federal law to be located in a specific place or is authorized to be located in a specific place under a state or federal law, that use shall be a permitted use. In all other cases, such a use shall require a conditional use permit.

X.4.03 DIMENSIONAL STANDARDS

Tables X.4.03A and X.4.03B indicate dimensional, yard, and other development regulations in Commercial, Industrial, and Mixed Use zoning districts. For additional dimensional standards applicable to lands within the shoreland zone, see the Shawano County Shoreland Zoning Ordinance. In the event of conflict, the more restrictive standard applies. Within the PUD Planned Unit Development District, a range of different dimensional standards may be permitted and shall be specified within the approved General Development Plan for each individual PUD district.

Table X.4.03A: Dimensional, Yard, and Other Development Regulations; Commercial, Industrial, and Mixed Use Zoning Districts

	Hamlet (H)	Commercial-Community District (C-C)	Commercial-General District (C-G)	Manufacturing (M)
Minimum Lot Specifications				
Minimum Lot Size (sq. ft. except where indicated) [1]	**Powts**: 20,000 **Psss/Pcwts**: 6,000	**Powts**: 1.5 acres **Psss/ Pcwts**: 12,000	**Powts**: 1.5 acres **Psss/ Pcwts**: 20,000	**Powts**: 1.5 acres **Psss/ Pcwts**: 20,000
Minimum Lot Width (ft.) [1]	**Powts**: 80 **Psss/ Pcwts**: 60	**Powts**: 125 **Psss/ Pcwts**: 80	**Powts:** 125 **Psss/ Pcwts:** 100	**Powts:** 125 **Psss/ Pcwts:** 100
Development Specifications				
Maximum Building Height (feet)	35	45	60	80

Table X.4.03A: Dimensional, Yard, and Other Development Regulations; Commercial, Industrial, and Mixed Use Zoning Districts

	Hamlet (H)	Commercial-Community District (C-C)	Commercial-General District (C-G)	Manufacturing (M)
Minimum Principal Building Livable Area	SF: 900 **TF: 1,200**	SF: 900 **TF: 1,200**	900	900
Minimum Required Yards (ft) [3]				
Front Yard or Street Yard	See Table X.4.03B	See Table X.4.03B	See Table X.4.03B	See Table X.4.03B
Interior Side Yard[4]	5	10[4]	10[4]	10[4]
Rear Yard [4]	15[4]	25[4]	15[4]	15[4]
Minimum Distance Between Any Building and to Wetland	15	50	50	50
Minimum Distance Between Any Building and State Natural Area	75	75	75	75

Notes:
SF = Single-Family Dwelling; TF = Two-family dwelling;
Powts: If lot is served by private on-site waste treatment system, or pcwts servicing four or fewer lots.
Psss: If lot is served by public sanitary sewer service.
Pcwts: If lot is served by private community waste treatment.

[1] For lots created before the effective date of this Zoning Ordinance April 19, 2011, see Section X.7.05.

[2] Within the H Hamlet District, the maximum gross floor area per building is 10,000 square feet.

[3] For lots that are less than 100 feet in width, a plat of survey and field demarcation by a professional land surveyor is required for buildings proposed to be within 5 feet of any minimum required yard or setback (see Section X8.09(8) for further details).

[4] For storage sheds and other accessory buildings 200 sq. ft. or less in gross floor area, a 5 foot minimum rear and interior side yard setback shall instead be permitted. Structures 150 sq. ft. or less in gross floor areas do not require a land use permit except within the Shoreland area

Table X.4.03B: Minimum Required Setback for Front and Street Side Yards

Jurisdiction of Public Road	Minimum Required Front or Street Yard from Centerline of Paved or Gravel Roadway Surface (feet)	Minimum Required Front or Street Yard from Closest Public Road Right-of-Way or Easement Line, if no Paved or Gravel Road Surface (feet)
Municipal Road	50	17
County Trunk Highway	65	35
State Trunk or U.S. Highway	75	45
Exceptions: (1) In no case shall a building be set back less than 25 feet from the nearest State Trunk or U.S. Highway right-of-way line.		

(2) Where each of the two adjoining lots on either side of a lot contains at least one pre-existing principal building, the minimum required front yard setback on the lot may be reduced to a number equal the average setback of the closest principal buildings to the public street on the adjoining lots, except where such setback would be in violation of exception (1).

SECTION 5: GENERAL STANDARDS

X.5.01 Purpose
X.5.02 Miscellaneous General Standards
X.5.03 Permitted Adjustments to Minimum Dimensional Standards
X.5.04 Building and Site Design Standards
X.5.05 Parking, Loading, and Traffic Management Standards
X.5.06 Landscaping Standards
X.5.07 Exterior Lighting Standards
X.508 Natural and Cultural Resource Protection Standards
X.5.09 Erosion Control and Stormwater Management Standards (REPEALED 2018)
X.5.10 Standards Associated with the Keeping of Farm Animals

X.5.01 PURPOSE

The purpose of this Section is to establish general performance standards and exceptions that are applicable across a variety of zoning districts, land uses, and structures, in order to promote the health, safety, and general welfare of the public.

X.5.02 MISCELLANEOUS GENERAL STANDARDS

(1) **Number of principal structures on a lot:** There shall not be more than one principal structure on a lot (not including Agricultural Structures).

(2) **Location of buildings on a lot:** Regardless of zoning district, and except where otherwise specifically allowed under this Zoning Ordinance, every building hereafter erected, converted, enlarged, or structurally altered shall be located on a lot.

(3) **Buildings over and near lot lines, common ownership lots:** When the same entity owns more than one contiguous lot and wishes to place a new building across lot lines or within minimum required yard areas between lots in the same ownership, the two or more lots shall be legally combined into one lot before a land use permit will be issued. Where a building was previously constructed in such a location, the affected two lots in common ownership shall thenceforth be considered one lot for the purposes of this Zoning Ordinance, and may not be transferred independently from one another, until and unless the building is removed or relocated. Agricultural structures, Livestock Facilities and Livestock Waste Storage Facilities may be located anywhere on lands in contiguous common ownership as these terms are defined in Sections X.9.03 (73) and (83) except on parcels zoned A-R, Agricultural-Residential. However, said structures and facilities must still comply with the minimum setback requirements pertaining to lots that are not in contiguous common ownership.

(4) **Nuisance situations:** No provision of this Zoning Ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

(5) **Public utility and transportation use:** No provision of this Zoning Ordinance shall be construed to prohibit the customary and necessary construction, reconstruction, or maintenance of public utility service lines and mechanical appurtenances thereto or transportation facilities managed by a public entity, where necessary for the preservation of the public health, safety, convenience, and welfare. In cases where existing infrastructure is to be reconstructed, added to or replaced and when new infrastructure is to be placed within the setback lines listed in Tables X2.03B, X3.03B, X4.03B the utility company must first file with the County an agreement in writing that they will remove at their own expense all new lines, additions and replacements constructed after April 19, 2011 when

such removal is necessary for the improvement of the highway as determined by the County Highway Committee.

(6) Taxes are required to be current before a permit can be obtained, extended or a public hearing can be scheduled.

X.5.03 PERMITTED ADJUSTMENTS TO MINIMUM DIMENSIONAL STANDARDS

(1) **Location of dimensional standards:** Minimum dimensional, yard, and other development requirements prescribed by this Zoning Ordinance vary by zoning district, as outlined in Tables X.2.03A, X.2.03B, X.3.03A, X.3.03B, X.4.03A, and X.4.03B. The Shawano County Floodplain Zoning Ordinance and the Shawano County Shoreland Zoning Ordinance may prescribe different minimum dimensional requirements than those listed in Tables X.2.03A, X.2.03B, X.3.03A, X.3.03B, X.4.03A, and X.4.03B. In the event of conflict between a minimum dimensional requirement in this Zoning Ordinance and a similar requirement in the Floodplain Zoning Ordinance or the Shoreland Zoning Ordinance the requirement that prescribes the larger dimensional requirement shall control.

(2) **Effect of dimensional standards:** No dimensional, yard, or other development standard in Tables X.2.03A, X.2.03B, X.3.03A, X.3.03B, X.4.03A, and X.4.03B shall be reduced so as to make it less than the minimum required by this Zoning Ordinance, except if a variance is obtained under Section X.8.10. If a dimensional, yard, or other development standard is less than the minimum required, it shall not be reduced further, except that the sale or exchange of property between owners of existing non-conforming legal lots of record is allowed provided that no other non-conformity is increased by the boundary line adjustment.

(3) **Impact of minimum lot size requirements on condominium developments:** The maximum number of individual sites intended for principal buildings within a condominium plat shall not exceed the total obtained by dividing the gross site area by the minimum lot size within the zoning district for the type of land use that will be constructed within the condominium plat.

(4) **Permitted intrusions into required yards:** The following are permitted intrusions into minimum required yards excluding the minimum distance between any building and wetland and the minimum distance between any building and State Natural Area:

(a) Sills, belt courses, cornices, canopies, eaves, pilasters, lintels, chimneys, flues, gutters, bay windows, satellite dishes with a diameter of 35 inches or less, and ornamental architectural features that are a part of or mounted to a building may project into a minimum required yard not more than 3 feet, provided that no such feature shall project over a public right-of-way.

(b) Fire escapes may project into a minimum required yard not more than 3.5 feet, provided that the total length of any such projection is not more than one-third of the length of the building wall on which it is located.

(c) Steps, open-walled stoops, and landings may project into a minimum required yard not more than 4 feet (or for steps such additional distance as may be required to meet the minimum necessary to meet building code requirements for risers and treads), provided that no such projection shall extend above the height of the main entrance floor (except for a railing) and the total length of any such projection is not more than one-third of the length of the building wall on which it is located. These structures shall be outside of the vision triangle as described in Section X.5.05(4).

(d) Walks and drives extending not more than 6 inches above the average ground level at their edges may project into or be located within any minimum required yard and not require a land use permit.

(e) Ramps for persons with disabilities may project into or be located within any minimum required yard, as long as they are compliant with the minimum standards of the Americans with Disabilities Act (ADA) and the State of Wisconsin Uniform Dwelling Code (UDC). Ramps that will exceed the minimum standards require a variance approval prior to permit issuance. A Minor Structure Permit (at no fee) is required prior to construction of ramps meeting the minimum standards of the ADA. A Land Use Permit (at applicable fee) is required prior to construction of ramps exceeding the minimum standards of the ADA.

(f) Retaining wall, when the top of such wall is not more than 6 inches above the average level of abutting ground on one side, may project into or be located within any minimum required yard and not require a land use permit. (Shawano County Shoreland-Wetland Ordinance may be more restrictive – see Shoreland-Wetland Ordinance for requirements if in Shoreland District)

(g) Fences, walls or hedges located within the front or street yard or within the visual clearance triangle (as described in Section X.5.05 (4)) shall not exceed 3-1/2 feet in height regardless of zoning district.

Within the residential zoning districts solid/opaque fences and walls more than 6 feet in height shall meet all minimum required yards associated with the principal buildings on the same lot. Solid/opaque fences 6 feet or less in height may project into the minimum required side and rear yards.

In all other zoning districts solid/opaque fences may project into the minimum required side and rear yards.

In all zoning districts fences shall not exceed 12 feet in height unless required by a State or Federal Agency.

A land use permit is not required for fences.

(h) Storage sheds and other accessory buildings 200 square feet or less, may project into any minimum required rear or interior side yards, but not into any minimum required front or street side yards and no closer than five feet of any lot line.

(i) Yard lights, ornamental lights, lawn ornaments, clothes lines, nameplate signs, mailboxes, and play equipment, may extend into any minimum required yards.

(5) **Exceptions to maximum building heights:** The following are permitted exceptions to maximum building heights normally required under Tables X.2.03A, X.3.03A, and X.4.03A:

(a) For non-residential uses only, architectural projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys that do not contain usable space.

(b) Special structures such as gas tanks, grain elevators, observation towers, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks.

(c) Agricultural Structures, such as barns, silos, and grain elevators.

(d) Structures associated with essential services and utilities, such as water towers and power structures and lines.

(e) Telecommunication facilities as described in Section X.9.03(302).

(f) Wind energy systems per the requirements of Sections X.9.03(175) and X.9.03(288).

X.5.04 BUILDING AND SITE DESIGN STANDARDS

(1) **Purpose:** This subsection is intended to implement general site and building design standards for certain types of uses and within certain designated areas of the County where such standards are particularly important, including but not limited to key entryways and highway corridors.

(2) **Applicability:** All new multiple family dwellings and non-residential buildings (not including agricultural uses) listed in Section X.9, shall meet the design requirements in this subsection, except that these standards shall not apply to single family dwellings, agricultural structures, accessory residential structures or any development within the Manufacturing zoning district.

(3) **Building materials:** Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable-end wall treatments, siding design and accent panels, or other architectural design treatments. Non-decorative concrete block or cinder block, non-decorative concrete foundation walls or panels, non-decorative plywood, asphaltic siding, or metal panels or other materials using exposed fastener systems may be used only as a minor decorative element within the R-M, C-C and H districts.

(4) **Vents and mechanical units:** All chimney and fireplace vents shall be enclosed in a chase constructed of materials similar to those materials used on the main part of the building. Metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All building-mounted heating, ventilating, and air-conditioning equipment, or changes to existing heating, ventilating, and/or air-conditioning equipment, shall be screened from public rights-of-way either through strategic placement in a particular location on the building or site, or through placement of an opaque fence, wall, and/or (where ground-mounted) landscaping around such facilities.

(5) **Loading docks:** See Section X.5.05(3) for design standards.

(6) **Outdoor waste/recycling containers:** Outdoor solid waste/recycling containers (dumpsters) shall not be allowed in minimum required front or street side yards, shall be placed to the interior side or rear of principal buildings whenever possible, shall be subject to the minimum required yards for accessory structures less than 200 square feet in Tables X.2.03A, X.3.03A, and X.4.03A, and shall be placed on a permanent hard or gravel surface. Outdoor waste/recycling containers and enclosures shall be fully screened by an opaque fence or wall and gate. These standards shall not apply to already-developed sites.

(7) **Applicability of other adopted building and site design standards:** Where applicable, the County Planning, Development, and Zoning Committee or its staff may also refer to the Shawano County Comprehensive Plan or adopted town plans or guidelines for site and building design recommendations for specific districts, building types, or land use types, prior to issuing conditional use permits or land use permits for a use authorized under this subsection.

X.5.05 PARKING, LOADING, AND TRAFFIC MANAGEMENT STANDARDS

(1) **Public road access control and driveways:**

(a) This subsection shall apply to all land uses aside from single family dwellings, two family dwellings, and agricultural land uses.

(b) See the Shawano County Highway Access Ordinance for county highway access control regulations, Trans 233 of the Wisconsin Administrative Code for state and U.S. highway access control regulations, and applicable town ordinances for driveway access regulations onto town roads.

(c) Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through parking lot design and capacity; access drive entry throat design, and vehicular and pedestrian traffic control devices, as determined by the Zoning Administrator.

(d) For any new or expanded multiple family dwelling or non-residential land use (as listed in Section X.9) the Zoning Administrator may require that the site design provide direct vehicular or pedestrian connections to adjacent properties to minimize the need to utilize public streets to access adjacent sites.

(2) **Off-street parking standards:**

(a) The minimum number of off-street parking spaces required for each land use is as listed in the Table below, except that these off-street parking space standards shall not apply within the H Hamlet zoning district. The required number of parking spaces may be reduced by up to 25% if the applicant demonstrates, through submittal of a technical study, that actual parking demand will be less than the number of spaces that this subsection normally requires. In such cases, the appropriate County approval authority may require that sufficient reserve area be set aside to fully meet the normal requirement in the future. Parking for the handicapped shall be provided at the number, size, location, and with signage as specified by State and Federal regulations.

Table X.5.05 (2): Numerical Parking Space Standards by Land Use Type

Land Use	Number of Required Parking Spaces
Agricultural/Rural Principal/Accessory Land Uses	
Agriculture-related use	One parking space per employee on the largest work shift or one space for every 200 square feet of product display area
Residential Principal Land Uses	
All types of dwellings	Two spaces per dwelling unit
Elderly and/or congregate residential facility:	
Nursing home	One space per six patient beds, plus one space per employee on the largest work shift
Monastery or convent	One space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend
Assisted living facility or retirement community	One space per dwelling unit
Other elderly or congregate residential facility	One space per six residents or patient beds, plus one space per employee on the largest work shift
Community living arrangement	One space per every four residents of licensed occupancy
Civic and Institutional Principal Land Uses	
Outdoor public recreation	One space per every four persons at maximum capacity for any use requiring over five spaces. Additional paved, gravel, or grass area for overflow parking may be required for occasional outdoor assembly land uses (i.e., special events) located on outdoor public recreation sites.
Indoor institutional uses (major and minor):	
Religious institution	One space per five seats at the maximum capacity
Community or recreation center	One space per 250 square feet of gross floor area, or one space per four persons at maximum capacity, whichever is greater
Funeral home	One space per three patron seats at maximum capacity

Land Use	Number of Required Parking Spaces
Hospital or clinic	Two spaces per three patient beds, plus one space per staff doctor and each other employee on the largest work shift
Library or museum	One space per 250 square feet of gross floor area or one space per four seats at maximum capacity, whichever is greater
Elementary and middle school	One space per teacher and per staff member, plus one space per two classrooms
College or trade school	One space per staff member on the largest work shift, plus one space per two students of the largest class attendance period
Senior high school	One space per teacher and staff member, plus one space per five non-bused students
All other indoor and outdoor institutional uses	One space per three persons at maximum capacity
Retail, Service, and Recreational Principal Uses	
Tourist rooming house	One space per bedroom
Hotel, motel, or lodging resort	One space per room, suite, or cabin, plus one space for every employee on the largest work shift
Bed and breakfast establishment	One space per bedroom
Boarding house	One space per room for rent, plus one space for each employee on the largest work shift
Golf course, public or private	One space per every four expected patrons at maximum capacity for any use requiring over five spaces
Campground or camping resort	Two motor vehicle spaces per campsite
Office	One space per 300 square feet of gross floor area in the principal building(s)
Commercial services	One space per 300 square feet of gross floor area in the principal building(s)
Indoor sales	One space per 300 square feet of gross floor area in the principal building(s)
Outdoor sales, display, or repair	One space per 300 square feet of gross floor area in the principal building(s), plus one space per 2,000 square feet of outdoor sales or display area
Drive-in or drive-through, including fueling	One space per 150 square feet of gross floor area in the principal building(s)
Vehicle repair or maintenance service	One space per 300 square feet of gross floor area in the principal building(s), plus adequate parking for the storage of vehicles awaiting service or pick-up
Restaurant	One space per 150 square feet of gross floor area in the principal building(s)
Indoor commercial entertainment or recreation	One space per every three patron seats or one space per three persons at maximum capacity, whichever is greater
Outdoor commercial entertainment or recreation	One space per every three persons at maximum capacity
Game farm	One space per every three persons at maximum capacity
Day care center	One space per every six persons at maximum capacity, plus one space for each employee on the largest work shift
Private Reception Venue	One space per three persons at maximum capacity

Land Use	Number of Required Parking Spaces
Commercial animal services and boarding	One space per every 1,000 square feet of gross floor area
Adult use	One space per every 300 square feet of gross floor area in the principal building(s) or one space per person at maximum capacity, whichever is greater
Junk yard or salvage yard	One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift
Vehicle course or track	One space per every three persons at maximum capacity
Utility, Communication, and Transportation Principal Uses	
Public utility or service	One space for each employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per every 500 gross square feet of office area
Airport or landing strip	One space for each employee on the largest work shift, plus one space for every five passengers based on average daily ridership
Waste disposal/composting operation	One space for each employee on the largest work shift
Industrial Principal and Accessory Uses	
All industrial land uses	One space for each employee on the largest work shift
Indoor Sales Accessory to Manufacturing Use	One additional space per every 300 square feet of gross floor area devoted to the retail sales activity

(b) No building for which off-street parking is required may be added to, structurally altered, or converted in use so as to encroach upon or reduce the number of parking spaces below the required minimum for that existing or converted use, except as may be provided in subsection (a) above.

(c) All off-street resident, customer, and/or employee vehicular parking areas intended for 10 or more parking stalls and associated with any new multiple family dwelling or non-residential use (not including agricultural uses) (as listed in Section X.9) shall be paved with a dustless hard, all-weather surface (such as asphalt or concrete), and graded and drained to prevent the accumulation of surface waters. Said parking areas shall be marked (striped) in a manner which clearly indicates required parking spaces.

(d) All required off-street parking areas shall be located on the same lot as the principal use, or on a site located 500 feet or less from the principal use where the applicant can demonstrate long-term control over that site.

(e) Other than for single- or two-family residential uses or parking required to serve the handicapped, all parking stalls shall be at least 9 feet in width and 18 feet in length.

(f) The use of all required resident, employee, or customer off-street parking areas shall be limited to the parking of licensed, registered, and operable vehicles, with each vehicle not to exceed five tons.

(g) All required off-street parking areas shall be completed prior to building occupancy.

(3) **Off-street truck loading standards:**

(a) Any non-residential use (not including agricultural uses) that has a gross floor area of 5,000 square feet or more, and that requires deliveries or makes shipments, shall provide at least one specifically designated and designed off-street loading area, to be depicted on a plan submitted with or prior to an application for land use permit.

(b) Design and location of loading area(s) shall not interfere with general vehicle access and parking; shall not require the loading, maneuvering, or unloading within the public right-of-way, and shall be in accordance required for the safe loading, maneuvering, and unloading of trucks of the type expected to use the facility.

(c) Loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way, unless pre-existing site conditions otherwise require. All loading docks shall be screened from public view through placement of opaque fence, wall, and/or landscaping around such docks, unless pre-existing site conditions otherwise require.

(4) **Vision triangle:**

(a) In each quadrant of every public road right-of-way intersection or public road easement intersection (including street-railroad intersections) there shall be a vision triangle per the following standards from the Wisconsin Department of Transportation Facilities Development Manual.

(b) Within the vision triangle no object over 2.5 feet in height above the road beds shall be allowed, except for transparent fences; telecommunication and power transmission poles, lines, and portable equipment; field crops; and deciduous trees with mature canopies beginning greater than eight feet from the ground.

(c) A railroad shall be considered the equivalent of a 55 mph road for the purposes of calculating the required vision triangle.

Figure X.5.05(4): Dimensions for Vision Triangles

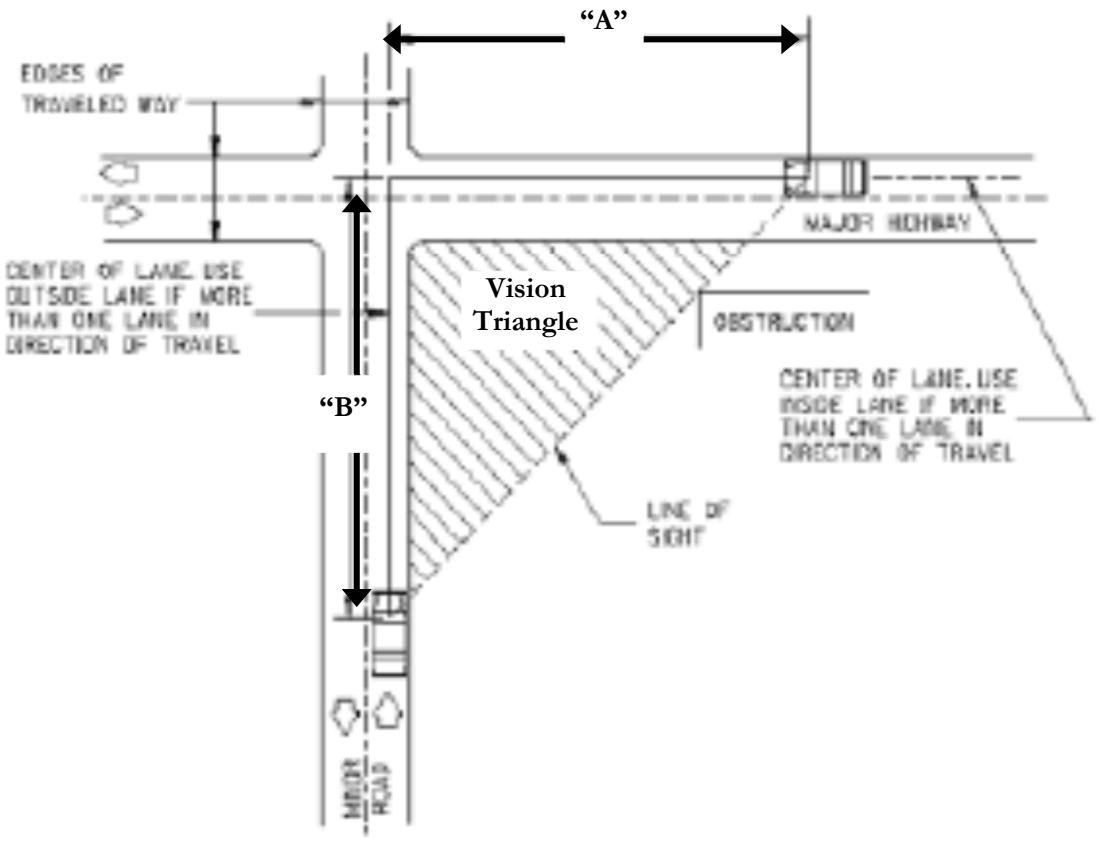


Table X.5.05(4): Dimensional Requirements for Vision Triangles

Posted Speed (mph)*	Distance "A" (ft)**	Distance "B" (ft)	
		Thru movement possible from side road**	No thru movement possible from side road ("T" intersection)***
25	90	90	75
30	105	105	75
35	120	120	75
40	135	135	75
45	150	150	75
50	165	165	75
55	180	180	75
65	210	210	75

*Use the posted speed of the Major Highway to determine distance "A". Use the posted speed of the side road to determine distance "B".
** Based on distance traveled in 2 seconds at Posted speed + 5 mph.
*** Based on distance traveled in 2 seconds at 25 mph because vehicle approaching intersection on side road has to slow down to make a turn.

X.5.06 LANDSCAPING STANDARDS

(1) **Bufferyards.** A bufferyard and bufferyard vegetative screen may be required by the Planning, Development and Zoning Committee for certain land use types as specified under Section X.9. Where required, bufferyards shall comply with the following:

(a) The bufferyard shall contain landscaping designed to provide a visual screen, landscaped berms, and/or a decorative opaque fence or wall to screen the use and site from adjoining sites and/or public rights-of-way.

(b) The combination of bufferyard width, landscaping, berming, and/or opaque fencing shall be selected and designed to provide an all-season screen with opacity (measured as a percentage of the vertical plane along the bufferyard boundary from the ground to a height of six feet as viewed from the adjacent property) in accordance with individual land use performance standards in Section X.9.

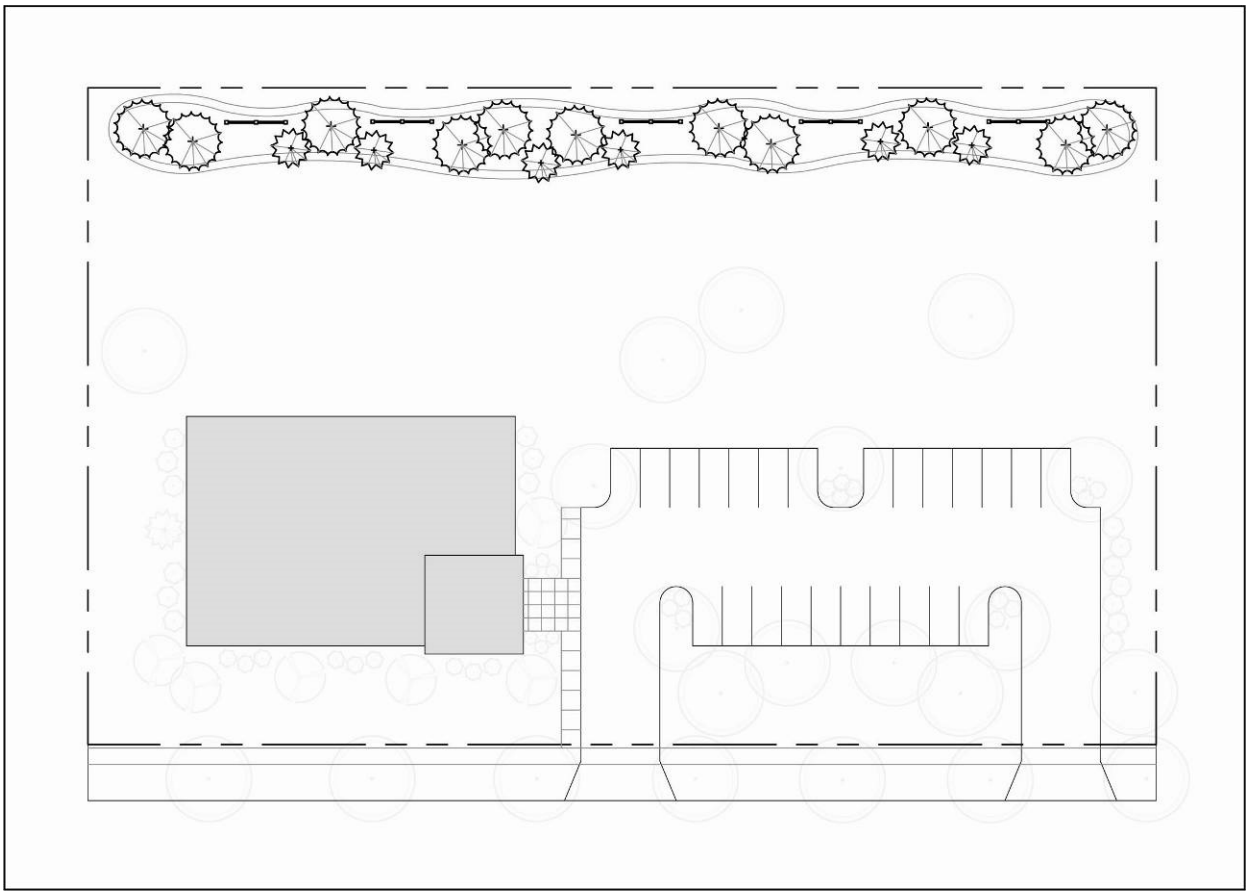
(c) Unless the opaque fence or wall is four feet or less in height, all bufferyard landscape plantings shall be placed on the outside of the fence or wall.

(d) The slope of any berm shall be less than one vertical foot for every four feet of berm width measured at its base.

(e) The minimum width of a bufferyard is 15 feet, except where a lesser yard is approved by the Planning, Development and Zoning Committee.

(f) No vehicle accommodation area other than perpendicular private driveway access or a bike/pedestrian way, nor any outdoor storage area or structure shall be permitted in a required bufferyard.

Figure X.5.06: Bufferyard Landscaping Concept



(2) **Landscaping minimum installation sizes:** Where landscaping is required within a bufferyard or otherwise as a component of development approval under this Zoning Ordinance, minimum permitted installation sizes for each plant category are provided to ensure that landscaping provides its aesthetic and screening functions at the time of installation and to improve the survival rate of the plants. The minimum permitted installation sizes shall be in accordance with the following:

Table X.5.06: Landscape Planting Standards

Plant Category	Expected Mature Height	Minimum Permitted Installation Size	Examples of Appropriate Species (see Note)
Large Deciduous Tree (mature height 25+ feet)	Greater than 25 feet	1.5- inch diameter at 4.5 feet from ground (1½ inch for street trees)	Oak, Maple (except Norway), Honey locust, Gingko (male), Hazelnut, Hackberry, Basswood or Linden, Disease resistant Elm, Kentucky Coffee tree
Small Deciduous Tree (mature height < 25 feet)	25 feet or less	1½ inch diameter at 4.5 feet from ground, or 4 feet tall	Birch, Serviceberry, Hawthorn, Eastern Redbud, Callery Pear, Flowering Crab, Ironwood, Japanese Tree Lilac, Hornbean, Amur Cork tree
Evergreen Tree	Usually > 10 feet	4 feet tall	Pine (except Austrian), Spruce, Hemlock, Cedar
Shrub (Deciduous or Evergreen)	Usually less than 10 feet	2 feet in height or 2 gallon pot	Dogwood, Viburnum, Hedge Cotoneaster, Forsythia, Yew, Hazelnut, Hydrangea, Ninebark, Dwarf-Bush Honeysuckle, Potentilla, Rose, Gro-low Sumac, Lilac, Weigela, Arborvitae, Juniper
Annual/ Perennial Bed	Varies	Varies	Black-eyed Susan, Catmint, Coneflower, Lily, Daylily, Hosta, Ornamental grasses, Lady's Mantle, Columbine, Aster, Astilbe, Indigo, Brunnera, Cimicifuga, Liatris, Peony, Pachysandra, Sedum

Note: Species listed are examples only. Other species such as non-invasive (not aggressive spreaders) and native plant species are also encouraged. Consider salt and snow tolerance when making plant selections.

(3) **Installation:** All landscaping shall be installed consistent with industry accepted standards, and shall be guaranteed by the property owner or the property owner's contractor for 2 years. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within 6 months of occupancy or commencement of operations, and the County may require a performance guarantee, such as a letter of credit, until such landscaping is installed according to plan.

(4) **Maintenance:** Landscaping required by this subsection is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes, maintenance shall include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year.

(5) **Location in utility easement:** Planting in easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

X.5.07 EXTERIOR LIGHTING STANDARDS

(1) **Applicability:** The requirements of this subsection apply to all exterior lighting over 300 incandescent watts (or the florescent or LED equivalent illumination levels) on private property located within any of the Commercial, Industrial, and Hamlet Zoning districts or within a conditional use permit approval within the jurisdiction of this Zoning Ordinance, except for lighting within public rights-of-way, on public property, and on communications towers or airports required to meet federal and state safety regulations.

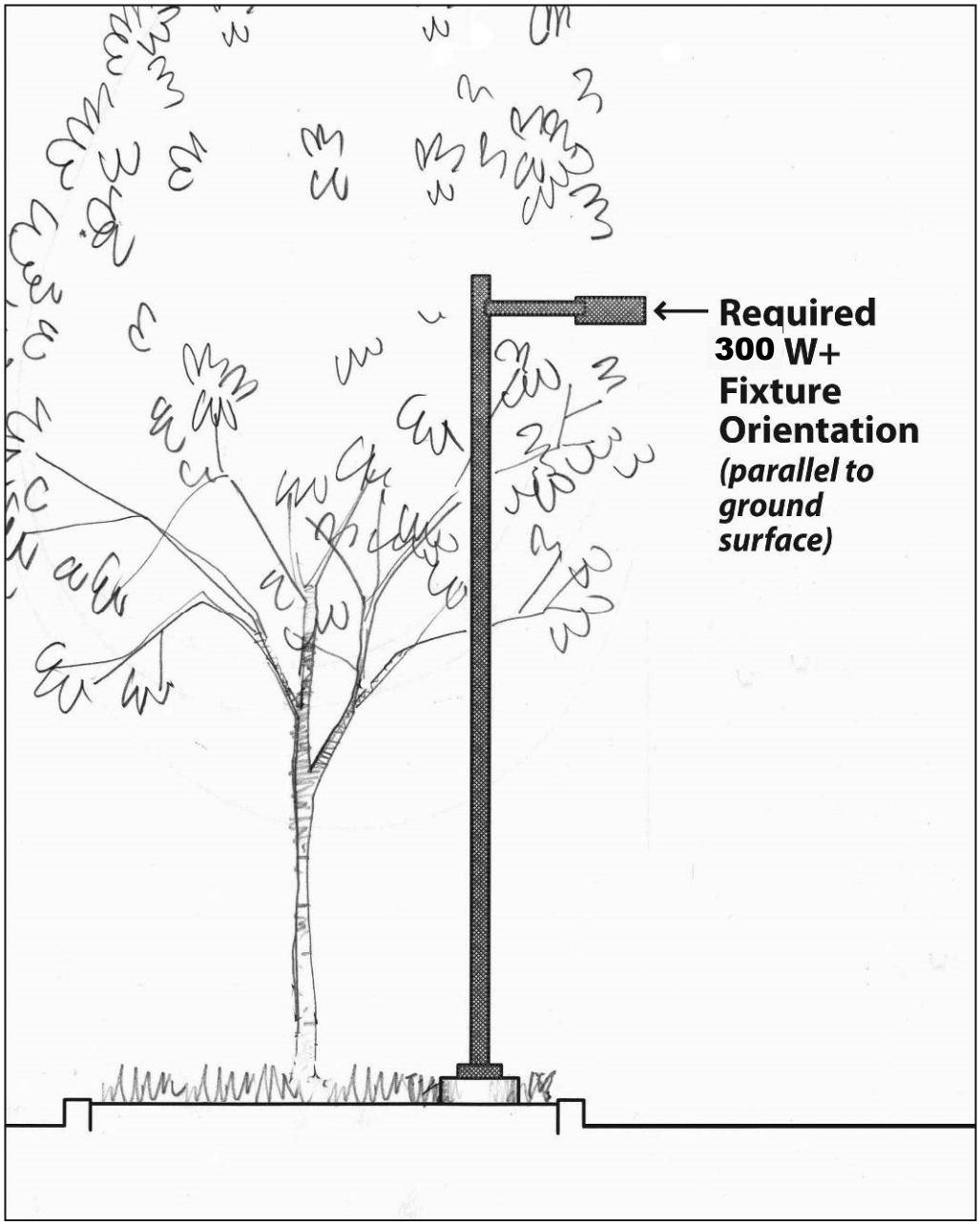
(2) **Orientation of light fixtures:** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a residentially zoned property or allowed to direct light skyward. Shielded lighting elements and careful fixture placement shall be used to ensure that exterior lighting prevents direct lighting above a horizontal plane. Search lights are prohibited

(3) **Location of light fixtures:** Light fixtures shall not be located within any required landscaped bufferyard (as specified for particular land uses under Section X.9) nor closer than three feet from a property line.

(4) **Prohibited lighting:** Flashing, flickering, moving (such as search spot or search lights) and/or other lighting which may distract motorists are prohibited, except for any search light deemed necessary by the Federal Aviation Administration.

(5) **Waiver or modification of lighting standards:** The Planning, Development, and Zoning Committee may waive or modify any of the above standards if supplemental design elements or improvements are incorporated into the project to compensate for the waiver or modification of the particular standard, and otherwise for outdoor recreation uses such as athletic fields, any temporary use using exterior lighting, and off-premise advertising signs, provided that a land use permit is secured by the proposed operators of these specifically listed uses and other applicable standards in the Zoning Ordinance are met.

FIGURE X.5.07: Illustration of Exterior Lighting Standards



X.5.08 NATURAL AND CULTURAL RESOURCE PROTECTION STANDARDS

(1) **Applicability**: The standards in this subsection shall apply to all principal land uses except for any single family dwelling, two family dwelling, and any other land use allowed within any Working Lands and Open Space zoning district.

(2) **Identification:** When a land development is proposed on a lot or parcel where a cultural or habitat resource(s) has been identified in the Shawano County Comprehensive Plan, or otherwise identified on an accurately completed site assessment checklist where required below, the applicant shall submit more detailed information on the exact location and nature of said resource(s) to the Zoning

Administrator before a land use permit is issued. All such cultural or habitat resources shall be accurately marked and clearly labeled on a site plan, certified survey map, or subdivision plat, if required for the land development.

(3) **Minimum required yards and setbacks for specified natural areas:** For minimum required building setbacks from State Natural Areas and wetlands see Tables X.2.03A, X.3.03A, and X.4.03A.

(4) **Other natural resource protection standards:** See the Shawano County Floodplain Zoning Ordinance and the Shawano County Shoreland Zoning Ordinance for additional standards related to natural resources.

X.5.09 EROSION CONTROL AND STORMWATER MANAGEMENT STANDARDS - REPEALED 2018

X.5.10 STANDARDS ASSOCIATED WITH THE KEEPING OF FARM ANIMALS

(1) **Purpose:** The specific intent of this subsection is to establish standards for the keeping of farm animals on smaller lots in a manner which allows for farms of multiple sizes and descriptions, including hobby and recreational farming; avoids nuisances, undesirable odors, and other negative impacts on neighboring properties; protects human and animal health; satisfies the needs of farm animals for exercise space; and protects water quality and the environment.

(2) **Applicability:** The requirements of this subsection apply to uses that first establish the keeping of farm animals following April 19, 2011, uses that increase the number of farm animals on a lot following April 19, 2011, and any other land use that keeps farm animals where, in the determination of the Zoning Administrator, the intent of this subsection is being violated. Except for subsection (4), this Section shall not be applicable to a "farm," as defined in Section X.9.03(115).

