

## Chapter 375

### ZONING

**[HISTORY: Adopted by the Town Board of the Town of Scott 1-8-2008; amended 8-12-2008. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 35.  
Communication towers — See Ch. 57.  
Comprehensive Plan — See Ch. 62.  
Condominiums — See Ch. 68.  
Construction site erosion control — See Ch. 73.  
Driveways — See Ch. 97.  
Nonmetallic mining — See Ch. 182.  
Natural and archaeological resource preservation — See Ch. 194.  
Sewers and sewage disposal — See Ch. 260.  
Stormwater management — See Ch. 297.  
Subdivision of land — See Ch. 308.  
Swimming pools — See Ch. 314.  
Water — See Ch. 357.

#### ARTICLE I

##### **Title and Authority**

##### **§ 375-1. Title.**

This chapter shall be known, cited, and referred to as the "Town of Scott Zoning Ordinance, Brown County, Wisconsin."

##### **§ 375-2. Authority.**

The Town of Scott, pursuant to §§ 60.10(2)(c), 60.22(3), 60.61, 60.82, 61.35, 62.23, and 66.0435, Wis. Stats., hereby enacts a zoning ordinance to read as follows.

#### ARTICLE II

##### **Intent and Purpose**

##### **§ 375-3. Intent.**

- A. This chapter is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the component parts thereof.
- B. When the Town is considering rezonings, conditional uses, or other land use changes regulated by this chapter, it shall first review the recommended direction of the Town's Comprehensive Plan. Whether approving or disapproving the request, the specific goals, objectives, policies, or other Comprehensive Plan concepts that the decisions are based upon shall be noted as part of the official record.

**§ 375-4. Purpose.**

The Zoning Ordinance of the Town of Scott, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Town; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship among agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.

**ARTICLE III  
Word Usage and Definitions**

**§ 375-5. Word usage.**

- A. For the purpose of this chapter, words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; and the masculine gender includes the feminine and neuter.
- B. The word "shall" is mandatory.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "piece," "parcel" and "plat"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- E. All measured distances shall be to the nearest integral foot. If a fraction is 1/2 foot or less, the next integral foot below shall be taken.
- F. Any words not herein defined shall be construed as defined in other respective state, county, and Town codes.

**§ 375-6. Definitions.**

Certain words and terms in this chapter are to be interpreted as defined herein:

**ACCESSORY BUILDING** — A subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building. An accessory building shall comply in all respects with the requirements of this chapter applicable to the zoning district in which it is located.

**ACCESSORY USE** — A use subordinated to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.

**AGRICULTURE** — The use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce. [Amended 10-15-2009]

**ALLEY** — A public or private right-of-way primarily designed to serve as secondary access to abutting properties.

**BASEMENT** — That portion of any structure located partly underground and having more than 1/2 of its height below the finished lot grade.

**BED-AND-BREAKFAST** — Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.<sup>1</sup>

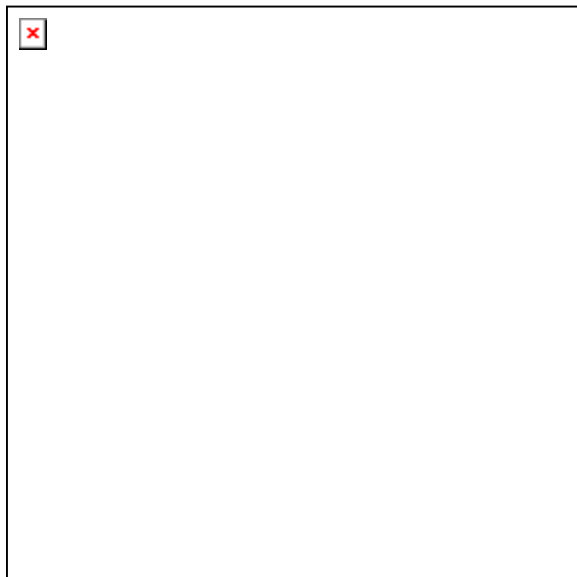
**BOARDINGHOUSE (LODGING HOUSE)** — A building or premises, other than a hotel, containing lodging rooms accommodating, for compensation, four or more persons not of the keeper's family. Lodging may be provided with or without meals.

**BUILDING** — Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building. The words "structure" and "building" shall be considered synonymous.

**BUILDING, DETACHED** — One which is entirely surrounded by open space on the same lot.

**BUILDING HEIGHT** — The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the deck line of a mansard roof and to the top of a gable, hip, or gambrel roof.

**BUILDING SETBACK LINE** — A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a building may be erected (see illustration).



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1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**BUILDING, TEMPORARY** — Any building not designed to be permanently located in the place where it is or where it is intended to be placed or affixed. Mobile homes used as residences shall not be classified as temporary buildings.