(3) **Animal unit density standard:** Land uses that keep or maintain farm animals applicable under this Section shall provide and continuously maintain a minimum of one acre per animal unit. Such acreage may not include land that is heavily wooded, in wetland, within the minimum ordinary high water mark setback as described in the Shawano County Shoreland Zoning Ordinance, used for buildings or driveways, or otherwise not available for animal exercise and/or nutrient management. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if the land owner provides conservation compliance documentation from the Shawano County Land Conservation Department signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions. Appendix D shall be used to calculate animal units for purposes of this ordinance.

(4) **Structures:** Barns, stables, coops and similar structures are permitted for the keeping of farm animals upon approval of the Planning and Development Department and upon obtaining required permits.

(5) **Other related performance standards:** All land uses that keep farm animals are also subject to the standards in the Shawano County Livestock Waste Management Ordinance and Shawano County Livestock Facilities Licensing Ordinance, and may be subject to state and federal rules.

SECTION 6: SIGN REGULATIONS

SECTIONS:

X.6.01 Purpose
X.6.02 Signs Allowed Without a Permit
X.6.03 Sign Permits
X.6.04 Signage Purposes, Configurations, and Measurements
X.6.05 General Signage Regulations
X.6.06 Regulations for Working Lands and Open Space Zoning Districts
X.6.07 Regulations for Residential Zoning Districts
X.6.08 Regulations for Mixed Use Zoning Districts
X.6.09 Regulations for Commercial and Industrial Zoning Districts
X.6.10 Structural and Maintenance Regulations
X.6.11 Nonconforming Signs

X.6.01 PURPOSE

The purpose of this Section is to establish standards for the fabrication, erection, and use of signs for all properties within Shawano County, except that signage in public rights-of-way is subject to approval of the jurisdiction managing that right-of-way and not this Section. This Section regulates the location, type, size, and height of signage based on the finding that such regulation furthers the following compelling governmental interests, while still being narrowly defined so as to limit any prohibitions on commercial speech on exterior signage:

(1) To promote the public welfare, health, and safety of all persons using the public thoroughfares and right-of-ways as to the signage displayed thereon, or overhanging, or projecting into such public spaces;

(2) To advance aesthetic goals throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public;

(3) To aid in the proper development and promotion of business and industry;

(4) To recognize that different zoning districts and different geographic areas of the community have different characteristics, and that sign regulations should vary based in part on those differences; and

(5) To implement the community vision, goals and objectives, and signage recommendations contained within the County Comprehensive Plan.

X.6.02 SIGNS ALLOWED WITHOUT A PERMIT

The following sign uses and purposes are permitted in all zoning districts without the need for a land use permit. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located. See Section X.9 for sign definitions.

(1) Addresses

(2) Architectural Elements

(3) Auxiliary Signs

(4) Bulletin Boards

(5) Business Nameplates

(6) Commemorative Signs

(7) Construction or Project Identification Signs

(8) Farm Signs

(9) Flags and Standards

(10) Garage Sale Signs
(11) Historical Markers
(12) Holiday Decorations
(13) Interior Signs
(14) Management Signs
(15) Menu Board Signs
(16) "Open" Signs
(17) Political/Election Signs
(18) Real Estate Signs
(19) Regulatory and Government Information Signs
(20) Required Signs
(21) Residential Signs
(22) Sandwich Board/Pedestal Signs
(23) Site Information Signs
(24) Special Displays/Event Banners
(25) Temporary Window Signs
(26) Temporary Signs

X.6.03 PERMITS

(1) Except as otherwise provided in Section X.6.02, no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a land use permit. This Section shall apply and be construed to require a permit for any conversions or changes in the sign structure. This Section shall not apply to repainting with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure. No new permit is required for signs which are in place as of April 19, 2011, and such signs may remain as legal nonconforming structures. Any alteration or relocation of such signs shall conform to the requirements of this Section.

(2) Any land use permit granted per Section X.8.09 may not be assigned or transferred to any other sign or modified sign face or sign structure.

(3) The owner or tenant may include all such signs at one premise under one land use permit.

(4) Any existing or proposed sign on property abutting STHs 187, 160, 156, 153, 117, 110, 55, 52, 47, 45, 32, 29, 22; and within any other Wisconsin Department of Transportation right-of-way or setback jurisdiction may also require approval from the Wisconsin Department of Transportation.

X.6.04 SIGNAGE PURPOSES AND CONFIGURATIONS

See Section X.9 for definitions of sign purposes and configurations that shall be used in this Section to assist in the establishment of clear signage regulations. Section X.9 also includes unique size, height, placement, and other standards for certain types of signs.

X.6.05 GENERAL SIGNAGE REGULATIONS

The regulations contained in this subsection apply to signs in all zoning districts.

(1) **Sign prohibitions and limitations:**

(a) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse users of streets or highways.

(b) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(c) No private sign shall be attached to or painted on any fence, public utility pole, public light pole or traffic regulatory structure.

(d) No inflatable, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants or other decorations shall be permitted.

(e) No illuminated flashing or animated signs shall be permitted. Variable message signs meeting the definition and requirements of this Section shall not be considered illuminated flashing or animated signs.

(f) No illuminated sign/bulb shall be permitted where the lighting element (except for neon signs) is visible from any property within a residential zoning district or does not meet the lighting requirements of Section X.5.07.

(g) Except for projecting, awning, marquee and sandwich board/pedestal signs or as may be specifically authorized in a PUD zoning district meeting all of the applicable requirements of this Section, no sign other than a regulatory or government information sign shall be permitted within or extend into a public right-of-way.

(h) No sign shall be mounted or displayed on, or extend above the top edge of a roof. No on-building sign shall extend above the top-most edge of an exterior wall.

(i) No mobile, portable, or advertising vehicle signs shall be permitted. Sandwich board signs as defined and regulated in this Section shall not be considered mobile or portable signs.

(2) **Sign location requirements:**

(a) Vision Triangles. Signs must meet the vision triangle requirements of Section X.5.05(4).

(b) Setbacks. The permitted locations and setbacks of all freestanding signs shall be as indicated in this Section. Sign setback shall be the shortest distance between the vertical plane extending from the property line (or other basis for the setback point) to the nearest structural element of the sign, whether said sign element is attached to the ground or suspended above ground.

(c) Minimum Ground Clearance. Pylon, projecting, marquee and awning signs more than six feet in height shall have a minimum clearance from grade of 8 feet to the bottom of the sign. All pylon, projecting, marquee and awning signs shall not project into any vehicle circulation area, beyond any public street curb line, or beyond any public street pavement edge if no curb is present.

(3) **Community information signs:** On-premise and off-premise community information signs shall be allowed only by conditional use permit within all zoning districts and upon any property, except that temporary installments of such signs for a period not exceeding 30 days may be allowed by land use permit only. Such signs shall be subject to the following regulations:

(a) Only display information regarding public events, public facilities, and public information of general interest to residents.

(b) May have changeable copy or variable message board.

(c) Shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.

(4) **Variable message signs (VMS):**

(a) Length of Cycle. Messages and non-text images shall not change appearance more than once every 10 seconds and transitions between messages shall be via instantaneous change. Use of variable message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered prohibited flashing or animated signs. No scrolling messages are permitted.

(b) Brightness Adjustment. All VMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. Light output shall not exceed that allowed under Section X.5.07.

(c) Dimensions. The illuminated or message display area of the VMS is subject to the same height and area requirements as other on-premise business signs in the zoning district. All variable message signs shall be included in the calculation of total permitted sign area for the type of on-premise business sign (wall or freestanding) and the zoning district in which the sign is located.

(d) Maintenance. All VMS shall be maintained so as to be able to display messages in a complete and legible manner.

(e) Location. In addition to standard setback requirements for the applicable sign type, no VMS shall be positioned to be visible from any residential use unless at least 100 feet from said use.

(5) **Window signs:**

(a) Area. The total of all signs in the window area, including temporary and permanently mounted signs, shall not exceed 25 percent of the window area. For any business using no other signs than a permanent window sign, the amount of permanent and temporary window sign area may be increased to 35 percent of the window area.

(b) Installation. Window signs shall be confined within the transparent glazed area of the window and shall not encroach upon the frame, mullions, or other supporting features of the glass. All permanent window signs that have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the exterior building window or door.

(c) Maintenance. All window signs shall be maintained so as to be able to display messages in a complete and legible manner.

(d) Location. No window signs shall be allowed on residentially zoned property.

(e) Area Calculations. The area or window signs shall be calculated in the same manner as other on-building signs, and shall count against the maximum number and area for on-building business signs as specified in Table X.6.06.

(6) **Sandwich board/pedestal signs:**

(a) There shall be a maximum of one sandwich board/pedestal sign per business.

(b) Height shall not exceed six feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed three feet, and sign area shall not exceed nine square feet per side.

(c) All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.

(d) No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than 30 days in any calendar year), have more than two sides, be placed off-premise (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).

(e) No sandwich board/pedestal sign shall extend onto or into a public right-of-way, except that within the H Hamlet district or as may be specifically authorized in a PUD zoning district, a sandwich board/pedestal sign may be placed within the public sidewalk or otherwise on public land between the front of the building and the street pavement, provided that there is not adequate space available on the premises to place the sign on private property in a manner that is visible to the public and the sign is placed directly in front of the business to which it is related.

(f) Placement of all sandwich board/pedestal signs shall meet all intersection visibility requirements in Section X.5.05(4), and shall otherwise not impede auto or pedestrian traffic or visibility in the

determination of the Zoning Administrator. This may require relocation and/or adjustments to height or design.

(g) All sandwich board/pedestal signs must be kept in good condition, as determined by the Zoning Administrator and per the maintenance requirements of Section X.6.08.

(h) Sandwich board/pedestal signs shall not count against the maximum area or number of business signs allowed per Table X.6.06.

(7) **Off-premise advertising signs (including billboards but not including off-premise directional signs):**

(a) Permitted locations:

1. Must be located within 2,640 feet (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way) of the interchanges of State and Federal Highways with State, Federal, or County Trunk Highways within Shawano County, including and limited to State Highways 187, 153, 29, 47, 55, 22, 156, 52, 110, 117, 32, 160, U.S. Highway 45, and County Trunk Highway K.

2. Shall not be located within 800 feet of an existing residence, park, school, church, hospital, cemetery, government building or within 2,000 feet of an intersection right of way, or interchange right of way (measured along the highway from the nearest point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way), or 1,500 feet from another off-premise advertising sign.

(b) Maximum number allowed: 1 per parcel, except 2 will be allowed if combined on the same structure.

(c) Minimum lot width: 50 feet frontage along a highway listed in subsection (a) above.

(d) Setback regulations:

1. Minimum front or street yard setback: 25 feet from highway right-of-way.

2. Maximum front or street yard setback: 300 feet from highway right-of-way.

3. Minimum interior side yard setback: Height of the sign.

4. Minimum rear yard setback: Height of the sign.

(e) The maximum area for off-premise advertising signs shall be per structure, exclusive of border and trim, apron, base supports, or other structural members. No copy or advertising shall be allowed on the border, apron, or trim.

(f) Off-premise advertising signs which are back-to-back, side-by-side, bottom-on-top, and V-shaped shall be considered as one structure if they are physically contiguous and which share a common structure in whole or in part.

(g) Off-premise advertising signs may be illuminated, subject to the following:

1. Off-premise advertising signs shall meet the lighting standards in Section X.5.07 or obtain a waiver from these standards from the Planning, Development, and Zoning Committee.
2. Off-premise advertising signs which contain, include, or are illuminated by any flashing, intermittent or moving lights are prohibited, except for the purpose of giving public service information, such as time and temperature.
3. Off-premise advertising signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled portion of a highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any

motor vehicle are prohibited.

4. No off-premise advertising sign shall be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.
5. Off-premise advertising signs which are not effectively shielded as to prevent beams or rays of light from being directed at or towards a residence are prohibited.

(h) Off-premise advertising signs shall not contain moving parts; copy which simulates any traffic control sign; devices which emit audible sound, odor or particulate matter; or statements, words or pictures of obscene, pornographic, immoral character or containing advertising matter which is untruthful.

(i) Off-premise advertising signs which are affixed to, or painted on, or represented directly or indirectly on the walls or roofs of buildings are prohibited.

(j) No off-premise advertising sign shall be erected on more than four uprights.

(8) **Off-premise directional signs:**

(a) The sign shall primarily serve a directional purpose.

(b) A maximum of 3 off-premise directional signs for each place may be displayed, per the dimensional and placement standards in this Section. For purposes of this subsection, one business, attraction, farm, or organization shall constitute a place.

(c) Off-premise directional signs may not be illuminated; contain any moving parts; simulate any traffic control sign; contain devices which emit audible sound, odor or particulate matter; or bear or contain statements, words or pictures of obscene, pornographic, immoral character or containing matter which is untruthful.

X.6.06 REGULATIONS BY ZONING DISTRICTS

Signage shall be permitted per the requirements of Sections X.6.01 through X.6.05 and the following:

Table X.6.06: Regulations for Signs Allowed by Land Use Permit, Organized by Zoning District

Zoning District	Type of Land Use	Sign Configuration	Maximum Area	Maximum Sign Height	Number	Location
FP Farmland and Forest Preservation RPOS Recreation and Public Open Space FH Farmland and Forest Holding OAR Open Lands, Agriculture, and Residential A-R Agricultural - Residential	All uses	Wall, window, projecting, awning or marquee	48 sq ft	N/A	1 per principal structure	Above or next to main building entrance or on street wall
		Freestanding	48 sq ft per side	16 ft	1 per principal structure	The greater of actual sign height or 3 ft from nearest property line.
		Off-premise directional	32 sq. ft. per side	16 ft	3 per place	Located on private property, with the consent of the property owner
		On-premise directional	9 sq ft	6 ft	1 per entrance or other location where directions required	Vehicular entrance, vehicular exit, and parking areas
R-R Residential – Rural R-S Residential – Sewered R-M Residential – Mixed	Residential	Identification (on building)	4 sq ft per dwelling unit, up to 32 sq ft total	8 ft	1 per public street or driveway entrance, up to a maximum of three per lot	Main entrance or front yard
		Freestanding	16 sq ft per side	16 ft	1 per principal structure	The greater of actual sign height or 3 ft from nearest property line.
		On-premise directional	9 sq ft	6 ft	1 per entrance or other location where directions required	Vehicular entrance, vehicular exit, and parking areas

Table X.6.06: Regulations for Signs Allowed by Land Use Permit, Organized by Zoning District

Zoning District	Type of Land Use	Sign Configuration	Maximum Area	Maximum Sign Height	Number	Location
R-R Residential – Rural R-S Residential – Sewered R-M Residential – Mixed	Nonresidential	Freestanding	32 sq ft per side	16 ft	1 per principal structure	The greater of actual sign height or 3 ft from nearest property line.
		Wall, window projecting, awning, or marquee	1.5 sq ft per linear foot of exterior wall, up to 300 sq ft per building	16 ft	1 per principal structure	Above or next to main building entrance or on street wall
		Off-premises directional	32 sq ft per side	16 ft	3 per place	Located on private property, with the consent of the property owner
		On-premises directional	9 sq ft	6 ft	1 per entrance or other location where directions required	Vehicular entrance, vehicular exit, and parking areas
H Hamlet C-C Commercial-Community	Residential	Identification (on building)	4 sq ft per dwelling unit, up to 32 sq ft total	8 ft	1 per dwelling unit	Main entrance or front yard
		Freestanding	16 sq ft per side	16 ft	1 per principal structure	The greater of actual sign height or 3 ft from nearest property line.
		On-premises directional	9 sq ft	6 ft	1 per entrance or other location where directions required	Vehicular entrance, vehicular exit, and parking areas

Table X.6.06: Regulations for Signs Allowed by Land Use Permit, Organized by Zoning District

Zoning District	Type of Land Use	Sign Configuration	Maximum Area	Maximum Sign Height	Number	Location
H Hamlet C-C Commercial-Community	Nonresidential	Freestanding	64 sq ft per side; 125 sq ft per side if within 2,640 ft of highways[1]	16 ft for monument 20 ft for pylon or arm-post or 35 ft for pylon or arm-post if within 2,640 ft highways[1]	1 per parcel	The greater of actual sign height or 3 ft from nearest property line.
		Wall, window projecting, awning, or marquee	2 sq ft per linear foot of exterior wall, up to 300 sq ft per building	16 ft	2 per business, with no more than 1 sign per business facade	Above or next to main building entrance or on street wall
		Off-premise advertising (including billboards)	4 lane highway: 672 sq ft per side 2 lane highway: 288 sq ft per side	35 ft max 8 ft min	1 per parcel, except 2 will be allowed if combined on the same structure	See Section X.6.05(7) for setback and other requirements.
		Unified business center sign	125 sq ft per side	20 ft or 35 ft if within 2,640 ft highways[1]	1 per every 10 acres or fraction thereof in the unified business center	The greater of actual sign height or 3 ft from nearest property line.
		Off-premises directional	32 sq ft per side	16 ft	3 per place	Located on private property, with the consent of the property owner
		On-premises directional	9 sq ft	6 ft	1 per entrance or other location where directions required	Vehicular entrance, vehicular exit, and parking areas
C-G Commercial-General	All uses	Freestanding	64 sq ft per side;	16 ft for monument; 20 ft for pylon or arm-	1 freestanding sign per parcel	The greater of actual sign height or 3 ft from nearest property line.

Table X.6.06: Regulations for Signs Allowed by Land Use Permit, Organized by Zoning District

Zoning District	Type of Land Use	Sign Configuration	Maximum Area	Maximum Sign Height	Number	Location
M Manufacturing			150 sq ft per side if within 2,640 ft of major highways[1]	post; or 35 ft for pylon or arm-post if within 2,640 ft highways[1]		
		Wall, window projecting, awning, or marquee	2 sq ft per linear foot of exterior wall, up to 300 sq ft per building	16 ft	2 per business, with no more than 1 sign per business facade	Above or next to main building entrance or on street wall
		Off-premise advertising sign (including billboard)	4 lane highway: 672 sq ft per side 2 lane highway: 288 sq ft per side	35 ft max 8 ft min	1 per parcel, except 2 will be allowed if combined on the same structure	See Section X.6.05(7) for setback requirements.
		Unified business center sign	200 sq ft per side	20 ft or 35 ft if within 2,640 ft highways[1]	1 per every 10 acres or fraction thereof in the unified business center	The greater of actual sign height or 3 ft from nearest property line.
		Off-premises directional	32 sq ft per side	16 ft	3 per place	Located on private property, with the consent of the property owner
		On-premises directional	9 sq ft	6 ft	1 per entrance or other location where directions required	Vehicular entrance, vehicular exit, and parking areas

[1]Major highways include the following: USH 45 and STHs 187, 160, 156, 55, 47, 32, 29, 22, 52, 117, 153.

X.6.07 TEMPORARY SIGNS

(1) Temporary signs regulated under this subsection include but are not limited to temporary real estate signs, construction or project identification signs, temporary commercial signs and banners, temporary residential signs, public event signs, personal greeting or congratulatory signs, temporary window signs, or others as determined by the Zoning Administrator.

(2) Any one business is permitted to display no more than 2 temporary commercial signs and banners at a single time, and any combination of temporary commercial signs and banners for a maximum of 90 days within any 12 month calendar year period.

(3) All temporary signs shall be anchored or supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety.

(4) A mobile, portable, or advertising vehicle sign is not a permitted temporary sign. This does not apply to sandwich board signs.

X.6.08 STRUCTURAL AND MAINTENANCE REQUIREMENTS

(1) All signs shall be constructed and mounted so as to comply with State building and electrical codes.

(2) No sign or any part thereof, or anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.

(3) No sign or any part thereof, or anchor, brace or guide rod shall he attached, erected, or maintained which may cover or obstruct any door, doorway, or window of any building which may hinder or prevent ingress or egress through such door, doorway, or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.

(4) No sign not designed and constructed to withstand winds during typical Wisconsin storm events shall be erected at any location.

(5) No freestanding sign shall be erected at any location which is not designed and constructed with footings for support of such sign which extend not less than 48 inches below the existing ground level.

(6) No sign attached to a building which is permitted to project away from the building wall shall be designed and constructed when the attachment to such wall extends above a point of bearing with the roof rafters.

(7) All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.

(8) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(9) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Section, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a land use permit.

(10) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

X.6.09 VIOLATIONS

(1) Except for legal nonconforming signs, which shall be regulated as nonconforming structures under Section X.7.04, the Zoning Administrator shall hereby be authorized to issue a sign removal order ("SRO") ordering the removal of any sign that does not comply with the location, dimension, setback, spacing, or other requirements of this Section and revoke any previously issued land use permit associated with such sign.

(2) The SRO shall identify the alleged owner of the sign, include a photograph of the sign, describe the location of the sign and briefly explain why the sign does not comply with this Section. The SRO shall further explain that the sign shall be removed within 60 days of the date of the SRO, and if the sign is not removed in that time period, that Shawano County may then remove the sign, and may invoice the owner a fee for any such removal costs. The SRO shall be sent by registered mail or be personally served.

(3) The SRO shall further notify the alleged owner of the sign that said party shall have 30 days from the date of the SRO to file for an appeal of the SRO with the Shawano County Board of Adjustment. The SRO shall also provide the sign owner of the address to which the appeal request should be directed, notify the appeal requestor of the fee that must be paid, direct the alleged owner to explain the basis for the appeal request, and notify the alleged owner that appeals that are not received with the required fee within 30 days of the SRO may be summarily dismissed based on a lack of timeliness.

(4) Upon receiving a timely appeal request with the fee, the Shawano County Board of Adjustment shall review the appeal and grant or deny the appeal as it deems proper in its discretion, per the procedures established under Section X.8.05(2).

(5) If no appeal request of the SRO with the fee is timely received, or if a request for review is received but subsequently denied, the Zoning Administrator may remove the sign. After removing the sign, the sign shall be retained for a period of 30 days. If no claim is made for the sign within 30 days after it is removed, the Zoning Administrator may discard or destroy the sign as he or she deems necessary. The Department may invoice the owner of the sign for the cost of removing and discarding/destroying the sign.

(6) If the owner of any sign existing in violation of this Section has previously been issued an SRO during any previous 12-month period, and such SRO has not been successfully appealed, the sign owner may be assessed a citation in the amount of $500 by the Zoning Administrator for any subsequent violations. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the County Corporation Counsel, then such expense shall become a lien on the property and shall be placed upon the tax roll.

X.6.10 NONCONFORMING SIGNS

(1) Signs lawfully existing at the time of the adoption or amendment of this Section may be continued although the use, size, or location does not conform with the provisions of this Section. However, it shall be deemed a nonconforming structure; and the provisions of Section X.7.04 shall apply. Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Section. Refer also to subsection (3), below.

(2) Business signs on the premises of a nonconforming use or building may be continued, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable sign areas under this Section, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Section.

(3) Nonconforming signs shall be removed when the principal structure located on the premises

undergoes a change of use, or shall be removed per Section X.6.09. Closing businesses must remove their building signs and freestanding sign faces within 60 days of closing, or sooner if the Zoning Administrator determines that the signs do not meet the maintenance requirements of Section X.6.08.

(4) Regardless of its conforming or nonconforming status, the replacement of signs damaged or destroyed by vehicle accident or act of God (e.g. wind) shall not require a land use permit, provided that the replacement sign is the same as or essentially identical to the sign damaged or destroyed and such replacement occurs within 60 days of the incident.

SECTION 7: NONCONFORMING USES, NONCONFORMING STRUCTURES, AND SUBSTANDARD LOTS

X.7.01 Purpose
X.7.02 General
X.7.03 Nonconforming Uses
X.7.04 Nonconforming Structures
X.7.05 Substandard Lots

X.7.01 PURPOSE

The purpose of this Section is to establish requirements for conditions that do not conform with the provisions of this Zoning Ordinance, including nonconforming uses, nonconforming structures, and substandard lots. Nonconforming signs are further addressed in Section X.6.10.

X.7.02 GENERAL

(1) Wisconsin Statutes Section 59.69(10) and case law may affect the County's ability to regulate nonconforming structures and uses as described in this Section.

(2) Structures or uses for which a land use permit has been lawfully granted prior to the effective date of this Zoning Ordinance or applicable amendments thereto, which will become nonconforming under the provisions of this Zoning Ordinance or amendments thereto, may be completed in accordance with the approved plans, provided that construction is started and completed in accordance with timeframes established under Section X.8.09(6). In such cases, such use or structure shall thereafter be a legal nonconforming use or structure.

(3) The Shawano County Floodplain Zoning Ordinance and the Shawano County Shoreland Zoning Ordinance may include provisions regarding nonconforming uses, nonconforming structures, and substandard lots in floodplain and shoreland zones respectively. In the event of conflict between applicable provisions of those ordinances and the provisions in this Section, the more restrictive provisions shall apply.

X.7.03 NONCONFORMING USES

(1) The existing lawful use of a building or premises at the time of enactment of this Zoning Ordinance or any amendment thereto may be continued although such use or structure does not conform with the use provisions of this Zoning Ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be expanded, enlarged, extended, or reconstructed.

(2) The ordinary maintenance and repair of a building or premises that contains a nonconforming use is permitted, including repairs reasonably necessary to prevent the deterioration of a structure, remodeling of the structure, and necessary nonstructural repairs and alterations that do not extend or enlarge the structure. Ordinary maintenance and repairs include painting; decorating; the installation or replacement of heating, electricity, or plumbing systems; the installation or replacement of drywall, plaster, paneling, acoustical ceilings, insulation, doors, windows, roof surface materials, and siding. Ordinary maintenance and repairs do not include structural modification, structural alteration, enclosure of a deck or patio, change of a roof pitch, replacement of foundational elements or similar components, or extension, enlargement, reconstruction, movement, or replacement of any structure.

(3) No extension, enlargement, reconstruction, movement, replacement, enclosure of a deck or patio, change of a roof pitch, replacement of roof trusses or rafters, replacement of foundational elements or similar components, or other structural modification or alteration of a building or premises that contains a nonconforming use is permitted.

(4) When any nonconforming use of a building or premises is discontinued for a period of 12 consecutive months or greater, or is changed to a conforming use, any future use of the building or premises shall be in complete conformity with the provisions of this Zoning Ordinance.

(5) Any prior legal use made nonconforming by enactment of this Zoning Ordinance or by an amendment to it may be granted legal conforming use status by changing the zoning district of the affected property under the procedures in Section X.8.07.

X.7.04 NONCONFORMING STRUCTURES

(1) Any lawful nonconforming structure existing at the time of the adoption or amendment of this Zoning Ordinance may be continued, although its size or location does not conform to the dimensional provisions of this Zoning Ordinance.

(2) Ordinary maintenance and repairs to a lawful nonconforming structure are permitted, including repairs reasonably necessary to prevent the deterioration of a structure, remodeling of a nonconforming structure, and necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance and repairs include painting; decorating; the installation or replacement of heating, electricity, or plumbing systems; and the installation or replacement of drywall, plaster, paneling, acoustical ceilings, insulation, doors, windows, roof surface materials, or siding. Ordinary maintenance and repairs do not include structural modification; structural alteration; enclosure of a deck or patio; change of a roof pitch; replacement of foundational elements or similar components; or extension, enlargement, reconstruction, movement, or replacement of any structure. All other improvements in excess of what is described here as "ordinary maintenance" are subject to the standards listed below in Section X.7.04(4).

(3) Any lawful nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 2, 2006 may be restored or reconstructed, provided that the structure will be restored to the size, location and use it had immediately before the damage or destruction occurred, except if otherwise necessary to comply with federal, state or county requirements.

(4) Any other lawful nonconforming structure may be extended, enlarged, or moved, provided that all of the following criteria are present or met, except where Wisconsin Statutes requires less restrictive criteria:

(a) Any increase in the building footprint or volume complies with all dimensional, yard, and other development regulations of the specific zoning district and all other standards in this Zoning Ordinance.

(b) The nonconforming structure in no way becomes more nonconforming as a result of the modification.

(c) The modification meets all provisions of NR 115.05, Wisconsin Administrative Code, the Shawano County Shoreland Zoning Ordinance, and Wisconsin Statutes Section 59.692, if within the shoreland zone.

(d) The use of the structure is limited to uses permitted within the zoning district(s) applicable to the subject property.

(e) A land use permit is first obtained per Section X.8.09.

(f) Any repair, maintenance, renovation, rebuilding or remodeling of a non-conforming structure or any part of a non-conforming structure is allowable, regardless of cost, and shall not require approval of a variance.

(5) When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Zoning Ordinance, any future modification of said structure shall also be in full conformance with the provisions of this Zoning Ordinance.

X.7.05 SUBSTANDARD LOTS

(1) No new lot shall be created and no existing lot shall be reduced in dimensions in a manner that does not meet the dimensional requirements of the zoning district in which it is located or as specified by the Shawano County Land Division Ordinance, whichever is larger.

(2) No existing lot that does not meet the dimensional requirements of the base zoning district in which it is located or as specified by subdivision ordinance, whichever is larger, shall be further reduced in any dimension, except in the event of the sale or exchange of land between adjoining owners of substandard lots, provided that the resulting parcels are capable of meeting all minimum required yard and private onsite wastewater disposal requirements.

(3) Any lot or parcel legally created and indicated on a recorded subdivision plat, certified survey map, assessor's plat, or conveyance and recorded in the office of the Register of Deeds for Shawano County prior to April 19, 2011 may be used as a building site even though such lot or parcel does not conform to one or more minimum dimensional requirements of the district in which it is located, subject to the following conditions:

(a) The use is permitted in the zoning district in which the lot is located.

(b) The substandard lot is developed to comply with all other ordinance requirements.

(c) The substandard lot has never been developed with one or more of its structures placed partly upon an adjacent lot.

(d) A substandard lot shall not be required to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

(e) A land use permit is first obtained per Section X.8.09.

(f) Any variation to the above standards may only be obtained through a variance granted by the Board of Adjustment.

X.7.06 NONCONFORMING SIGNS

For additional standards related to nonconforming signs, see Section X.6.10.

SECTION 8: PROCEDURES AND ADMINISTRATION

Sections:

X.8.01 Purpose
X.8.02 Zoning Administrator—Description and Roles
X.8.03 Planning, Development, and Zoning Committee—Description and Roles
X.8.04 Board of Adjustment—Description and Roles
X.8.05 Appeals—Review Procedures and Standards
X.8.06 Amendments to Zoning Provisions (Text Amendments)—Review Procedure and Standards
X.8.07 Amendments to Official Zoning Map (Rezones)—Review Procedure and Standards
X.8.08 Conditional Use Permits—Review Procedure and Standards
X.8.09 Land Use Permits—Review Procedure and Standards
X.8.10 Variances—Review Procedure and Standards
X.8.11 Density Based Zoning
X8.12 Enforcement and Penalties

X.8.01 PURPOSE

The purpose of this Section is to establish responsibilities for administration of this Zoning Ordinance, procedural requirements for various development approvals under this Zoning Ordinance, and enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance.

X.8.02 ZONING ADMINISTRATOR—DESCRIPTION AND ROLES

(1) **Establishment:** Under the direction of the Planning and Development Department Director, the Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Zoning Ordinance.

(2) **Duties and responsibilities:** The general duty of the Zoning Administrator is to interpret and administer this Zoning Ordinance, as well as certain other Shawano County ordinances as indicated within those ordinances. With respect to this Zoning Ordinance, the Zoning Administrator shall have the following specific duties and responsibilities:

(a) Conduct on-site inspections of buildings, structures, waters, and land to determine compliance with all provisions of this Zoning Ordinance.

(b) Be permitted access to premises and structures between 8 a.m. and 6 p.m., or such other time agreed to by all parties involved, to make inspections to ensure compliance with this Zoning Ordinance. If refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Wisconsin Statutes.

(c) Maintain permanent and current records of and associated with this Zoning Ordinance, including but not limited to all maps, amendments, conditional use permits, land use permits, site plans, variances, appeals, inspections, interpretations, applications, and other official actions.

(d) Advise applicants for development approvals regarding the provisions of this Zoning Ordinance and assist applicants, to the extent practical, in preparing required permit applications.

(e) Except where otherwise required by Wisconsin Statutes, receive, file and forward all applications for all procedures governed by this Zoning Ordinance to the designated official review and approval bodies, along with all appropriate technical information and/or reports to assist such bodies in making their decisions, except as otherwise designated in this Section.

(f) Provide staff support to the Planning, Development, and Zoning Committee and the Board of Adjustment, including the scheduling of public hearings and other meetings and site visits and the recording of the actions, recommendations, and minutes of such bodies.

(g) Issue land use permits, and review and approve required plans prior to the issuance of land use permits, ensuring compliance with this and other applicable ordinances and any additional requirements of designated official review and approval bodies for associated rezoning, conditional use permit, or variance requests.

(h) Make interpretations regarding the provisions of this Zoning Ordinance in a manner that is consistent with the purpose of this Zoning Ordinance, the applicable Section(s), and the Comprehensive Plan. An interpretation may be requested by the owner(s) of a property, the Planning, Development, and Zoning Committee, or the County Board. All interpretations are subject to appeal to the Board of Adjustment per the procedures in Section X.8.05(2).

(i) Investigate all complaints made relating to the location and use of structures, lands, and waters and fulfill enforcement functions prescribed under Section X.8.12.

At his or her discretion, the Zoning Administrator may delegate any or all of these duties to one or more of the Land Use Enforcement Coordinators located within the Zoning Division.

X.8.03 PLANNING, DEVELOPMENT, AND ZONING COMMITTEE—DESCRIPTION AND ROLES

(1) **Establishment:** The Planning, Development, and Zoning Committee, as established under Wisconsin Statutes Section 59.69 and Shawano County Ordinance, is the County committee with primary policy responsibility over this Zoning Ordinance.

(2) **Duties and responsibilities:** In addition to the duties and responsibilities specified under the Wisconsin Statutes, the Planning, Development, and Zoning Committee shall have the following specific duties and responsibilities pertaining to this Zoning Ordinance:

(a) Advise the County Board on appropriate amendments to the text of this Zoning Ordinance or to the Official Zoning Map, and initiate such amendments as it may deem desirable, all in a manner that is consistent with the Comprehensive Plan and that follows procedures established under Wisconsin Statutes Section 59.69 and Sections X.8.06 and X.8.07.

(b) Review and decide on requests for conditional use permits in a manner that is consistent with the Comprehensive Plan and that follows the procedures in Section X.8.08.

(c) Advise the Zoning Administrator on enforcement of the provisions of this Zoning Ordinance and on other matters as requested by the Zoning Administrator or Planning and Development Director.

(d) Recommend fees for various permits and approvals required and allowed under this Zoning Ordinance.

(e) Make interpretations regarding the permissibility of a particular land use in a particular zoning district, where such land use is not explicitly listed as either a permitted by right or conditional use in that district, based on the similarity of such unlisted use to another use that is listed as either a permitted by right or conditional use in that district, subject to any federal, state, or county regulations that affect whether an unlisted use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and ATCP 49, Wis. Admin. Code.

(3) **Recording of actions:** All actions and recommendations of the Planning, Development, and Zoning Committee shall be in writing. A recording thereof in the Committee's minutes may constitute the required written action or recommendation.

X.8.04 BOARD OF ADJUSTMENT—DESCRIPTION AND ROLES

(1) **Establishment:** A Board of Adjustment is hereby established under the provisions of Wisconsin Statutes Section 59.694, including but not limited to the appointment procedures and operational

characteristics for such a Board. The Board of Adjustment shall consist of five members and two alternates. The members of the Board of Adjustment shall all reside within Shawano County and outside the limits of incorporated cities and villages. No two members shall reside in the same town. The Board of Adjustment shall appoint a chair and other officers.

(2) **Duties and responsibilities:** The Board of Adjustment shall have the following specific duties and responsibilities pertaining to this Zoning Ordinance in addition to certain other duties and responsibilities under other Shawano ordinances as indicated within those ordinances.

(a) Hear and decide appeals where it is alleged that there is an error in any interpretation, order, requirement, decision, or determination made by the Zoning Administrator or other staff member of the Planning and Development Department in the enforcement, administration, or interpretation of this Zoning Ordinance.

(b) Hear and decide appeals where it is alleged that there is an error in any decision of the Planning, Development, and Zoning Committee related to a conditional use permit request, with such review limited to determining whether the Committee's action considered the appropriate standards and met the requirements of this Zoning Ordinance, as opposed to the Board of Adjustment conducting a de novo review.

(c) Authorize such variances from the terms of this Zoning Ordinance as specified in Section X.8.10.

(d) Attach conditions of approval to any action described under this subsection (2), in furtherance of the general purpose and intent of this Zoning Ordinance.

(3) **Recordings of actions:**

(a) The Board of Adjustment 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 Zoning Administrator, and shall be a public record.

(b) The final disposition of an appeal or variance application to the Board of Adjustment shall be in a form of a written decision signed by both the Chair and Secretary of the Board. Such decision shall state the specific facts that are the basis for the Board of Adjustment's decision; shall either affirm, reverse, or modify any order, requirement, interpretation, or any determination of the Zoning Administrator or, in the case of an appealed decision on a conditional use permit, the Planning, Development, and Zoning Committee; shall specify any required conditions of approval; and shall specify the extent of any appeal or variance granted.

(c) The Zoning Administrator shall, within ten days of any decision of the Board of Adjustment, transmit a signed copy of the written decision of the Board of Adjustment to the applicant and the authorized designee of the town in which any subject parcel(s) associated with the action lay.

(4) **Rules:**

(a) The Board of Adjustment will meet as needed at a fixed time and place as may be determined by the Chair and at such other times as the Board of Adjustment may determine.

(b) All meetings of the Board of Adjustment shall be open to the public, but such Board may go into closed session pursuant to Wisconsin Statutes.

(c) Any public hearing held by the Board of Adjustment shall be held in a convenient public location, and a full description of the location of such place of hearing by name, address or other commonly known means of identification shall be included in the notice given of such hearing. No undue hardship shall be created for any applicant by reason of the location of such hearing.

(d) Each notice of public hearing held by the Board of Adjustment shall specify the date, time and place of hearing and the matters to come before the Board of Adjustment at such hearing, and such notice shall be given by publication as per requirements of Wisconsin State Statutes section 985.05, not less than ten days prior to the date of such hearing and by mail to the parties having a legal interest in any of the matters to come before the Board of Adjustment at such hearing.

(e) The Board of Adjustment shall have power to call on any County departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.

(f) The Board of Adjustment may adopt such additional rules as are necessary to carry into effect the regulations of the County Board.

X.8.05 APPEALS—REVIEW PROCEDURE AND STANDARDS

(1) **Applicability:** This Section shall apply to all appeals of decisions in this Zoning Ordinance, except as otherwise required under Wisconsin Statutes and Wis. Admin. Code.

(2) **Appeals of Zoning Administrator decisions:**

(a) Proceedings for an appeal of the Zoning Administrator's decision may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the County affected by the Zoning Administrator's decision.

(b) Such appeal shall be taken within 30 days after receiving notice of the decision appealed from, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof.

(c) The number of required copies of the application materials for an appeal shall be as determined by the Zoning Administrator. To be determined complete by the Zoning Administrator, the application shall include:

1. A completed notice of appeal form, provided by the Zoning Administrator, including basic information applicable to the owner.
2. If applicable, a legal description of the subject parcel by lot, block, and recorded subdivision or certified survey map, or by metes and bounds.
3. If applicable, a scaled map accurately and legibly showing all lands for which the appeal is sought, and all other lands both adjacent to and across a public street from such lands.
4. Written narrative describing the decision for which they are requesting an appeal.
5. Other pertinent information as requested by the Zoning Administrator.
6. The required review fee.

(d) The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(e) The Zoning Administrator shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

(f) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after notice of appeal has been filed with him or her, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order by a court of record on application and notice to the Zoning Administrator and on due cause shown.

(3) **Appeals of Planning, Development, and Zoning Committee decisions on conditional use permits:**

(a) Proceedings for an appeal of the Planning, Development, and Zoning Committee's decision may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the County affected by the Committee's decision.

(b) An appeal must be made not more than 30 days from the date of the decision.

(c) The appeal shall be heard by the circuit court under the procedures contained in Section 59.694 (10) Wisconsin Statutes.

(4) **Appeals of Board of Adjustment Decisions:**

(a) Any persons or entities aggrieved by any decision of the Board of Adjustment may within 30 days of the decision commence an action seeking a remedy by certiorari pursuant to Section 59.694(10) of Wisconsin Statutes. The applicant must prepare and file the appropriate documents as required by the Wisconsin statutes within the Shawano County Circuit Court and serve a copy of the documents on the appropriate parties as further required by Wisconsin Statutes. The aggrieved person and/or entity is hereby notified that it is their responsibility to read and review and comply with the applicable statutes and laws concerning commencing an action to review a decision of the Board of Adjustment. Nothing in this ordinance or code affects the aggrieved person's or entity's obligation to comply with the requirements of the Wisconsin statutes and laws concerning the proper commencement of an action against the Board of Adjustment. An aggrieved person or entity is encouraged to seek the assistance of legal counsel when deciding if and how to commence an action for review of a decision of the Board of Adjustment. Shawano County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period. Such construction shall be at the risk of the owner/constructor.

X.8.06 AMENDMENTS OF THE ZONING PROVISIONS (TEXT AMENDMENTS)—REVIEW PROCEDURE AND STANDARDS

(1) **Purpose:** The purpose of this subsection is to provide procedures for the review of proposed amendments to the provisions of this Zoning Ordinance, also referred to as "text amendments," but not including amendments to the Official Zoning Map (rezones). The County Board may from time to time amend, remove, or add to such provisions in the manner provided by Wisconsin Statutes Section 59.69. Changes to the appendices to this Zoning Ordinance need not follow the amendment procedures in this subsection.

(2) **Application for text amendment:** Amendments to one or more provisions of this Zoning Ordinance shall be initiated by the filing of an application on a form provided by the Zoning Administrator. The number of required copies of the application materials shall be as determined by the Zoning Administrator. Such application may be filed by any property owner affected by the provision of this Zoning Ordinance, the town board of any town in which the provision is in effect by resolution, any member of the County Board, or the Planning, Development, and Zoning Committee as a whole by resolution. To be determined complete by the Zoning Administrator, the application shall include:

(a) The current provision(s) of this Zoning Ordinance proposed to be amended or deleted.

(b) The text proposed to be created or proposed to replace the current provision(s) of this Zoning Ordinance. The applicant must consult with the Zoning Administrator in advance of preparing such text to ensure that it is in proper format and the intent is clear.

(c) Written justification for the proposed amendment, consisting of the reasons why the amendment is in harmony with the purposes of this Zoning Ordinance, the Section in which the amendment is proposed, and the Comprehensive Plan.

(d) The required review fee.

(3) **Required review process:** Shawano County's process for each amendment to the provisions of this Zoning Ordinance (text amendment) is as directed by Wisconsin Statutes Section 59.69 and as follows.

(a) Step 1—Pre-Application Meeting: The potential applicant shall arrange a pre-application meeting with County Planning and Development Department professional staff. Such pre-application meeting shall be an in-person meeting, normally held at the County courthouse, unless otherwise approved by County staff. At the pre-application meeting, Department professional staff and the potential applicant shall together complete a pre-application checklist, with such checklist including:

1. The current provision(s) of this Zoning Ordinance proposed to be amended or deleted.
2. The text proposed to replace the current provision(s) of this Zoning Ordinance. The applicant must consult with the Zoning Administrator in advance of preparing such text to ensure that it is in proper format and the intent is clear.
3. Written justification for the proposed amendment, consisting of the reasons why the amendment is in harmony with the purposes of this Zoning Ordinance, the Section in which the amendment is proposed, and the Comprehensive Plan.
4. The required review fees.

(b) Step 2—Application: Following completion of the above steps, an application for a text amendment may be filed with the Zoning Administrator, including all of the information in subsection (2) for it to be considered a complete application and to enable progress on the following steps in the process to begin.

(c) Step 3—Notice and Analysis: Upon receipt of a complete application the Zoning Administrator shall direct the scheduling and notice of a Planning, Development, and Zoning Committee public hearing, per Wisconsin Statutes. Before the hearing, the Planning and Development Department staff shall prepare a written analysis of the application against relevant plans, ordinances, criteria, and sound planning and zoning principles. As soon as practical following receipt of a complete application, but in no case fewer than ten days prior to the date of the public hearing, the Zoning Administrator shall mail to the chair (by U.S. regular mail), plan commission chair (by U.S. regular mail), and clerk (by U.S. certified mail) of the affected towns a copy of all submitted application materials, notice of the hearing, the date by which town action is requested, and a model resolution the town may use to signify town board action and findings of fact regarding the application. Such information may be mailed through a single mailing or through separate mailings. If the application would affect an airport affected area under Wisconsin Statutes Section 62.23(6)(am), the Zoning Administrator shall also provide notice to the owner or operator of that airport. The Zoning Administrator shall also provide the information assembled during this and previous steps to the Planning, Development, and Zoning Committee in advance of the public hearing.

(d) Step 4—Formal Town Board Action (OPTIONAL): If the affected town chooses, it may file a certified copy of a resolution adopted by the town board indicating its recommendation for approval or disapproval of the proposed text amendment. The resolution shall be filed either before the Planning, Development, and Zoning Committee public hearing or within 30 days following such public hearing.

(e) Step 5—Committee Public Hearing and Recommendation: Per Wisconsin Statutes, the Planning, Development, and Zoning Committee shall conduct a public hearing to hear testimony on the text amendment application at a date, time, and location specified in the public hearing notice prepared under Step 3. In the event that the scope, range of uses, or geographic area of the request is substantially increased from that noticed or presented at the public hearing, the Committee shall cause to be noticed and conduct an additional public hearing before taking action on the request. As soon as possible following the public hearing and the passage of the allowable timeframe for town action in Wisconsin Statutes, the Committee shall recommend whether the County Board should approve, approve with further modification from the original application, or deny the proposed text amendment requested through the application. Any recommendations for denial shall be accompanied by reasons based on the criteria for amending zoning ordinance text included in subsection (4). A text amendment application may be dismissed by the Planning, Development, and Zoning Committee, upon notice to the applicant, if one year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal during this step shall not limit the ability of the applicant to file a new application.

(f) Step 6—County Board Action: Following the recommendation of the Planning, Development, and Zoning Committee, the County Board shall act to enact by ordinance, enact by ordinance including modifications from the original application, deny the proposed text amendment requested by the application, or refer said amendment back to the Committee for further consideration. If the County Board approves the text amendment application as requested though the original application (without further modifications), and the application was not disapproved by a majority of affected town board within the required timeframe described under Step 4 and as specified by Wisconsin Statutes, it shall become effective upon County Board passage of the associated ordinance.

(g) Step 7—Possible Second Town Board Action: If the County Board enacts by ordinance the text amendment including modifications from the original application, or enacts by ordinance the original text amendment application where a majority of the affected towns filed resolutions indicating disapproval of the original text amendment application, the Zoning Administrator shall submit the ordinance to the clerk of the affected towns (or the town chair if that particular town has designated the chair as the receiving party) by certified U.S. mail within seven days of County Board enactment, along with an explanation of the town's role during this step and another copy of a resolution to signify town board action and findings of fact on the request. If the town board wishes to disapprove of the text amendment as enacted by the County Board, it shall enact a resolution to that effect and file a certified copy of such resolution with the County Clerk within 40 days of the date of County Board enactment. The text amendment, as enacted by the County Board, shall become effective only if and when, after the passage of the 40-day period, the County Clerk has not received resolutions from a majority of affected town boards indicating disapproval.

(h) Step 8—Notice of Action: Following the effective date of enactment or denial of an ordinance to amend zoning ordinance text, the Zoning Administrator shall provide notice to town and county officials and to the applicant and shall record such action per Wisconsin Statutes.

(4) **Text amendment review criteria:** In its review and action on the application, the County Planning, Development, and Zoning Committee shall make findings with respect to the following criteria:

(a) The proposed text amendment is consistent with the overall purpose and intent of this Zoning Ordinance.

(b) The proposed text amendment is consistent with the Comprehensive Plan.

(c) Factors have changed from the time of initial ordinance adoption that warrant the text change, or there is an error, inconsistency, or technical problem identified in this Zoning Ordinance as currently written.

(d) If affecting the FP zoning district, meets all relevant requirements of Wisconsin Statutes Section 91.38(1).

(5) **Effect of denial:** No application that has not been enacted under this Section shall be resubmitted for a period of 365 days from the date of final County Board action, except on grounds of new evidence or proof of change of factors found valid by the Planning, Development, and Zoning Committee.

X.8.07 AMENDMENTS TO THE OFFICIAL ZONING MAP (REZONES)—REVIEW PROCEDURES AND STANDARDS

(1) **Purpose:** The purpose of this subsection is to provide the procedure and standards for the review of proposed amendments to the Official Zoning Map (also referred to as "rezones"). The County Board may from time to time amend the Official Zoning Map in the manner provided by Wisconsin Statutes Section 59.69.

(2) **Application for rezoning:** Amendments to the Official Zoning Map shall be initiated by the filing of a complete application. The number of required copies of the application materials shall be as determined by the Zoning Administrator. Such application may be filed by any property owner in the area affected by the proposed amendment; the town board of the town in which the map amendment is proposed by resolution; any member of the County Board; the Planning, Development, and Zoning Committee as a whole; or the Zoning Administrator for the PO zoning district where necessary to track and maintain residential density per Section X.8.11. Except for such Zoning Administrator PO-related applications, to be determined complete by the Zoning Administrator, the application shall include the following:

(a) A completed County application form for rezoning, including a written justification of the proposed rezoning against the criteria listed in subsection (4).

(b) A completed pre-application checklist, including the information described under subsection (3)(a).

(c) A signed town action form, as described in subsection (3)(b).

(d) A legal description of the subject parcel by lot, block, and recorded subdivision or certified survey map, or by metes and bounds. (Many approved rezoning applications will require a certified survey map defining the lot(s) being rezoned to become effective.)

(e) A scaled map legibly showing all lands for which the rezoning is proposed, and all other lands both adjacent to and across a public street from such lands.

(f) The name, address, and signature of all owners.

(g) The current zoning district and the proposed zoning district.

(h) A clear visual or textual representation of how the area would be developed if the land is rezoned as requested, such as a site plan and/or a narrative description, and a description of how all applicable performance standards in this Zoning Ordinance will be met.

(i) The required review fee.

(j) If the application is requesting the rezoning of land to the PUD Planned Unit Development district as described in Section X.4.01(5), the additional information required for a General Development Plan submittal associated with PUD zoning is as follows. Such application materials,

if approved, shall be binding on the applicant related to the detailed planning and future development of the PUD zoned site.

1. A Project Description of the proposed PUD project including: general project themes and images such as photo renderings or photo examples of similar buildings/ developments; the mix of dwelling unit types and/or land uses that will be allowed within the PUD; approximate residential densities and/or non-residential intensities as described by dwelling units per acre, maximum building coverage, maximum building height, and minimum landscaped areas; the general treatment of natural features; and the general relationship to nearby properties and public streets.
2. A Statement of Rationale as to why PUD zoning is proposed, in order to provide the County with information necessary to determine the relative merits of the project (private benefit versus public benefit), and to understand what potential adverse impacts may be created by design flexibility and how these impacts would be mitigated, including: a description of all normal land use, dimensional, landscaping, and parking requirements applicable within the standard zoning district which applies to the area for which the applicant is requesting exemption or modification and the locations in which they apply; a description of why the applicant considers these normal requirements to be barriers to the proposed development; a description of the opportunities for community betterment available through the proposed PUD zoning; and a description of how the proposed PUD zoning is consistent with and advances the goals of the County's and affected town's comprehensive plans.
3. Preliminary copies of the plan sheets that are required under Section X.8.09(4)(h).

(3) **Required review process:** Shawano County's process for each amendment to the Official Zoning Map (rezoning) is as directed by Wisconsin Statutes Section 59.69 and as follows. A flowchart summarizing the rezoning process is also included in Appendix C, but Appendix C is not part of the Shawano County Zoning Ordinance and the process that follows shall control in the event of any difference or where the flowchart lacks detailed information.

(a) Step 1—Pre-Application Meeting: The potential applicant shall arrange a pre-application meeting with County Planning and Development Department professional staff. Such pre-application meeting shall be an in-person meeting, normally held at the County courthouse, unless otherwise approved by County staff. At the pre-application meeting, Department professional staff and the potential applicant shall together complete a pre-application checklist, with such checklist including:

1. The proposed parcel number(s) under consideration for rezoning.
2. The current zoning of the subject parcel(s).
3. Potential zoning district options that could be utilized to facilitate the potential applicant's intent for the subject parcel(s).
4. The future land use designation for the subject parcel(s) per the County Comprehensive Plan, the relationship of that designation to the zoning district options being considered, and identification of any Comprehensive Plan amendments that would be required in advance of the rezoning.
5. An opportunity to review and attach an air photo or sketch map of the subject parcel(s) and/or the development proposal.
6. Confirmation that both parties reviewed and understood the required rezoning review process and the requirements for a complete rezoning application.

7. Review of any known opportunities and limitations associated with the subject parcel(s) that may affect an eventual rezoning request.

(b) Step 2—Initial Action by Town: Following the pre-application meeting, the County will forward the completed pre-application checklist to the clerk of the affected town (or the town chair if that particular town has designated the chair as the receiving party), along with a Town Action Form. Prior to submitting a formal application for rezoning to the County, the potential applicant shall, within one month of the pre-application meeting, attempt to arrange a consultation with representatives of the affected town. The consultation process may vary from town to town, and may involve the town plan commission and/or town board. The Town shall have 60 days from the date the pre-application materials and Town Action Form were forwarded by the County to provide the County with a recommendation regarding the potential application. After 60 days, if the affected Town Board has not taken action, and provided the applicant has attempted to meet with representatives of the town, the potential applicant shall be permitted to submit a formal rezoning application to the County.

(c) Step 3—Application: Following completion of the above steps, an application for rezoning may be filed with the Zoning Administrator, including all of the information in subsection (3)(a) for it to be considered a complete application and to enable progress on the following steps in the process to begin. The County Clerk shall immediately forward such application to the Zoning Administrator.

(d) Step 4—Notice and Analysis: Upon receipt of a complete application, the Zoning Administrator shall direct the scheduling and notice of a Planning, Development, and Zoning Committee public hearing, per Wisconsin Statutes. Before the hearing, the Planning and Development Department staff shall prepare a written analysis of the application against relevant plans, ordinances, criteria and sound planning and zoning principles. As soon as practical following receipt of a complete application, but in no case fewer than ten days prior to the date of the public hearing, the Zoning Administrator shall mail to the chair (by U.S. regular mail), plan commission chair (by U.S. regular mail), and clerk (by U.S. certified mail) of the affected town a copy of all submitted application materials, notice of the hearing, and the date by which any additional town action is requested. Such information may be mailed through a single mailing or through separate mailings. If the application would affect an airport affected area under Wisconsin Statutes Section 62.23(6)(am), the Zoning Administrator shall also provide notice to the owner or operator of that airport. The Zoning Administrator shall also provide the information assembled during this and previous steps to the County Board Supervisor representing the area and to the Planning, Development, and Zoning Committee in advance of the public hearing.

(e) Step 5—Formal Town Board Action (OPTIONAL): If the affected town chooses, it may file a certified copy of a resolution adopted by the town board indicating its approval or disapproval of the proposed rezoning at this step as well. The Town's decision shall be based on the Town's adopted Comprehensive Plan. The resolution shall be filed either before the Planning, Development, and Zoning Committee public hearing or within 30 days following such public hearing.

(f) Step 6—Committee Public Hearing and Recommendation: Per Wisconsin Statutes, the Planning, Development, and Zoning Committee shall conduct a public hearing to hear testimony on the rezoning application at a date, time, and location specified in the public hearing notice prepared under Step 4. In the event that the scope, range of uses, or geographic area of the request is substantially increased from that noticed or presented at the public hearing, the Committee shall cause to be noticed and conduct an additional public hearing before taking action on the request. As soon as possible following the public hearing and the passage of the allowable timeframe for town action in Wisconsin Statutes, the Committee shall recommend

whether the County Board should approve, approve with further modification from the original application, or deny the proposed rezoning requested through the application. All recommendations shall be accompanied by reasons based on the criteria for rezoning land included in subsection (4). If the affected town files a certified copy of a resolution indicating its disapproval of the proposed amendment, the Planning, Development, and Zoning Committee may not recommend approval of the application without change, but may recommend approval with change, or may recommend denial. A rezoning application may be dismissed by the Planning, Development, and Zoning Committee, upon notice to the applicant, if one year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal during this step shall not limit the ability of the applicant to file a new application.

(g) Step 7—County Board Action: Following the recommendation of the Planning, Development, and Zoning Committee, the County Board shall act to enact by ordinance, enact by ordinance including modifications from the original application, deny the proposed rezoning requested by the application, or refer said amendment back to the Committee for further consideration. All actions shall be accompanied by reasons based on the criteria for rezoning land included in subsection (4). If the County Board approves the rezoning as requested though the original application (without further modifications), and the application was not disapproved by the affected town board within the required timeframe described under Step 5, it shall become effective upon County Board passage of the associated ordinance.

(h) Step 8—Possible Final Town Board Action: If the County Board enacts by ordinance the rezoning including modifications from the original application, or enacts by ordinance the original rezoning application where the affected town filed a resolution indicating disapproval of the original rezoning application, the County Clerk, in consultation with the Zoning Administrator, shall submit the ordinance to the clerk of the affected town (or the town chair if that particular town has designated the chair as the receiving party) by certified U.S. mail within seven days of County Board enactment, along with an explanation of the town's role during this step and another copy of a resolution to signify town board action and findings of fact on the request. If the town board wishes to disapprove of the rezoning as enacted by the County Board, it shall enact a resolution to that effect and file a certified copy of such resolution with the County Clerk within 40 days of the date of County Board enactment. The rezoning, as enacted by the County Board, shall become effective only if and when one of the following occurs: (i) After the passage of the 40-day period, the County Clerk has not received a town board resolution indicating disapproval, or (ii) before the end of the 40-day period the County Clerk receives a resolution from the affected town board indicating approval of the rezoning as enacted by the County Board.

(i) Step 9—Notice of Action: Following the effective date of enactment or denial of an ordinance rezoning land, the County Clerk shall provide notice to town and county officials and to the applicant and shall record such action per Wisconsin Statutes.

(4) **Rezoning review criteria:** In its review and action of the rezoning application, the Planning, Development, and Zoning Committee shall make findings with respect to the following criteria:

(a) The proposed rezoning is consistent with the overall purpose and intent of this Zoning Ordinance.

(b) The proposed rezoning is consistent with the County Comprehensive Plan. (It is the responsibility of the affected town to determine consistency with any town comprehensive plan.)

(c) For applications to rezone land to a commercial or industrial zoning district, adequate public infrastructure is or will be available to accommodate the range of commercial or industrial uses that would be allowed in that zoning district.

(d) For applications to rezone land to the PUD Planned Unit Development zoning district, the proposed project shall produce significant benefits in terms of environmental design, and significant alternative approaches to addressing development performance, which relate to and more than compensate for any requested waiver or modification of any normal standard of this Zoning Ordinance.

(5) **Additional criteria for rezoning of land out of the FP Farmland and Forest Preservation district:** Under Section 91.48, Wisconsin Statutes, land that is zoned FP Farmland and Forest Preservation may be rezoned to a non-certified County zoning district if all of the following additional criteria are met:

(a) The land is better suited for a use not allowed in the FP district.

(b) The rezoning is consistent with the County Comprehensive Plan, including its Farmland Preservation Plan component, and the applicable town comprehensive plan.

(c) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(d) For applications to rezone land away from the FP District, the proposal shall be consistent with the associated residential density provisions of Section X.8.11.

(6) **Additional criteria for rezoning land out of the FP district in limited towns:** If the proposed rezoning is for residential use and the board of the associated town has adopted restrictions to the following effect, as indicated by Table X.1.08 (Maple Grove) via its resolution adopting FP zoning, the residence must be for either the owner or operator of the farm who earns "substantial income" from the farm as defined below, or for a parent or child of the owner of the farm limited as follows:

(a) Parent or child must reside within proposed residence upon its completion.

(b) Residence must be located within 300 feet of a public road.

(c) The household of such parent or child has, within at least one of the two most recent tax years, earned "substantial income" from the farm, as defined below.

(d) Shall minimize the amount of farmland removed from production and minimize interference with agricultural uses.

(e) No more than two residences for parents or children per farm.

"Substantial income" shall mean that greater than 50 percent of the household's total adjusted gross income (as determined by IRS Form 1040) is gross farm income (as determined by IRS Schedule F) from the farm operation. Income compliance is subject to verification by the Zoning Administrator prior to the associated rezoning taking effect.

(7) **Reporting on rezones out of the FP district.** Per Section 91.48(2), Wisconsin Statutes, the Zoning Administrator shall, by March 1 of each year, provide to the Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the County has rezoned out of the FP zoning district the previous year and a map that clearly shows the location of those areas.

(8) **Effect of denial:** No application that has not been enacted under this Section shall be resubmitted for a period of twelve months from the date of final County Board action, except on grounds of new evidence or proof of change of factors found valid by the Planning, Development, and Zoning Committee.

X.8.08 CONDITIONAL USE PERMITS—REVIEW PROCEDURE AND STANDARDS

(1) **Purpose:** The purpose of this subsection is to provide the procedure and standards for the review of conditional use permit requests, and amendments to grandfathered conditional uses and conditional

use permits previously granted. All uses existing at the time of adoption of this Zoning Ordinance that now require a conditional use permit as of the effective date of this ordinance may continue in current configuration and operational characteristics without a conditional use permit. However, any enlargement, structural alteration, modification or addition or intensification of such a use shall require a conditional use permit under this Zoning Ordinance.

(2) **Application for conditional use:** Requests for approval or required amendment of a conditional use permit shall be initiated by the filing of an application on a form provided by the Zoning Administrator. The number of required copies of the application materials shall be as determined by the Zoning Administrator. Such application shall be filed by the owner of the property on which the conditional use permit is requested. To be determined complete by the Zoning Administrator, the application shall include:

(a) A completed County application form for conditional use permit, including a written justification of the proposed conditional use permit request against the criteria listed in subsection (4).

(b) A completed pre-application checklist, including the information described under subsection (3)(a).

(c) A legal description of the subject parcel by lot, block, and recorded subdivision or certified survey map, or by metes and bounds.

(d) A scaled map legibly showing all lands for which the conditional use permit is sought, and all other lands both adjacent to and across a public street from such lands.

(e) If the application is for site or building development involving any new or expanded multiple family dwelling or non-residential use (not including agricultural uses), preliminary copies of the plan sheets that are required under Section X.8.09(4)(h).

(f) A traffic impact analysis, if requested by the Planning, Development, and Zoning Committee in consultation with the County Highway Department, to ensure there is sufficient road capacity to serve the proposed use and to mitigate any off site impacts on roads. The traffic impact analysis shall be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin DOT, except if another standard is approved by the Zoning Administrator in consultation with the County Highway Department.

(g) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use meets the requirements of this Zoning Ordinance.

(h) The required review fee.

(3) **Required review process:** Shawano County's process for each conditional use permit request is as follows. A flowchart summarizing the conditional use permit process is also included in Appendix C, but Appendix C is not part of the Shawano County Zoning Ordinance and the process that follows shall control in the event of any difference or where the flowchart lacks detailed information.

(a) Step 1—Pre-Application Meeting: The potential applicant shall arrange a pre-application meeting with Department professional staff. Such pre-application meeting shall be an in-person meeting, normally held at the County courthouse, unless otherwise approved by County staff. At the pre-application meeting, the Department professional staff and the potential applicant shall together complete a pre-application checklist, with such checklist including:

1. The proposed parcel number(s) under consideration for conditional use permit.

2. The existing zoning of the subject parcel(s), and the use category that the desired land use falls under, per Section X.9 of this Zoning Ordinance.

3. The future land use designation for the subject parcel(s) per the County Comprehensive Plan, the relationship of that designation to the conditional use being considered, and identification of any Comprehensive Plan amendments that would be required in advance of the conditional use permit.
4. An opportunity to review and attach an air photo or sketch map of the subject parcel(s) and/or the development proposal.
5. Confirmation that both parties reviewed and understood the required conditional use permit review process and the requirements for a complete conditional use permit application.
6. Review of any known opportunities and limitations associated with the subject parcel(s) that may affect an eventual conditional use permit request.

(b) Step 2—Initial Recommendation from Town: Following the pre-application meeting, the County will forward the completed pre-application checklist to the clerk of the affected town (or the town chair if that particular town has designated the chair as the receiving party), along with a Town Action Form. Prior to submitting a formal application for a conditional use permit to the County, the potential applicant shall, within one month of the pre-application meeting, attempt to arrange a consultation with representatives of the affected town. The consultation process may vary from town to town, and may involve the town plan commission and/or town board. The Town shall have 60 days from the date the pre-application materials and Town Action Form were forwarded by the County to provide the County with a recommendation regarding the potential application. After 60 days, if the affected town has not provided a recommendation to the County regarding the potential application, and provided the applicant has attempted to meet or has met with representatives of the town, the potential applicant shall be permitted to submit a formal conditional use permit application to the County.

(c) Step 3—Application: Following completion of the above steps, an application for a conditional use permit may be filed with the Zoning Administrator, including all of the information in subsection (3)(a) for it to be considered a complete application and to enable progress on the following steps in the process to begin.

(d) Step 4—Notice and Analysis: Upon receipt of a complete application, the Zoning Administrator shall direct the scheduling and notice of a Planning, Development, and Zoning Committee public hearing, per Wisconsin Statutes. Before the hearing, the Planning and Development Department staff shall prepare a written analysis of the application against relevant plans, ordinances, criteria, and sound planning and zoning principles. As soon as practical following receipt of a complete application, but in no case fewer than ten days prior to the date of the public hearing, the Zoning Administrator shall mail to the chair (by U.S. regular mail), plan commission chair (by U.S. regular mail), and clerk (by U.S. certified mail) of the affected town a copy of all submitted application materials, notice of the hearing, and a model resolution the town may use to signify town board action and findings of fact regarding the application. Such information may be mailed through a single mailing or through separate mailings.

(e) Step 5—Formal Town Board Recommendation (OPTIONAL): If the affected town chooses to provide a further recommendation on the conditional use permit request, such town shall file a copy of a resolution adopted by the town board with the Zoning Administrator. Any adopted town board resolution shall include findings of fact which shall, at a minimum, address whether the proposed conditional use permit is consistent with the adopted town comprehensive plan and ordinances and with the review criteria for consideration of conditional use permits included in subsection (4). Failure of the Town Board to communicate its recommendation either at the Committee public hearing or earlier shall be taken as an approval by the Planning, Development, and Zoning Committee.

(f) Step 6—Committee Public Hearing and Recommendation: The Planning, Development, and Zoning Committee shall conduct a public hearing to hear testimony on the conditional use permit application at a date, time, and location specified in the public hearing notice prepared under Step 4. In the event that the scope, range of uses, or geographic area of the request is substantially increased from that noticed or presented at the public hearing, the Committee shall cause to be noticed and conduct an additional public hearing before taking action on the request. As soon as possible following the final public hearing (see Step 5), the Committee shall approve, approve with modification from the original application or with conditions, or deny the proposed conditional use permit requested through the application. All actions shall be accompanied by reasons based on the criteria for consideration of a conditional use permit included in subsection (4). A conditional use permit application may be dismissed by the Planning, Development, and Zoning Committee, upon notice to the applicant, if one year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal during this step shall not limit the ability of the applicant to file a new application.

(g) Step 7—Notice of Action: Within ten days of final Planning, Development, and Zoning Committee action on the conditional use permit request, the Zoning Administrator shall provide written notice of Committee action, including any required conditions of approval, to both the applicant and the affected town. Approval of a conditional use permit does not eliminate the requirement to obtain the appropriate building and land use permits.

(4) **Conditional use permit review criteria:** In its review and action on each conditional use permit application, the Planning, Development, and Zoning Committee shall find that all the following standards are or will be met and include such findings in writing as the basis for approval:

(a) The proposed conditional use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.

(b) The proposed conditional use will be consistent with all relevant aspects of the Comprehensive Plan.

(c) The proposed conditional use will not substantially increase the erosion potential of the site, negatively affect wetlands, floodplains, or water bodies; or otherwise compromise surface or group water quality, based on topography, drainage, slope, soil type, vegetative cover, means of waste disposal, and other relevant factors.

(d) The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies.

(e) The proposed conditional use is in a location where access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.

(f) The conditional use will meet all applicable standards of this Zoning Ordinance, particularly any performance standard in Section X.9 that is applicable to the particular conditional use being sought.

(5) **Application, recording, and adherence to conditions:** The Planning, Development, and Zoning Committee shall have the authority to attach such conditions and restrictions upon the establishment, location, maintenance and operation of the conditional use as it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this Section and to this Zoning Ordinance as a whole. If applicable and prior to commencing the authorized activity on the

site and/or obtaining a land use permit, the Zoning Administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the County Register of Deeds.

(6) **Time limits associated with conditional uses:** If the conditional use permit is not initiated by securing a land use permit—or, if more than one permit is necessary, securing at least one land use permit—within 12 months of the date of the approval, the conditional use permit approval shall be considered void. The applicant may apply for, and the Planning, Development, and Zoning Committee may grant, a one time, twelve month extension, provided that a written request for extension is submitted before the original expiration date. If a use or activity associated with a previously approved conditional use permit ceases for twelve months or more after first being established on the property, the property owner or authorized agent must reapply and obtain approval of another conditional use permit before recommencing the use or activity. Each valid conditional use permit shall run in perpetuity with the underlying land, and not with the particular property or business owner who originally obtains the conditional use permit, except in one or both of the following circumstances:

(a) Where otherwise specified in this Ordinance for a particular conditional use.

(b) By specific condition of conditional use permit approval.

(7) **Amendments to conditional uses:** Any expansion, structural change, or substantial alteration to a grandfathered conditional use shall require a new conditional use permit following the procedures and requirements of this Section. Any substantial change to the nature or intensity of a use for which a conditional use permit was previously granted, or to a previously approved plan or required condition of approval, shall require a new or amended conditional use permit following the procedures and requirements of this Section.

(8) **Effect of denial:** No application that has not been enacted under this Section shall be resubmitted for a period of twelve months from the date of final Planning, Development, and Zoning Committee action, except on grounds of new evidence or proof of change of factors found valid by the Planning, Development, and Zoning Committee.

(9) **Monitoring and potential revocation of a conditional use permit:** The Planning, Development, and Zoning Committee or Zoning Administrator may require evidence and guarantees as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional uses at all times. If the Planning, Development, and Zoning Committee finds that the review criteria of this Section or the conditions attached to the permit are not being complied with, the Planning, Development, and Zoning Committee, after a public hearing as provided for in this Section, may revoke or alter the conditional use permit.

X.8.09 LAND USE PERMITS—REVIEW PROCEDURE AND STANDARDS

(1) **Purpose:** The purpose of this subsection is to specify the requirements and procedures for the issuance of land use permits.

(2) **Applicability:** Except as exempted under subsection (3), a land use permit is required from the Zoning Administrator in the following instances:

(a) Before any structure, as defined in Section X.9.03(301) is erected, affixed, moved, or structurally altered.

(b) Before any land use of an existing site or structure is changed, or any substantial alteration in the heating plant, sanitary facilities, or mechanical equipment that would affect a change of an existing site's or structure's use.

(c) Before any sign is erected, affixed, moved, or structurally altered except those signs allowed without a permit in Section X.6.02.

(d) Before any conditional use permit granted under this Zoning Ordinance commences operation.

(e) Before the commencement of any structural modification or structural repair of an existing nonconforming structure, or to a structure housing a non-conforming use.

(f) Before any replacement of a new manufactured or mobile home in an existing manufactured /mobile home park.

(g) For any "small wind energy system" or a "large wind energy system."

(h) Before any placement of 18 cubic yards of fill or greater on a parcel.

(i) For all Planned Unit Development projects, in accordance with an approved General Development Plan (see Section X.8.07(2)(k)).

(j) For certain activities and facilities described under the Shawano County Livestock Waste Management Ordinance, Private Onsite Wastewater Treatment System Ordinance, and other adopted Shawano County ordinances in which issuance of a land use permit is specified, except as may be limited under ATCP 51, Wis. Admin. Code.

(k) For any "small solar energy system" or a "large solar energy system."

(l) Before any pond is constructed or dredged.

(3) **Exemptions:** No land use permit is required for any of the following instances:

(a) For establishment of any accessory building 200 square feet of floor area or less, depending on the specific zoning district of such lands, provided that such building conforms to all applicable zoning district, minimum required yard, and other standards of this Zoning Ordinance.

(b) For Agricultural Structures that are not for human habitation, not permanently affixed to the ground, and readily removable in their entirety, provided that such structures are located outside of the shoreland zone and that they are not roadside stands or signs (e.g., calf hutches).

(c) For any modification to an existing Telecommunications Facility, including collocation, that increases its height or width by 20 feet or fewer.

(4) **Application for a land use permit:** An application for a land use permit shall be made to the Zoning Administrator. The number of required copies of the application materials shall be as determined by the Zoning Administrator. Such application shall be made by the owner of the property on which the land use permit is requested. To be determined complete by the Zoning Administrator, the application shall include:

(a) A completed form, provided by the Zoning Administrator, including basic information on the owner and project to ensure compliance with this Zoning Ordinance.

(b) A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds.

(c) A plot plan (overhead view), drawn to scale or dimensioned and showing and labeling the date of preparation; land owner's name; north arrow; lot dimensions; adjacent public streets and rights-of-way; existing and proposed structures and their dimensions; parking and driveway areas; distances between structures and lot lines, between structures and other structures, between structures and the centerlines of abutting streets and highways, and between structures and the ordinary high water mark of any abutting watercourse. The applicant should note potential foundation survey requirements in subsection (8) below.

(d) A plan, which may be included on the plot plan, indicating the location of the existing and proposed sewage disposal system and well location meeting the requirements of the Shawano County Private Onsite Wastewater Treatment System Ordinance where municipal sewer and/or water service will not be provided.

(e) Written permit for highway access from the appropriate highway authority.

(f) If within the shoreland zone, other application materials as specified in Shawano County Shoreland Zoning Ordinance.

(g) For residential uses, the number of families proposed to be accommodated.

(h) For all PUD Planned Unit Development projects, complete copies of all General Development Plan documents, approved as part of the rezoning to PUD, with revisions as necessary to meet County conditions of approval of such projects.

(i) For any new or expanded multiple family dwelling, non-residential use (not including agricultural uses), and for PUD project, the following additional information shall be provided in order to determine compliance with the performance standards of this and related ordinances (and if a PUD project, the approved General Development Plan):

1. Site plan, drawn to scale, and showing and labeling all of the information required for a plot plan submittal under subsection (c) above, and additionally including easement labels and locations; loading areas; any outdoor storage or dumpster areas; vision triangles; floodplain(s); wetland(s); shoreland zone boundaries; and, for commercial or industrial uses, how on-site building expansion could occur and how additional parking could be accommodated if the use changed from that originally anticipated. An air photo may be used as a base map for the site plan.

2. Landscape plan**,** showing an overhead view of all existing and proposed landscaping on the site, including the location, species, size at time of planting, and mature size for all new plantings.

3. Grading and drainage plan, showing existing and proposed surface elevations, and proposed erosion control and stormwater management provisions.

4. Exterior building elevations**,** showing the dimensions, colors, and materials used on all exterior sides of the building(s). Sign plan, showing the location, height, dimensions, colors, materials, lighting and copy area of all signage.

5. Lighting plan**,** showing the location, height, type, orientation, and power of all proposed exterior lighting, and other information as determined necessary by the Zoning Administrator, including a photometric plan and/or lighting fixture catalog pages or cut sheets, to verify compliance with the lighting requirements in Section X.5.07.

(j) For new signs or modification of existing sign faces or sign structures, the following additional information:

1. Any approved site plan for the property, or if not previously approved, a site plan, drawn to scale, and showing and labeling all of the information required for a plot plan submittal under subsection (c) above, and additionally including the location of the proposed sign; the location of all existing signs on the property; all property lines and buildings on the property; and parking areas, driveways, public roads, and buildings within 50 feet of the proposed sign.

2. A diagram of the proposed sign, drawn to scale, and listing and depicting the type, height, width, total square footage and individual square footage of each sign component, method of attachment, structural support, method of illumination, and sign materials.

3. A structural blueprint with specifications for the proposed sign.
4. The property's current zoning designation.
5. A summary of signage on the property, including quantity, location, type, and area of all signs on the property both before and after installation of the proposed sign.
6. Where a private sign is located on or extends over lands in public ownership, the Zoning Administrator may require a policy of liability insurance. Any person, firm or corporation shall maintain in effect at all times a policy of liability insurance with limits of $100,000 for bodily injury and $200,000 aggregate and $100,000 property damage.

(k) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use meets the requirements of this Zoning Ordinance.

(l) Any other information as may be required for particular land uses under Section X.9.

(m) The required review fees.

(5) **Land use permit review criteria:** No land use permit shall be granted or shall become effective until all applicable requirements of this Zoning Ordinance, conditions of any preceding County approval related to the project, and all applicable Wisconsin Statutes and rules are met, including but not limited to those related to shoreland zoning, airport height limitations, and drainage districts.

(6) **Time limits associated with land use permits:** A land use permit shall either be granted or denied in writing by the Zoning Administrator within thirty days of the filing of a complete application, unless other parallel processes (e.g., conditional use permit) require a longer review period. Once issued, each land use permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, or movement. If the work authorized by the land use permit is not completed within 12 months of the date of the approval, the land use permit approval shall be considered void. The applicant may apply for, and the Zoning Administrator may grant, a one time, twelve month extension, provided that a written extension request is submitted before the original expiration date.

(7) **Revocation of land use permits:**

(a) Upon notification of the property owner and after review by the Planning, Development, & Zoning Committee, any land use permit may be revoked by the County Board in the event that the applicant has failed to comply with the provisions of this Section or any conditions that may have accompanied the land use permit at the time of granting.

(b) Any land use permit granted by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, and commencement of the activity granted by the permit has not been commenced within 12 months from the date of the issuance of such permit. If activity authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the activity and a new permit fee shall be required.

(c) Any sign(s) subject to any revoked permits shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.

(d) Revocation shall not result in total or partial reimbursement of permit fees paid.

(8) **Foundation survey may be required:** Where a structure is issued a land use permit under this Section for any principal building, proposed to be located within five feet of any minimum required yard area or setback under this Zoning Ordinance or another Shawano County ordinance and where the lot width is 100 feet or less, or in other cases where the Zoning Administrator cannot with

confidence determine compliance with the provisions of County ordinances, the land use permit grantee shall, prior to completion of the construction of footings, concrete slab, or other foundations, designate a professional land surveyor to prepare a plat of survey showing the locations, boundaries, and dimensions of the lot and all existing structures (including the new slab, footing, or other foundation), including the relationships and distances of structures to lot lines, and shall immediately file such plat of survey with the Zoning Administrator. The Zoning Administrator shall compare the location of all new or extended foundations with the requirements of this Zoning Ordinance. If a zoning violation is determined, the land use permit grantee shall move the construction or structure so as to conform with this Zoning Ordinance and the Shawano County Shoreland Zoning Ordinance. Failure to comply with the requirements of this subsection shall be grounds for the issuance of a stop work order and/or enforcement pursuant to Section X.8.10.

X.8.10 VARIANCES—REVIEW PROCEDURE AND STANDARDS

(1) **Purpose:** The purpose of this subsection is to provide regulations that enable the Board of Adjustment to hear and decide requests for permitted variation from the terms of this Zoning Ordinance as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Zoning Ordinance would result in practical difficulty or unnecessary hardship, so that the spirit of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes and applicable case law.

(2) **Application for a variance:** Proceedings for approval of a requested variance shall be initiated by an application by the owner(s) of the subject parcel to the Zoning Administrator. The number of required copies of the application materials shall be as determined by the Zoning Administrator. To be determined complete by the Zoning Administrator, the application shall include:

(a) A completed form, provided by the Zoning Administrator, including basic information applicable to the owner and the specific nature of the variance request.

(b) A legal description of the subject parcel by lot, block, and recorded subdivision or certified survey map, or by metes and bounds.

(c) A scaled map accurately and legibly showing all lands for which the variance is sought, and all other lands both adjacent to and across a public street from such lands.

(d) A scaled sketch map of the subject parcels indicating where the variance(s) is requested.

(e) Written narrative justification for the proposed variance, consisting of the applicant's evaluation of the request against the standards for granting a variance as established in subsection (4).

(f) Other pertinent information as requested by the Zoning Administrator to determine if the proposed request meets the requirements of this Zoning Ordinance.

(g) The required review fee.

(3) **Required review process:** Shawano County's process for each variance request is as follows. A flowchart summarizing the variance process is also included in Appendix C, but Appendix C is not part of the Shawano County Zoning Ordinance and the process that follows shall control in the event of any difference or where the flowchart lacks detailed information.