**CANOPY** — A roof-like structure projecting from a wall and erected primarily to provide shelter from the weather.

**CAPACITY IN PERSONS OF AN ESTABLISHMENT OR USE** — The maximum number of persons who can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Building Inspector.

**CHILD DAY-CARE CENTER** — An establishment for the care and supervision of four or more children under seven years old for fewer than 24 hours a day, required to be licensed by the Department of Children and Families.<sup>2</sup>

**CLINIC, MEDICAL OR DENTAL** — An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

**CLUB** — An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.

**COMMERCIAL FEEDLOT** — An agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot, or slaughterhouse.

**COMMUNICATION TOWER** — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers.<sup>3</sup>

**COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF)** — A place where six or more adults who are not related to the operator or administrator and who do not require care above intermediate-level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than three hours of nursing care per week per resident as described in § 50.01, Wis. Stats. The establishment of a community-based residential facility shall be in conformance with the Federal Fair Housing Act, 42 U.S.C. § 3601, as amended.

**COMMUNITY LIVING ARRANGEMENT** — Any of the following facilities licensed or operated or permitted under the authority of the State Department of Health Services [§ 46.03(22), Wis. Stats.]: child welfare agencies under § 48.60, Wis. Stats., group homes for children under § 48.02(7), Wis. Stats., and community-based residential facilities under § 50.01, Wis. Stats., but does include day-care centers, hospice care, nursing homes, general hospitals, special hospitals, prisons and jails.<sup>4</sup>

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**CONDITIONAL USE** — A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such conditional use may or may not be granted, subject to the terms of this chapter and any conditions attached by the Town Board to the use.

**CONSERVATION BY DESIGN SUBDIVISION** — A housing development that is characterized by compact lots that are surrounded by, or interspersed with, preserved open space, where the natural features of the land are preserved to the greatest extent possible. Such conservation subdivision shall meet the regulations as adopted by the Town in Chapter 308, Subdivision of Land, of the Town Code.<sup>5</sup>

**DRIVE-THROUGH FACILITY** — Any business establishment which provides window service and/or carry-out service for goods or food products to automotive customers.

**DWELLING** — A building, or portion thereof, excluding a mobile home, hotel, motel, boardinghouse, and trailer, designed or used exclusively for residential occupancy.

**DWELLING UNIT** — One or more rooms which are arranged, designed or used as living quarters. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

**DWELLING UNIT, MULTIPLE-FAMILY** — A building used or designed as a residence for three or more families, including townhouses, row houses, or apartment houses.

**DWELLING UNIT, SINGLE-FAMILY** — A building designed for and occupied exclusively by one family.

**DWELLING UNIT, TWO-FAMILY** — A building designed for and occupied exclusively by two families.

**FAMILY** — Any member or individual related by blood, adoption, marriage, or group of not more than five persons not so related, living together on the premises as a single housekeeping unit, including any personal assistant.

**FARM** — Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and/or dairy products.

**FRONTAGE** — The dimension of a lot established as the length of the property measured along the right-of-way line between side lot lines.

**GARAGE, PRIVATE** — An accessory building which provides for the storage of motor vehicles and other items which are owned by the occupants of the lot on which the building is located. Private garages may either be attached to or detached from the primary structure.

**GARAGE, PUBLIC AND STORAGE** — Any building or premises, other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

**GRADE** — The average level of the finished surface of the ground adjacent to the exterior walls

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5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

of the building or structure.

**GRANDFATHERED** — To exempt from new regulations a structure, use, activity or business that legally existed prior to the date of adoption of this chapter or updated provisions thereof.

**GROSS FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

**GROUP HOME** — Community living arrangements for the care and maintenance of five to eight children under 18 years of age, which are licensed child welfare agencies, as set forth in § 48.60, Wis. Stats.<sup>6</sup>

**HARD-SURFACED** — A driveway or parking lot surfaced with concrete, bituminous paving, solid stone, paving brick, or masonry block.

**HOME BUSINESS** — A business conducted on the same lot as, and in conjunction with, a residence. A home business is a use that does not meet the criteria for home occupation and is not located within a commercial or industrial zoning district. A home business may be located in the residence, garage or accessory building. Such use must receive a permit, which shall be reviewed annually by the Town's Plan Commission, for it to continue to be considered a legal home business. Such review and permit shall follow those standards established for a mixed-use site. [Amended 10-15-2009]

**HOME OCCUPATION** — Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not the general practice of his profession. No accessory building shall be used for such home occupation.

**HOTEL** — A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with or without cooking facilities.

**INDUSTRIAL PARK** — A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

**JUNK (SALVAGE) YARD** — An open area where waste or scrap 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, bottles, and automobiles.

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6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**KENNEL, INDOOR** — A building in which three or more dogs or four or more cats or other animals at least two months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted within the building itself.

**KENNEL, OUTDOOR** — A lot or parcel on which three or more dogs or four or more cats or other animals at least two months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.