(a) Step 1 —Pre-Application Meeting: The potential applicant shall arrange a pre-application meeting with Department professional staff. Such pre-application meeting shall be an in-person meeting, normally held at the County courthouse, unless otherwise approved by County staff. At the pre-application meeting, the Department professional staff and the potential applicant shall together complete a pre-application checklist, with such checklist including:

1. The proposed parcel number(s) under consideration for a variance.

2. The future land use designation for the subject parcel(s) per the County Comprehensive Plan, the relationship of that designation to the variance being considered, and identification of any Comprehensive Plan amendments that would be required in advance of the variance.
3. Confirmation that both parties reviewed and understood the required variance review process and the requirements for a complete variance application.
4. Review of any known opportunities and limitations associated with the subject parcel(s) that may affect an eventual conditional use permit request.

(b) Step 2—Application: Following the pre-application meeting, the applicant may file an application for a variance with the Zoning Administrator, including all of the information in subsection (3)(a) for it to be considered a complete application and to enable progress on the following steps in the process to begin.

(c) Step 3—Notice and Analysis: Upon receipt of a complete application, the Zoning Administrator shall direct the scheduling and notice of a Board of Adjustment public hearing, per Wisconsin Statutes. Before the hearing, the Planning and Development Department staff shall prepare a written analysis of the application against the standards listed in subsection (4). As soon as practical following receipt of a complete application, but in no case fewer than ten days prior to the date of the public hearing, the Zoning Administrator shall mail to the chair (by U.S. regular mail), plan commission chair (by U.S. regular mail), and clerk (by U.S. certified mail) of the affected town a copy of all submitted application materials and notice of the hearing. Such information may be mailed through a single mailing or through separate mailings. The Zoning Administrator shall also provide the information assembled during this and the previous step to the Board of Adjustment in advance of the public hearing.

(d) Step 4—Town Review (OPTIONAL): The town within which a proposed variance is sought may offer written or verbal testimony on whether to approve such request as presented, approve such request with conditions, or deny such request. Such town recommendation shall be in the form of a written or verbal testimony at or before the Board of Adjustment public hearing. Any town recommendation should include an evaluation of the request against County variance criteria in subsection (4).

(e) Step 5—Board of Adjustment Public Hearing and Action: The Board of Adjustment shall conduct a public hearing to hear testimony on the variance application at a date, time, and location specified in the public hearing notice prepared under Step 2. Within forty five days following the public hearing, the Board of Adjustment shall approve as presented, approve with conditions, or deny the variance request. The Board shall evaluate the request against the criteria included in subsection (4) and may consider all applicable information included in the petition, the Zoning Administrator's report, public testimony, or its own investigations. In its action, the Board shall include findings of fact relative to its decision. An application for a variance under this Section may be dismissed by the Board upon notice to the applicant, if one year has passed since the filing of the application or the last scheduled public hearing on said application, whichever is later. Dismissal during this step shall not limit the ability of applicants to reapply.

(f) Step 6—Notice of Action: Within ten days of final Board of Adjustment action on the variance request, the Zoning Administrator shall provide written notice of Board action, including any required conditions of approval, to both the applicant and the affected town. Approval of a variance does not eliminate the requirement to obtain the appropriate building and land use permits.

(4) **Variance review criteria:** The Board of Adjustment shall review all variance requests against the following standards:

(a) Unnecessary hardship: What constitutes a hardship is to be determined from the facts and circumstances of each individual case. The Board must consider the following court-established principles:

1. Unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. In most cases, if a property already is developed and has an established use, a hardship will not exist.
2. The hardship must be peculiar to the zoning parcel in question and different from other parcels, not one which affects all parcels similarly.
3. Loss of profit or financial hardship is not in and of itself grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.
4. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.

(b) Unique property limitation: Unique physical characteristics of the property, not the desires of, or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of the property.

(c) Protection of the public interest: Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. In granting a variance, the Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must relate reasonably to the purpose and intent of the ordinance. Also, any variance granted should include only the *minimum relief* necessary to allow reasonable use of property.

(5) **Application, recording, and adherence to conditions:** The Board of Adjustment shall have the authority to attach such conditions and restrictions upon the establishment, location, maintenance and operation of the approved variance as it deems necessary to ensure the approval adheres to the purpose and review criteria of this Section and to this Zoning Ordinance as a whole. The Board of Adjustment may attach a condition to its approval requiring the property owner to record notice against the property of the approved variance, applicable plans, and conditions of approval with the County Register of Deeds.

(6) **Time limits associated with variances:** A variance shall either be granted or denied in writing by the Zoning Administrator within thirty days of the filing of a complete application, unless other parallel processes (e.g., conditional use permit) require a longer review period. The applicant may apply for, and the Board of Adjustment may grant, a one time, twelve month extension, provided that a written extension request is submitted before the original expiration date.

(7) **Effect of denial:** No variance request that has been denied shall be resubmitted for a period of twelve months from the date of final Board of Adjustment action, except on grounds of new evidence or proof of changed factors found valid by that Board.

X.8.11 RESIDENTIAL DENSITY TRACKING

(1) **Purpose and applicability:**

(a) This Section provides standards for the tracking and calculation of allowable dwelling units on lands mapped as Farmland and Forest Preservation area on the Farmland Preservation Plan map in the County Comprehensive Plan, as reflected in Appendix E.

(b) The Agricultural Resources chapter of the County Comprehensive Plan contains detailed residential density policies for lands mapped as Farmland and Forest Preservation area on the Farmland Preservation Plan map in the Comprehensive Plan, which are repeated for informational purposes as Appendix E to this ordinance. These policies are most applicable when an individual seeks rezoning of land from the FP Farmland and Forest Preservation district to enable the construction of one or more new nonfarm residences. Such rezoning shall be to either the R-R Residential-Rural zoning district or A-R Agriculture-Residential zoning district, with the selection between the R-R and A-R district based on future expectations for the keeping of farm animals on the new residential lot(s). Where such R-R and A-R districts are used in this capacity, the associated lot or parcel shall not be further divided into two or more lots.

(c) Except where enabled under Section X.2.01(2), this Section only applies to lands that are mapped as Farmland and Forest Preservation area on the Farmland Preservation Plan map in the Comprehensive Plan. Nothing in this Section shall preclude a land owner from seeking amendments to the County Comprehensive Plan, applicable town comprehensive plan, and/or Official Zoning Map to change a parcel's Plan or zoning designation. In the event that such a Plan or zoning designation is changed, the provisions of this Section shall no longer apply.

X.8.12 ENFORCEMENT AND PENALTIES

(1) **Enforcement policy:** The Planning, Development, and Zoning Committee shall approve and may from time-to-time amend policies for enforcement of this Zoning Ordinance, consistent with the provisions of this Section.

(2) **Investigation and notice of violation:**

(a) The Zoning Administrator and designee(s) are responsible for conducting the necessary inspection and investigation to ensure compliance with this Zoning Ordinance and, through field notes, photographs and other means, documenting the presence of violations. If, upon investigation, the Zoning Administrator becomes aware of a violation of this Zoning Ordinance, he shall notify the responsible parties and those potentially liable.

(3) **Enforcement of violations:**

(a) It shall be the duty of the Corporation Counsel to expeditiously review all violations of this Zoning Ordinance reported by the Zoning Administrator, following the investigation and notices provided for in subsection (2) above, and take action as appropriate.

(b) A violator shall upon conviction forfeit to the County a penalty in accordance with the forfeiture schedule established in Shawano County Citation Authority Ordinance, together with the taxable costs in such action.

(c) Upon failure to pay a forfeiture, the violator may be confined in the County jail until such forfeiture is paid, for a period not exceeding six months.

(d) Each day a violation exists or continues shall be considered a separate and distinct offense.

(e) As a substitute for, in addition to, or in conjunction with forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this Zoning Ordinance by court actions seeking injunctional orders or restraining orders, by pursuing nuisance actions against the violator and/or any other remedy available in equity or at law.

(f) Compliance with this Zoning Ordinance may also be enforced pursuant to Wisconsin Statutes.

(4) **Violations of permits issued under this Zoning Ordinance:**

(a) Violation of a permit or other approval issued under this Zoning Ordinance, or any condition or approved plan associated with such permit or other approval, shall be deemed a violation of this Zoning Ordinance, and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. A permit or other approval may be revoked only by action of the body that initially granted the permit or other approval, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons therefore.

(b) A permit or other approval issued in violation of this Zoning Ordinance, Shawano County ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

SECTION 9: LAND USE DESCRIPTIONS, PERFORMANCE STANDARDS, AND DEFINITIONS

SECTIONS:

X.9.01 Purpose
X.9.02 Word Usage
X.9.03 Land Use Descriptions, Definitions, and Performance Standards

X.9.01 PURPOSE

The purposes of this Section are to:

(1) Establish definitions for terms used within this Zoning Ordinance, particularly those terms for which common English definitions may be unavailable, incomplete, or not specific enough for the purposes required under this Zoning Ordinance. Words used in this Zoning Ordinance shall be defined first by referring to this Section. If this Section does not contain a definition for the word or words, then the word or words shall be as defined in a common English dictionary used by the Zoning Administrator.

(2) Provide descriptions and, where applicable, performance standards for particular land uses listed as permitted uses or conditional uses within one or more of the zoning districts established under this Zoning Ordinance. The performance standards are intended to manage the impacts of such uses on surrounding properties, public ways, the natural environment, and other features of the County's landscape and its people.

X.9.02 WORD USAGE

In the interpretation of words used in this Zoning Ordinance:

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.

(3) The masculine gender shall include the feminine, and vice versa.

(4) The words "shall", "must" and "will" are mandatory.

(5) The words "may", "can", "should", and "might" are permissive.

(6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

(7) If there is any ambiguity between the text of this Zoning Ordinance and any caption, illustration, table, or appendix, then the text of this Zoning Ordinance shall control.

X.9.03 LAND USE DESCRIPTIONS, PERFORMANCE STANDARDS, AND DEFINITIONS

The following words, terms and phrases used in this Zoning Ordinance shall have the meanings ascribed to them by this Section. Where a term is followed by the words "(land use)," this means that the term represents a category of land uses that is separately listed and allowed in at least one base zoning district. In many cases, this subsection lists performance standards that are associated with that particular land use.

(1) **Accessory Dwelling Unit (land use):** An accessory dwelling unit is a dwelling unit established in conjunction with and clearly subordinate to the principal dwelling unit. An accessory dwelling unit may contain a separate kitchen, dining area, bathroom, living area, sleeping area, laundry facilities, attached garage and recreation areas, including exterior porches, patios, decks, and parking areas. The

primary difference between an "in-unit suite" and an "accessory dwelling unit" is that an "in-unit suite" must be physically connected to the principal dwelling unit while an "accessory dwelling unit" shall be a stand-alone structure. Each of the two uses is subject to different performance standards. The accessory dwelling unit use shall meet the following performance standards:

(a) In the FP zoning district, an accessory dwelling unit must also meet the requirements for a "farm residence" in Section X.9.03(118), and may only be occupied by a parent or child of the farmer if so required by the associated Town Board.

(b) The accessory dwelling unit shall not be a travel trailer, recreational vehicle, camping unit, mobile home, bus, truck storage container, park model or similar manufactured unit which was not originally intended to be used for permanent residence.

(c) The accessory dwelling unit shall be serviced by its own Private Onsite Wastewater Treatment System and shall minimally constitute one bedroom under SPS 383, Wis. Admin. Code.

(d) The accessory dwelling unit shall not exceed 50% of the livable area of the principal dwelling unit and shall not exceed 1,000 square feet in area.

(e) There shall be no more than one accessory dwelling unit allowed per lot.

(f) The owner of the lot shall live in either the principal or accessory dwelling unit as their primary residence. For the purpose of this standard, "primary residence" shall mean occupancy by the property owner for no less than 180 days per calendar year.

(g) Access for vehicle ingress and egress shall share the same legal access onto the public road as the primary dwelling unit. No new access shall be established for the accessory dwelling unit however a separate address shall be required.

(h) No accessory dwelling unit shall be sold as a separate condominium unit, on a separate lot, or otherwise transferred separately from the principal dwelling unit on the lot.

(i) To ensure continued compliance with the performance standards in this Section, a registration of the accessory dwelling unit shall be filed and recorded with the Shawano County Register of Deeds. The notice to title shall run with the land and serve as notice to all future purchasers/owners of the subject property of the presence of the accessory dwelling unit and applicable restrictions regarding accessory dwelling units contained within this Zoning Ordinance. The notice shall state: "An accessory dwelling unit as defined and permitted under the Shawano County Zoning Ordinance is located on the subject property. The accessory dwelling unit may only be used for human habitation subject to parameters set forth in the Shawano County Zoning Ordinance. Additionally, the accessory dwelling unit cannot be conveyed separately from the subject parcel."

(2) **Accessory Non-Residential Structure (land use):** Any detached garage, storage building, mechanical building, utility shed, or other building that serves the principal non-residential use or building in the same lot, with such a principal non-residential use including an approved commercial business or industry. Also includes an accessory structure serving a caretaker's residence, commercial apartment, boarding house, or bed and breakfast establishment. Does not include fences, public utility fixtures and their appurtenances, driveways, gardens, garden accessories, fountains, outdoor wood furnaces, satellite dishes, flag poles, walkways, at-grade patios, or uses otherwise described under the "agriculture accessory structure" category. Attached garages, other attached buildings, and decks shall be considered part of the principal residential building, not an accessory non-residential structure. This use shall meet the following performance standards:

(a) Shall not be constructed in advance of construction of a principal non-residential building or commencement of the principal non-residential use on the same lot. If proposed to be constructed in advance of the principal building (dwelling) on the same lot, the structure shall

not exceed 1,200 square feet and shall be sited with relation to appropriate locations for a future dwelling, private well, and on-site waste treatment system, and driveway. In such cases the applicant shall submit plans meeting the standards in Section X.8.09(4)(i)(1) and (4).

(b) Shall be located on the same zoning lot or as the principal building or dwelling with which it is associated.

(c) Shall not be used as a dwelling or for any commercial purpose, except as permitted in an approved expanded home occupation, caretaker's residence, commercial apartment, boarding house, or bed and breakfast establishment.

(d) Within residential zoning districts, there shall be not more than one accessory non-residential structure per lot if the principal use is non-residential. If the principal use is residential and the use is on a residentially zoned property, no accessory non-residential structures shall be permitted.

(3) **Accessory Residential Structure (land use):** Any detached private residential garage, carport, or utility shed that primarily accommodates the sheltered parking of a vehicle, the storage of residential maintenance equipment to service the same lot or a contiguous lot, or a detached shelter such as a gazebo. Also includes swimming pools, greenhouses, wind and solar energy systems for on-site residential use, and private kennels. Does not include fences, public utility fixtures and their appurtenances, driveways, gardens, garden accessories, children's playhouses, fountains, sun dials, flag poles, walkways, at-grade patios, play equipment, tree houses, basketball courts, tennis courts, a shelter for one pet, whirlpools, and saunas. Attached garages, attached carports, and decks shall be considered part of the principal residential building, not an accessory residential structure. This use shall meet the following performance standards:

(a) If proposed to be constructed in advance of the principal building (dwelling) on the same lot, the structure shall not exceed 1,200 square feet and shall be sited with relation to appropriate locations for a future dwelling, private well, and on-site waste treatment system, and driveway. In such cases the applicant shall submit plans meeting the standards in Section X.8.09(4)(i)(1) and (4). This only applies to lands in the Residential and Hamlet Zoning Districts.

(b) The structure shall be located on the same lot or mobile or manufactured home site as the dwelling with which it is associated.

(c) The structure shall not be used as a dwelling or for any commercial purpose, except as permitted in an approved home occupation.

(d) There shall be not more than one accessory residential structure per mobile or manufactured home lot or site within a manufactured or mobile home park.

(4) **Accessory Structure:** A detached subordinate structure which is clearly incidental to and found in connection with the principal structure and/or use to which it is related and which is located on the same lot as the principal structure and/or use, except as otherwise permitted in this Zoning Ordinance.

(5) **Accessory Use:** A land use incidental to the principal use of a lot, and which would not exist were it not for that principal use. Accessory uses include, but are not limited to, storage of merchandise normally associated with a business use, storage of goods used in or produced by manufacturing activities, and storage of materials for personal use on a residentially zoned property.

(6) **Acre:** 43,560 square feet.

(7) **Addition:** An enlargement of an existing structure that is physically attached to the existing structure.

(8) **Adjacent:** Abutting, or located directly across a street or rail right-of-way or easement from, a separate lot.

(9) **Address Signs:** Address numerals and other sign information required to identify a location by law or governmental order, rule or regulation provided that such sign does not exceed one square foot in area per officially assigned address, or the size required by any law, order, rule or regulation, whichever is greater.

(10) **Adult Bookstore:** A type of adult use having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to specific sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale, rent, or display of such material.

(11) **Adult Use (land use):** Includes any facility oriented to the display of sexually-oriented materials such as videos and movies, or actual persons displaying and/or touching sexually specified areas. For the purpose of this Zoning Ordinance, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media that displays a sexually specified area(s). Establishments that sell or rent sexually-oriented materials shall not be considered "adult uses" if the area devoted to sale of said materials is less than 10% of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

The incorporation of this subsection into this Zoning Ordinance is designed to reflect the County's official finding that adult uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the County is concerned with the potential for such uses to negatively impact the following: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the County's Comprehensive Plan and to protect the character and integrity of its commercial, residential, and rural areas. This finding is based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the County Board, and on findings included in the cases *City of Renton v. Playtime Theatres, Inc.,* 475 U.S. 41 (1986), *Young v. American Mini Theatres,* 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.,* 501 U.S. 560 (1991), *City of Erie v. Pap's A.M., TDBA "Kandyland",* 529 U.S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.* 121 S. Ct. 1223 (2001), and on studies in other communities, including but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on the findings from the Report on the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota).

This use shall meet the following performance standards:

(a) No adult use shall be located within 1,000 feet of any residential zoning district, school, religious institution, outdoor public recreation use, or any other adult use. Distances shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult use to the nearest point of the lot of the other referenced land use.

(b) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.

(12) **Advertising Sign, Off Premise:** A sign which advertises a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Off-premise advertising signs include billboards, but do not include "community information signs" or "off-premise directional signs."

(13) **Advertising Vehicle Sign:** A vehicle or trailer parked on public rights-of-way or on private property so as to be seen from a public right-of-way, which attached to or located thereon is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles which contain typical business signage and which are actively used for business purposes are not considered advertising vehicle signs.

(14) **Agricultural Structure (land use):** A building, structure, or improvement that is (a) located on a farm, (b) subordinate to an Agricultural Use, and (c) either integral or incidental to an Agricultural Use. An Agricultural Structure may be located anywhere on lands in contiguous common ownership as these terms are defined in Sections X.9.03(73) and (83). Farm Residences, Livestock Facilities, (Animal) Waste Storage Facilities, Small Solar Energy Systems, Small Wind Energy Systems, and Outdoor Wood Furnaces are not considered Agricultural Structures, but instead are separately listed and regulated land uses in this Section. Agricultural Structures do include:

(a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.

(b) A facility used to store or process inputs primarily for agricultural uses on the farm.

(c) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.

(15) **Agricultural Accessory Use (land use):** An activity or business operation that is an integral part of, or incidental to, an Agricultural Use.

Farm Residences, Agricultural Home Occupations, Sales of Farm and Forestry Products, "Livestock Facilities," Minor Home Occupations, and Major Home Occupations are not considered Agricultural Accessory Uses, but instead are separately listed land uses in this Section.

(16) **Agricultural Home Occupation (land use):** A business, activity, or enterprise conducted by an occupant of a residence in the FP or FH zoning districts, as an accessory use to the primary residential or agricultural use of the property. Examples include, but are not limited to, a facility used to keep or service vehicles or equipment used for an Agricultural Use on the farm, personal and professional services, home offices, handicrafts, small machine repair, and animal services such as: grooming, training/training areas, exercise yards, animal daycare, special events/shows, competitions, riding stable, and boarding of 5 or fewer animals. Agricultural Home Occupations shall meet the following performance standards:

(a) Within the FP district, the Agricultural Home Occupation shall be located on a farm; be an activity and be located in a building that is an integral part of, or incidental to, an Agricultural Use on the farm; and not impair or limit the current or future Agricultural Use of the farm or of other protected farmland.

(b) To be considered a permitted use, the Agricultural Home Occupation shall require no buildings, structures, or improvements other than those existing on the premises as of January 1, 2015 or shall occupy no more than 400 square feet of a principal residential structure. If the Agricultural Home Occupation does not meet this criteria, it shall be allowed only following the approval of a conditional use permit.

(c) The home occupation use shall be clearly incidental and secondary to the principal use(s) of the land and the residential structure.

(d) The appearance of the structure(s) used for the Agricultural Home Occupation shall not be altered or the occupation within the structures be conducted in a manner that would cause the premises to differ from its primary residential/agricultural character, such as by the use of colors, materials, construction, lighting, and signs that are more typical in commercial and industrial zoning districts.

(e) No more than four full time employees annually shall be employed by the Agricultural Home Occupation.

(f) Any activity involving the on-site sale, resale, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles shall be prohibited.

(g) The keeping of farm animals must comply with Section X.5.10 (Standards Associated with the Keeping of Farm Animals), the Shawano County Livestock Facilities Licensing Ordinance and the Shawano County Livestock Waste Management Ordinance.

(17) **Agriculture-Related Use (land use):** A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose: providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms; storing, processing, or handling raw agricultural commodities obtained directly from farms; slaughtering livestock; marketing livestock to or from farms; and processing agricultural by-products or wastes received directly from farms; No use that is a separately listed land use in this Section shall also be considered an Agriculture-Related Use for purposes of zoning regulation.

Examples of Agriculture-Related Uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities (except those accessory to an "Agricultural Use"); commercial dairies; food processing facilities; licensed farm auction operations; canning and other food packaging facilities; greenhouses and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an "Agricultural Use"); farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events; sawmills; de-barking operations; and chipping facilities. Not included within this land use category are plants intended to convert agricultural products to energy on a large-scale basis, Sales of Farm and Forestry Products, and or any other separately listed land use in this Section.

(18) **Agricultural Use (land use):** Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping farm animals as defined in this Section; beekeeping; nursery, sod, or Christmas tree production; maple syrup production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. Excludes "Sales of Farm and Forestry Products," "Game Farms," "Livestock Facilities," "(Animal) Waste Storage Facilities," "Agricultural Use, Pre-existing, Low Intensity" and any other separately listed land use in this Section. Each Agricultural Use shall meet the following performance standards:

(a) Shall meet applicable requirements associated with the Keeping of Farm Animals as specified in Section X.5.10.

(b) Shall meet the requirements of the County's Livestock Waste Management Ordinance and the Shawano County Livestock Facilities Licensing Ordinance, if applicable.

(c) May be subject to additional restrictions as part of conditional use permit approval in zoning districts where allowed as a conditional use.

(19) **Agricultural Use, pre-existing, low intensity (land use):** Any of the following low intensity activities that existed as of April 19, 2011: crop or forage production; keeping of livestock (less than 150 animal units); forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. This land use may not necessarily meet the definition of "Agricultural Use" in this Section or under Wisconsin Statutes or Administrative Rules. Excludes "Sales of Farm and Forestry Products" and any other separately listed land use in this Section. This use shall meet the following performance standards:

(a) Shall meet applicable requirements associated with the keeping of farm animals as specified in Section X.5.10.

(b) Shall meet the requirements of the County's Livestock Waste Management Ordinance, if applicable.

(20) **Airport, General Aviation (land use):** An area of land or water that is used or intended to be used for the landing and taking off of aircraft. General aviation airports are designated by the Federal Aviation Administration (FAA) and may include ancillary structures and facilities that support the public and/or commercial use of the airport, including boarding terminals, air traffic control towers, cargo decks, baggage and ticketing terminals, parking areas, fueling facilities, aircraft storage (hangers), and aircraft servicing and repair facilities. This use shall meet the following performance standards:

(a) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

(b) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1), provided that such bufferyard will not interfere with airport operations.

(21) **Airport, Private Use (land use):** An area of land or water that is used or intended to be used for the landing and taking off of aircraft. Private use airports are not designated by the Federal Air Administration (FAA) as general aviation airports and may include ancillary structures and facilities that support the private, noncommercial recreational use of the airport, including air traffic control towers, parking areas, fueling facilities, aircraft storage (hangers), and aircraft servicing, repair facilities and remote controlled airborne device field and/or landing strips. This use shall meet the following performance standards:

(a) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

(b) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1), provided that such bufferyard will not interfere with airport operations.

(22) **Alternative Support Structure:** A structure including but not limited to a clock tower, steeple, silo, light pole, water tower, free-standing chimney, utility pole, tower, building or similar structure that may also support telecommunication facilities.

(23) **Animal, Exotic:** An animal raised for commercial purposes that does not fall into traditional categories of livestock raised in Shawano County, including but not limited to ostrich, emu, alpaca, and bison, but not including dangerous or predatory species which are not permitted in any zoning district outside of licensed zoos and similar facilities.

(24) **Animal Hospital:** A building or premises for the medical or surgical treatment of animals or pets, including dog, cat and veterinary hospitals.

(25) [REPEALED]

(26) **(Animal) Waste Storage Facility (land use):** Also referred to as a "Livestock Waste Storage Facility." A facility constructed of earth dikes, pits or ponds, or of structural material such as wood, concrete, plastic or steel or a combination of structural materials for temporary storage and/or treatment of livestock waste. For the purposes of this ordinance, the term "temporary" shall mean not to exceed thirteen (13) months. See the Shawano County Livestock Waste Management Ordinance for related definitions and performance standards. A Waste Storage Facility may be located over shared lot lines on lands in contiguous common ownership as these terms as defined in Sections X.9.03 (73) and (83).

(27) **Animal Unit:** A measure that represents a common denominator for the purpose of defining in what quantity farm animals may be kept. The animal unit measure is related to the amount of feed various farm animal species consume and the amount of waste they produce. Animal units are not the same thing as the number of animals on a farm. A conversion factor is used for each different animal type (beef, dairy, swine) and size (mature or immature) to determine animal units. Appendix D shall be used to determine the number of animal units for purposes of this zoning ordinance.

(28) **Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

(29) **Antenna, Building Mounted:** Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

(30) **Antenna, Ground Mounted:** Any antenna with its base placed directly on the ground.

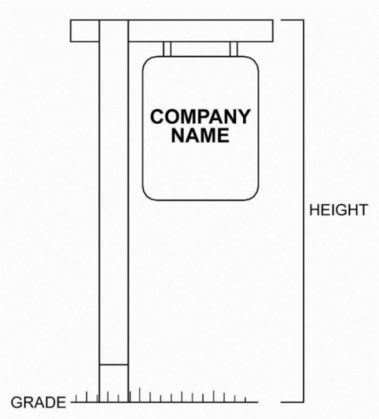
(31) **Antenna, Utility Pole Mounted:** Any antenna attached, without regard to mounting, to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other similar structure approved by the applicable Shawano County Planning and Zoning Authority.

(32) **Applicable Shawano County Approval Authority:** Includes the Shawano County Board of Supervisors; Department of Planning and Development; Zoning Division; Planning, Development, and Zoning Committee; and the Zoning Administrator or his/her designee, as specified in different locations in this Zoning Ordinance for different types of land use approvals.

(33) **Appurtenance:** An attachment or addition to the main volume of a building, such as a porch, deck, stoop, or balcony.

(34) **Architectural Elements:** Integral decorative or architectural elements of buildings or works of art, so long as such elements or works do not contain a commercial message, trademark, moving parts or moving lights.

(35) **Arm/Post Sign:** A type of small scale freestanding sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.



(36) **Artisan Workshop (land use):** A land use primarily involving the limited on-site production of goods by hand manufacturing that requires only the use of hand tools, domestic mechanical equipment, or a single kiln, and the incidental sale to consumers. Examples of products produced at artisan workshops include custom furniture, ceramics, blown glass, candles, custom jewelry, stained and leaded glass, unique pieces of woodwork, custom tiles, and other crafts.

(37) **Asphalt or Concrete Rock Crushing Facility or Batch/Ready-Mix Plant (land use):** Any use in which the principal activity is the processing, mixing, handling, sale and/or transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials. Any "non-metallic mineral extraction" use associated with such a facility shall be allowed as separately listed under this Zoning Ordinance and subject to the performance associated with such land use. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) All buildings, trucks, and activity areas shall be set back from all streets and residential zoning district boundaries a distance equal to the minimum required yards for principal buildings and shall not be located within any required landscaped bufferyard.

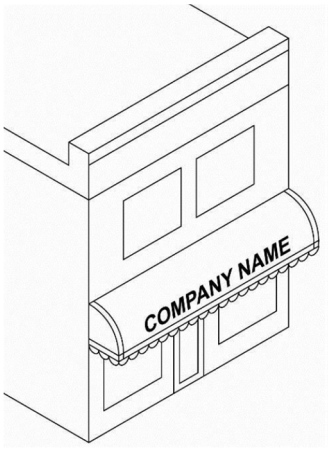
(c) The duration of such land use may be limited by conditional use permit.

(38) **Auxiliary Sign:** A sign which provides special information such as price, hours of operation, parking rules, or warning and which does not include brand names, or information regarding product lines or square foot in area. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, drive through ordering stations, and signs which list prices of gasoline, up to one price listing sign per type of fuel, which must be displayed on a single structure. Auxiliary signs less than one square foot placed in store windows regarding hours of operation, accepted charge cards, warnings or similar information are allowed without a permit.

(39) **Awning:** A roof-like cover that projects from a wall or building and overhangs the wall or building, primarily intended to provide shelter from sun or rain.

(40) **Awning Sign:** A sign that is directly affixed via sewing, painting, or similar method to a non-rigid removable awning or canopy which is legally mounted to the facade of a building. Text and/or logos shall be centered on the vertical face of the lower part of a canopy and shall not project below or

above the vertical canopy surface. Text and logos on an awning shall be limited to 12 inches vertically; and shall not exceed 10 percent of the awning/canopy area.



(41) [REPEALED]

(42) **Base Zoning District:** A zoning district that primarily regulates the use of land and intensity or density of such use. Also referred to as "underlying zoning district." Distinguished from an "Overlay Zoning District," which is separately defined and used in this Zoning Ordinance.

(43) **Basement:** An area of a building located wholly underground; or an area of a building located partly underground, and having a ceiling grade not more than three feet above the grade at the front elevation of the building. Basements that contain the appropriate number and dimension of exits under SPS 321 (Wisconsin Uniform Dwelling Code) are considered livable areas to be included in gross floor area calculations.

(44) **Bed and Breakfast Establishment (land use):** An indoor lodging facility that provides breakfasts only to paying lodgers and that is licensed as a bed and breakfast under Wisconsin Statutes. Such land uses may provide indoor recreational facilities and passive outdoor recreation facilities, such as docks and gardens, for the exclusive use of their customers. Restaurants and other on-site facilities available to non-lodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. This category does not include any "hotel, motel, or lodging resort," "tourist rooming house" or "boarding house," which are separately listed and regulated. This use shall meet the following performance standards:

(a) No premises shall be utilized for a bed and breakfast unless there are at least two exits to the outdoors from such premises.

(b) The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast is active, as required under the Wis. Admin. Code.

(c) The maximum stay for any occupants of a bed and breakfast establishment shall be 31 consecutive days.

(d) All such facilities shall be required to obtain a license to serve liquor, if applicable.

(e) The private on-site wastewater treatment system shall meet the provisions of SPS 383, Wis. Admin. Code.

(f) In the FP zoning district, the Bed and Breakfast Establishment must meet the standards set forth in Section X.9.03(15) for an Agricultural Accessory Use.

(45) **Boarding House (land use):** Any residential use renting rooms that do not contain private bathroom facilities. This category does not include any "hotel, motel, or lodging resort," "tourist rooming house," "bed and breakfast establishment," or "multiple-family dwelling," which are separately listed and regulated. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) All boarding houses shall be located in general areas of transition from residential land uses to nonresidential land uses.

(46) **Brewery (land use):** A facility used for the manufacture of more than 5,000 barrels per year of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capacity. This use includes the accessory retail sale of fermented malt beverages. Establishments that manufacture up to 5,000 barrels per year are instead considered a brewpub under the "indoor commercial entertainment" category. This use shall meet the following performance standards:

(a) All loading docks and outdoor storage areas shall be completely screened so as not to be visible from public streets and any nearby residentially zoned property.

(b) All activities, aside from parking, screened loading, and screened outdoor storage, shall take place inside of an enclosed building.

(c) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(47) **Bufferyard:** Any permitted combination of distance, vegetation, fencing and/or berming which results in a reduction of visual and other interaction with an adjoining property. Also referred to as "landscaped bufferyard."

(48) **Buildable Lot:** A lot on which a principal building may legally be constructed, not including outlots or lots dedicated for public park or stormwater use.

(49) **Building:** A structure built for the support, shelter, or enclosure of persons, animals, or property of any kind and which is more or less supported by the ground.

(50) **Building, Accessory:** A detached subordinate building which is clearly incidental to and found in connection with the principal building to which it is related and which is located on the same lot as the principal building, except as otherwise permitted in this Zoning Ordinance.

(51) **Building Coverage:** The percentage of a lot covered by principal buildings, accessory buildings, and all other structures with a roof.

(52) **Building Elevations:** A graphic depiction of the exterior walls of a proposed building or expansion to an existing building, drawn to scale, which shows features such as wall materials, colors, windows, doors, and other features as may be specified in this Zoning Ordinance.

(53) **Building Footprint:** The land area covered by a building, frequently defined by the edges of the building foundation.

(54) **Building Height:** The vertical distance measured from the mean elevation of the adjoining finished lot grade to the (a) highest point of the cornice of a flat roof, (b) deck line of a mansard roof, (c) highest point of a shed roof; or (d) to the midpoint between the eave and the highest ridge of a gable, hip, or gambrel roof. See also permitted adjustments to building height in Section X.5.03(5).

(55) **Building Permit:** A permit issued by a town in Shawano County before building construction or alterations may occur within the geographic jurisdiction of this Zoning Ordinance.

(56) **Building, Principal:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

(57) **Building Separation:** The narrowest distance between two buildings.

(58) **Bulletin Boards:** A sign allowing for the posting changing messages corresponding with different events or offerings, not exceeding 12 square feet for public, philanthropic or religious institutions located on the premises of said institutions.

(59) **Business Nameplate:** A single non-illuminated nameplate, not exceeding six square feet mounted on the building face denoting the name of a business legally conducted on the premises.

(60) **Business Sign, On Premise:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located.

(61) **Campground or Camping Resort (land use):** A campground is any premise designed, maintained, intended, or used for the purpose of providing camp sites for overnight, temporary sleeping accommodations for recreation or travel by persons paying a fee. Campgrounds include sites that accommodate portable camping units. Camping units within campgrounds may not be placed on or attached to a permanent foundation or structure at the camp site, except that attachment to an approved sewage disposal system or to an approved water supply system is permitted. A camping resort is similar to a campground, except that camping resorts include sites that may accommodate a variety of both portable and permanent/semi-permanent camping units. Camping units and other structures within camping resorts may be placed on or attached to a permanent foundation or structure at the camping resort, including attachment to an approved sewage disposal system or to an approved water supply system. These uses shall meet the following performance standards:

(a) In addition to the submittal information required under Section X.8.09(4)(h), the application for conditional use permit and land use permit shall include the following information:

1. A written description of the proposed operation, including proposed months of operation; desired types of camping units; other ancillary uses proposed for the site; and assurances that the campground will be developed and operated in accordance with all approved plans.

2. A campground or camping resort plan map(s), drawn to scale, and including the proposed layout; location of camp sites, roads, parking areas, site boundaries; topography lines; minimum required yards; existing and proposed buildings and other structures; common recreational facilities; water supplies; sanitary waste disposal systems; grading plan and stormwater management system; covered refuse storage areas; existing natural features including waterways, wetlands, floodplains, and shoreland areas; existing and proposed vegetation and recreation areas, and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of access roadways, camping unit siting, site grading and stormwater management, and utility placement.

(b) Camping units shall not be occupied by the same party for periods of time longer than six continuous months in any 12 month period, except as may be further limited by State Statutes or Administrative Rules.

(c) Campground or camping resort shall have direct access to a public road, with no more than two camp road access points to each abutting public road for the first 100 camp sites, plus one additional access for each 100 sites thereafter.

(d) Camp sites and access roads shall be located, graded, and maintained so as to provide each site with positive site drainage and be free from flooding and control dust.

(e) Minimum lot size for any campground or camping resort established after April 19, 2011 shall be 10 acres.

(f) Maximum gross density shall be eight individual camp sites per acre. No more than 10 percent of the site used in the calculation of maximum density shall include floodplains or wetlands. Campgrounds that existed prior to April 19, 2011 and that have a gross density greater than eight camp sites per acre may expand the number of camp sites only if additional, contiguous acreage is added to the campground such that the existing density is not exceeded.

(g) Each individual camp site shall have sufficient area for one camping unit on that site, with at least a 15-foot minimum yard between the camping unit and the site access roadway, and 10 feet to any side or rear camp site "lot" line. In the absence of readily definable "lot" lines, a 10-foot minimum required yard shall be maintained between the nearest part of the camping unit and any adjacent camping unit. Individual camp sites shall have at least 30 feet of width and 40 feet of depth. Such standards shall also apply to allowed tourist rooming houses in approved camping resorts.

(h) Separate areas may be designated as a campground for group camping in tents. Within each group camping area, no more than 20 tents containing no more than 80 persons per acre shall be permitted. The group camping area must be provided with proper sanitary service as required by State Statutes.

(i) Each campground or camping resort may have one single-family dwelling for the private use and occupation of the owners or caretakers of the campground.

(j) Each campground or camping resort may, for only those persons camping on site, provide for purchases of sundry supplies, cooked meals, and drinks including alcoholic beverages, if so licensed by the town.

(k) Each campground or camping resort may accommodate common recreational facilities and amenities such as swimming pools, tennis courts, and other similar facilities.

(l) New or expanded campgrounds or camping resorts may be required to provide a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district per the requirements of Section X.5.06(1).

(m) Each campground or camping resort established after April 19, 2011 shall provide a minimum of 200 square feet per camping unit or one continuous acre of common recreation open space, whichever is greater. Yard areas within minimum required setbacks around the perimeter of the campground and land within landscaped transitional yards may not be counted towards meeting this requirement. Such standards shall also apply to allowed tourist rooming houses in approved camping resorts.

(n) Each campground or camping resort shall be maintained under a common ownership so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilet, laundry, and washrooms, and refuse areas, and for enforcement of camp site cleanliness.

(o) For any areas of a camping resort designated for and/or occupied by mobile/manufactured homes, camping cabins, park models, yurts, or other permanent or semi-permanent units, including any dwellings that meet the definition of a tourist rooming house, there shall be a minimum 40-foot landscaped transitional yard between the exterior boundaries of such areas and any adjacent properties and public roads.

(p) Each campground and camping resort shall comply with all state regulations applicable to campgrounds, except as may be permitted through other licenses or approvals from the state.

(q) In addition to any state required license fee, each operator of a campground or camping resort shall provide Shawano County with an annual fee to enable the County to confirm compliance with the standards of this chapter and fulfill state reporting requirements.

(62) **Camping Unit:** Equipment designed for the purpose of overnight camping, including travel trailers, recreational vehicles (RVs), pick-up trucks, motor homes, camping trailers, tents, park models and similar equipment as further defined by Wisconsin Statutes.

(63) **Caretaker's Residence (land use):** See "Accessory Nonresidential Structure."

(64) **Carport:** A space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

(65) **Cemetery:** Land used for the burial of the dead and dedicated for cemetery purposes.

(66) **Certified Survey Map:** See definition within the Shawano County Land Division Ordinance.

(67) **Clinic:** An establishment where patients are not lodged overnight, but are admitted for examination or treatment by a group of physicians, dentists, or other medical professionals practicing together.

(68) **Club:** A building, facility, or site owned or operated or both for social, educational, recreational, or athletic purposes for members and their guests, but not primarily for profit and not primarily to render a service customarily carried on as a business activity.

(69) **Commemorative Signs:** Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.

(70) **Commercial Animal Services and Boarding (land use):** A type of land use that provides veterinary services and/or boarding for six or more animals. Examples include, but are not limited to, commercial kennels, commercial stables, and animal hospitals or veterinarian clinics. Exercise yards, fields, training areas, and trails associated with such land uses are accessory to such land uses and do not require separate consideration. When a principal use on a property and not a component of a normal "agricultural use," this use shall meet the following performance standards:

(a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.

(b) Each animal shall be provided with an indoor containment area if the use is located in or adjacent to a subdivision.

(c) Each animal shall be provided with outdoor exercise space.

(d) Outdoor dog runs or exercise pens shall be located at least 200 feet from a residential use or district.

(e) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(f) In the FP district, this use must meet the definition of accessory use in s. 91.01(1) Wisconsin Statutes.

(71) **Commercial Service (land use):** An exclusively indoor land uses category in which the primary function is the provision of commercial services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, barber shops, beauty shops, indoor repair and maintenance land uses (except for motor vehicles), and related land uses. Does not include any uses described under the "vehicle maintenance or repair", "major indoor institutional use," "minor indoor institutional use," or "adult use" categories.

(72) **Commercial Vehicle:** Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered a commercial vehicle.

(73) **Common Ownership:** Any combination of contiguous parcels singly owned by one uniquely named entity as identified by deed. Such an entity includes, but is not necessarily limited to, an individual person, a married couple or family trust, or a partnership or corporation.

(74) **Community Character:** The impression that an area makes on people with regard to the type, intensity, density, quality, appearance, placement, and age of development or open lands.

(75) **Community Information Sign:** A permanent sign which is limited to the display of information of interest to the general community regarding scheduled public events, public activities, public facilities, and publicly or privately owned natural phenomena, historic, cultural, and religious sites.

(76) **Community Living Arrangement (land use):** All facilities provided for in Wisconsin Statutes 46.03(22) and 48.743(1), 48.02(6), 48.02(17q), and 50.01(1)(a) or (b), including child welfare agencies, group homes for children and/or adults, and community based residential facilities; along with adult family homes. Community living arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. Community living arrangements are regulated depending on their capacity as provided in Wisconsin Statutes 59.69.

(77) **Comprehensive Plan:** The Comprehensive Plan of Shawano County, Wisconsin, from time to time amended, as prepared and defined under Wisconsin Statutes, and which is intended to guide the physical development of the County.

(78) **Conditional Use:** A land use that is of a special nature due to its unique impact on surrounding uses, utilities, community character, transportation, and/or the environment, and that as a result requires approval of a conditional use permit prior to commencement of the use.

(79) **Conditional Use Permit:** A discretionary permit for a listed conditional use, granted by the (land use), under the notice and hearing procedures of Section X.8.08 of this Zoning Ordinance, upon application by an owner, and to which various conditions of use may be attached and adhered to by the applicant.

(80) **Condominium:** Ownership of single units in a facility with common area and meeting all requirements of Wisconsin Statutes Chapter 703.

(81) **Conservation Neighborhood Development (land use):** A type of single-family residential subdivision intended to preserve open space, farmland, and natural features that define, sustain, and connect rural neighborhoods and enhance Shawano County's rural character; hide or buffer development from public roads through placement, topography, vegetation, and/or setbacks; and encourage housing on moderately sized rural lots clustered in portions of the property best suited for development. As permitted in the A-R Agricultural-Residential zoning district and the OAR Open Lands, Agriculture, and Residential zoning district, the conservation neighborhood development option allows for reductions from normal minimum lot size requirements in exchange for compliance with conservation neighborhood design principles described through the following regulations. The reduced minimum lot sized standards are included in Tables X.2.03A and X.3.03A. This use shall meet the following performance standards:

(a) Natural resources shall be integrated into the subdivision design permanently protected and maintained as aesthetic and conservation landscape elements. The subdivision shall identify and provide for the permanent preservation of environmentally sensitive areas such as wetlands, hydric soils, floodplains, slopes of 20 percent or greater, areas of rare or endangered plant or animal species, or historic and archaeological sites. Permanent preservation shall be achieved

through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate non-profit organization, and/or establishment of buildable or "no build" areas on the plat.

(b) Where the subdivision includes mature woodlands, the preliminary and final plats shall depict areas of permanent woodland preservation and areas of permitted woodland clearing to accommodate buildings, septic fields, wells, lawns, driveways, roads, and other permitted non-wooded areas, as approved by the Planning, Development, and Zoning Committee.

(c) Where the subdivision includes prime farmland soils and such soils have been cultivated within the previous five years, the subdivider shall identify and provide for the preservation of such farmland to the extent practical.

(d) The subdivision shall provide for the recreational needs of its future residents through trails, parks, dog runs, or other passive recreational space or facilities geared and accessible to residents. Where an adopted town or county comprehensive plan, land use plan, or outdoor recreation plan recommends a park, trail, or other recreational facility for the proposed plat area, the subdivider shall make reasonable accommodation for the recommended facility. Common open space shall be protected by legal arrangements satisfactory to the Planning, Development, and Zoning Committee.

(e) A minimum of 35 percent of the gross site area shall be located within permanently preserved natural areas, common recreational areas, and/or farmland, not including any lands required for public dedication under the Shawano County Land Division Ordinance or any lands platted for individual or multiple home sites.

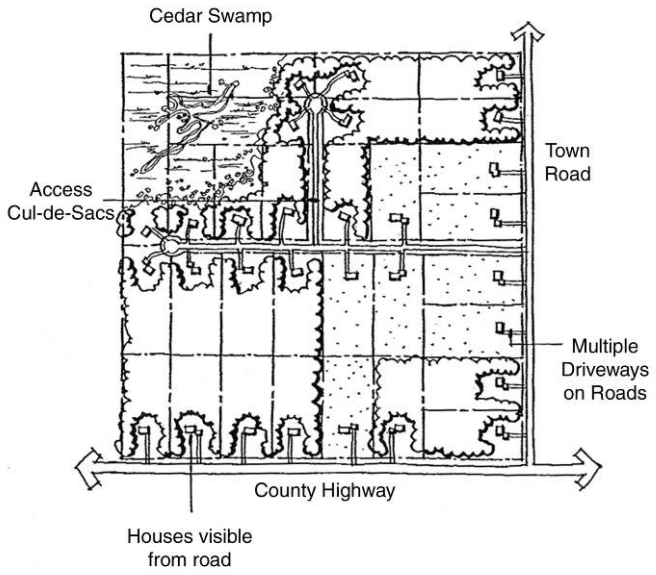
(f) Lots, dwellings, and internal roads shall be placed to minimize their visibility from existing public roads and to conform to the landscape. This shall be accomplished by adhering to the following guidelines:

1. Designing lots with frontage on a federal, state, or county highway so the dwellings will face away from the highway, with deep lots. A landscaped bufferyard along the highway meeting the standards of Section X.5.06(1) may be required by the Planning, Development and Zoning Committee.
2. Designing roads and lot layouts to blend with the natural land contours.
3. Using topography and vegetation to screen dwellings to the extent practical.
4. Minimizing the number of dwellings located in open fields or on exposed hilltops and ridgelines.
5. Preserving tree lines, fence lines, stone rows, existing farm roads, barns, cabins, and other features of the rural landscape to the extent practical.

(g) The subdivision shall include stormwater management systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural basin design, residential roof runoff directed to yard areas, and rain gardens.

(h) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinance.

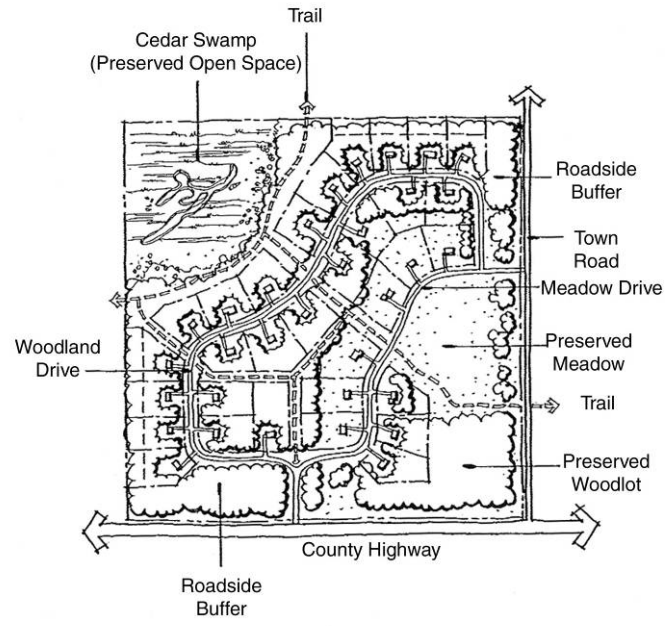
Figure X.9.03(81): Example of Conservation Neighborhood Development Compared to Conventional Development



Conventional Development Option

40-acre site, zoned R-1

1.5 + acre lots



Conservation Development Option

40-acre site, zoned R-1

Min. 34,000 sq. ft. lots

14 acres undeveloped/preserved (minimum 35%)

(82) **Construction or Project Identification Sign:** One non-illuminated construction or project identification sign per project under 100,000 square feet and two construction signs per project over 100,000 square feet, listing only the project name and the parties involved in the design, construction, demolition, financing or project development. Such signs shall be erected no sooner than the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within 10 days of completion of work. Construction signs shall not exceed 16 square feet

for single-family residences, 48 square feet on all other parcels of less than 100,000 square feet, or 96 square feet on parcels greater than 100,000 square feet.

(83) **Contiguous:** Lots or parcels shall be considered contiguous if they share a common boundary. Land that is separated only by a navigable river, stream or creek, section line, public or private road, rail right-of-way, pipeline, transmission line, or other right-of-way or easement shall be considered contiguous. Parcels are not considered contiguous if they meet at only one point.

(84) **Contractor's On-Site Equipment Storage Facility (land use):** Any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project. This use shall meet the following performance standards:

(a) The facility shall be removed within 10 days of issuance of the final occupancy permit.

(b) Projects requiring the facility to be in place for more than 365 days shall require a conditional use permit.

(c) The facility shall be limited to a maximum area not exceeding 10% of the property's gross site area.

(85) **Contractor's Project Office (land use):** Any structure containing an on-site construction management office for an active construction project. This use shall meet the following performance standards:

(a) The structure shall not exceed 2,000 square feet in gross floor area.

(b) The structure shall be removed within 10 days of issuance of the final occupancy permit for the project.

(c) The contractor's project office shall not be used for sales activity.

(d) Projects requiring the contractor's project office to be in place for more than 365 days shall require a conditional use permit.

(86) **Contractor Shop (land use):** Any business engaged in contract services or labor, to include, but not be limited to contractors involved with landscaping; building construction or carpentry; and electrical, plumbing or heating systems. Often involves accessory equipment storage yards and rental of equipment commonly used by contractors. May also include landscape demonstration areas. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to manufacturing use" category. This use shall meet the following performance standards:

(a) The appropriate County approval authority shall require a landscaped buffer yard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) Outdoor sales, display, or repair areas shall be set back from all streets and residentially zoned properties a distance equal to the minimum required yards for principal buildings and shall not be located within landscaped buffer yards.

(c) The storage of items shall not interfere with traffic visibility or reduce or inhibit the use or number of parking spaces provided on the property below the requirement established below. If the number of parking spaces on the property is already less than the requirement, such display area shall not further reduce the number of spaces.

(87) **Conventional Development:** Any land development that does not meet all of the criteria and performance standards for classification as a "conservation neighborhood development" under Section X.9.03(81).

(88) **County:** The County of Shawano, Wisconsin, unless otherwise specifically indicated in this Zoning Ordinance.

(89) **County Board:** The Shawano County Board of Supervisors, the legislative body for Shawano County. May also be referred to as "Board," where not immediately preceded by a reference to the Zoning Board of Adjustment.

(90) **County Planning Agency:** The Shawano County Planning, Development, and Zoning Committee as authorized by Wisconsin Statutes Section 59.69. "Agency" and "Committee" are used interchangeably herein.

(91) **Cultural Resource:** A historic or archeological site or other human-made resource depicted on maps or through text in the Comprehensive Plan, or through a more detailed inventory, which contributes to the community character of Shawano County.

(92) **Day Care Center (land use):** A land use in which qualified persons provide care services for nine or more children or adults. Examples of such land uses include child care centers, nursery schools, and adult day care facilities. Such uses may be operated in conjunction with another principal land use on the same lot, such as a religious institution, school, business, or civic organization, but not in a residence. In such instances, a day care center is not considered an accessory use, but instead is considered an additional principal use. Distinguished from "intermediate day care homes (9-15) children," because day care centers are principal uses of a property, not accessory to a principal residential use.

(93) **Deck:** An outdoor platform adjoining a principal building, usually above ground grade, intended to support persons and outdoor furniture such as chairs and a picnic table.

(94) **Density:** A term used to describe the number of dwelling units per acre(s), but not necessarily the size of individual lots. For example, a zoning district that allows a density of one new dwelling for every 10 acres owned may also permit a minimum lot size of 1.5 acres, without any inconsistency.

(95) **Density-Based Zoning:** A zoning approach used in certain rural zoning districts that relies more on specifying the number of new dwelling units that can be built on or divided off from a parcel, or more on the amount of land that may be used for residential purposes, and less on large minimum lot sizes.

(96) **Development:** Any man made change to the land including, but not limited to, construction, additions to existing buildings or structures, mining, dredging, filling, grading, or paving.

(97) **Directional Sign, Off-Premise:** A sign which indicates a specific use and/or directions or distance to that use and which is not located on the lot which contains the use for which directions are being provided.

(98) **Directional Sign, On-Premise:** A sign which indicates the name (or logo or symbol) of a specific business, department, use area, or destination within a development or lot and directions to that destination and which is located on the same lot which contains the business, department, use area, or destination for which the directions are being provided.

(99) **Distribution Center (land use):** Any land use oriented to the short-term indoor storage, shipment, and possible repackaging of commercial materials. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to manufacturing use" category. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) All buildings, trucks, and activity areas shall be set back from all streets a distance equal to the minimum required yards for principal buildings and shall not be located within landscaped bufferyards.

(c) All buildings, trucks, and activity areas shall be set back from all residential zoning district boundaries a minimum of 100 feet.

(d) All parking, loading, and vehicle circulation areas shall be surfaced with a hard-surface, all-weather material such as pavement or concrete.

(e) Shall provide a vehicle throat length of at least 50 feet within the driveway connecting to the public street.

(100) **District:** Any geographic area covered by this Zoning Ordinance within which the zoning regulations are uniform. Also referred to as a "zoning district."

(101) **Double Frontage Lot:** A lot, other than a corner lot, with frontage on two or more streets.

(102) **Drive-In or Drive-Through Use, Including Fueling (land use):** A land use that performs sales and/or services to persons in vehicles. This category includes any business with a drive-in, drive-up, and/or drive-through facility, vehicular fuel stations, and car washes, but does not include "vehicle repair or maintenance service" uses. This use shall meet the following performance standards:

(a) Any drive-through facility shall be designed to not impede or impair vehicular and pedestrian movement and safety. This requires unimpeded stacking space for a minimum of three vehicles behind all stations where transactions occur.

(b) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(c) All overhead canopies, menu boards, or similar structures shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings and shall not be located within any required landscaped bufferyard.

(d) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material designed to meet the requirements of a four ton axle load.

(e) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design.

(f) Shall provide a vehicle throat length (driveway area between parking lot and public street right-of-way) of at least 20 feet within the driveway connecting to the public street.

(103) **Dwelling:** A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and campgrounds.

(104) **Dwelling Unit:** The space within a building designated for long-term residential use for one family and which includes cooking and sleeping facilities.

(105) **Easement:** A written grant of one or more property rights to a person, unit of government, or organization by the property owners.

(106) **Easement, Conservation:** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, agricultural, or wooded state precluding future or additional development.

(107) **Elderly and/or Congregate Residential Facility (land use):** Group homes, convents, monasteries, nursing homes, convalescent homes, rehabilitation centers, assisted living facilities, homeless shelters, congregate care facilities, retirement communities, and similar land uses not considered to be community living arrangements or adult family homes under the provisions of Wisconsin Statutes. This use shall meet the following performance standards:

(a) Shall provide adequate evidence that emergency services will be provided to the site in an efficient manner.

(b) Shall provide an off-street passenger loading area.

(c) All structures shall be located a minimum of 50 feet from any residentially zoned property or any other residentially zoned property.

(d) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(e) An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinance shall be provided.

(108) **Employees on the Largest Work Shift:** The maximum number of employees working at a business at any one time.

(109) **Encroachment:** Any structure, building, use, or development within a normal minimum required yard.

(110) **Environmental Corridor:** As defined and mapped in the Shawano County Comprehensive Plan, Wis DNR-identified wetlands as mapped in the Wisconsin Wetlands Inventory including wetlands of five acres or greater; Federal Emergency Management Association (FEMA) designated floodplains subject to existing County zoning; and lands with steep slopes of 12 percent or greater.

(111) **Erosion Control Plan:** A detailed plan developed to address pollution caused by soil erosion and sedimentation during the time of a land disturbing construction activity.

(112) **Extraterritorial Zoning:** A technique authorized under Wisconsin Statutes Section 62.23(7a) under which a city/village and adjoining town joint share the authority for general zoning of unincorporated lands.

(113) **Family:** An individual or two or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four persons who need not be so related, maintaining a common household in which living quarters are shared; or some combination.

(114) **Family Day Care Home (4-8 children) (land use):** Occupied dwellings in which a qualified person or persons provide child care for four to eight children. The care of less than four children is not subject to the regulations of this Zoning Ordinance. Family day care homes are also regulated under Wisconsin Statutes Section 66.1017(1)(a). This use is subject to the following standard:

(a) In the FP zoning district, the use must also meet the standards set forth in Section X.9.03(16) for an Agricultural Home Occupation.

(115) **Farm:** A parcel or parcels of land (a) where the majority of the land is used for growing farm products—such as vegetables, trees, and grain—and /or for the raising of the farm animals, and (b) from which at least $6,000 of gross farm revenue in the prior full calendar year (or $18,000 total over the last 3 years) have been earned or where the land is enrolled in a farm commodity or conservation program, and (c) in common ownership as defined in this Section. Also referred to as a "farm operation."

(116) **Farm Acreage:** The combined total acreage of a farm.

(117) **Farm Animal:** Any animal that is customarily raised for a profit on a farm and/or to supplement household food supplies or income, and that has the potential for causing a nuisance or public health concerns if not properly maintained. Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish, but does not include pigmy goats or pot-bellied pigs, which are also referred to as "livestock" for purposes of this Zoning Ordinance. Refer to Wisconsin Administrative Code ATCP 51 for applicable definition related to certain livestock facilities covered by those rules.

(117G) **Farm Consolidation:** For purposes of this Zoning Ordinance and the Shawano County Farmland Preservation Plan, farm consolidation includes (a) the present or past combination of two or more farms into a smaller number of farms and/or (b) the separation of a Farm Residence and/or Agricultural Structure that existed at the time of initial mapping of the FP or FH zoning district onto a separate lot(s). For purposes of farm consolidation, Farm Residences and/or Agricultural Structures existing at such time may be separated from the balance of farm, provided the resulting lot(s) conforms to all other requirements of this Zoning Ordinance.

(118) **Farm Residence (land use):** A migrant labor camp that is located on a farm in an FP or FH zoning district and certified under Wisconsin Statutes Section. 103.92, or more commonly a single-family residence that meets all of the following criteria:

(a) Is located on a farm in the FP or FH zoning district.

(b) Is occupied by the owner or operator of the farm who earns more than 50 percent of his or her gross income from the farm, subject to verification by the Zoning Administrator.

(c) Is the only farm residence on the farm. An accessory dwelling unit may also be constructed, if approved both by the associated town board and the Planning, Development and Zoning Committee under the conditional use permit process and meeting the standards of Section X.9.03(1).

(119) **Farm Sign:** A sign located on a farm which identifies the farm or advertises a farm product produced on that farm.

(119M) **Farmland Preservation Plan:** The Farmland Preservation Plan for Shawano County, Wisconsin, prepared as the County's State-certified farmland preservation plan under Wisconsin Statutes Chapter 91 and as an integral component of the County Comprehensive Plan, which is intended to guide County farmland preservation-related decision making and may be amended from time to time.

(120) **Filling and Grading (land use):** The filling, grading, lagooning or dredging of 18 cubic yards or greater of material. Such temporary land use/activity shall be subject to the following performance standards:

(a) No filling, grading, lagooning, or dredging that would result in substantial detriment to navigable waters by reason of erosion, sedimentation, impairment of fish and aquatic life, or which would obstruct flood flows or increase flood stages, shall be permitted.

(b) Where applicable, a State of Wisconsin permit when required by the Wisconsin Statutes or other applicable State regulations shall be obtained prior to any filling, grading, lagooning, or dredging activity.

(c) Placement of 18 cubic yards of fill or greater requires a land use permit. Placement of 200 cubic yards of fill or greater on parcels 2 acres or less in size requires a conditional use permit. Placement of 500 cubic yards of fill or greater on parcels greater than 2 acres in size requires a conditional use permit.

(d) Placement of fill for the following purposes is exempt from the permit requirement:

1. Under a slab or inside the confines of a structure as part of a permitted

construction project.

2. Construction or maintenance of residential driveways or parking areas.

(e) Transfer of fill from another portion of the existing parcel or from parcels in contiguous common ownership are exempt from permit requirements.

(121) **Flags and Standards:** Flags, standards, emblems and insignia of governmental, civic, philanthropic, religious or educational organizations, less than 50 square feet in area, when not displayed in connection with a commercial promotion or as an advertising device.

(122) **Flag Lot:** A lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide legal access and frontage.

(123) **Floodplain:** The land which has been or may hereafter be covered by floodwater during the regional flood.

(124) **Floor Area:** See "Gross Floor Area."

(125) **Freestanding Sign:** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes arm/post signs, monument signs, and pylon signs. The sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing, except for public and institutional street and directional signs installed in public rights-of-way. The footing and related supporting structure of a freestanding sign including bolts, flanges, and brackets shall be concealed by the sign exterior and shall be landscaped.

(126) **Freight or Bus Terminal (land use):** Land and buildings representing either end of one or more truck carrier line(s) that may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities. Such uses typically serve the trucking needs of several businesses on a contract basis. Also includes bus stations and terminals. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) All buildings, trucks, and activity areas shall be set back from all streets a distance equal to the minimum required yards for principal buildings and shall not be located within landscaped bufferyards.

(c) All buildings, trucks, and activity areas shall be set back from all residential zoning district boundaries a minimum of 100 feet.

(d) All parking, loading, and vehicle circulation areas shall be surfaced with a hard-surface, all-weather material such as pavement or concrete.

(e) Shall provide a vehicle throat length of at least 50 feet within the driveway connecting to the public street.

(127) **Game Farm (land use):** A facility where wild animals, birds, or fish are raised and/or hunted for food or sport; may include shooting range, retail area, maintenance and repair services related to hunting and fishing. Food and beverage services shall be considered a distinct land use under "Indoor Commercial Entertainment or Recreation." This use shall meet the following performance standards:

(a) Indoor retail, maintenance, and repair services shall be limited to hunting and fishing activities.

(b) Shooting ranges shall meet the performance standards for Outdoor Commercial Entertainment

or Recreation.

(c) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(d) No game farms shall be allowed within ½ mile of any incorporated village or city boundary or land situated within a residential or hamlet zoning district, except that game farms legally established prior to June 25, 2007, shall be allowed to expand to be no closer than ¼ mile of any existing residential or hamlet zoning district.

(e) The game farm must be properly authorized and licensed to operate from the state agency having jurisdiction.

(f) In the FP zoning district, the Game Farm must also meet the standards set forth in Section X.9.03(18) for an Agricultural Use.

(128) **Garage:** An accessory building for the parking and storage of licensed motor vehicles and other materials and equipment associated with the occupant of the principal building on the lot.

(129) **Garage Sale Signs:** Up to 2 signs, not larger than 6 square feet each, which advertise garage sales, yard sales or similar merchandise sales during the time the sale is taking place.

(130) **General Manufacturing (land use):** Any land use engaged in the manufacture of finished products or parts that does not meet the description or one or more of the performance standards associated with the "light manufacturing" category. More specifically, general manufacturing land uses may include activities wholly or partially located outside of an enclosed building and may have the potential to create certain nuisances which are detectable at the lot line. Examples of general industrial land uses include animal or poultry slaughtering or processing facilities; lumber milling; meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers including poison or fertilizer producers but not including drug producers; petroleum and coal product producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; power production facilities (excluding "large solar energy systems" "large wind energy systems," "small wind energy systems," and "small solar energy systems"); railroad switching yards; and commercial recycling facilities not involving the on-site storage of salvage materials. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) All buildings, trucks, and activity areas shall be set back from all streets and residential zoning district boundaries a distance equal to the minimum required yards for principal buildings and shall not be located within any required landscaped bufferyard.

(c) All parking, loading, and vehicle circulation areas shall be surfaced with a hard-surfaced, all-weather material such as pavement or concrete.

(131) **General Temporary Outdoor Sales (land use):** The display of any items outside the confines of a building that is not otherwise permitted as a permitted or conditional use. Examples of this land use include but are not limited to: seasonal garden shops, tent sales, bratwurst stands, and garage sales; however, up to two garage sales are exempt from the provisions of this Section. This use shall meet the following performance standards:

(a) Display shall be limited to a maximum of 12 days in any calendar year.

(b) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(c) Signage shall comply with the requirements for temporary signs in Section X.6.07.

(d) Adequate parking shall be provided.

(e) If the subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

(132) **Golf Course, Public or Private (land use):** A facility, other than a miniature golf course or stand-alone golf driving range, primarily intended for the playing of golf. A golf course may include a clubhouse, pro-shop, restrooms, driving range, shelters, and other uses that are typically accessory to a golf course. This use shall meet the following performance standards:

(a) All buildings shall be located a minimum of 50 feet from any residentially zoned property.

(b) May include only those commercial uses that serve the principal golf course use.

(133) **Grade, Finished:** The final elevation of the ground level after development, not to exceed a change in elevation of 8 feet from the original grade.

(134) **Grade, Original:** The elevation of the ground level in its natural state, before construction, filling or excavation.

(135) **Grandfathered:** A status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of this Zoning Ordinance or applicable amendments to this Zoning Ordinance. Also referred to as "legal nonconforming uses or legal nonconforming structures."

(136) **Gross Density:** The result of dividing the number of dwelling units on a site by the gross site area.

(137) **Gross Farm Revenue:** Gross receipts from agricultural uses, less the cost of other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Includes receipts accruing to the renter, but does not include rent paid to the land owner.

(138) **Gross Floor Area:** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, closets, storage areas, utility rooms, finished basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space (decks are not included in this measurement). Measurements shall be made from the outside of the exterior walls.

(139) **Gross Site Area:** The entire land area located within a development site, including land within all easements (including roadway easements but not dedicated road or rail rights-of-way) and environmentally constrained land, such as floodplains and wetlands, but not including land on the water side of the ordinary high water mark of navigable lakes, ponds, rivers and streams.

(140) **Group Development Business Sign:** A sign displaying the collective name of a group of uses, and/or the names and/or logos of individual occupants of the group development (e.g. an industrial park).

(141) **Hamlet:** A collection of mainly older, but possibly newer, buildings located at or near the crossroads of two highways outside of a city or village, and typically including a mixture of both residential and nonresidential land uses. Also referred to as "unincorporated community."

(142) **Height, Building:** See "Building Height."

(143) **Height, Sign:** The distance measured from the original grade at the base of the sign (or structure on which the sign is placed) to the highest point of the sign or structure designed to support the sign (not including any building).

(144) **Historic Marker:** Commemorative plaques, memorial tablets, or emblems of official historical bodies, not exceeding two square feet, placed flat against a building, monument stone, or other permanent surface.

(145) **Hobby Farm:** A land area of at least two acres used to produce food or fiber, but operated for pleasure or supplemental income rather than for primary income.

(146) **Holiday Decorations:** Temporary displays of a primarily decorative nature, in connection with traditionally accepted civic, patriotic or religious holidays.

(147) **Home Occupation, Major (land use):** A home-based family or professional business that is accessory to a principal residential use and that is not located within the FP or FH zoning districts (see instead listing and standards for Agricultural Home Occupations). The regulations for Major Home Occupations are more flexible than for Minor Home Occupations; as such, major home occupations require the issuance of a conditional use permit. Includes economic activities performed within any dwelling or residential accessory structure that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, handicrafts, small beauty salons, and small machine repair. This use shall meet the following performance standards:

(a) When the use is conducted entirely within the confines of the principal structure, it shall occupy no more than 50 percent of the gross floor area on the floor(s) where the use takes place.

(b) The use shall be clearly incidental and secondary to the use of the property for residential purposes, and the appearance of the structures shall not be altered or the occupation be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.

(c) No more than four persons in addition to those members of the family that are permanent residents of the premises shall be employed by the home occupation.

(d) The business of selling stocks of merchandise, supplies, or products whether produced by the major home occupation or not to fill orders made by customers shall be permitted as a major home occupation.

(e) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building, or in a yard of the subject property provided the yard area used for such display, storage, or parking is completely screened from view from all public streets and adjacent property through the use of landscaping materials or a combination of landscaping materials and a fence. However, for property zoned R-R Residential-Rural, A-R Agricultural-Residential, R-S Residential-Sewered, or R-M Residential-Mixed, display, storage, or parking is limited to a side or rear yard, provided the yard area used for such display, storage, or parking is completely screened from view from all public streets and adjacent property through the use of landscaping materials or a combination of landscaping materials and a fence. No storage, display or parking of materials, goods, supplies, or equipment shall be allowed within a minimum required yard.

(f) There shall be sufficient off street parking to compensate for additional parking generated by the home occupation, and employees.

(g) Any home occupation involving the on-site sale, resale, painting, body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles shall be prohibited.

(h) Repair and maintenance of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles, not including body repair or painting beyond "touchups", shall be permitted. Size of the operation shall be limited to up to three vehicle repair bays and no more than 10

vehicles total onsite at any time, not including property owner vehicles. No unlicensed vehicles shall be permitted at any time.

(i) Conditional use permits granted for major home occupations shall be assigned only to a designated person who resides at the residential address. Such permits do not run with the land, are not transferable from person to person, or from address to address.

(j) As part of the process to grant the conditional use permit for a major home occupation, the Planning, Development, and Zoning Committee may restrict the number and types of machinery and equipment used on the property, limit hours of operation, or attach other conditions to the approval to meet the standards for granting a conditional use permit in Section X.8.08(4).

(148) **Home Occupation, Minor (land use):** A small home-based family or professional business that is accessory to a principal residential use and that is not located within the FP or FH zoning districts (see instead listing and standards for Agricultural Home Occupations). Includes economic activities performed within any dwelling that comply with the specified requirements listed below. Examples include, but are not limited to, personal and professional services, home offices, handicrafts, and small machine repair. This use shall meet the following performance standards:

(a) The use shall be conducted entirely within the confines of the principal residential structure or accessory residential structure.

(b) When the use is conducted entirely within the confines of the principal structure, it shall occupy no more than 25 percent of the gross floor area on the floor(s) where the use takes place.

(c) The use shall be clearly incidental and secondary to the use of the premises for residential purposes, and the appearance of the structure(s) shall not be altered or the occupation within the structures be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.

(d) No person other than a permanent member of the resident family shall be employed on the premises.

(e) Shall not generate vehicular traffic beyond 15 trips per day, on an average monthly basis, above those generated by the household's use.

(f) The business of selling stocks of merchandise, supplies, or products other than those produced by the minor home occupation to fill orders made by customers shall not be permitted as a minor home occupation. That is, the direct retail sale of products out of the residence within which the minor home occupation is located is not allowed, but a person may pick up an order they have placed. Wholesale or retail sales from within the residence or accessory structure as the primary activity or function of the minor home occupation is prohibited, except for sales conducted entirely via the mail, telephone, or the internet.

(g) The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling or an accessory building is prohibited, except for truck equipment.

(h) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.

(i) Any minor home occupation involving the on-site sale, resale, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles shall be prohibited.

(j) The minor home occupation shall not involve the use of commercial vehicles for more than the weekly delivery of materials to or from the premises.

(149) **Hotel, Motel, or Lodging Resort (land use):** A land use that provides five or more overnight units on one lot or on contiguous lots, including groups of individual cabins, rooms, or suites of rooms, with each cabin, room, or suite having a private bathroom. Such land uses may provide in-room kitchens, and may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. This category does not include any "bed and breakfast establishment," "tourist rooming house" or "boarding house," which are separately listed and regulated. This use shall meet the following performance standards:

(a) If located on a side of the building that is adjacent to residentially zoned property, aside from cabins, no customer entrance shall be permitted within 100 feet of that residentially zoned property.

(b) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(150) **Hunting, Fishing, or Recreational Shelter (land use):** A structure without interior plumbing and only for temporary occupancy, which means occupancy not exceeding 50% of time in any calendar year. This use shall meet the following performance standards:

(a) The hunting, fishing, or recreational shelter shall not be a travel trailer, recreational vehicle, camping unit, bus, truck storage container, or mobile or manufactured dwelling.

(b) If not attached to a permanent foundation, the shelter shall minimally be placed on a level surface and attached to the ground via tie-downs with screw-in ground anchors.

(c) Within the FP zoning district, the shelter must meet the standards in Section 91.46(2)(c), Wisconsin Statutes.

(d) There shall be no more than one such shelter allowed per set of lands in contiguous common ownership.

(e) Each such shelter shall have and maintain a facility for treating black water wastes generated while recreating on the premises, consistent with the restriction against indoor plumbing. Prior to the issuance of a land use permit for the shelter, such waste treatment facility shall be approved by the County Sanitarian and be in compliance with applicable provisions of the County Private Onsite Waste Water Treatment System Ordinance.

(151) **Hydric Soil:** A soil type formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are depicted in the Soil Survey of Shawano County, Wisconsin (1982). These soils are frequently unstable for building construction.

(152) **Identification Sign:** A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.

(153) **Impervious Surface:** Land covered by roofs, decks and slotted decks, concrete, blacktop, mill felt laid to impede ground cover, paver block or landscape rock patios and walkways, brick walkways and driveways. Hard packed gravel driveways, parking areas and walkways shall count as 50% impervious in area calculations. Gravel mulched areas around flower beds or borders of walkways, planter beds, retaining walls, gardens, building foundation drains and other drains may contain impervious surfaces but they are not regulated by this Zoning Ordinance.

(154) **Impervious Surface Coverage:** The percentage of a lot covered by impervious surfaces.

(155) **Incompatible Use:** A land use, which by virtue of its scale, density, noise, odors, traffic, hours of operation, activity levels, lighting, or other impacts may not be desirable if located near less intensive or more sensitive land uses.

(156) **Institutional Use:** A facility that provides a public or community service, and is operated by a governmental, tax exempt, and/or not-for-profit entity.

(157) **Indoor Commercial Entertainment or Recreation (land use):** Any land use that provides entertainment or commercial recreation services entirely within an enclosed building. Such activities often have operating hours that extend later than other commercial land uses, and have greater impacts on the surrounding area. Examples of such land uses include taverns, night clubs, brewpubs (establishments that manufacture up to 5,000 barrels per year where food sales constitute less than or equal to 50 percent of the gross sales receipts for food and beverages), theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls. Does not include any uses described under the "restaurant" or "adult use" categories. Any drive-through or drive-in facilities shall also be classified as a "drive-in or drive-through" use, which requires a separate land use review. This use shall meet the following performance standards:

(a) If located on a side of the building that is adjacent to residentially zoned property, no customer entrance shall be permitted within 100 feet of that residentially zoned property.

(b) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(158) **Indoor Institutional, Major (land use):** Large scale and/or intensive institutional uses that exceed one or both of the following thresholds: required to provide parking for 50 or more motor vehicles per the parking requirements in Section X.5.05(2) or provide overnight accommodations for 15 or more persons. Institutional uses are those uses operated by an organization, establishment, foundation, society, or government agency that are oriented toward public service or devoted to the promotion of a particular public, educational, charitable, or religious cause or program. This may include uses such as hospitals and public health care centers; schools; religious institutions; post offices; libraries; town halls; police stations; fire stations; training centers; and recreational or fraternal facilities such as gyms, swimming pools, museums, clubs and lodges, meeting halls, and community centers. Not included within this category are any uses listed in the "Elderly and/or Congregate Residential Facility," "Day Care Center," or "Community Living Arrangement" categories. This use shall meet the following performance standards:

(a) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, religious institution, library, or similar land use).

(b) All structures shall be located a minimum of 50 feet from any residentially zoned property.

(c) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(d) If proposed in the FP zoning district, the use and its location are consistent with the purposes of that zoning district.

(e) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(f) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

(g) The use does not substantially impair or limit the current or future agricultural use of

surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(h) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(159) **Indoor Institutional, Minor (land use):** Small scale indoor institutional uses, described more specifically as those that do not exceed the parking or overnight resident density thresholds that would instead classify such use as a "Major Institutional Use." See the description of "Major Institutional Use" (immediately preceding) for these thresholds. Institutional uses are those uses operated by an organization, establishment, foundation, society, or government agency that are oriented toward public service or devoted to the promotion of a particular public, educational, charitable, or religious cause or program. This may include uses such as hospitals and public health care centers; schools; religious institutions; post offices; libraries; town halls; police stations; fire stations; training centers; and recreational or fraternal facilities such as gyms, swimming pools, museums, clubs and lodges, meeting halls, and community centers, provided that the parking or overnight resident density thresholds that would instead classify such use as a "Major Institutional Use" are not exceeded. Not included within this category are any uses listed in the "Elderly and/or Congregate Residential Facility," "Day Care Center," or "Community Living Arrangement" categories. This use shall meet the following performance standards:

(a) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, religious institution, library, or similar land use).

(b) If proposed in the FP zoning district, the use and its location are consistent with the purposes of that zoning district.

(c) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(d) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

(e) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(f) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(160) **Indoor Sales (land use):** A principal land use that conducts and/or displays sales or rental merchandise or equipment completely or nearly completely within an enclosed building, including the provision of incidental service and indoor repair uses. Includes general merchandise stores, grocery stores, bait shops, sporting goods stores, antique stores, gift shops, laundromats, bakeries, and a number of other uses meeting this definition. Does not include uses otherwise classified in the "adult use" category. This use shall meet the following performance standards:

(a) Any outdoor sales or display area shall be less than 15 percent of the gross floor area of the principal building in which sales are also conducted. If the outdoor sales or display area exceeds that threshold, then the land use shall instead be classified under the "outdoor sales, display, or repair" category.

(161) **Indoor Sales Accessory to Manufacturing Use (land use):** Any retail sales activity conducted exclusively indoors that is incidental to a principal land use such as warehousing, wholesaling, or any light manufacturing land use. This use shall meet the following performance standards:

(a) Sales shall be of products produced, stored, or shipped by the principal use.

(b) The gross floor area devoted to retail sales shall not exceed 25 percent of the gross floor area of all buildings on the lot or 5,000 square feet, whichever is less. If the retail sales exceed that

threshold, then the land use shall be regulated as an "indoor sales" principal land use.

(c) All sales and display shall be conducted inside of an enclosed building.

(d) The retail sales area shall by physically separated by a wall from other activity areas.

(162) **Indoor Storage and Wholesaling (land use):** Any land use primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses, including mail order and catalog sales. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Does not include uses described in the "personal storage facility/mini-warehouse" category. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to manufacturing use" category.

(163) **Intensity:** A term used to describe the amount developed versus undeveloped portion of a lot or site.

(164) **Interior Signs:** Signs which are located on the interior of a premise and which are primarily oriented to persons within that premises.

(165) **Intermediate Day Care Home (9 - 15 children) (land use):** Occupied dwellings in which a qualified person or persons provide child care for nine to fifteen children. Intermediate day care homes are also regulated under Wisconsin Statutes Section 49.136(1)(k). Intermediate Day Care Homes shall meet the following performance standards:

(a) In the FP zoning district, the Intermediate Day Care Home must meet the standards set forth in Section X.9.03(16) for an Agricultural Home Occupation, and Section X.9.03(159) for a Minor Indoor Institutional Use.

(166) **In-unit Suite (land use):** A living quarters established in conjunction with, and attached and clearly subordinate to and part of, the principal dwelling unit on a lot. The in-unit suite may contain a separate kitchen, bathroom, dining, laundry, living, sleeping, and recreation areas. The primary differences between an "in-unit suite" and an "accessory dwelling unit" is that an "in-unit suite" must be physically connected to the principal dwelling unit while an "accessory dwelling unit" may be a standalone unit and each use is subject to different performance standards. Each "in-unit suite" use shall meet the following performance standards:

(a) The principal dwelling unit shall be a single-family dwelling, and the overall building and lot shall maintain the appearance of a single-family building and lot.

(b) A separate address for the in-unit suite is not permitted.

(c) The in-unit suite shall share utility connections and meters with the principal dwelling unit.

(d) Separate access to the outdoors or garage may be provided.