**LOT** — A parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this chapter, and abutting on a public street.

**LOT, CORNER** — A lot located at the intersection of two streets, the interior angle of such intersection not exceeding 135°.

**LOT, DEPTH OF** — The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT LINES AND AREA** — The peripheral boundaries of a parcel of land, including the street right-of-way lines and the total area lying within such boundaries.

**LOT OF RECORD** — A lot which is part of a subdivision or created by certified survey map (CSM), the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this chapter.

**LOT, THROUGH** — An interior lot having frontage on two nonintersecting streets.

**LOT, WIDTH OF** — The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

**LOT, ZONING** — A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

**MANUFACTURED HOME** — A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. For purposes of this chapter, a manufactured home meeting this definition shall be considered a single-family home and, therefore, may locate in any district permitting such use.

**MIXED-USE SITE** — A site where a locally grown small business which, being in its infancy, needs incubation in order to aid in its success, is located. The business may be conducted on the same lot as, and in conjunction with, a residence or existing structure. A mixed-use site has a use that could meet the definition of home occupation or a home-based business and is not located

within a commercial or industrial zoning district. The mixed use may be located on residential or agriculturally zoned properties. A mixed use may be located in the residence, garage, a farm building, or accessory building. Such use must receive a permit, which shall be reviewed annually, the first month of each year, by the Town's Plan Commission. [Added 10-15-2009]

**MOBILE HOME** — A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis, has a permanent hitch and axles, and is designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

**MODULAR HOME** — A factory-built, single-family structure that is transportable in one or more sections, and conforms to and is inspected according to all state and local building codes. It is not constructed with a permanent trailer frame, hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or axles permanently attached to its body or frame. For purposes of this chapter, a modular home meeting this definition shall be considered a single-family home and, therefore, may locate in any district permitting such use.

**MOTEL** — An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

**MOTOR VEHICLE** — Any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**NONCONFORMING USE** — Any use of land, building, or structure, lawful at the time of the enactment of this chapter, which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

**OUTDOOR STORAGE** — The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**PARKING LOT** — An area not within a building where motor vehicles may be stored for the purpose of temporary daily or overnight off-street parking.

**PARKING SPACE** — A graded and surfaced area of not less than 162 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways or other means of circulation or access.

**PLANNED UNIT DEVELOPMENT** — A tract of land which contains or will contain two or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.

**PROFESSIONAL OFFICE** — The office of doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.



**RECREATIONAL VEHICLE** — A motor vehicle designed to be used primarily for temporary living quarters, most notably for recreational purposes, within which there are permanently attached facilities and equipment for cooking, eating, and sleeping.

**RESTAURANT** — A public eating establishment in which the primary function is the preparation and serving of food for sale to patrons. Food may be wholly consumed on the premises or may be taken from the premises or may be consumed in motor vehicles parked on the premises.

**RETAIL** — Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.

**RIGHT-OF-WAY (ROW)** — A strip of land occupied, or intended to be occupied, for a public or quasi-public use. Rights-of-way intended for streets, trails, crosswalks, water mains, sanitary sewers, stormwater drainage, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**ROADSIDE STAND** — A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of products and produce either grown or produced on the premises. Such roadside stand shall be no more than 300 square feet in ground area and limited to 10 feet maximum height, and shall not occupy a parcel in excess of six months.

**SETBACK** — The minimum horizontal distance between the exterior of a building's foundation, footings, or slab and the property line.

**SIGN** — See Article VII, Signs.

**SLAUGHTERHOUSE** — A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut or altered.

**STOCK FARM** — An agricultural operation, usually nondairying in nature, where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

**STORY** — That part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is five feet or more above the level from which the height of the building is measured.

**STREET** — A public or private right-of-way or access drive which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

**STRUCTURAL ALTERATION** — Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**STRUCTURE** — Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground. The

words "structure" and "building" shall be considered synonymous.

TOWN — The Town of Scott.

TOWN BOARD — The governing body of the Town of Scott.

TOWN ZONING ADMINISTRATOR — The Administrator appointed by the Town Board to administer and enforce the provisions of this chapter.

UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created and are not financial in nature, have made strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

USE, PRINCIPAL — The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted, conditional or nonconforming.

UTILITY TRAILER — A vehicle without motor power designed to be drawn upon a highway by a motor vehicle and intended to be used for general light cartage purposes.

VARIANCE — A departure from the terms of this chapter as applied to a specific building, structure, or parcel of land, which the Zoning Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district. In no case shall a variance be granted to permit any use not permitted in a particular zone.

VISION CORNER — An established line of sight that does not obstruct or impair the line of sight for motorized or nonmotorized vehicles traveling in an established right-of-way.

YARD — Open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation and hard-surfaced areas used for driveways and walkways. A yard extends along a lot line and to a depth or width specified in the yard requirements for the zone in which the lot is located.