(e) A physical all-weather connection between the principal dwelling unit and the in-unit suite shall be present. A door may be used to separate the in-unit suite from the rest of the principal dwelling unit.

(f) In the FP zoning district, the in-unit suite must also meet the requirements for a "farm residence" in Section X.9.03(118), and may only be occupied by a parent or child of the farmer if so required by the associated Town Board.

(g) The in-unit suite shall not be a travel trailer, recreational vehicle, camping unit, mobile home, bus, truck storage container, park model or similar manufactured unit which was not originally intended to be used for permanent residence.

(167) **Junk Yard or Salvage Yard (land use):** An open area or fenced in enclosure, where used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard may also include an auto wrecking yard but does not include uses established entirely within enclosed structures. Two or more inoperative vehicles or pieces of equipment shall constitute a junk yard. This use shall meet the following performance standards:

(a) In addition to the submittal information required under Section X.8.09(4)(h), the application for conditional use permit shall include the following information:

1. A written description of the proposed operation, including the types and quantities of the materials that would be stored or salvaged; where materials would be hauled to and from and over what roads; proposed hours and days of operation; and any special measures that will be used for spill prevention and control and environmental protection; and assurances that the site will be developed and operated in accordance with all approved plans.

2. A site plan, drawn to scale, and including site boundaries; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland setback areas; location of the proposed storage yard; proposed location and surfacing of roads, driveways, and site access points; proposed fencing of property and gating of access points; proposed location and types of screening berms and landscaping; and existing and proposed temporary and permanent structures.

(b) Shall comply with all applicable county, state and federal regulations.

(c) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(d) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all lot lines.

(e) Junk or salvage materials shall not be located within 600 feet of public roads, streets and highways and all establishments of this kind shall maintain a 100-foot setback from side and rear property lines

(f) Junk or salvage materials shall be enclosed by a suitable fence or landscaped buffer so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or landscaped buffer shall be kept in good repair.

(g) Junk or salvage materials shall not be piled higher than the height of the fence nor against the fence.

(h) For fire protection, an unobstructed firebreak shall be maintained one rod in width and completely surrounding the salvage or junk yard.

(168) **Keeping of Farm Animals (land use):** See Section X.5.10.

(169) **Kennel:** A facility for keeping or boarding more than one dog, either as a commercial operation or an accessory structure to a residential use.

(170) **Land Disturbing Activity:** Any construction related activity that exposes soil to the erosive forces of wind, rain, and snow melt, including removal of vegetative cover, grading, excavating, and filling, but not including planting, growing, and harvesting agricultural crops or forestry products.

(171) **Land Use Permit:** A permit issued by the Shawano County Zoning Administrator to verify compliance with the provisions of this Zoning Ordinance and other applicable County ordinances

before any activity listed under Section X.8.09(2) may commence. Not the same as a "permitted use," as described in Section X.2.02(1), which instead is a land use that is allowable by right within a particular zoning district.

(172) **Landscaped Area:** The area of a site which is planted and continually maintained in water or living vegetation, including grasses, flowers, herbs, garden plants, groundcovers, shrubs, bushes, trees, and planters. Does not include land area within public road or rail easements or rights-of-way. In certain zoning districts, this Zoning Ordinance includes a minimum landscaped area percentage for the lot.

(173) **Landscaped Bufferyard:** See definition for "bufferyard."

(174) **Light Manufacturing (land use):** Any land use engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including the processing, fabrication, assembly, treatment, packaging, individual storage, and distribution of such products, but excluding basic industrial processing predominantly and directly from extracted, forested, or other raw materials. Light manufacturing uses include, but are not limited to, the production or processing of apparel and other finished products made from fabrics; computers and accessories, including circuit boards and software; electronic components, assemblies, and accessories, film, video, and audio; blueprints; food and beverage products, except no live slaughter, grain milling, or commercial production of cereal, vegetable, oil, or vinegar; jewelry, watches, and clocks; milk, ice cream, and confections; musical instruments; novelty items, pens, pencils, and buttons; precision dental, medical, and optical goods; signs, including electric and neon signs, and advertising displays; toys; wood crafting and carving; and wood furniture and upholstery. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to manufacturing use" category. Failure to comply with one or more of the following performance standards shall result in the classification of the use as a "general manufacturing" use. This use shall meet the following performance standards:

(a) All loading docks and outdoor storage areas shall be completely screened so as not to be visible from public streets and any nearby residentially zoned property.

(b) All activities, aside from parking, screened loading, and screened outdoor storage, shall take place inside of an enclosed building.

(c) Shall be no odor, noise, heat, vibration, or radiation which is or has the potential to be detectable at the lot line.

(d) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(175) **Light Manufacturing Use Accessory to Indoor Sales Use (land use):** Accessory uses meeting the description included in the "light manufacturing" category that are incidental to a principal "indoor sales" land use, and meeting all regulations associated with the "light manufacturing" use category and those additional regulations listed below. This use shall meet the following performance standards:

(a) Sales shall be for products sold or rented by the principal use.

(b) The gross floor area devoted to light manufacturing use shall not exceed 25 percent of the gross floor area of all buildings on the lot or 5,000 square feet, whichever is less. If the light industrial activity areas exceed that threshold, then the land use shall be regulated as a "light manufacturing" principal land use.

(c) All light manufacturing activities, including storage but not including loading, shall be conducted inside of an enclosed building.

(d) The light manufacturing use area shall by physically separated from other activity areas by a wall. In multi-occupant buildings, such walls shall be soundproofed.

(176) **Livable Area:** That portion of a dwelling unit contained under roof that is occupied either seasonally or throughout the year. Attached garages, open decks, floors with a wall height under 7 feet, and similar spaces are not considered livable area. Basements that contain the appropriate exits under SPS 321 (Wisconsin Uniform Dwelling Code) are considered livable areas.

(177) **Livestock Facility (land use):** An area that stables, confines, feeds, or maintains livestock for a total of 45 days or more in any 12 month period, and that area does not sustain crops, vegetation, forage growth, or post-harvested residues in the normal growing seasons. All buildings that stable, confine, feed or maintain livestock, feed storage areas, waste transfer systems and waste storage facilities associated with the operation are considered to be part of the livestock facility. Two or more livestock facilities whether under common ownership or not, are deemed to be a single livestock facility if they utilize a common area or storage and/or treatment system for disposal of wastes. See the Shawano County Livestock Waste Management Ordinance for related performance standards. All Livestock Facilities in the FP district must also meet the standards in Sections X.9.03(14) and (15). A Waste Storage Facility may be located over shared lot lines on lands in contiguous ownership as these terms as defined in Sections X.9.03 (73) and (83).

(178) **Lot:** A parcel or tract of land defined by metes and bounds, certified survey, recorded subdivision plat, or other means of description recorded with the Register of Deeds and separated from other lots by such description. Also referred to as a "lot of record."

(179) **Lot Area, Net:** The area contained within the property lines of an individual parcel of land excluding public road or railroad rights-of-way or easements. For purposes of determining lot area, the most recent certified survey map or plat recorded in the County Register of Deed's office, if any, shall take precedence over any other document.

(180) **Lot Area, Gross:** The area contained within the property lines of an individual parcel of land, including area to the centerline of any adjacent public street or railroad right-of-way or proscriptive easement.

(181) **Lot, Corner:** A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

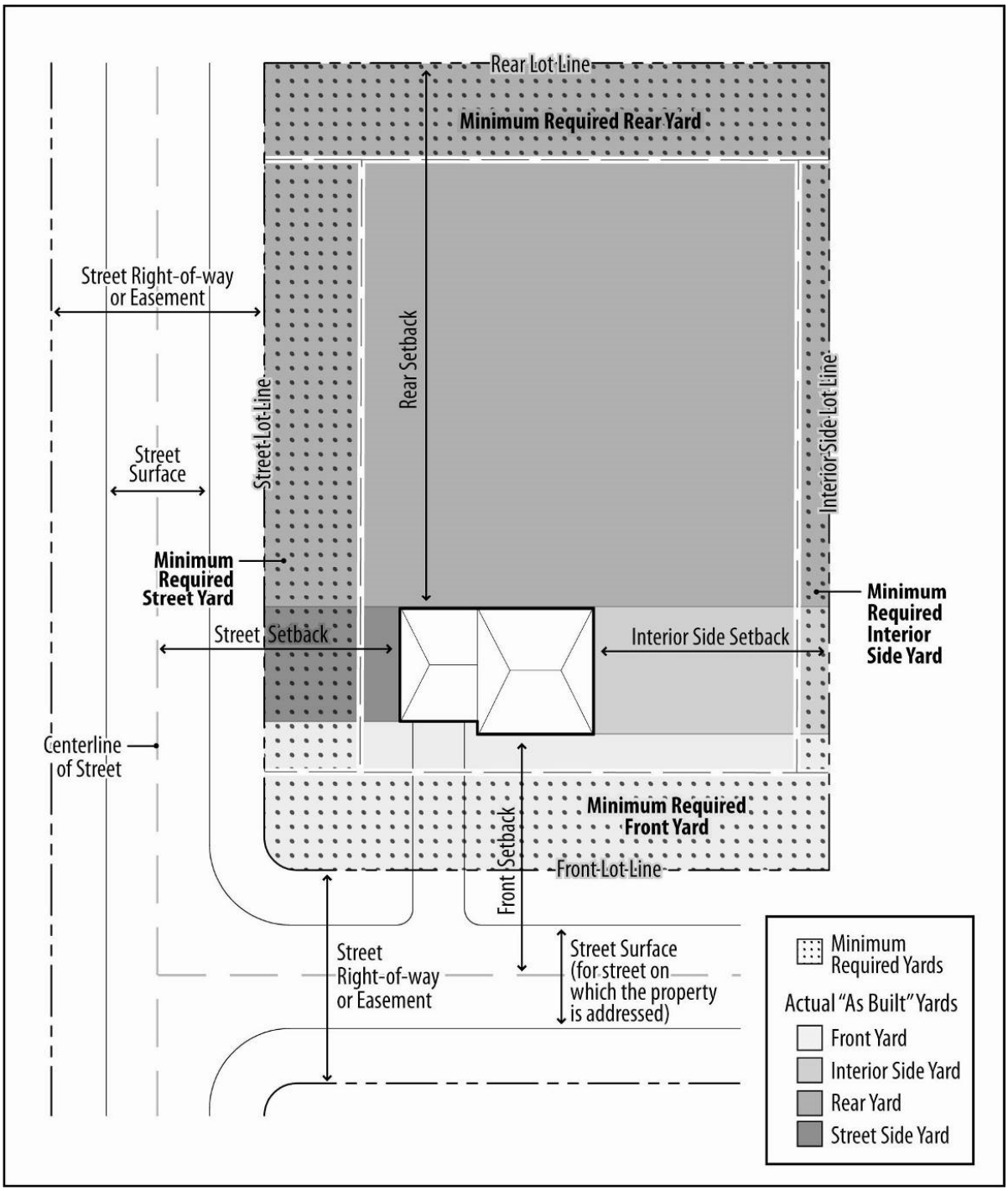
(182) **Lot Creation Date:** Lot creation date shall be determined based on the earliest evidence of title recorded in the County Register of Deed's office specifying area/size, shape, depth and width of a particular lot, which shall control for purposes of determining conformity with building site dimensional requirements.

(183) **Lot, Depth Of:** The horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

(184) **Lot Frontage:** Lot width as measured at the public street right-of-way or public road easement line.

(185) **Lot Lines:** The lines bounding a lot as defined herein; see Figure X.9.03(187).

Figure X.9.03(187): Illustration of Terms Lot Lines, Setbacks and Yards



(186) **Lot Line, Front:** A lot line that abuts a public street right-of-way. In the case of a lot that has two or more street frontages, the lot line along the street from which the building is addressed shall be the front lot line unless otherwise approved by the Zoning Administrator. See Figure X.9.03(187).

(187) **Lot Line, Interior Side:** Any lot line that is not a front lot line, a street lot line, or a rear lot line. See Figure X.9.03(187).

(188) **Lot Line, Rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line. In the case of an irregular-shaped lot, a line at

least 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be the opposite of the front lot line, as defined in this Section. See Figure X.9.03(187).

(189) **Lot Line, Street:** A lot line that abuts a public street right-of-way, but is neither a front lot line nor a rear lot line, as defined in this Section. See Figure X.9.03(187).

(190) **Lot Width:** The horizontal distance between street/interior side lot lines at a midpoint between the front and rear lot line.

(191) **Management Sign:** A sign~~s~~ not exceeding four square feet which designates the real estate management agent for the premises on which it is located.

(192) **Manufactured Home (land use):** A residential dwelling for one family as defined in Wisconsin Statutes Section 101.91(2), fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 to 5426, and built after June 14, 1976. A manufactured home shall be considered a single-family dwelling for the purposes of this Zoning Ordinance only where it meets the regulations of Section X.9.03(283). This use shall meet the following performance standards:

(a) Manufactured homes located within manufactured home parks are subject to all applicable regulations associated with that land use category (see Section X.9.03(195)).

(b) An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinance shall be provided.

(193) **Manufactured Home Park or Mobile Home Park (land use):** A parcel of land or subdivision used for the placement of two or more mobile homes (see Section X.9.03(200)) and/or manufactured homes (see Section X.9.03(194)). Manufactured home developments and subdivisions shall not be included under this land use category where all manufactured homes meet the regulations of Section X.9.03(283). This use shall meet the following performance standards:

(a) In addition to the submittal information required under Section X.8.09(4), the application for conditional use permit and land use permit shall include the following information:

1. A written description of the proposed mobile or manufactured home park, including proposed terms of sale or lease of sites; park rules; a maintenance program and responsibilities; types of homes to be constructed or allowed; other ancillary uses for the site; and assurances that the site will be developed and operated in accordance with all approved plans, including bylaws and deed restrictions.

2. A site plan map(s), drawn to scale, and including information listed in Section X.8.09(4)(h) plus the proposed mobile or manufactured home park layout; location of home sites, roads, parking areas, and site boundaries; existing topography lines; existing natural features including waterways, wetlands, floodplains, woodlands, and shoreland areas; minimum required yards and spacing; existing and proposed buildings and other structures; water supply well and lines; sanitary waste disposal lines and system; grading and stormwater management plan; covered or screened refuse storage areas; proposed types and locations of landscape plantings and recreation areas; proposed development phasing if any; and any other information the Zoning Administrator shall deem necessary. Professional engineering assistance is encouraged in such design, especially of roadways, home siting, site grading and stormwater management, and utility placement.

(b) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinance.

(c) Shall conform to all dimensional requirements of the R-M Residential-Mixed district, per Table X.3.03A.

(d) Shall have direct access to a public road and a circulation plan that facilitates the safe and efficient movement of emergency vehicles.

(e) All interior roads shall be a minimum of 20 feet in width. All interior roads, driveways to individual home sites, and parking areas shall be hard surfaced in asphalt or concrete, and maintained in a dust-free condition. Where driveways to individual home sites are located on opposite sides of the road, they shall be offset by a minimum of 18 feet to avoid collisions when backing out.

(f) Lighting meeting the standards in Section X.5.07 shall be provided at all intersections of interior park roads with one another and with public roads, and at common areas such as mailbox locations, dumpsters, and playgrounds.

(g) All dumpsters shall be screened per the standards in Section X.5.04(6).

(h) Home sites and access drives shall be located, graded, and maintained to provide each site with positive site drainage and for each site to be free from flooding. All sites shall be provided with anchor points for securing mobile or manufactured homes.

(i) A minimum of one acre of common recreation open space, plus an additional 500 square feet for each home site or lot in the park, shall be provided. The minimum required yard around the perimeter and individual home sites shall be included in the gross site area, but not in the calculation of common recreation open space. Such common open space shall be contiguous, regular in shape, and shall not be subject to flooding or lengthy periods of wet conditions. Common recreation open space shall be maintained in perpetuity by the mobile or manufactured park owner.

(j) Each mobile or manufactured home, principal and accessory building, and vehicle parking area shall meet the minimum shoreland setback associated with any navigable waterway in the Shawano County Shoreland Zoning Ordinance and the minimum required front and street yard requirements of Table X.3.03B. The Planning, Development and Zoning Committee may require a landscaped bufferyard between all interior side and rear lot lines of the mobile or manufactured home park to all home sites, roads, parking areas, recreation areas, wells, and private sewage disposal systems (See Section X.5.06(1)). Roads and utility crossings of the bufferyard shall be minimized and shall occur at right angles wherever possible.

(k) All mobile or manufactured homes shall be used for dwelling purposes. No mobile or manufactured home site shall be rented for a period of less than 30 days.

(l) The mobile or manufactured home park shall be owned by a single individual, trust, partnership, public or private association, or corporation, except for a mobile or manufactured home subdivision, where a homeowners association shall be established for the management and maintenance of all common areas not in public ownership.

(m) Each mobile or manufactured home must be attached to a finished, permanent foundation.

(n) Replacement of an existing manufactured or mobile home on an existing site does not require a new or amended conditional use permit, but will require a land use permit (see Section X.8.09).

(194) **Marquee Sign:** A sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building. Marquee signs shall be mounted parallel to the vertical surface of the marquee and not project more than 18 inches beyond vertical surface of the marquee. No part of a marquee sign shall extend beyond the top, bottom or side edges of the vertical face of the marquee surface.

(195) **Mature Woodland:** An area or stand of trees with a total combined canopy area of one acre or greater, with at least 50 percent of the trees having a diameter of at least six (6) inches at a height of four and one-half feet above grade. However, no area or stand of trees specifically planted and grown for commercial purposes shall be defined as a mature woodland for purposes of this Zoning Ordinance.

(196) **Menu Board Sign:** A sign associated with a drive-in or drive-through restaurant exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed 25 square feet in area or eight feet in height

(197) **Mini-Warehouse (land use):** Same as "personal storage facility/mini-warehouse." See Section X.9.03(236).

(198) **Mobile Home:** A transportable factory-built residential structure as is defined in Wisconsin Statutes Section 101.91(10), designed for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

(199) **Mobile Sign:** A sign mounted on a frame or chassis designed to be easily relocated.

(200) **Monument Sign:** A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal.

(201) **Multi Use Facility**: Multiple permitted by right land uses are allowed in a multi-use facility building and only require a land use permit to confirm the proposed tenants are permitted by right. Examples include a multi-tenant office building; a strip mall; an antique mall; a downtown building mixing office, personal or professional services, and indoor sales and service land uses; co-working space; and other arrangements with multiple permitted uses in one or more occupied spaces. A land use which is regulated as a conditional use may only occupy multi-tenant arrangements as approved through the conditional use process or a successor conditional use

(202) **Multiple-Family Dwelling (land use):** A building designed or altered to provide three or more attached dwelling units, with each dwelling unit occupied by a separate family, including townhouses, rowhouses, multi-unit condominium and apartment buildings, and garden apartments. This use shall meet the following performance standards:

(a) Performance Standards (for multiple-family dwellings with eight or greater units):

1. At least one parking space per unit shall be provided
2. Surface parking lots and garages shall be located and/or buffered with landscaping, varied setbacks or recessed garage doors, or some combination so that they are not the dominant visual elements from public roads.
3. All refuse containers shall be located indoors or screened from public view per the standards in Section X.5.04(6).
4. An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinances shall be provided.

(b) Performance Standards (where each unit is located on a separate lot-- i.e. townhouse or rowhouse):

1. The entire building shall be constructed at one time.
2. The common wall shall be a minimum one hour fire wall running from the lowest floor level (the basement, if applicable) to the underside of the roof sheathing, except that basement shall be provided across lot lines where necessary for utility services.

3. Matters of mutual concern to the owners due to construction, catastrophe, and maintenance shall be guarded by private covenants or deed restrictions, which shall be recorded with the Shawano County Register of Deeds before a land use permit is issued.

4. An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinances shall be provided.

(203) **Municipality:** Includes any town, village, or city.

(204) **Navigable Waters/Navigable Waterway:** Means Lake Superior, Lake Michigan, all natural inlands lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wisconsin Statutes Section 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Wisconsin Statutes Section 59.69, and NR 115, Wis. Admin. Code, do not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(c) Such lands are maintained in nonstructural agricultural use.

(205) **Nonconforming Sign:** A sign that was legally established prior to the adoption date of this Zoning Ordinance, or subsequent amendments to this Zoning Ordinance related to signs, which does not conform with one or more of the requirements of this Zoning Ordinance that are applicable to signs.

(206) **Nonconforming Structure:** A structure, or portion thereof, that was legally established prior to the effective date of this Zoning Ordinance, or subsequent amendments thereto, which does not conform with one or more of the dimensional requirements applicable within the zoning district in which the structure is located.

(207) **Nonconforming Use:** An active and actual use of land, structures, or both that was legally established prior to the effective date of this Zoning Ordinance, or subsequent amendments thereto, which has continued the same use to the present, and which does not conform to the use regulations applicable within the zoning district in which the use is located.

(208) **Nonfarm Residence (land use):** A type of single-family dwelling that does not meet the definition or criteria for a "farm residence" in Section X.9.03(118), and that may be subject to density and siting standards in the County Comprehensive Plan, applicable town comprehensive plan, and this Zoning Ordinance. Shall also meet all standards associated with a "single-family residence" in Section X.9.03(284). A nonfarm residence only applies to the FP & FH zoning districts. To build a nonfarm residence:

a) Obtain a Zone Change to a compliant zoning district (A-R, R-R or OAR) or

b) Obtain a Conditional Use Permit if staying in the FP or FH zoning district.

(209) **Nonfarm Residential Acreage:** The total number of acres of all parcels on which nonfarm residences are located.

(210) **Nonfarm Residential Cluster:** A grouping of more than one but less than five nonfarm residences, developed per standards within the County Comprehensive Plan and applicable town comprehensive plan.

(211) **Non-Metallic Mineral Extraction (land use):** Any land use involving the removal of soil, clay, sand, gravel, rock, non-metallic minerals, peat, or other related material. May include on-site processing of extraction material if part of the application and conditional use permit approval. Does

not include relocation of materials required for domestic use on the same lot or a contiguous lot under the same ownership, approved on-site development grading, excavations within public road rights-of-way or easements, agricultural grading, or any soil removal activities on a hazardous waste site. Any "asphalt or concrete rock crushing facility or batch/ready-mix plant" permanently associated with such a facility shall be allowed as separately listed under this Zoning Ordinance and subject to the performance associated with such land use. An "asphalt or concrete rock crushing facility or batch/ready mix plant" may temporarily be located in such a facility subject to conditional use permit approval. This use shall meet the following performance standards:

(a) In addition to the submittal information required under Section X.8.09(4), the application for conditional use permit and land use permit shall include the following information:

1. A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.

2. A site/operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all residences and private and municipal wells within 1,000 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.

3. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements may be required as determined by the Planning, Development and Zoning Committee.

4. A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Shawano County Non-metallic Mining Reclamation Ordinance.

(b) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(c) The appropriate County approval authority may place limits on the amount of time the non-metallic mineral extraction use shall remain in operation.

(d) The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 10 feet from any lot line.

(e) To prevent tracking of mud onto public roads, access driveways shall be paved within 100 feet of

public roads, unless the adjacent road is unpaved.

(f) All public roads shall be kept free of all mud, debris, and dust by sweeping or other means as necessary, or as requested by the applicable town.

(g) Access to the site shall only be through points designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.

(h) Provisions for the upgrade, repair, and maintenance of town and county roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or county road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.

(i) Spraying of the site and driveways shall be conducted to control dust, except when the temperature is below freezing. The applicable town may request that water be applied in and around the excavation pit to further reduce dust.

(j) On-site bulk fuel storage areas and appropriate places for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with the Wisconsin Administrative Code and Wisconsin Statutes.

(k) Hours or days of operation may be limited as deemed appropriate by the Planning, Development, and Zoning Committee.

(l) Expectations for any blasting, drilling, screening, and asphalt batching shall be clearly understood, and separate acceptable hours for these activities may be established. Blasting is also regulated under Wisconsin Statutes and Wisconsin Administrative Code. The conditional use permit may specifically restrict such activities from occurring if the conditional use permit standards cannot be met.

(m) If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.

(n) All trucks, excavation, and processing equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The mine operator shall demonstrate that the level of noise generated by the facility or equipment does not exceed 65 decibels at the property line.

(o) Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.

(p) The applicant shall furnish a certificate of insurance before operations commence.

(q) Approval shall be subject to amendment or revocation if non-compliance with approved plans, this Section, or approval conditions is identified.

(r) Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.

(s) The conditional use permit shall expire 5 years from the date of approval except where the Planning, Development, and Zoning Committee in its conditional use approval grants otherwise.

In order to continue operation beyond the specified time frame, the applicant must apply for an extension to the original conditional use permit which shall follow the normal conditional use permit process every 5 years or the timeframe granted by the Planning, Development, and Zoning Committee.

(t) The following additional performance standards shall be met for new and expanded Non-Metallic Mineral Extraction Operations on lands zoned FP:

1. The operation complies with Wisconsin Statutes subchapter I of Section 295 and rules promulgated under that subchapter, with applicable provisions of the Shawano County Nonmetallic Mining Reclamation Ordinance, and with any applicable requirements of the WisDOT concerning the restoration of nonmetallic mining sites.
2. The operation and its location in the FP zoning district are consistent with the purposes of the FP district.
3. The operation and its location in the FP zoning district are reasonable and appropriate, considering alternative locations outside the FP district, or are specifically approved under state or federal law.
4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
5. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
6. The owner shall be responsible for restoring the land to agricultural use, consistent with a County approved reclamation plan, when extraction is completed.

The one time one acre exemption through Chapter NR 135.02 (3)(g), Wisconsin Administrative Code does not negate the conditional use permit requirements of this ordinance

(212) **Non-residential Principal Structure:** Structure to be used or intended to be used for the principal non-residential structure and not intended for human habitation as permitted on such lot by the regulations of the zoning district in which it is located. This only pertains to land in the Working Lands Zoning Districts with no acreage limitations.

(213) **Non-residential Use:** Any land use not occupied or intended for human habitation. Also referred to as "non-residential land use."

(214) **Office (land use):** An exclusively indoor land use category in which the primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

(215) **Official Zoning Map:** The map adopted and designated by the County as the "Official Zoning Map."

(216) **Off-Site Parking Lot (land use):** A parking lot that is not located on the same lot or same development site as a principal use, but provides all or part of the required off-street parking for a principal use(s), either on a permanent or temporary basis. This use shall meet the following performance standards:

(a) All vehicles kept on off-site parking lots must be registered, licensed, and operative.

(b) No materials or equipment aside from vehicles may be kept within approved off-site parking lots, except as may be authorized by the Planning, Development, and Zoning Committee.

(c) No vehicles advertised for sale or lease may be kept in an off-site parking lot.

(d) No off-site parking lot shall be located in a residential zoning district.

(217) **On Building Sign:** A type of sign permanently affixed to an outside wall of a building.

(218) **On-Site:** Located on the lot or parcel in question, except in the context of on-site stormwater detention or a group sign, when the term means within the boundaries of the development site as a whole (e.g., within the subdivision plat). Also referred to as "on-premise."

(219) **On-Site Real Estate Sales Office (land use):** Any building that serves as an on-site sales office for a development project. This use shall meet the following performance standards:

(a) The structure shall not exceed 5,000 square feet in gross floor area.

(b) The structure shall be removed or converted to a permanent permitted land use within 10 days of the completion of sales activity.

(c) Signage shall comply with the requirements for temporary signs in Section X.6.07.

(d) Projects requiring the on-site real estate sales office to be in place for more than 365 days shall require a conditional use permit.

(220) **Opaque:** Not letting light pass through; not transparent or translucent, completely obscured.

(221) **"Open" Sign**: A sign, not exceeding four square feet each, which advertises a premises as open for business, with no more than one sign per street on which the property has frontage, and not more than two signs in aggregate which are in place only when the related premises are actually open for business.

(221G) **Open Space Parcel**: A parcel on which no buildings, other than hunting blinds or small sheds up to 200 sq. ft. in size have been constructed or approved for construction.

(222) **Operation:** A land use that is initiated and used regularly and continuously.

(223) **Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

(224) **Outdoor Commercial Entertainment or Recreation (land use):** Any land use that provides entertainment or commercial recreation services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include, ball fields; outdoor commercial swimming pools; golf driving ranges; miniature golf facilities; archery, trap, target, and shooting ranges (not associated with game farms); amusement parks; ski hills, waterslides; marinas; drive-in theaters; go-cart tracks; and racetracks. Does not include any uses described under the "Restaurant," "Golf Course, Public or Private" or the "Adult Uses" categories. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) For shooting ranges, the following regulations shall apply:

1. The shooting area of a shooting range shall be enclosed with a fence not less than 6 feet in height, except for one point of entrance not more than 12 feet wide. The shooting area for skeet and trap shooting shall be defined as an area extending 500 feet from the shooting stand in the direction of normal shooting and 50 feet from the shooting stand in lines directly opposite to the normal direction of shooting. Motor vehicles shall be prohibited in

the shooting area except for maintenance purposes.

2. The shooting area for a rifle, pistol or ball ammunition shall be defined as an area 500 feet beyond the target area in the direction of normal shooting and 100 feet from the rear firing line and 100 feet from the outer edge of the sod faced barrier. Motor vehicles shall be prohibited in the shooting area except for maintenance purposes.
3. Each shooting range shall post around the perimeter of the shooting area, warning signs not more than 100 feet apart and fastened at the level of the top of fence, but not more than six feet above the ground. Such warning sign shall not be less than two square feet in area and shall contain the words "Danger – Shooting Range" in red on a white background, the letters of such words to be not less than four inches high and maintained in a legible condition at all times.
4. Ranges for skeet and trap shooting shall be restricted to the use of shot ammunition unless such skeet and trap range is provided with screening and a barrier as required for rifle and pistol ranges.
5. Shooting stands on any shooting range shall be located not less than 1,500 feet from any residential building in line with the normal shooting direction and not less than 500 feet from any residential building in directions other than that of the normal shooting direction, except for residential buildings under the same ownership as the shooting range.
6. On each rifle or pistol range, and any other range where ball ammunition is used, there shall be established within six months after issue of such permit, a planting screen completely surrounding the premises, except for permitted exits and entrances, as follows:
    a. A temporary planting of fast growing material capable of reaching a height of 15 feet or more, such as Lombardy Poplar.
    b. A permanent evergreen planting such as spruce, fir, or arborvitae, the individual trees to be of such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
7. Ranges for rifle and pistol shooting with ball ammunition shall be so arranged as to provide a sod fenced barrier of earth or sand, impenetrable by any missiles to be fired on such ranges. Such barrier shall be not less than 15 feet in height, measured from the base of the targets, and shall extend horizontally not less than 30 feet on either side of the targets.
8. If, on inspection, the Zoning Administrator finds that any of the above requirements are not being met at any time, he or she shall give notice to the owner or operator of the premises, specifying in writing the condition not met. If after 14 days of such notice, compliance has not been made, the Zoning Administrator shall file a complaint with the Shawano County Planning, Development, and Zoning Committee, which shall hear the action after notice of a public hearing.

(225) **Outdoor Display Incidental to Indoor Sales Use (land use):** Limited outdoor display or sales areas accessory to principal uses in the "indoor sales" category. Such accessory uses may be present for more than 30 days in any one calendar year. This use shall meet the following performance standards:

(a) Shall be less than 15 percent of the gross floor area of the principal building in which sales are also conducted. If the outdoor sales or display area exceeds that threshold, then the land use shall instead be regulated as an "outdoor sales, display, or repair" principal land use.

(226) **Outdoor Institutional Use (land use):** Public and private cemeteries, religious and historical shrines, outdoor education and interpretive centers, and similar permanently protected open areas intended for an institutional purpose. May include buildings supporting the principal outdoor institutional use, such as accessory educational, lodging, interpretive facilities, and equipment storage sheds. This use shall meet the following performance standards:

(a) Shall provide off-street passenger loading area if a majority of users will be children.

(b) All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.

(c) If proposed in the FP zoning district, the use and its location are consistent with the purposes of the FP district.

(d) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(e) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

(f) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(g) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(227) **Outdoor Public Recreation (land use):** Outdoor recreational uses located on property owned by the public, owned by a private utility company for public recreational use, or on a public use easement owned by the public or by a non-profit organization. Such land uses may include parks, natural areas, undeveloped natural resource and open space areas per Section 91.44(1)(e) Wisconsin Statutes, wildlife areas, trails, picnic areas, picnic shelters, play courts, play fields, athletic fields, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, playground equipment, boat launches, waterfront access points, or similar land uses. May include buildings or structures supporting the principal park or playground use, such as equipment storage sheds, shelters, restrooms, concession stands, and grandstands. Not included in this category are privately owned and operated recreational uses, or golf courses whether publicly or privately owned. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) All buildings shall be located a minimum of 50 feet from any dwellings.

(c) No Outdoor Public Recreation use shall be arranged in such a location or manner that inhibits use of nearby agricultural lands for normal farm operations.

(d) Facilities that serve a regional or community-wide function shall provide an off-street passenger parking area, and an off-street loading area if the majority of the users will be children.

(e) In the FP district, Outdoor Public Recreation uses shall remain undeveloped natural resource and open space areas, except for government or non-profit community structures associated with an Outdoor Public Recreation use that meet the standards set forth in Section 91.46(5) of the Wisconsin Statutes.

(228) **Outdoor Sales, Display, or Repair (land use):** A land use that (a) conducts and/or displays merchandise outside of an enclosed building that is for sale or rent and/or (b) conducts maintenance or repairs on merchandise or equipment outside of an enclosed building. Examples of such land uses

include vehicle sales, vehicle rental, manufactured and mobile home sales, monument sales, and small engine repair. This category does not include uses where the outdoor sales or display area is less than 15 percent of the gross floor area of any principal building where sales are also conducted, which are instead classified in the "indoor sales" category; motor vehicle repair or maintenance; drive-in theaters, which are instead classified in the "outdoor commercial entertainment" category; or the storage or display of inoperative vehicles or materials typically associated with a junk yard or salvage yard. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) Outdoor sales, display or repair areas shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings and shall not be located within any required landscaped bufferyard.

(c) The display of items shall not interfere with traffic visibility or reduce or inhibit the use or number of parking spaces provided on the property below the requirement established below. If the number of provided parking spaces on the property is already less than the requirement, such display area shall not further reduce the number of spaces already present.

(d) Outdoor display shall be permitted during the entire calendar year, except if otherwise limited by conditional use permit.

(229) **Outdoor Storage or Wholesaling (land use):** Any land use primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses, including mail order and catalog sales. Such a land use, in which any activity beyond loading and parking is located outdoors, is classified under the "outdoor storage and wholesaling" category. Examples of this land use include equipment yards, lumber yards, coal yards, landscaping materials yards, tank farms, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junk yard or salvage yard. Retail outlets associated with this principal use shall be considered an accessory use, and shall be subject to the requirements applicable to the "indoor sales accessory to manufacturing use" category. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) Outdoor sales, display, or repair areas shall be set back from all streets and residentially zoned properties a distance equal to the minimum required yards for principal buildings and shall not be located within landscaped bufferyards.

(c) The storage of items shall not interfere with traffic visibility or reduce or inhibit the use or number of parking spaces provided on the property below the requirement established below. If the number of provided parking spaces on the property is already less than the requirement, such display area shall not further reduce the number of spaces already present.

(230) **Outdoor Wood Furnace (land use):** An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/or heating the principal building. This use shall meet the following performance standards:

(a) The outdoor wood furnace shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings.

(b) The outdoor wood furnace shall be separated by at least 200 feet from any dwelling unit on an adjacent property.

(c) On parcels less than five acres in area, if the outdoor wood furnace is less than 500 feet from any dwelling unit on an adjacent property, the smoke stack shall be required to be raised to the height of the roofline of the dwelling that the furnace serves and a Class A (triple wall) chimney pipe shall be installed to facilitate the dispersion of smoke.

(d) In the FP district, each Outdoor Wood Furnace must also meet the standards set forth in Section X.9.03(14) for Agricultural Structures.

(231) **Overlay Zoning District:** A zoning district which imposes unique restrictions on all properties where it is mapped, in addition to restrictions specific to the base (or underlying) zoning district covering those same properties and other provisions of this Zoning Ordinance applicable in all zoning districts.

(232) **Owner:** The person, persons, or entity having the right of legal title to a lot or parcel of land.

(233) **Parcel:** An area of land described in a single description in a deed, or in a lot or outlot on a plat or certified survey map, separately owned or capable of being separately owned.

(234) **Parking Area Sign:** A sign used to state parking restrictions and/or conditions. Does not include handicap parking signs.

(235m) **Permanent Foundation:** For single-family dwellings, two-family dwellings, and manufactured homes, as defined in this chapter, a permanent foundation shall meet all applicable footing and foundation requirements in the Wisconsin Uniform Dwelling Code (Chapter SPS 321, Wis. Admin. Code). For all other buildings; including mobile homes and hunting, fishing, and recreational shelters; a permanent foundation:

(a) Is a structure that supports a building from underneath.

(b) Is built on the premises where it will be used.

(c) Is constructed of durable materials such as concrete, mortared masonry, or treated wood.

(d) Has attachment points to anchor and stabilize the structure to transfer loads to the underlying soil or rock.

(e) Has rated anchorage capacity to prevent uplift and overturning due to wind.

(f) Includes reinforced concrete footings extending at least 48 inches below the ground surface.

(235) **Person:** An individual, corporation, partnership, limited liability company (LLC), trust, estate, or other legal entity.

(236) **Personal Antenna or Tower:** Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. This definition includes the structure, supports, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include but are not limited to amateur radio (ham radio) antenna and personal television antenna. This use shall meet the following performance standards:

(a) No antenna or tower not meeting the conditions of this ordinance shall be installed unless a permit is first obtained by the owner or his agent from the Planning Department. The owner shall provide a drawing which shows the proposed method of installation, the manufacturer's specifications (if any), and a site plan which depicts the location of the proposed antenna, any existing antenna, property lines and all buildings.

(b) In all zoning districts, freestanding antennas may not be located in a front yard or street side yard or closer to the right of way than the closest edge of the principal building, whichever is less.

(c) Towers are restricted to 70 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof.

(d) No part of an antenna array or tower shall extend beyond any property boundary. Buried radials shall not encroach into any utility easement. Guy wires shall not be anchored within a provided front yard or provided street side yard or closer to the right of way than the closest edge of the principal building, whichever is less. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.

(e) The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.

(f) Within the FP zoning district, this use must meet the standards in Section 91.46(2)(c), Wisconsin Statutes.

(237) **Personal Storage Facility/Mini-Warehouse (land use):** Any land use oriented to the indoor storage of personal or small business related items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as a "mini-warehouse." This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) Shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by Wisconsin Statutes.

(c) No electrical power shall be run to the storage facilities, except for interior and exterior lighting and heat.

(d) Aside from storage, no business activity shall be operated from or outside of any partitioned area within a personal storage facility/mini-warehouse.

(238) **Political/Election Sign:** A temporary political sign permitted without restriction so long as it locates per the requirements of Section X.6. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner which would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of Wisconsin Statutes Section 12.03.

(239) **Pond (land use):** A natural or manmade water body containing water year round and smaller than 10 acres, including wildlife scrapes and other impoundments. For existing ponds that propose to be cleaned out only subsections (c) and (d) below apply. This use shall meet the following performance standards:

(a) Ponds shall adhere to the minimum yard and setback regulations of the zoning district in which it is situated.

(b) 20% of the perimeter of the pond shall have a nominal side slope of 5:1 (5 horizontal to 1 vertical). The perimeter of the pond and all other associated surface disturbed areas shall be planted to vegetation within 5 days of completion of the excavation or construction. In cases where pond construction occurs during frozen soil conditions the establishment of vegetative cover may be delayed until soils have thawed.

(c) For ponds larger than one acre in area, or multiple ponds on a parcel that cumulatively are greater than one acre in area, spoil material may not be exported from the property, unless the

property has been approved as a "Non-metallic Mineral Extraction" use.

(d) For ponds smaller than one acre in area, spoils may be exported even if the property has not been approved as a "Non-metallic Mineral Extraction" use. All spoil material shall be placed in an upland area outside of all mapped wetlands.

(240) **Porch:** An impervious structure attached to a principal building with a roof partially supported by columns or wall sections, commonly open to the weather in part.

(241) **Portable Outdoor Storage Unit (land use):** A portable storage container with more than 216 cubic feet of storage space designed and used primarily for temporary storage and/or transportation of household goods and other such materials, kept outdoors, and not affixed to a foundation. The term does not include storage sheds constructed of wood, plastic or steel which are located on a foundation, not intended to be moved or relocated on a regular basis, and in compliance with all minimum required yard requirements and other requirements. Nor does the term include construction trailers or temporary storage units utilized by contractors or developers incidental to the ongoing construction of structures, public improvements and utilities or other aspects of property development. This term includes the storage facilities known as "PODS." This term does not include shipping containers, car ports, semi-trailer boxes, or any other accessory residential structures. This use shall meet the following performance standards:

(a) Units may not be placed on any public right-of–way, including public sidewalks and public terrace areas, or on other public property except by the public entity that owns the property. Units may only be placed on property owned by the user/lessee of the storage unit. Units shall be placed on a concrete, asphalt, or gravel surface only. Units may not be placed in such a fashion as to impede or obstruct the flow of drainage or obstruct emergency, vehicle, pedestrian, or utility access to or through the property or area.

(b) In all residential zoning districts, no unit shall be placed on the same lot for more than 30 consecutive days, except that the Zoning Administrator may allow an extension of no greater than 90 additional days if he or she determines that a legitimate need therefore has been established.

(c) In all residential zoning districts, not more than two units may be placed on any lot at any one time, nor shall there be a unit placed on any lot more than three times in any calendar year.

(d) In all residential zoning districts, no unit placed on any lot shall exceed eight feet in width, nine feet in height, or sixteen feet in length.

(e) Units may be used for temporary storage of personal goods and belongings. Units may not be used for occupancy or sleeping, housing of animals, housing or storage of hazardous, flammable, or unlawful materials or substances. Units shall be closed and secured from unauthorized access at all times when not under the direct supervision of the lot owner or occupant.

(f) All units shall be maintained in a good and clean condition, free from rust, peeling paint, or other visible deterioration.

(g) In the FP district, each Portable Outdoor Storage Unit must also meet the standards set forth in Section X.9.03(14) for Agricultural Structures.

(242) **Prime Farmland:** An area with a Class I, Class II, or Class III land capability classification as identified within the Shawano County Comprehensive Plan, or more detailed soil survey for the affected property.

(243) **Principal Use:** Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use, rather than as an accessory use or a temporary use.

(244) **Principal Structure:** A structure containing or encompassing the principal use of the property.

(245) **Private Covenant:** An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers, such as a homeowner's association. Private covenants are enforced only by the land owners involved and not by county government, town government, or other public agencies. Sometimes referred to as a "deed restriction" or "declaration of restrictions."

(246) **Private Community Waste Treatment System (PCWTS):** A sewage treatment and disposal system serving more than one principal building or a system located on a different lot than the principal building. A private community waste treatment system may be owned by the property owner or by a special purpose district or association. Private community waste treatment systems are regulated under SPS 383, Wis. Admin. Code, other state regulations, and the Shawano County Sanitary Ordinance.

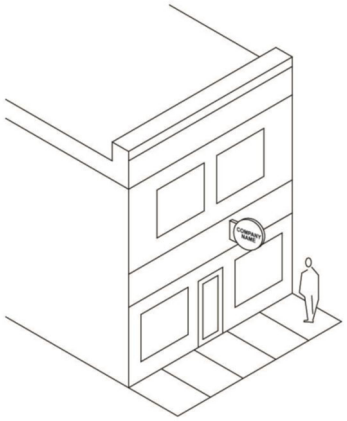
(247) **Private On-Site Waste Treatment System (POWTS):** A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank, or alternative private sewage system located on the same lot as the principal building. Private on-site waste treatment systems are regulated under SPS 383, Wis. Admin. Code, other state regulations, and the Shawano County Sanitary Ordinance.

(248) **Private Reception Venue (land use):** a location, indoors or outdoors, which is used primarily to host events such as weddings, corporate events, fundraisers, and similar. The term includes wedding and event barns. This use shall meet the following performance standards:

a) Minimum size of parcel must be at least five (5) acres. Not applicable in Hamlet Zoning District.
b) Any structure or building to be used must meet all applicable local and state building code regulations for such use
c) Where applicable, licenses or approvals must be obtained from other County departments, respective towns and State of Wisconsin departments.
d) Proper sanitary facilities must be provided and approved by the applicable authority.
e) Proper parking area(s) must be provided and approved by the applicable authority.
f) If in a farmland preservation zoning district the use needs to be consistent with s. 91.01(1)(d), Wis. Stats. The activity can be conducted by the owner or operator of the farm if it requires no other buildings, structures, or improvements other than existing farm buildings or farm residences and will not impair or limit current or future agricultural use of the farm or protected farmlands.

(249) **Professional Services:** Any occupation or vocation in which a professed knowledge is used by its practical application to the affairs of others, either advising, guiding or teaching them and in serving their interest or welfare. The work implies attainments in professional knowledge or knowledge of an advanced type as distinguished from mere skill.

(250) **Projecting Sign:** A type of on-building sign which is mounted at any angle other than parallel to the wall on which it is mounted and/or extends beyond 18 inches from the wall.



(251) **Protected Farmland:** Lands that meet at least one of the following requirements:

(a) Located in a farmland preservation zoning district certified under Wisconsin Statutes Chapter 91.

(b) Covered by a farmland preservation agreement under Wisconsin Statutes Chapter 91.

(c) Covered by an agricultural conservation easement under Wisconsin Statutes Section 93.73.

(d) Otherwise legally protected from nonagricultural development.

(252) **Public Park or Playground (land use):** See Section X.9.03(227).

(253) **Public Sanitary Sewer Service:** All facilities of a public utility or sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. Also referred to as "municipal sewer service."

(254) **Public Utility and Service (land use):** All county, town, state, and federal facilities; emergency service facilities; and privately-owned public utilities such as, but not limited to, town halls; wastewater treatment plants; utility substations; pipelines; electric transmission facilities; drainage uses; dams; water towers; fire towers; temporary batching, crushing, or storage operations associated with public roadway projects; and similar land uses. Excludes "large wind energy systems," "telecommunication facilities," power transmission lines, and power production facilities, except where an essential component of one of the above examples (e.g., hydroelectric power from dam). . Except where prohibited by state or federal law, this use shall meet the following performance standards:

(a) All structures and outdoor storage areas shall be located a minimum of 50 feet from any residential property.

(b) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

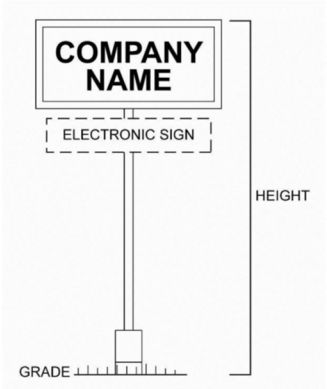
(c) In the FP zoning district, the Public Utility and Service use shall be subject to the following additional standards:

1. The use and its location are consistent with the purpose of the FP district.

2. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(255) **Pylon Sign:** A type of freestanding sign erected upon one or more pylon, pole, or post, general of a scale that is larger than an arm/post sign.



(256) **Ratio:** The relation of one part to another or to the whole with respect to magnitude, quantity, or degree; proportion.

(257) **Real Estate Sign:** One non-illuminated real estate sign, allowed without a land use permit per street frontage of a parcel, advertising the availability of the premise for sale or lease. Such sign shall be removed within 30 days of the sale or lease of the single space it is advertising or of at least 90 percent of the total land or space available for sale or lease on the property. Such sign shall not be located in the public right-of-way, shall not exceed 12 square feet area and six feet in height in residential zoning districts and 48 square feet in area and eight feet in height in nonresidential zoning districts. Also, model home signs, not exceeding four square feet each, shall be allowed identifying a non-occupied dwelling unit used as a demonstrator for selling or renting other dwelling units in the same complex.

(258) **Regional Flood:** A flood caused by a storm event that has a one percent chance of occurring in any year. Also referred to as the "100-year flood."

(259) **Regulatory and Government Information Sign:** A sign erected by or on behalf of a duly constituted governmental body, including, but not limited to legal notices, handicap parking signs; traffic signs or other regulatory, directional or warning signs, signs that are less than or equal to 32 square feet in area except if a regulatory sign. Any other sign for governmental purposes shall require a land use permit and be classified according to its purpose under Section X.9.

(260) **Replacement of Existing Manufactured/Mobile Home (land use):** Replacement on a lot of a legal non-conforming or conforming manufactured or mobile home not meeting the standards of a single family residence with a manufactured/mobile home also not meeting the standards of a single family residence. This land use shall meet the following performance standards:

(a) The manufactured home or mobile home shall be connected to a sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinance.

(b) The applicant for land use permit shall provide verification that another manufactured or mobile

home legally existed on the site not greater than 12 months prior to the date of application for a land use permit. This performance standard does not apply within a manufactured home park or mobile home park.

(c) For manufactured/mobile homes, all wheels, axels, transportation lights, and other related towing apparatuses shall be removed.

(d) Any open space between ground level and siding shall be enclosed at a minimum with vinyl skirting that is color coordinated with the siding of the home. Permanent concrete or masonry having a foundation like appearance is also acceptable. This performance standard does not apply within a manufactured home park or mobile home park.

(261) **Required Sign:** A sign required by state or federal statute or regulation.

(262) **Research and Development (land use):** Any establishment that conducts research, development, or the controlled production of high technology, electronic, industrial, or scientific products or commodities for sale, or establishments conducting educational or medical research or testing. Such uses may include limited accommodations for researchers or research subjects. This use shall meet the following performance standards:

(a) All loading docks and outdoor storage areas shall be screened so as not to be visible from public streets and any nearby residentially zoned property.

(b) All activities, aside from parking, screened loading, and screened outdoor storage, shall take place inside of an enclosed building.

(c) Shall be no odor, noise, heat, vibration, or radiation which is or has the potential to be detectable at the lot line.

(d) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(263) **Residential Sign:** A sign customarily associated with residential use and not of a commercial nature which does not exceed a total of six square feet. Such signs include property identification names, numbers or names of occupants; signs posted on private property relating to private parking or warning the public against trespass or danger of animals; and Neighborhood Crime Watch signs.

(264) **Residentially Zoned Property:** A lot or parcel located within one of the Residential zoning districts as listed in Section X.1.11(1)(b) and described in Section X.3.01.

(265) **Restaurant (land use):** A commercial establishment where food and beverages are prepared, and usually served and consumed, primarily within the principal building and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages. A food and beverage establishment where food sales constitute 50 percent or less of gross sales receipts shall instead be classified as an "indoor commercial entertainment" use. Any drive-through or drive-in facilities associated with a restaurant shall also be classified as a "drive-in or drive-through, including fueling" use, which requires a separate land use review.

(266) **Right-of-way:** Land allowing or intending to allow the public passage of people or goods and dedicated to the public or under control of the public.

(267) **Road Ready Vehicle:** A vehicle which is properly licensed, has all wheels attached, in proper working condition, structurally intact and sound, and not affixed to the ground in any manner than would prevent ready removal and does not have any attached improvements. Additionally, the engines of self-propelled vehicles must be maintained in operating condition to be considered a road ready vehicle.

(268) **Roof:** The overhead cover of any building or camping unit, including eaves and projections.

(269) **Runoff:** Stormwater or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

(270) **Sales of Farm and Forestry Products (land use):** Any sales and display of farm or forestry products. Examples include, but are not limited to, fruit and vegetable stands, maple syrup sales, pumpkin stands or patches, Christmas tree lots, firewood sales, wreath sales, honey sales, wildflower sales, and woodchip sales. This use shall meet the following performance standards:

(a) Any covered stand or structure may not exceed 200 square feet.

(b) Display and storage of materials shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(c) Signage shall comply with the requirements for temporary signs in Section X.6.07.

(d) If subject property is located in or adjacent to a residential zoning district, sales and display activities shall be limited to daylight hours.

(e) No structure shall be attached to a permanent foundation.

(f) In the FP zoning district, Sales of Farm and Forestry Products must meet the standards set forth in Section X.9.03(15) for an Agricultural Accessory Use

(271) **Salvage Transfer Site**: This land use requires a Type 4 Salvage Dealer license AKA a Scavenger license from the Wisconsin Department of Transportation (WisDOT). A Type 4 Salvage Dealer is for a business that buys vehicles from owners and may transport them to a licensed salvage yard or scrap metal recycler after removing tires, batteries and gas tanks. Facilities include an office for record storage and a place to park the vehicles used for transporting salvage. The "Type 4" Salvage dealer license is also called a "Scavenger license." This land use shall meet the following performance standards:

(a) Must meet DOT license requirements (See DOT info)

(b) Shall comply with all applicable county, state and federal regulations.

(c) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(d) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 25 feet from all lot lines and 200 feet from residential structures.

(e) Junk or salvage vehicles shall be enclosed by a suitable fence or landscaped buffer so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or landscaped buffer shall be kept in good repair.

(f) Salvage vehicles shall not be higher than the height of the fence nor against the fence and may contain up to 10 vehicles or less at a time.

(272) **Sandwich Board/Pedestal Sign:** A movable sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; used for the purpose of promoting special business offers and not as primary business signage; and meeting all applicable size, placement, and other requirements of Section X.6.

(273) **Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive

electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

(274) **Screen Porch:** A partially enclosed structure attached to a principal building with a roof and no solid material over three feet in height on any side not attached to the principal building.

(275) **Seasonal Use:** A land use that is not occupied or in operation for an entire calendar year.

(276) **Setback:** The shortest distance between a building's or structure's exterior (not including permitted encroachments) and the nearest point on the referenced lot line.

(277) **Setback, Front:** The shortest distance between a building's or structure's exterior (not including permitted encroachments), through the front yard (as defined in this Section) to the centerline of a road or highway or its right-of-way line (depending on the type of road as defined in Tables X.2.03B, X.3.03B, and X.4.03B), and measured at right angles to the centerline or the right-of-way line. See Figure X.9.03(187).

(278) **Setback, Interior Side:** The shortest distance between a building's or structure's exterior (not including permitted encroachments), through the interior side yard (as defined in this Section) to the nearest point on the interior side lot line, and measured at right angles to the interior side lot line. See Figure X.9.03(187).

(279) **Setback, Rear:** The shortest distance between a building's or structure's exterior (not including permitted encroachments), through the rear yard (as defined in this Section) to the nearest point on the rear lot line, and measured at right angles to the rear lot line. See Figure X.9.03(187).

(280) **Setback, Street:** The shortest distance between a building's or structure's exterior (not including permitted encroachments), through the street yard (as defined in this Section) to the centerline of a road or highway or its right-of-way line (depending on the type of road as defined in Tables X.2.03B, X.3.03B, and X.4.03B), and measured at right angles to the centerline or the right-of-way line. See Figure X.9.03(187).

(281) **Shed:** An accessory building used primarily for storage purposes for a principal building(s) or use(s) on the same lot, and in no case suitable for habitation.

(282) **Shipping Containers:** This use shall constitute a shipping container, intermodal freight container and semi-trailer boxes to be used for storage purposes and not for human habitation.

(283) **Shoreland Zone:** All the lands in the unincorporated areas of Shawano County, which are subject to the standards in Shawano County Shoreland Zoning Ordinance.

(284) **Sign:** Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, color, lighting, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city or village, religious, fraternal, or civic organization; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. Building colors and outline lighting which do not convey a logo or message specific to the use are not considered signs. Definitions of particular types of signs are included in Section X.9.

(285) **Sign Area:** Sign area shall be measured in the following manner:

(a) In the case of an on-building sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed.

(b) In the case of an on-building sign on which the message is fabricated together with the background which borders or frames that message, sign area shall be the total area of the entire background.

(c) In the case of an on-building sign on which a message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign area shall be the combined areas of the smallest rectangle which can encompass the complete message (e.g. business name, business logo, etc.) of the sign in question.

(d) In the case of a freestanding monument, arm/post, or pylon sign, sign area shall consist of the total area of the smallest rectangle that can enclose all structural elements of the sign, including the area in which copy can be placed, and all surrounding borders, decorative frames, etc. Where a freestanding sign (monument or pylon) has two or more display faces, the total area of all of the display faces which can be viewed from any single vantage point shall be considered the sign area. Freestanding sign area shall exclude any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign elements listed above. Examples of supporting structures excluded from freestanding sign area calculations include the masonry base of a monument sign, the supporting post(s) to the side of or below an arm/post sign, or supporting pole(s) or pylons of a pylon sign.

(286) **Sign Height:** The height of a freestanding sign shall be measured from the average ground level adjacent to the sign to the top of the sign or from the centerline grade of the nearest adjacent public road, if such information is supplied with the permit application and confirmed by the Zoning Administrator, whichever is higher. The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(287) **Single-Family Dwelling (land use):** A dwelling unit designed for, converted to, and/or occupied by one family and not attached to another dwelling unit. This land use category does not include mobile homes (see Section X.9.03(200)), but it does include manufactured homes as described in this Section if said manufactured home meets the following regulations that are applicable to all single-family dwellings. This land use category does not include uses that meet the description of a "tourist rooming house," "farm residence," or "nonfarm residence," though such uses may be subject to similar performance standards under this Zoning Ordinance. This use shall meet the following performance standards:

(a) The dwelling must be attached to a finished, permanent foundation.

(b) The narrowest horizontal dimension of the building shall be not less than 20 feet.

(c) The minimum livable area shall be exclusive of an attached garage, carport, or open deck. The minimum livable area is designated in the development specifications table of each zoning district.

(d) The dwelling shall include a roof pitch of at least three feet in rise for every 12 feet in run, except by conditional use permit.

(e) An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and Shawano County Sanitary Ordinance shall be provided.

(f) For manufactured homes, all wheels, axles, transportation lights, and other related towing apparatuses shall be removed.

(288) **Site Assessment Checklist**: Section removed in update dated May 22, 2024.

(289) **Site Information Sign:** A sign of no more than four square feet, without advertising of any kind, providing direction or instruction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.

(290) **Site Plan:** An overhead plan for a land or building development proposal, drawn to scale, that shows existing and proposed buildings, other structures, parking areas, and other existing and proposed features as may be specified in this Zoning Ordinance.

(291) **Solar Energy System, Large (land use):** An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is typically a principal use of the land and designed primarily to generate energy for commercial sale off-site. Also includes any solar energy system covering one acre or more in size even if the use is accessory to the principle use of the land. This use shall meet the following performance standards:

(a) Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.

(b) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.

(292) **Solar Energy System, Small (land use):** An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the land (e.g., solar panels providing energy for a residence on the same lot). Any solar energy system covering one acre or more in size shall be considered a large solar energy system even if use is accessory to the principle use of the land. This use shall meet the following performance standards:

(a) Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.

(b) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all Small Solar Energy Systems.

(c) In the FP zoning district, the Small Solar Energy System must meet the standards set forth in Section X.9.03(15) for an Agricultural Accessory Use and shall provide energy primarily for use on the farm.

(293) **Special Display/Event Banner:** A sign intended for sales, limited time offers, grand openings, or other special events only, with each such sign not exceeding 32 square feet in area, and not greater than eight feet in height if ground mounted nor extending above the roof line if building mounted.

(294) **State:** The State of Wisconsin.

(295) **State Natural Area:** Lands which are so designated because they represent outstanding examples of natural communities, significant geological formations, and archeological sites in the State. The following are State Natural Areas in Shawano County: Jung Hemlock-Beech Forest, Navarino State Wildlife Area, and the Lower Wolf River Bottomlands Natural Resources Area.

(296) **Street, Private:** A street or driveway owned and maintained by a non-public entity placed on private property, or placed within a public right-of-way or public road easement only where there is a binding, recorded agreement with the government with jurisdiction for ongoing private maintenance. Also referred to as a "private road" or "private driveway."

(297) **Street, Public:** A street located within a public right-of-way or a public road easement, which is owned and maintained, upon public dedication, or deeding by the government with jurisdiction. Also referred to as a "public road."

(298) **Stormwater Management Plan:** A detailed plan designed to manage the rate, quantity, and quality of with stormwater runoff after a development site has undergone final stabilization following completion of construction activity.

(299) **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story, unless it is a livable basement containing the appropriate number and dimension of exits under SPS 321, Wis. Admin. Code (Wisconsin Uniform Dwelling Code).

(300) **Structural Alterations:** Any change in the supporting members of a building or any substantial change in the roof structure or in exterior walls.

(301) **Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting fences, public utility fixtures and their appurtenances, gardens, garden accessories, children's playhouses, fountains, sun dials, seasonal decorations, yard lights, flag poles, walkways, at-grade patios, play equipment, signs not requiring a land use permit, tree houses, basketball courts, tennis courts, pet houses or private kennels for two or fewer domestic animals, whirlpools, saunas, agricultural drainage systems, piers, docks, and walkways built on pilings.

(302) **Structure Height:** See definition of "Building Height" for measurement technique.

(299t) **Subdivider:** See definition within the Shawano County Land Division Ordinance.

(303) **Subdivision:** See definition within the Shawano County Land Division Ordinance.

(304) **Substandard Lot:** A legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

(305) **Tax Parcel:** A tract of land as defined by the governing jurisdictional body for taxation purposes. May or may not coincide with a "lot" or "parcel" as otherwise defined in this Section.

(306) **Telecommunication Facility (land use):** A facility, site, or location that contains one or more antennas, telecommunication towers, satellite dish antennas, other similar communication devices, and support equipment used for transmitting, receiving, or relaying telecommunication signals. This use shall meet the following performance standards:

(a) Each Telecommunication Facility shall meet all dimensional, yard, and other development regulations applicable to principal buildings in Tables X.2.03A and B, X.3.03A and B, or X.4.03A and B, based on the zoning district within which the facility is located. The height regulations in these tables shall not apply to Telecommunication Facilities.

(b) Each Telecommunication Facility and modification thereto shall be erected and installed in accordance with the state electrical code adopted by reference in the National Electrical Code, Federal Communications Commission requirements, and the instructions of the manufacturer.

(c) A new or amended land use permit under Section X.8.09 shall be required for construction of each new Telecommunication Facility, and for the modification of an existing Telecommunications Facility that increases its height or width by more than 20 feet. The application for land use permit shall include a construction plan, stamped by a structural engineer licensed in Wisconsin, which describes the proposed 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 structure.

(d) No land use permit or other County approval shall be required for any modification to an existing Telecommunications Facility, including collocation, that increases its height or width by 20 feet or fewer.

(e) The owner of any telecommunications tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the telecommunications tower and accessory structures with a single combined limit of not less than

$1,000,000.00 per occurrence.

(f) If within the FP zoning district, the Telecommunications Facility shall meet all standards in Section 91.46(4), Wisconsin Statutes, except where the application of such standards is otherwise restricted by state or federal law.

(307) **Temporary occupancy of recreational vehicles (land use):** Means occupancy of a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length, including Class A, Class B and Class C motor homes, travel trailers, camping trailers, fifth−wheel trailers, truck campers and park models but does not include utility trailers, livestock trailers, manufactured homes, mobile homes, modular homes, and all other types of vehicles, shelters, and permanent or temporary dwellings. This use shall meet the following performance standards:

(a) The recreational vehicle shall comply with all adopted standards of the Recreation Vehicle Industry Association (RVIA).

(b) No recreational vehicle shall be parked, used, stored or otherwise placed upon any lot or parcel of land which is situated in a residential zoning district except as provided under (c) below or upon approval of a conditional use permit.

(c) A maximum of two recreational vehicles may be parked or stored on the owner's home premises as an accessory use provided it is not used for habitation or commercial activity.

(d) Recreational vehicles may be used for temporary parking and temporary living purposes in those districts that permit such use and must remain "road ready" at all times. No recreational vehicle shall be used as a residence. Temporary living purposes shall be considered to be a period of 30 consecutive days.

(e) The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repair, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.

(f) Recreational vehicles must have an approved waste disposal system and may not be permanently attached to a private on-site wastewater treatment system.

(308) **Temporary Window Sign:** A sign temporarily affixed to the inside of a window advertising goods or services sold on premises. The total of all signs in each window area, including temporary and permanently mounted signs, shall not exceed 50 percent of the window area.

(309) **Temporary Sign:** A sign or advertising display (including festoons, pennants, banners, pinwheels and similar devices) intended to be displayed for a certain limited period of time. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. Refer to Section X.6.07 for regulations. Temporary signs are allowed without a land use permit.

(310) **Temporary Stand-Alone Manufactured or Mobile Home (land use):** A transportable factory-built manufactured or mobile home that is specifically intended and allowed as a temporary use only under this land use classification. This use shall meet the following performance standards:

(a) At the discretion of the Zoning Administrator, shall be permitted only on a temporary basis and in situations where new single-family dwelling construction is underway on the same parcel. The mobile home/manufactured home and all evidence of said structure shall be removed from the site within 30 days of the occupancy for the newly constructed single-family dwelling.

(b) In no case shall a temporary stand-alone manufactured home or mobile home allowed under this land use classification be located on a parcel for longer than one year from the issuance of the

land use permit for its initial placement.

(c) An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinance shall be required.

(311) **Temporary Structure:** A structure or enclosure not affixed to a permanent foundation and not present on a property for a period of time exceeding twelve (12) months or for such lesser time period as may be specified in a land use permit.

(312) **Temporary Use:** A land use which is present on a property for a period of time not to exceed twelve (12) months or such lesser time as may be specified in a land use permit.

(313) **Tent:** A portable easily collapsible sleeping shelter made of canvas, plastic, or other woven or foldable materials and supported by poles or framework. For the purposes of this ordinance tent camping is permitted in any of the Residential Zoning Districts provided that no more than 2 tents not exceeding 200 sq. ft. in size are erected for not more than 4 consecutive days on contiguous common ownership parcels. This includes domiciled and non-domiciled parcels. Tents must be taken down and removed from a property for a period of 48 hours between each use. Tents may not be erected for more than 8 days in any 30 day time period. Any exceptions to these requirements may be approved through the issuance of a conditional use permit.

(314) **Throat Length:** The distance measured along the center line of an access drive between and connecting the public street pavement edge and an off-street parking lot, loading area, or internal circulation drive within a lot.

(315) **Tourist Rooming House (land use):** A lodging place, cabin, house, or cottage available for overnight, weekend, or weekly stays by paying guests and having up to four separate living units. This category does not include any "hotel, motel, or lodging resort," "bed and breakfast establishment," or "boarding house," which are separately listed and regulated. This use shall meet the following performance standards:

(a) No recreational vehicle or tent may serve as a Tourist Rooming House or any component of a Tourist Rooming House.

(b) The building must be attached to a finished, permanent foundation.

(c) The narrowest horizontal dimension of the building shall be not less than 20 feet.

(d) The minimum gross floor area shall be not less than 900 square feet, exclusive of an attached garage, carport, or open deck. The building shall include a roof pitch of at least three feet in rise for every 12 feet in run, except by conditional use permit.

(e) An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and Shawano County Sanitary Ordinance shall be provided.

(f) The appearance or use of the tourist rooming house shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.

(g) Signage shall be in accordance with Section 6: Signage Regulations.

(h) Must have a permit from the State of Wisconsin and shall adhere to all applicable provisions of DHS 195, Wis. Admin. Code. In the event that provisions of this subsection are in conflict with the provisions of DHS 195, Wis. Admin. Code, the provisions of DHS 195, Wis. Admin. Code shall prevail.

(316) **Traffic Impact Analysis:** A technical analysis prepared by a qualified traffic professional that evaluates the adequacy of the existing and planned transportation system to serve future traffic growth and new development.

(317) **Truck Farming:** A farm where produce is grown to be marketed.

(318) Trucking Facility: a building, structure or place where, for the purpose of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched. This land use allows for an office, maintenance and parking facilities, but no product to be stored on site.

(319) **Two-Family Dwelling (land use):** A building designed or altered to provide two attached dwelling units for two separate families, including two-flats, duplexes, and two-unit condominium buildings. The two dwelling units may or may not be located on separate lots. Does not include an "in-unit suite" or "accessory dwelling unit," which are instead separately listed as different land use categories. This use shall meet the following performance standards:

(a) Where each unit is located on a separate lot (i.e., zero lot line duplex), the entire building shall be constructed at one time.

(b) Where each unit is located on a separate lot, vertical common walls shall be a minimum one hour fire wall and shall run from the lowest floor level (the basement, if applicable) to the underside of the roof sheathing, except that basements shall be provided across lot lines where necessary for utility services.

(c) The minimum livable area of the two-family dwelling in total shall be not less than 1,200 square feet, exclusive of attached garages, carports, or open decks.

(d) Matters of mutual concern to the owners due to construction, catastrophe, and maintenance shall be addressed and resolved by deed restrictions, which shall be recorded with the Shawano County Register of Deeds before a land use permit is issued.

(e) An acceptable sewage treatment and/or disposal system meeting the requirements of all applicable state regulations and the Shawano County Sanitary Ordinances shall be provided.

(320) **Unincorporated Area:** Within the geographic area of a town government; outside of the corporate limits of an incorporated city or village.

(321) **Use:** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained. Also referred to as "Land Use."

(322) **Utility Pole Mounted Antenna:** An antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

(323) **Vacant:** A parcel of land that does not contain any structures or a building that does not contain any use. For parcels of land, also referred to as "undeveloped."

(324) **Variable Message Sign:** A sign which displays words, lines, logos, graphic images, or symbols that can change to provide different information, and which includes computer signs, reader boards with changeable letters, LCD and other video display signs, and time and temperature signs.

(325) **Variance:** Permission to depart from the literal requirements of this Zoning Ordinance, which may be granted by the Board of Adjustment per the procedures and standards of Section X.8.10.

(326) **Vehicle:** Any means by which any person or property is or may be transported along public streets or waterways. Includes boats, pontoons, and boat trailers; does not include non-licensed personal recreational devices such as ATVs, snowmobiles, personal watercraft, or bicycles, or personal lawn or garden equipment, except where specifically indicated in this Zoning Ordinance.

(327) **Vehicle Course or Track (land use):** Any privately operated track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, motorcycles, motocross bikes, "dirtbikes," snowmobiles, go-carts, or boats. Such uses occasionally are operated for recreational purposes for family use. This use shall meet the following performance standards:

(a) Minimum lot size shall be 5 acres.

(b) If such use abuts any residentially zoned or used property, all track facilities shall be located a minimum of 200 feet from such property and such use shall not be permitted to have night lighting nor operate between 8 p.m. and 8 a.m.

(c) Such uses may be subject to enforcement actions under town or County nuisance law for noise, dust, or other impacts.

(d) In the FP zoning district, the Vehicle Course or Track shall meet the standards set forth in Section X.9.03(16).

(328) **Vehicle Repair or Maintenance Service (land use):** A principal land use that performs repair, maintenance, and/or painting services to motorized vehicles. Does not include home occupations that are accessory to the principal residential use of a property. This use shall meet the following performance standards:

(a) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(b) All major repairs, maintenance, service, painting and other operations (except vehicle storage) shall occur within an enclosed building.

(c) Shall only include the storage of vehicles of customers and employees of the vehicle repair or maintenance service business.

(d) Shall not include the storage of three or more vehicles that do not have a valid current state registration, license plate, or both.

(329) **Vehicle Sales:** The sale of three or more vehicles on a single parcel.

(330) **Vision Triangle:** All unoccupied triangular space at the street corner of a corner lot, which is bounded by the street centerlines and a third line that connects points along both streets specified by measurement from the intersection of the two street centerlines. See Section X.5.05(4) for regulations.

(331) **Wall Sign:** A type of on-building sign mounted parallel to and directly on a building facade or other vertical building surface. Wall signs shall not project more than 18 inches beyond the edge of any wall or other surface to which they are mounted. The top of the sign shall not extend above the top edge of the vertical wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.

(332) **Waste Disposal/Composting Operation (land use):** Any facility or any area used for the final disposal of solid waste, including those defined by Wisconsin Statutes, but not including junk yards or salvage yards, or recycling centers, which are described and regulated elsewhere. Also includes any operations or land uses devoted to the collection, storage, processing and/or disposal of vegetation (composting operation). This use shall meet the following performance standards:

(a) Shall comply with all county, state and federal regulations, including the issuance of a WisDNR permit under Wisconsin Statutes.

(b) Shall comply with the Shawano County Solid Waste Management Plan.

(c) The Planning, Development and Zoning Committee may require a landscaped bufferyard in the yard where the use abuts a residential use or a residential zoning district, per the standards in Section X.5.06(1).

(d) All buildings, structures, and activity areas on waste disposal sites shall be located a minimum of 200 feet from all lot lines; for composting operations, this distance shall be 50 feet.

(e) Composting operations shall not involve on-site holding, storage or disposal of food scraps, other vermin-attracting materials, or hazardous wastes defined by Wisconsin Statutes.

(333) **Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include but are not limited to: natural, mitigated and restored wetlands. When there is any question as to the location of the wetland boundary, the Zoning Administrator may request the applicant to submit a wetland delineation prepared by a qualified professional.

(334) **Wind Energy System:** Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. See also description of "wind energy system, large" and "wind energy system, small" in this section.

(335) **Wind Energy System, Large (land use):** A wind energy system that has an installed nameplate capacity of greater than 100 kilowatts per turbine and/or a total installed nameplate capacity of greater than 300 kilowatts. The following performance standards shall apply to any new Large Wind Energy System, and to any expansion or other material change to any existing Large Wind Energy System:

(a) Shall be subject to all definitions, provisions, and requirements of PSC 128, Wis. Admin. Code and Section 66.0401, Wisconsin Statutes, including the owner's and Shawano County's responsibilities under such requirements, except as limited by the standards below.

(b) Shall minimize the conversion of land at and around the subject site from agricultural use; minimize and repair construction damage to land remaining in agricultural use; and implement best practices to minimize soil compaction, topsoil mixing, and damage to drainage systems on agricultural land.

(c) Consistent with PSC 128.12(2), PSC 128.18(3)(am), and Section 91.46(1)(f), Wisconsin Statutes, in the FP zoning district, the Large Wind Energy System shall be subject to the following additional standards:

1. The use and its location are consistent with the purpose of the FP district.
2. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(d) The height and setback of a Large Wind Energy System near airports, heliports, or helipads shall be as follows:

1. If near a public use airport, shall comply with Sections 114.135 or 114.136, Wisconsin Statutes, or if no applicable height or setback provision is contained in such sections, shall comply with Federal Aviation Administration obstruction standards in 14 CFR Part 77.

2. If near a private use airport or private heliport/helipad at a medical facility used for air ambulance service, shall comply with Federal Aviation Administration obstruction standards for private use airports or public use heliports/helipads, respectively.

(e) If the Large Wind Energy System includes turbine-mounted lighting, such lighting shall include shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground, to the extent determined practical by the Zoning Administrator.

(f) No wind turbine shall be located within an emergency communication corridor, which is defined as the area within an existing line-of-sight communication path that is used by a government or military entity to provide services essential to protect public safety.

(g) Per PSC 128.16(3)(a), the owner of each Large Wind Energy System shall use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the Large Wind Energy System (or expansion material change to that system) began commercial operation, if the Large Wind Energy System is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine. The owner is required to implement a new mitigation solution that becomes commercially available before the Large Wind Energy System is decommissioned to address interference for which mitigation is required under this subsection and PSC 128.16(2) and (4) and for which the original mitigation solution implemented is only partially effective, in the determination of the Zoning Administrator.

(h) Per PSC 128.13(2)(a) and Section 66.0401(4)(f)2 of Wisconsin Statutes, the County may deny an application for conditional use permit approval if the proposed Large Wind Energy System both:

1. Is proposed for an area planned for residential (including planned neighborhood) use or commercial (including downtown/unincorporated village) use on the future land use map of the County Comprehensive Plan.

2. Has a nominal capacity of at least one megawatt.

(i) The Planning, Development and Zoning Committee may require, as a condition of conditional use permit approval, that the owner provide annual training for fire, police, and other appropriate first responders regarding responding to a wind energy system emergency.

(j) Per PSC 128.19(2), the County Planning, Development and Zoning Committee may, via the same process required to grant a conditional use permit under Section X.8.08, determine when a Large Wind Energy System has reached the end of is useful life, and is therefore subject to decommissioning under PSC 128.19.

(k) Per PSC 128.19(3), the owner of the Large Wind Energy System with a nameplate capacity of one megawatt or larger shall, prior to the issuance of a land use permit under Section X.8.09, be required to provide and continually maintain financial assurance of the owner's ability to pay for the actual and necessary cost to decommission the Large Wind Energy System. Such financial assurance shall:

1. Be approved by the County's Corporation Counsel prior to execution.

2. Be in an amount equal to the estimated actual and necessary cost to decommission the Large Wind Energy System, as determined by the average of three estimates prepared by third parties agreeable to both the owner and the County Zoning Administrator.

3. Place the County in a secured position.

4. Provide that the secured funds may only be used for decommissioning the wind energy

system until such time as the County Planning, Development and Zoning Committee determines that the Large Wind Energy System has been decommissioned, as provided for in PSC 128.30(5)(b), or approves the release of the funds, whichever occurs first.

5. Provide that the County may access the funds for the purpose of decommissioning the Large Wind Energy System if the owner does not decommission the system when decommissioning is required under PSC 128.19.

(l) An owner shall provide the Zoning Administrator with notice of any change in ownership of the Large Wind Energy System on or before the effective date of the change. A notice of change in ownership of the Large Wind Energy System shall include information showing that the financial assurance requirements specified above will be met following the change in ownership.

(m) Per PSC 128.19(3)(f) and (g), during the useful life of a Large Wind Energy System, the County Zoning Administrator may periodically request information from the owner of the System regarding the cost for decommissioning the particular Large Wind Energy System. Upon any such request, the procedure in subsection (k)2 shall be repeated. If such result indicates that the future anticipated cost to decommission the Large Wind Energy System is at least 10 percent more or less than the amount of financial assurance previously provided under subsection (k), the owner shall be required to increase or decrease the amount of financial assurance to the new amount. Further, if during the useful life of a Large Wind Energy System, an event occurs that, in the opinion of the Zoning Administrator or Corporation Counsel, raises material concerns regarding the viability of the existing financial assurance, either may require the owner to submit a substitute financial assurance of the owner's choosing from among the options in PSD 128.19(3)(b).

(n) The applicant for a new Large Wind Energy System, or an expansion or material change to an existing System, shall follow all procedures for a conditional use permit under Section X.8.08, including the public hearing and notice requirements in that Section. In addition to the application requirements in PSC 128.30(2), the following materials shall be provided with each conditional use permit application:

1. All conditional use permit application submittals required in Section X.8.08(2).
2. All land use permit application submittals required in Section X.8.09(4)(i).
3. An initial draft of the proposed financial assurance.
4. Information showing that the applicant has complied with the notice requirements in PSC 128.105 and PSC 128.30(5).
5. Information prepared by a qualified professional showing that wind turbines and other wind energy system facilities will not be within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety.
6. Proposed best practices to minimize soil compaction, topsoil mixing, and damage to drainage systems on agricultural land.
7. Information about whether the applicant or owner has consulted with and received any non−binding recommendations for constructing, operating or decommissioning the Large Wind Energy System from a state or federal agency, and whether and how the applicant or owner has incorporated such non−binding recommendations into the design of the Large Wind Energy System.
8. Proposed agreements (or signed agreements where available) that include annual

monetary compensation to the owner of any nonparticipating residence within 0.5 mile of a proposed wind turbine, as the term nonparticipating residence is defined in PSC 128.01.

9. A list of all necessary state and federal approvals, copies of applications for such approvals, and such actual approvals if and when obtained.

10. Any other information that the Planning, Development and Zoning Committee or Zoning Administrator determines necessary to understand the proposed Large Wind Energy System, either before or after the initial application submittal. If the owner fails to provide additional information requested within 30 days of such request, the County shall deem the application abandoned.

(o) After receiving an application for conditional use permit approval of a Large Wind Energy System (or expansion or material change thereto), the Zoning Administrator shall:

1. Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 45 days after the day the application is filed.

2. Publish a Class I notice per Wisconsin Statutes 66.0401(4)(a)1, including a brief description of the proposed Large Wind Energy System, its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by the County.

3. Make the application available for public review at the City of Shawano library and at the Shawano County Planning and Development office.

4. Accept written public comments on the application for 30 days after the Class I notice is published, or until the public hearing is held, whichever is later.

5. Adhere to other requirements in Section X.8.08 for the processing of the conditional use permit application.

(p) The County may hire professional consultants to assist with the review and processing of the application, and for inspection in the monitoring and reporting of the owner's compliance with permit requirements during construction. In addition to paying the required conditional use permit fee, the applicant for any Large Wind Energy System shall reimburse the County for such consultant time, within 30 days of receipt of an invoice from the County, per the requirements and limitations in PSC 128.32(5)(b).

(q) Once granted, work on the conditional use permit must occur within the required timeframe in Section X.8.08(6). Following approval of a conditional use permit, the owner shall be required to obtain a land use permit under Section X.8.09, and be subject to all applicable requirements in that Section.