YARD, CORNER SIDE — A yard extending along a side lot line from front yard to rear yard when said side lot line is coterminus with a street right-of-way line.

YARD, FRONT — A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR — A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE — A yard extending along a side lot line from the front yard to the rear yard.

#### ARTICLE IV General Provisions

##### § 375-7. Jurisdiction.

The jurisdiction of this chapter shall include all lands and water within the Town of Scott.

**§ 375-8. Conflict with other laws.**

Restrictions or requirements with respect to buildings or land, or both, which appear in other ordinances of the Town of Scott or are established by federal, state, or county laws and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this chapter shall apply.

**§ 375-9. Preexisting developments.**

The following standards shall apply to all preexisting developments constructed on any parcel which had a primary structure constructed either under the regulations as set forth in the Town's 1961 Zoning Ordinance, or prior. It is the intention of this section to recognize these existing improvements as legal conforming uses, provided they were constructed in accordance with the regulations in place at the time of their construction. The land use zoning districts as illustrated on the current Official Zoning Map shall govern all parcels, regardless of the date of construction.

- A. All structures, whether primary or accessory, shall maintain a front yard setback in conformance with the following standards:
- (1) New construction of any structure shall be set back 25 feet from the right-of-way line.
  - (2) When construction of an accessory structure or an addition to an existing primary structure is proposed on a parcel where the existing primary structure is less than 25 feet from the ROW line, then the setback shall be determined by averaging. The average setback is determined by subtracting the actual setback of the primary structure from the twenty-five-foot setback and dividing the result in half. The required setback may be reduced by that number, for the proposed accessory structure or addition to the existing primary structure.
  - (3) The owner of any structure with a setback of less than 25 feet shall sign a waiver of damages with the Town.<sup>7</sup>
- B. Accessory buildings proposed for construction on a parcel which had a primary structure constructed either under the regulations as set forth in the Town's 1961 Zoning Ordinance or prior shall conform to the following standards. Accessory buildings:
- (1) Shall not be more than 15 feet in height.
  - (2) Shall not be nearer than three feet to any side lot line.
  - (3) Shall have a rear yard setback of not less than 12 feet.
- C. Any lot of parcel, proposed for development, which was platted prior to the adoption of the Town's 1961 Zoning Ordinance, and which does not meet the standards set forth in this chapter, adopted on January 8, 2008, shall be permitted to have a reduction in the side yard setbacks. The total of the primary structure's side yard setbacks shall be not less than 20 feet, with no single side yard setback being less than eight feet. All other standards and

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

regulations shall apply to these lots or parcels.<sup>8</sup>

- D. All other uses and regulations identified in this chapter shall be enforced for all preexisting parcels and developments in all zoning districts.<sup>9</sup>

**§ 375-10. Accessory buildings and uses.**

Accessory buildings shall be compatible with the principal use. The principal use must be compatible with the land use zoning district.

**§ 375-11. Buildings and uses.**

- A. Uses not listed as either permitted or conditional uses in this chapter shall be considered as not allowable, except that the Town Board may allow land uses (permitted or conditional) which, though not contained by name in a zoning district list of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses.
- B. A building hereafter erected, enlarged, converted, structurally altered, rebuilt or moved, and existing land shall be used only for purposes as specified in this chapter; furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.<sup>10</sup>
- C. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
- D. Permitted uses, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.
- E. Accessory buildings.
- (1) Accessory buildings which are not a part of the main building:
    - (a) Shall not occupy more than 30% of the area of the required rear yard.
    - (b) Shall not be more than 25 feet high or the height of the principal building, whichever is less.
  - (2) Accessory building setbacks shall conform to the regulations of the zoning district where the property is located, except that where an accessory building has an entrance on an alley, such entrance shall be located not less than 15 feet from the nearest alley line.
  - (3) The above height and area regulations shall not apply to accessory buildings designated as farm structures.
  - (4) Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard requirements for the main building shall be applied

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8. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

to the accessory building.

- (5) Where an accessory building is detached from the main building, it shall be located a minimum of 10 feet from the principal structure.
  - (6) No accessory building shall be constructed on a lot without a primary structure. All accessory structures shall be constructed either in conjunction with the primary structure or at any time after the primary structure is completed, provided that the construction of the accessory building is in conformance with all necessary Town permits and ordinances.<sup>11</sup>
- F. No lot area shall be reduced so that the yards and open spaces shall be smaller than are required by this chapter. If the lot area is less than the minimum number of square feet required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied if it meets the requirements of the Brown County Sanitary Ordinance and preexisting setback requirements.
- G. Where the Town has issued a building permit pursuant to the provisions of this chapter, such permit shall become null and void unless work thereon is underway within six months of the date of the issuance of such permit by the Town and with the exterior of the structure completed within two years of issuance of the building permit.
- H. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this chapter, and provided that construction is begun within six months of such effective date and prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and, further, may upon completion be occupied under an occupancy permit by the use for which originally designed.