(r) Per PSC 128.33(3), each owner of a Large Wind Energy System shall offer an agreement that includes annual monetary compensation to the owner of a nonparticipating residence (as that term is defined in PSC 128.01), if such residence is located within 0.5 mile of a constructed wind turbine. For one turbine located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed $600. For two turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed $800. For three or more turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed $1,000. The initial annual monetary compensation under this subsection shall apply to agreements entered into in 2014. For agreements entered into in 2015 and thereafter, the initial annual

amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in s. 196.374 (5) (bm) 2. b. of Wisconsin Statutes from the previous year. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under PSC 128.

(s) Per PSC 128.33(3m), each owner of a Large Wind Energy System shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property (as that term is defined in PSC 128.01) located within 0.5 mile of a constructed wind turbine, if the farm operator demonstrates all of the following:

1. Substantial evidence of a history, before the Large Wind Energy System owner gives notice under PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located within 0.5 mile of a constructed wind turbine.

2. A material reduction in potato, pea, snap bean or sweet corn production or a material increase in application costs on all or part of a farm field located within 0.5 mile of a constructed wind turbine as a result of the Large Wind Energy System's effect on aerial spraying practices.

(t) Per PSC 128.33(5), the Planning, Development and Zoning Committee or Zoning Administrator may require a written report from the owner of an approved Large Wind Energy System, no greater than once per year, documenting compliance over the previous calendar year with the requirements of this Chapter, PSC 128, Section 66.0401 of Wisconsin Statutes, approved plans, conditions of approval, the requirement to maintain the System in good repair and operating condition; including all necessary state and federal permits and approvals; and including the maintenance log for each wind turbine. The log must contain the date and time maintenance was performed, the nature of the maintenance performed, and the reason for the maintenance. Such written report shall be provided within 60 days of Committee or Zoning Administrator request.

(u) In the event that the Planning, Development and Zoning Committee, following a public hearing and a recommendation of the Zoning Administrator, determines that a Large Wind Energy System does not comply with the requirements of this Chapter, PSC 128, Section 66.0401 of Wisconsin Statutes, approved plans, conditions of approval, and the requirement to maintain the System in good repair and operating condition, the Committee may revoke the conditional use permit per Section X.8.08.

(336) **Wind Energy System, Small (land use):** A wind energy system with an installed nameplate capacity of not more than 100 kilowatts each and a total installed nameplate capacity of not more than 300 kilowatts. The following performance standards shall apply to any new Small Wind Energy System, and to any expansion or other material change to any existing Small Wind Energy System:

(a) Shall be subject to all definitions, provisions, and requirements of PSC 128, Wis. Admin. Code and Section 66.0401, Wisconsin Statutes that are applicable to Small Wind Energy Systems, including the owner's and Shawano County's responsibilities under such requirements, except as limited by the standards below.

(b) Consistent with PSC 128.12(2), PSC 128.18(3)(am), and Section 91.46(1)(f), Wisconsin Statutes, in the FP zoning district, the Small Wind Energy System shall be subject to the following additional standards:

1. The use and its location are consistent with the purpose of the FP district.

2. The use and its location are reasonable and appropriate, considering alternative locations,

or are specifically approved under state or federal law.

3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(c) The height and setback of a Small Wind Energy System near airports, heliports, or helipads shall be as follows:

1. If near a public use airport, shall comply with Sections 114.135 or 114.136, Wisconsin Statutes, or if no applicable height or setback provision is contained in such sections, shall comply with Federal Aviation Administration obstruction standards in 14 CFR Part 77.

2. If near a private use airport or private heliport/helipad at a medical facility used for air ambulance service, shall comply with Federal Aviation Administration obstruction standards for private use airports or public use heliports/helipads, respectively.

(d) If the Small Wind Energy System includes turbine-mounted lighting, such lighting shall include shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground, to the extent determined practical by the Zoning Administrator.

(e) No Small Wind Energy System, or an expansion or material change to an existing System, shall be constructed prior to obtaining a land use permit under Section X.8.09. In addition to the land use permit application submittal requirements in Section X.8.09, the applicant shall submit all application materials required under PSC 128.30(2), as limited for Small Wind Energy Systems by PSC 128.60, along with information showing that the applicant has complied with the notice requirements in PSC 128.105 and PSC 128.30(5), with such notices also providing contact information for the Zoning Administrator.

(f) After receiving an application for land use permit approval of a Small Wind Energy System (or expansion or material change thereto), the Zoning Administrator shall:

1. Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 15 days after the day the application is filed.

2. Publish a Class I notice per Wisconsin Statutes 66.0401(4)(a)1, including a brief description of the proposed Small Wind Energy System, its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by the County.

3. Make the application available for public review at the City of Shawano library and at the Shawano County Planning and Development office.

4. Accept written public comments on the application for 20 days after the Class I notice is published, or until the administrative hearing is held, whichever is later.

5. Prior to action on the land use permit, conduct an administrative hearing to obtain comments on and to inform the public about the proposed Small Wind Energy System.

6. Either grant or deny the land use permit within 60 days of the submittal of a complete application.

(g) The County may hire professional consultants to assist with the review and processing of the application. In addition to paying the required land use permit fee, the applicant for any Large Wind Energy System shall reimburse the County for such consultant time, within 30 days of receipt of an invoice from the County, per the requirements and limitations in PSC 128.32(5)(b).

(h) Once granted, the work authorized by the land use permit must occur within the required timeframe in Section X.8.09(6).

(i) Per PSC 128.33(5), the Zoning Administrator may require a written report from the owner of an approved Small Wind Energy System, no greater than once per year, documenting compliance over the previous calendar year with the requirements of this Chapter, PSC 128, Section 66.0401 of Wisconsin Statutes, approved plans, conditions of approval, the requirement to maintain the System in good repair and operating condition; including all necessary state and federal permits and approvals; and including the maintenance log for each wind turbine. The log must contain the date and time maintenance was performed, the nature of the maintenance performed, and the reason for the maintenance. Such written report shall be provided within 60 days of Zoning Administrator request.

(j) In the event that the County determines that a Small Wind Energy System does not comply with the requirements of this Chapter, PSC 128, Section 66.0401 of Wisconsin Statutes, approved plans, conditions of approval, and the requirement to maintain the System in good repair and operating condition, the land use permit may be revoked per Section X.9.08(7).

(337) **Window Sign:** A type of sign mounted on or within an exterior window with a primary intent to advertise a business or product within the premises.

(338) **Wis. Admin. Code:** Abbreviation for Wisconsin Administrative Code, which are the rules of the administrative agencies having rule-making authority in Wisconsin, most recently published at http://legis.wisconsin.gov/rsb/code.htm.

(339) **WisDNR:** The Wisconsin Department of Natural Resources, an administrative agency of the State of Wisconsin. Also referred to as "DNR."

(340) **WisDOT:** The Wisconsin Department of Transportation, an administrative agency of the State of Wisconsin. Also referred to as "DOT."

(341) **Wisconsin Statutes:** The laws of the State of Wisconsin as adopted by the state legislature, most recently published at http://www.legis.state.wi.us/rsb/stats.html.

(342) **Yard:** An open space portion of a lot that is unoccupied by a principal building and unobstructed from the ground upward, except as otherwise provided herein.

(343) **Yard, Front:** A yard between the interior side lot lines, or the interior side lot line and a street lot line, that extends from the front lot line to the part of the principal building nearest to the front lot line. See Figure X.9.03(187).

(344) **Yard, Interior Side:** A yard located between the front and rear yards that extends from the interior side lot line to the part of the principal building nearest to that interior side lot line. See Figure X.9.03(187).

(345) **Yard, Minimum Required:** The minimum required distance between the specified lot line to the part of the principal building nearest that lot line, as specified in this Zoning Ordinance. See Figure X.9.03(187).

(346) **Yard, Rear:** A yard between the interior side lot lines, or the interior side lot line and a street lot line, that extends from the rear lot line to the part of the principal building nearest to the rear lot line. See Figure X.9.03(187).

(347) **Yard, Street:** A yard located between the front and rear yards that extends from the street lot line to the part of the principal building nearest to the street lot line. See Figure X.9.03(187).

(348) **Zoning Administrator:** The person authorized and charged by Shawano County with the administration of this Zoning Ordinance, except where otherwise indicated.

(349) **Zoning Map:** See "Official Zoning Map" above.

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APPENDIX C: DEVELOPMENT REVIEW PROCESS SUMMARIES

The graphics on the following pages summarize Shawano County's development review processes for the following actions:

- Amendments to the Official Zoning Map (Rezones), as more completely described in Section X.8.07.
- Conditional Use Permits, as more completely described in Section X.8.08.
- Variances, as more completely described in Section X.8.10.

This Appendix is a companion to the Shawano County Zoning Ordinance, but is not, itself, a regulatory document and has not been adopted as part of the Zoning Ordinance. As a result, professional staff from the County Planning and Development Department may amend or add to these graphics on an as-needed basis, provided that the processes continue to reflect the official development review process requirements described in Section X.8 of the Zoning Ordinance. In the event of any conflict or need for interpretation, the requirements of Section X.8 shall control over the graphics and information in this Appendix C.

Figure C.1:
SUMMARY OF KEY SHAWANO COUNTY DEVELOPMENT REVIEW PROCESSES
AMENDMENTS TO THE OFFICIAL ZONING MAP (REZONING)

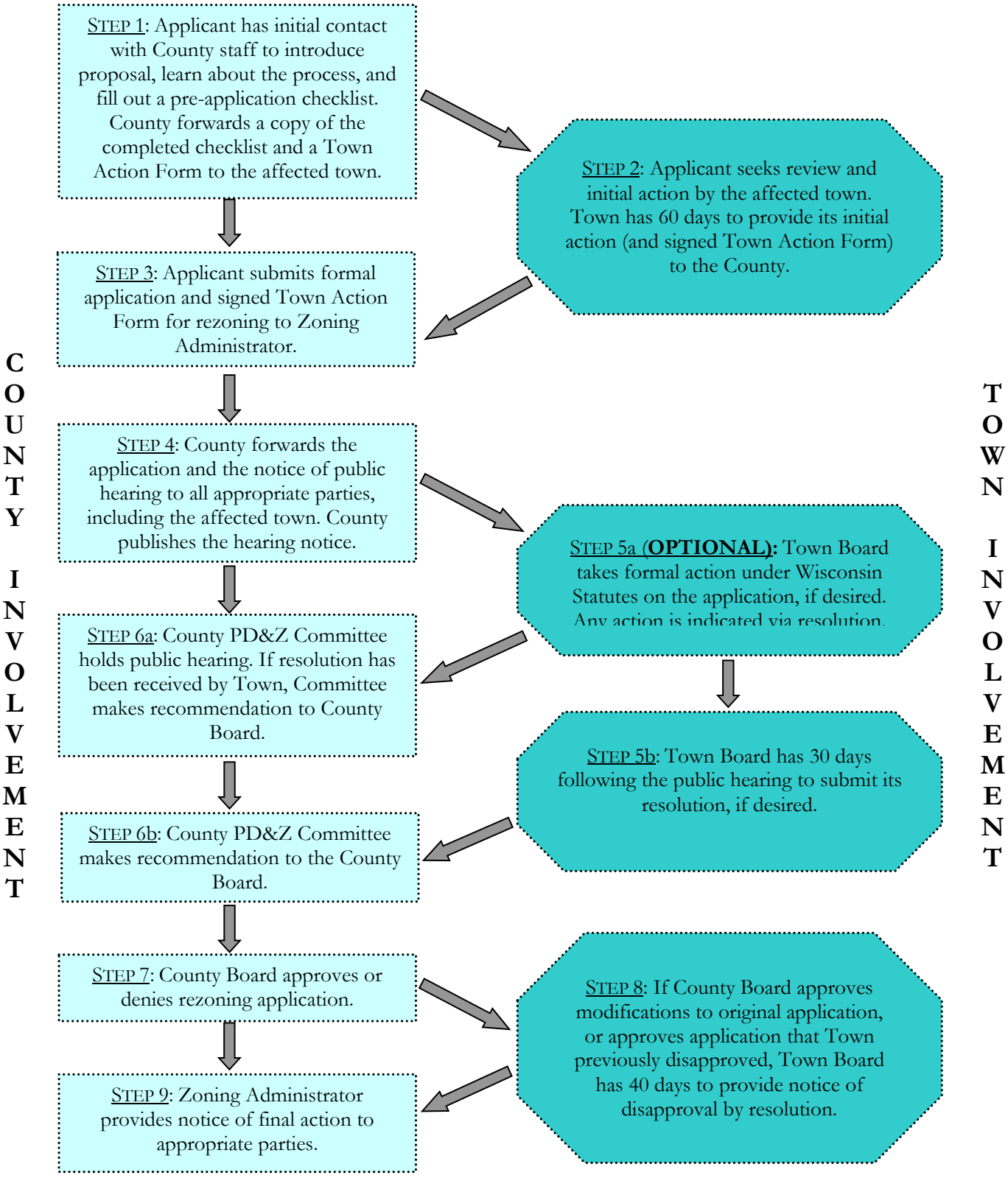


FIGURE C.2:
SUMMARY OF KEY SHAWANO COUNTY DEVELOPMENT REVIEW PROCESSES
CONDITIONAL USE PERMITS

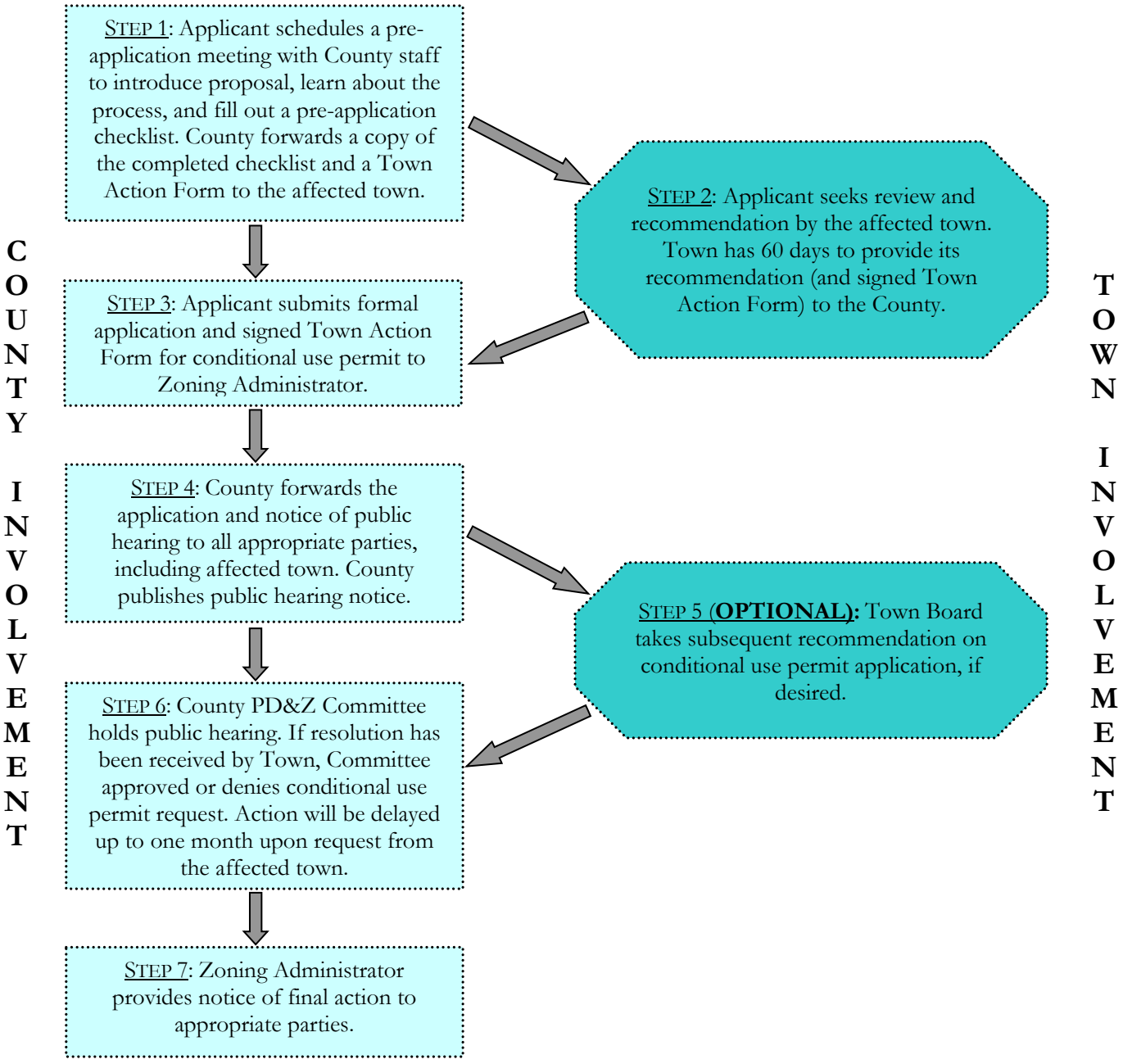
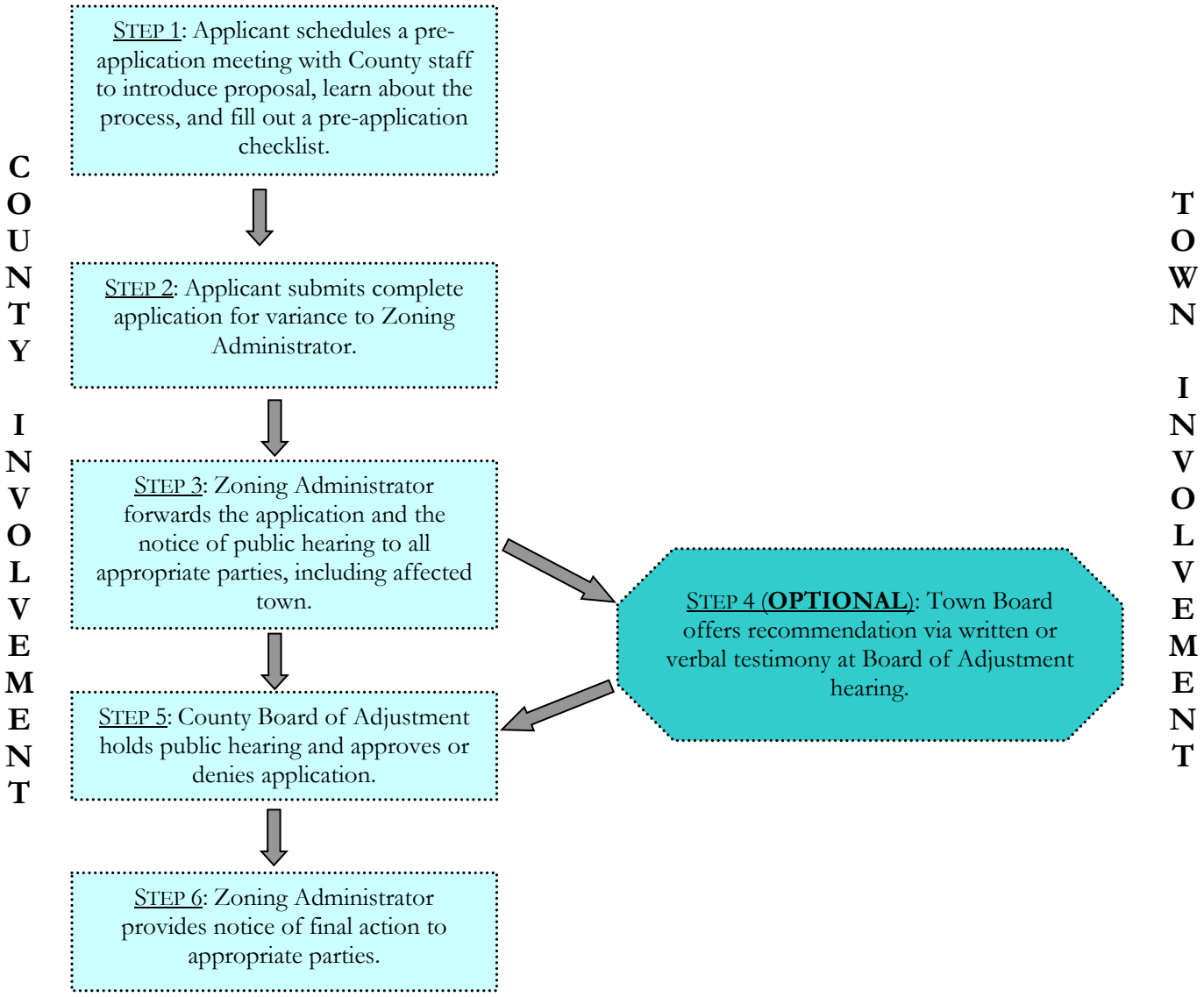


Figure C.3:
SUMMARY OF KEY SHAWANO COUNTY DEVELOPMENT REVIEW PROCESSES
VARIANCES



APPENDIX D: ANIMAL UNIT DENSITY WORKSHEET

Animal Type		Animal Units		
		b. Equiv. factor	**c. Current Number**	d. No. of AUs
Dairy/Beef Calves (under 400 lbs)		0.20 x		= 0
Dairy Cattle	Milking & Dry Cows	1.40 x		= 0
Dairy Cattle	Heifers (800 lbs to 1200 lbs)	1.10 x		= 0
Dairy Cattle	Heifers (400 lbs to 800 lbs)	0.60 x		= 0
Beef	Steers or Cows (400 lbs to market)	1.00 x		= 0
Beef	Bulls (each)	1.40 x		= 0
Veal Calves		0.50 x		= 0
Swine	Pigs (up to 55 lbs)	0.10 x		= 0
Swine	Pigs (55 lbs to market)	0.40 x		= 0
Swine	Sows (each)	0.40 x		= 0
Swine	Boars (each)	0.50 x		= 0
Chickens	Layers (each)	0.01 x		= 0
Chickens	Broilers/Pullets (each)	0.01 x		= 0
Ducks (each)		0.01 x		= 0
Turkeys (each)		0.018 x		= 0
Ponies/Miniature Horses (each)		0.50 x		= 0
Rabbits (each)		0.01 x		= 0
Farm Raised Deer (each)		0.20 x		= 0
Buffalo (each)		1.40 x		= 0
Elk (each)		0.7 x		= 0
Ratites/Emu (each)		0.1 x		= 0
Camelids(Camels/ etc.)(each)		1 x		= 0
Camelids: Llamas/Alpacas/etc. (each)		0.2 x		= 0
Farm Raised Game Birds (each)		0.01 x		= 0
Goats/Sheep (each)		0.1 x		= 0
Donkeys (each)		1 x		= 0
Horses (each)		2 x		= 0
Total Animal Units:				**Total Animal Units = 0** (add all rows above)

APPENDIX E: FARMLAND AND FOREST PRESERVATION AREA RESIDENTIAL DENSITY POLICIES

The following policies and programs are applicable within areas that are mapped as "Farmland and Forest Preservation Area" within Farmland Preservation Plan maps in the Shawano County Comprehensive Plan. These policies and programs are copied directly from the Comprehensive Plan, repeated here for easy reference when implementing applicable sections of this zoning ordinance. In the event of any conflict between the following policies and programs and those included within the adopted Shawano County Zoning Ordinance or Comprehensive Plan, such as a result of County Board adopted amendments to those documents, the policies and programs within the adopted Zoning Ordinance and/or Comprehensive Plan shall prevail.

1. **Primary Implementing Zoning Districts:** Utilize the County's FP Farmland Preservation zoning district(s), or Town zoning equivalents, as the primary zoning districts to implement Farmland and Forest Preservation area policies. Such County FP district(s) have been developed to be DATCP-certified farmland preservation zoning districts, which makes farmers within such zoning district(s) eligible for State income tax credits if minimum farm income and conservation requirements are also met.
2. **Additional Compatible Zoning Options:** No County zoning districts aside from the FP district(s) are intended to be DATCP-certified farmland preservation zoning districts. Still, lands that are zoned RPOS Recreation and Public Open Space District and OAR Open Lands and Residential within the County Zoning Ordinance are also consistent with Farmland and Forest Preservation area policies, and therefore may be mapped over lands planned in Farmland and Forest Preservation area, under the following circumstances:
    a. Some combination of County and local ordinances restricts the development of new subdivision plats (5+ lot developments) in such RPOS or OAR zoned areas, AND

       The County wishes to include the RPOS and OAR districts among those zoning districts that are consistent with Farmland and Forest Preservation area policies. The ability to map such RPOS and OAR zoned areas within the planned Farmland and Forest Preservation area maintains eligibility for such lands to be designated within an Agricultural Enterprise Area in the future. Such designation would require subsequent State approval following another local planning, mapping, and petition process.

       The OAR, RPOS, and other non-certified zoning districts focused on non-agricultural development may also be utilized on an occasional basis over lands planned in the Farmland and Forest Preservation area, to reflect pre-existing land use and zoning patterns or per the non-farm development policies that follow.
3. **Agricultural-Related and Forestry-Related Businesses:** Enable a wide range of agricultural-related and forestry-related uses that support farming and forestry within the Farmland and Forest Preservation area, along with home occupations and other uses that are compatible with the purpose of the Farmland and Forest Preservation area and Wisconsin Statutes. For additional detail, refer to permitted and conditional use lists and performance standards in the County zoning ordinance, in towns where such ordinance is applicable.
4. **Conversion of Farmland:** Minimize the conversion of prime farmland for residences, residential driveways, and non-farm development. Per Section 91.01(25)a of Wisconsin Statutes and this *Plan*, prime farmland include areas of Class I, II, and III soils, as represented on Map 4. Site new non-farm development in a manner that facilitates crop or forestry production on the remaining lands.
5. **Residential Lots Resulting from Farm Consolidation:** When the owner of a residence existing before the establishment of County FP zoning over the land desires to divide the land occupied by such residence and accessory buildings from the farm, in conjunction with a farm consolidation, the resulting

residential lot should be as small as practical, considering the desire to keep accessory buildings with the residence and the future probability that farm animals will be kept on the lot.

6. **Existing Residences:** Residences, regardless of occupancy, existing as of January 1, 2014 may be permitted in a certified district as listed under s. ATCP 49.22.

7. **New and Replacement Farm Residences:** Enable new and replacement farm residences by right within the Farmland and Forest Preservation area to facilitate new investments in farming, replacement of aging farm residences, and intergenerational transfers. The County Zoning Ordinance provides additional detail on what constitutes a "farm residence." The resulting farm residence lot or home site should be as small as practical, considering the desire to keep accessory buildings with the residence and the future probability that farm animals will be kept on the lot.

8. **New Non-Farm Residential Lot Sizes and Density:** Within parts of the Farmland and Forest Preservation area that are also under the County's zoning jurisdiction:

    a. Enable minimum new lot sizes in accordance with applicable zoning ordinance standards.

    b. Do not permit subdivision plats (5+ lot developments) in the Farmland and Forest Preservation area, instead directing them to areas planned for more intensive residential development.

    c. Enable the clustering of two to four residential lots, except where clustering near a farm residence and associated farm activities would create potential use incompatibilities. Clusters may be sited within each ¼ ¼ section owned, focused in one ¼ ¼ section if multiple ¼ ¼ sections are owned, or some combinations (see example in Figure 3.4—figure numbers in this appendix echo figure numbers in the Comprehensive Plan).

    d. Except where the town has adopted a stricter policy, allow the following alternative maximum residential density options. The density option utilized will depend on the land owner's preferred residential lot sizes, which may vary on a ¼ ¼ section by ¼ ¼ section basis.

        i. Two residences per every ¼ ¼ section of land ("40" acres), including both farm residences and non-farm residences, provided that lots for new non-farm residences are no greater than two acres each.

        ii. One residence per every ¼ ¼ section of land ("40" acres), including both farm residences and non-farm residences, where lots for new non-farm residences are greater than two acres each.

    e. See Figures 3.2 through 3.4 for further information and examples of how these lot size and density policies can be executed, except where the affected town has adopted a stricter policy. (For example, at the time of writing, Maple Grove restricted non-farm residences to only those intended for the parent or child of the operator of farm, up to a maximum of two such residences per farm, where such parent or child either does or did at one time earn more than 50 percent of his or her gross income from the farm.)

9. **New Non-Farm Residences Require Rezoning:** For lands in the Farmland and Forest Preservation area under County zoning jurisdiction, require the rezoning of land for non-farm residences away from an FP zoning district, in accordance with the maximum residential density policy under policy 8. See Figures 3.2 through 3.4 for examples of how rezoning will be used to execute the residential density policy within the Farmland and Forest Preservation area and under the County's zoning jurisdiction, except where the affected town has adopted a stricter policy. The following are the preferred County zoning districts for when non-farm residences are proposed:

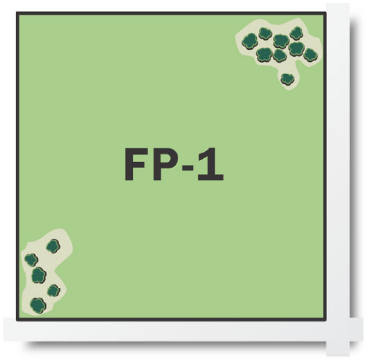
    a. Where the subdivider does not wish to allow farm animals on the new residential lots, the R-R Residential-Rural zoning district is preferred.

b. Where the subdivider wishes to enable the keeping of farm animals on the new residential lots, or does not subdivide a lot from the original parcel, the A-R Agriculture-Residential zoning district is preferred.

Figure 3.2

Residential Development Options Within "Farmland and Forest Preservation Area" (No Pre-Existing Residence)

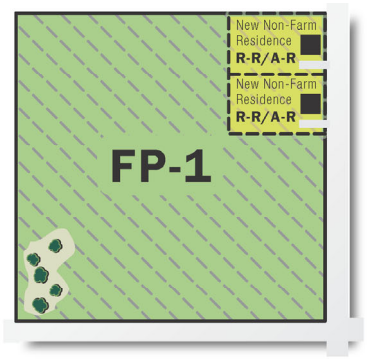
Original Condition of "40"

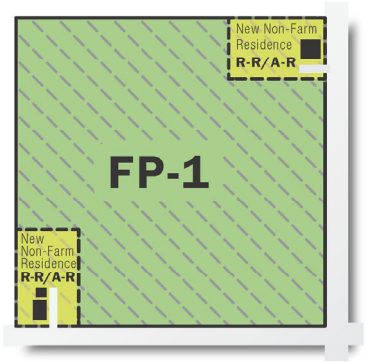


- Mapped as "farmland and forest preservation area" in plan
- Zoned in certified farmland preservation district (FP-1)
- No pre-existing development on "40"
- May be same owner as adjacent lands, or only "40" owned
- Does not need to be 40+ acres; instead, gov't ¼ ¼ section

	Up to two new residences remaining.
	Preservation overlay zoning applied at time of residential development
FP-1	Land zoned Farmland Preservation 1.
R-R/A-R	Lot rezoned to Residential-Rural or Agricultural-Residential, depending on preferences for farm animals.
A-R	Land rezoned to Agricultural-Residential district.

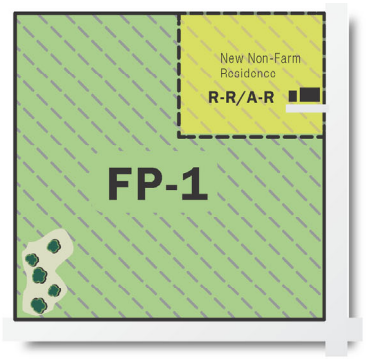
Two Residences Per "40" Option





- Maximum new lot size of 2 acres to preserve farmland
- Lots may be created at same time or different times
- Minimize prime farmland used; score in lower LESA tiers
- Retain FP-1 zoning on balance of lands for tax credits
- Zone lands to preservation overlay to track density
- Variation not shown above: If land owner has at least two "40s" (80± acres), may cluster up to four ≤ 2 acre lots

One Residence Per "40" Option



- Homesite may occupy entire "40" with residential rezone
- Minimize prime farmland used; score in lower LESA tiers
- May retain FP zoning on balance of "40" if elect to divide lot
- Zone lands in preservation overlay to track density over time
- Variation not shown above: If land owner has at least four "40s" (160± acres), may cluster sets of up to four >2 acre lots

Shawano County
Farmland Preservation Plan

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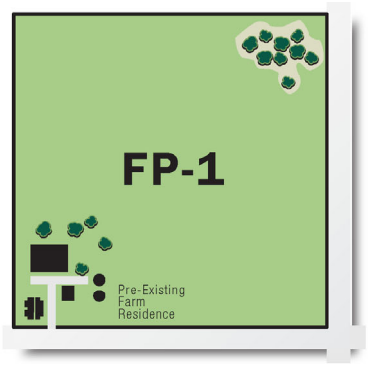
Figure 3.3

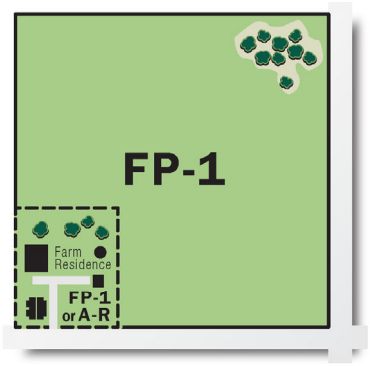
Residential Development Options Within "Farmland and Forest Preservation Area" (w/ Pre-Existing Farm Residence)

Original Condition of "40"



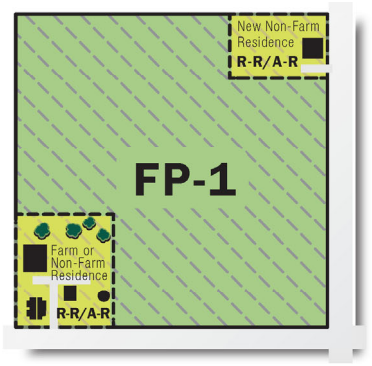
- Mapped as "farmland and forest preservation area" in plan
- Zoned in certified farmland preservation district (FP-1)
- One pre-existing farm residence and outbuildings on "40"
- May be same owner as adjacent lands, or only "40" owned
- Does not need to be 40+ acres; instead, gov't ¼ ¼ section

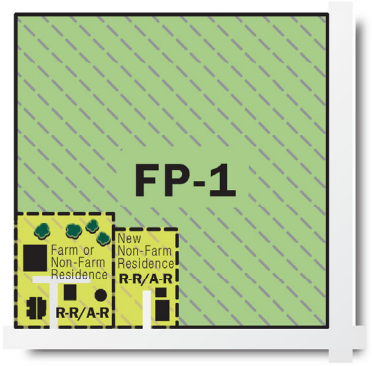
Farm Consolidation Scenario



- If remains as "farm residence", may divide without rezoning
- Keep lot size small as practical to encompass home/outbuildings
- Retain FP-1 zoning for tax credits
- Similar to past approach in A-G-1 and A-G-2 districts

Two Residences Per "40" Layout Options





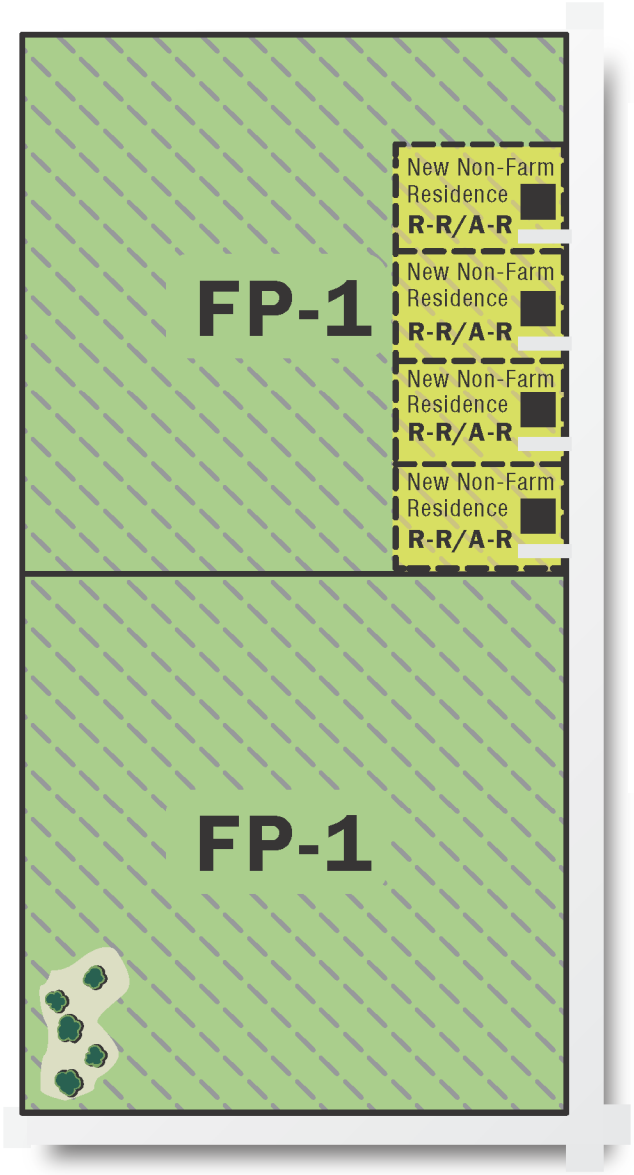
- Rezoning of former farm house lot to R-R or A-R if occupancy changes
- One new home site allowed if new lot size 2 acres or less
- Minimize prime farmland used; score in lower LESA tiers
- Retain FP-1 zoning on balance of "40" for tax credits
- Zone lands in preservation overlay to track density over time
- Variation not shown above: If land owner has at least two "40s" (80± acres), may cluster up to three ≤2 acre lots with farm consolidation lot

	One new residence remaining.
	Preservation overlay zoning applied at time of residential development
FP-1	Land zoned Farmland Preservation 1.
R-R/A-R	Lot rezoned to Residential-Rural or Agricultural-Residential, depending on preferences for farm animals.

Shawano County
Farmland Preservation Plan

10-03-2013

Figure 3.4: Residential Development Clustering Option Within Farmland and Forest Preservation area (80 acre clustering example)



- Begins with two undeveloped ¼ ¼ sections that are owned by same entity
- All lands planned as "Farmland and Forest Preservation" area and zoned FP-1 before development
- Eligible for two non-farm residences per ¼ ¼ section, if new lots are less than 2 acres each and other standards met (see Figure 3.2)
- Example shows the clustering all four lots on one of the ¼ ¼ sections, with overlay zoning district limitations placed on both ¼ ¼ sections
- All four lots may be divided at the same time, or over a period of years

10. **Rezoning Criteria:** Whenever land is proposed for rezoning from a DATCP-certified County FP zoning district (or from a certified farmland preservation zoning district in a town zoning ordinance) to a non-DATCP-certified zoning district, require that the following criteria are met:

    a. The land is better suited for a use not allowed in the FP district, or certified town farmland preservation zoning district.

    b. The rezoning is consistent with this *Shawano County Comprehensive Plan* including its farmland preservation plan component, and the applicable town comprehensive plan.

    c. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

11. **Support for Complementary Town Policies:** Where associated policies within the adopted town comprehensive plan are stricter than County policies for lands within a particular designated Farmland and Forest Preservation area, support the town in its actions on zoning and land division requests, so that the stricter policy based on the town's comprehensive plan may be applied.

12. **Potential Agricultural Enterprise Areas (AEAs):** Support town/property owner initiated petitions to DATCP to establish new AEAs in Shawano County, provided that County Planning and Development staff determines that the proposed AEA is entirely within a Farmland and Forest Preservation area and is otherwise consistent with this *Plan* and DATCP criteria. AEAs enable farmland preservation tax credits at higher levels than otherwise possible within the planned Farmland and Forest Preservation area. Beginning in tax year 2023, the tax credit have been updated to the following:

    - **$10.00/acre** for landowners with a farmland preservation agreement signed after July 1, 2009 and located in an agricultural enterprise area, or for landowners who have modified an agreement initially signed before July 1,2009
    - **$10.00/acre** for landowners in an area zoned for farmland preservation
    - **$12.50/acre** for landowners in an area zoned for farmland preservation and in an agricultural enterprise area with a farmland preservation agreement signed after July 1, 2009, or in an area zoned for farmland preservation and with a farmland preservation agreement modified after July 1, 2009

    Eligibility requirements and additional information about the program can be found on the Wisconsin Department of Agriculture, Trade and Consumer Protection website at https://datcp.wi.gov/Pages/Programs_Services/AgriculturalEnterpriseAreas.aspx

Land Conservation: As budget resources allow, work through the Land Conservation Division to assist farmers in the Farmland and Forest Preservation area and FP zoning districts achieve soil and water conservation compliance to maintain tax credit eligibility.