**§ 375-12. Area regulations.**

- A. Lot size shall comply with the required regulations of the established district.
- B. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

**§ 375-13. Height regulations.**

- A. Except as otherwise provided in this chapter, the height of any building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- B. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, tanks, water towers, spires, wireless television or broadcasting towers, masts or aerials, public water towers, telephone, power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this chapter.

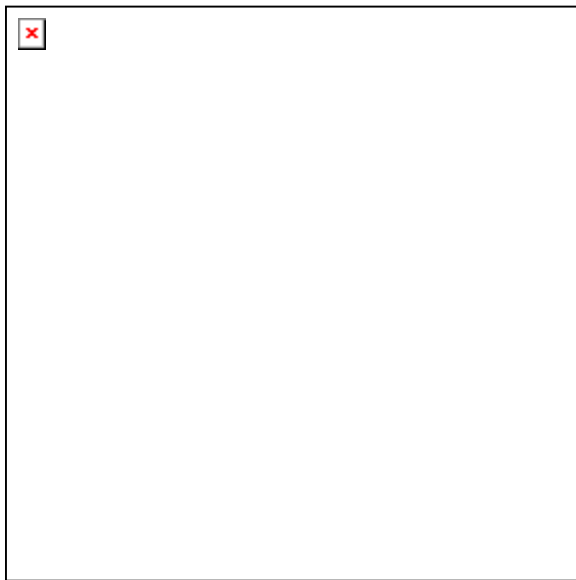
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<sup>11</sup>. Editor's Note: Former Subsections 5 and 6, regarding nonconforming uses, which immediately followed this subsection, were moved to § 375-66 at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided that the front, side and rear yards required in the district in which the building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- D. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one foot for each foot by which such building exceeds the height limit of the district in which it is located.

**§ 375-14. Front, side and rear yard regulations.**

- A. No front yard shall be used for storage of boats, vehicles, or any other equipment, except for vehicular parking on driveways. All outdoor storage areas shall be landscaped.
- B. No part of a yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or any other open space required for another building.



- C. Buildings on through lots and extending from street to street shall conform to the setback requirements on both streets; and no accessory building shall extend within the setback line on either street.
- D. Detached accessory buildings may be located in the rear yard or the side yard of a main building, provided such accessory building meets the district requirements.
- E. Permitted obstructions in required yards. Structures are permitted to be located in required yards in accordance with the following table:

<b>Structures</b>	<b>Front Yards</b>	<b>Side Yards</b>	<b>Rear Yards</b>
Air-conditioning equipment		X	X
Antennas, radio, television, satellite dishes		X	X
Arbors and trellises, not to exceed 6 feet	X	X	X
Awnings and canopies	X	X	X
Bay windows, but not projecting more than 3 feet into the yard	X	X	X
Chimneys, without a foundation or footing, attached to the main building, but not projecting more than 3 feet into the yard	X	X	X
Dog houses and kennels, but no closer than 6 feet to a lot line		X	X
Flagpoles	X	X	X
Open, accessory, off-street parking spaces	X	X	X
Ornamental light poles and standards	X	X	X
Patios and terraces	X	X	X
Porches or decks, provided that they are not more 3 feet tall in the front yard, 5 feet tall in the rear yard, measured at the surrounding grade, nor are they covered	X		X
Recreational equipment			X
Retaining walls	X	X	X
Signs	X	X	X
Sills, cornices, and ornamental features of the principal building projecting not more than 18 inches into a yard	X	X	X
Steps	X		X
Trees, flowers, and shrubs	X	X	X

**§ 375-15. Fences, walls and hedges.**

- A. All fences, walls, hedges, or shrubbery heights stipulated in this chapter shall be measured from the average ground level, not to include any berming of the screening site.
- B. A fence or wall may be erected, placed, or maintained along a lot line to a height not exceeding seven feet above the ground level.
- C. No fence, wall, hedge, or shrubbery which is located in a required front yard shall exceed a height of three feet.
- D. All fences, walls, hedges, and shrubbery location and heights proposed for a commercially or industrially zoned parcel shall be reviewed by the Plan Commission. (See § 275-20, Site plan review requirements.)

- E. All fences and walls shall have the decorative side of the fence facing the public right-of-way or adjoining property.
- F. In any district, no fences, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the street grade nearest thereto within 25 feet of the roadway of any street lines or street lines projected, or to any height of less than three feet if it is determined by the Zoning Administrator that such a height interferes with safe, clear visual distance along any roadway. (See § 375-21, Vision corner.)<sup>12</sup>

**§ 375-16. Off-street loading.**

- A. In all districts loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.
- B. None of the off-street facilities as required in this chapter shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this chapter shall apply only to the enlarged portion of the building or use.

**§ 375-17. Home occupations.**

In all districts where single-family dwellings are permitted by right, it shall also be permitted to conduct and maintain a home occupation. (See § 375-6, Definitions.) Any home occupation which exceeds the definition of "home occupation" shall be reviewed under the criteria defined as a home business. An agricultural operation carried out within a residential dwelling shall be exempt from this section.

**§ 375-18. Mixed-use sites.** [Amended 10-15-2009]

In the residential and agricultural zones, mixed uses may be permitted, provided they follow the standards set forth in this section.

- A. Any such proposed mixed use wishing to apply for a permit shall first submit a request to the Town's Plan Commission. Permit information shall be submitted and the required fees shall be paid to the Town prior to review and consideration.<sup>13</sup>
- B. Review by Plan Commission.
  - (1) The Plan Commission shall review the permit request based on both the negative and positive effects that the business may have on the surrounding area. Such effects may include, but are not limited to: increases in traffic, parking, noise, odors, hours of operations, number of employees, storage, environmental concerns, sewer and water usage, and any other use of the property by the business which is outside of normal property usage.

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12. Editor's Note: Former Section I, Parking standards, which immediately followed this section, was included in § 375-46 at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



- (2) The Plan Commission may require any and all of the site plan review criteria when reviewing the request for a mixed use.<sup>14</sup>
  - (3) Any applicant which receives a mixed-use permit and is located in a residential zoning district is allowed one sign, which may be affixed to the facade of the residence or freestanding on the property. The sign shall not be illuminated nor exceed eight square feet in total message area (four square feet per side if two-sided). If a proposed mixed use is located in an agricultural zone, it is permitted to have one sign, two-sided, which shall not exceed 32 square feet per side. Said sign may be illuminated and shall be reviewed by the Plan Commission as part of its site plan review criteria. All other sign requirements shall be followed.
  - (4) The permitted business shall be reviewed annually at the beginning of each calendar year. A new application shall be submitted and a new fee shall be paid annually. Each review shall be viewed as a new application and all appropriate criteria described above may be considered. If violations are discovered or business changes have created new conditions requiring review, the applicant shall have one year from the date of review to bring the business into conformance with the standards as set forth by the Plan Commission.<sup>15</sup>
- C. Agricultural operations carried out within a residential dwelling shall be exempt from this section.
- D. Any home-based business which was in existence at the time of passing of this chapter shall be grandfathered. Any expansion of a home-based business shall be required to meet the standards set forth in this section.

**§ 375-19. Site plan review requirements.**

- A. No off-street parking or loading facility shall be established or constructed or existing facility or area expanded or altered without first having secured an approved site plan for the entire site as provided for in this chapter and as prescribed in the regulations in this article.
- B. In accordance with the procedures outlined in this chapter, the Plan Commission may adopt design criteria to secure compliance with the construction and maintenance standards established in this article and in accordance with the Town of Scott's construction specifications manual.

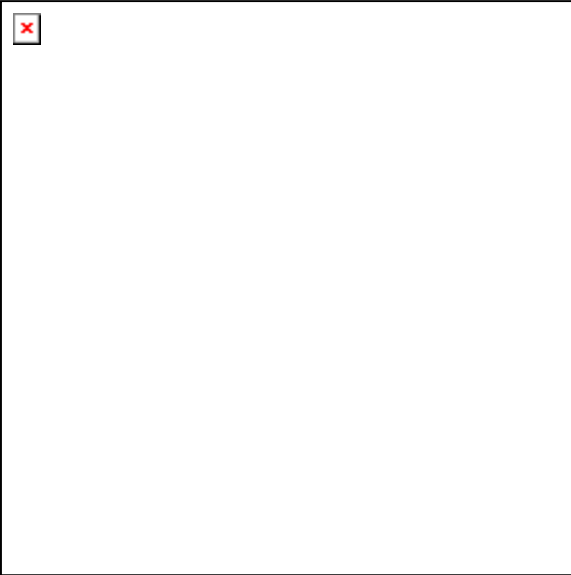
**§ 375-20. Vision corner.**

- A. No man-made structure or natural vegetation shall be allowed to obstruct the clear view of an intersection within the vision corner. All solid man-made structures and natural vegetation shall be less than three feet in height or more than 10 feet in height.

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14. Editor's Note: The site plan review criteria are on file with the Plan Commission.

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



- B. Natural vegetation such as shrubs and hedges shall be maintained below three feet in height and trees shall be pruned above 10 feet in height.

**ARTICLE V**  
**Establishment of Zones**

**§ 375-21. Zoning districts.** <sup>16</sup>

For the purpose of this chapter, the Town of Scott, Brown County, Wisconsin is hereby divided into the following zoning districts:

- R-1 Residential
- R-R Rural Residential
- A-1 Agricultural
- A-2 Exclusive Agriculture
- B-1 Community Business
- B-2 General Business
- I-1 Limited Industrial
- P-R Planned Development Overlay
- C-1 Conservancy

**§ 375-22. Zoning District Map.**

The location and boundaries of the districts established by this chapter are set forth on the zoning

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<sup>16</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

map titled "Zoning District Map for the Town of Scott, Brown County, Wisconsin, dated January 8, 2008," which is incorporated herein and hereby made a part of this chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein.

**§ 375-23. Interpretation of district boundaries.**

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

- A. District boundary lines are the center lines of the right-of-way for highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of a right-of-way, unless otherwise indicated.
- C. New zoning district boundary lines or requests for changes of boundary lines shall, when not following lot lines or right-of-way center lines, be delineated by a licensed surveyor. Such "zoning lot" shall be prepared and presented to the Plan Commission with a written description, graphic representation, and field survey stakes. Such information shall be in a format comparable to a certified survey map (CSM).

**§ 375-24. Exempted uses.** <sup>17</sup>

The following uses are exempted by this chapter and permitted in any zone district: public highway rights-of-way and public improvement projects, poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; and electric power, gas, water, and sewer lines, provided that the installation shall conform to the Federal Communications Commission and Federal Aviation Administration rules and regulations, and other authorities having jurisdiction.

ARTICLE VI  
**District Regulations**

**§ 375-25. R-1 Residential District.**

The following regulations shall apply in R-1 Districts:

- A. Permitted uses:
  - (1) Single-family dwellings.
  - (2) Public open space, including customary neighborhood parks and playgrounds.

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<sup>17</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (3) Stormwater management ponds, provided that they are designed and approved as part of a subdivision plat.
  - (4) Transmission lines, substations, telephone and cable television lines and public utility installments.
  - (5) Community living arrangements having a capacity for eight or fewer persons being served by the program, licensed and operated under the authority of the Department of Health Services in accordance with Wisconsin Statutes.<sup>18</sup>
  - (6) Mixed use. [Added 10-15-2009]
- B. Permitted accessory structures:
- (1) Private garages, carports and driveways.
  - (2) Tool houses, sheds and other similar buildings used for the storage of common supplies.
  - (3) Conservatories and greenhouses for plants, provided such activity is not designed for wholesale or retail trade.
  - (4) Accessory structures shall conform to district requirements and those set forth in Article IV, § 375-11, Buildings and uses.
- C. Permitted accessory uses:
- (1) Home occupations.
- D. Conditional uses: [Amended 10-15-2009]
- (1) Multifamily dwellings.
  - (2) Planned unit developments.
  - (3) The following institutional uses, provided any building shall be located 25 feet or more from any other lot in a Residential District:
    - (a) Schools, public, denominational, or private, elementary, junior high, and senior high, including playgrounds, athletic fields, and other accessory uses required for operations.
    - (b) Public open space, including customary park, playground and athletic field activities and functions.
    - (c) Public libraries, museums, community centers, or other public recreational buildings and grounds.
  - (4) Religious institutions in the form of convents, seminaries, and monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses, provided the buildings are located 25 feet or more from any other lot in a Residential District.

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18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (5) Cemeteries.
- (6) Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
- (7) Temporary buildings, construction trailers and equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.
- (8) Duplexes.
- (9) Two-family dwellings.
- (10) Day-care centers.
- (11) Bed-and-breakfast establishments.<sup>19</sup>
  - (a) All facilities shall be licensed by the Department of Health Services and shall meet all requirements of the State of Wisconsin for bed-and-breakfast establishments.
  - (b) Parking requirements as stated in Article VIII of this chapter must be met, including two spaces required for the single-family dwelling, one off-street space for each rental room, plus one parking space for every three employees.
  - (c) One sign shall be allowed to advertise the bed-and-breakfast establishment, provided it meets the requirements as stated in Article VII, Signs, of this chapter and the sign does not exceed eight square feet per side.
- (12) Community living arrangements having a capacity for nine or more persons being served by the program licensed and operated under the authority of the Department of Health Services in accordance with Wisconsin Statutes.<sup>20</sup>

E. Lot requirements.

- (1) Single-family area: 15,000 square feet minimum; frontage: 100 feet minimum.
- (2) Two-family area: 20,000 square feet minimum; frontage: 150 feet minimum.
- (3) Residential lots shall not be less than 100 feet wide measured at the right-of-way line; such minimum lot width may be measured at the building setback line if said lot is located on the outer radius of a curved street such as a cul-de-sac. In no case shall lot width measured at the right-of-way line of a cul-de-sac be less than 70 feet.
- (4) The minimum lot width and square footage requirements identified above are not applicable to lots located within conservation by design subdivisions or Planned Development Districts (PDD), adopted by the Town and recorded in the Brown County Register of Deeds office. Such lots shall meet the requirements of

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19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Former Subsection D(13), regarding community living arrangements for 16 or more persons, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

conservation by design subdivision or PDD regulations as adopted by the Town of Scott.

- F. Height regulations. All structures: 35 feet maximum, except as provided by Article IV, § 375-13, Height regulations. Building height is measured from the highest point of the adjacent road.
- G. Building setbacks. [Amended 10-15-2009]

	<b>Principal Structure</b>	<b>Accessory Structure</b>
Front yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side yard	12 feet minimum	12 feet minimum
Rear yard	25 feet minimum	12 feet minimum; as close as 4 feet if unanimous consent of all adjacent neighbors
Corner side	30 feet minimum from right-of-way	30 feet minimum from right-of-way

- H. Building size. The minimum ground-floor area per dwelling shall be not less than 1,000 square feet for a one-story dwelling and not less than 750 square feet for dwellings having more than one story.
- I. Accessory structures.
  - (1) The total accessory space of all attached and detached structures shall not exceed 2,000 square feet.
  - (2) Accessory structures shall conform to district requirements and those set forth in Article IV, § 375-11, Buildings and uses.
- J. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking.
- K. Signs. Signs shall be regulated as set forth in Article VII, Signs.
- L. Regulations for multifamily dwellings.
  - (1) Building height: not to exceed 2 1/2 stories or 35 feet above street grade.
  - (2) Lot area: 14,000 square feet for three- or four-family units and an additional 1,000 square feet for each additional family unit, to a maximum of eight units.
  - (3) Frontage: minimum of 100 feet; may be measured at the building setback line if the lot is located on the outer radius of a street such as a cul-de-sac. In no case shall the frontage measured at the right-of-way be less than 70 feet.
  - (4) Building area. One-bedroom: 800 square feet, plus 100 square feet for each additional bedroom.
  - (5) Drainage. The drainage plan must conform to the Town's stormwater management

standards<sup>21</sup> and must be submitted to the Town Engineer for review and approval. All plans and review fees will be at the developer's expense.

- (6) Fencing and landscaping. A six-foot privacy fence is required between multifamily and R-1 except where a street or a garage affords privacy.
- (7) Garbage storage. Any storage of trash or garbage shall be completely enclosed by walls.
- (8) Accessory structures. Accessory structures shall conform to district requirements and other applicable requirements in this chapter.
- (9) Yard. The total area above grade occupied by the building, accessory buildings, and car stalls or parking places and driveway shall not exceed 50% of the total area of the lot.
- (10) Parking: 1 1/2 spaces, including garage, for each dwelling unit plus one guest parking space for every two units.
- (11) Site plan. For multifamily developments, a site plan shall be submitted to the Plan Commission for review and approval. Site plans shall show building locations, parking areas and number of spaces, setbacks, landscaping, fencing location and materials, dumpster locations with appropriate enclosures, proposed schedule of completion, and any other information required by the Plan Commission.

**§ 375-26. R-R Rural Residential District.**

The following regulations shall apply to R-R Districts:

A. Permitted uses:

- (1) Single-family dwellings.
- (2) Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, riding academies and stables, and truck farming.
- (3) Public open space, including regional parks, recreational sites and golf courses.
- (4) Transmission lines, substations, telephone and cable television lines, public utility installation, radio and television stations and towers, railroad rights-of-way and passenger depots, not including switching, storage freight yards, or siding.
- (5) Community living arrangements having a capacity for eight or fewer persons being served by the program, licensed and operated under the authority of the Department of Health Services in accordance with Wisconsin Statutes.<sup>22</sup>
- (6) Mixed use. [Added 10-15-2009]

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21. Editor's Note: See Ch. 73, Construction Site Erosion Control; and Ch. 297, Stormwater Management.

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

B. Permitted accessory structures:

- (1) Private garages and carports.
- (2) Tool houses, sheds and other similar buildings used for the storage of common supplies.
- (3) Roadside stands, provided the structure does not cover more than 300 square feet in ground area, does not exceed 10 feet in height, and provided that it conforms to all setback requirements.
- (4) Additional structures necessary for the continuation of the farming operation.

C. Permitted accessory uses.

- (1) Home occupations.

D. Conditional uses. [Amended 10-15-2009]

- (1) Artificial lakes and ponds.
- (2) The following institutional uses:
  - (a) Schools, colleges and universities, public, denominational, or private, elementary, junior high and senior high schools, and including playgrounds, athletic fields, and other accessory uses required for operations.<sup>23</sup>
  - (b) Public open space, including customary park, playground and athletic field activities and functions.
  - (c) Public libraries, museums, community centers, or other public recreational buildings and grounds.
- (3) Religious institutions in the form of convents, seminaries, and monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- (4) Mobile homes and dwellings in conjunction with an operating farm, to be solely occupied by a resident owner or laborer actively engaged in the farming operation.<sup>24</sup>
- (5) Cemeteries.
- (6) Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
- (7) Temporary buildings, construction trailers and equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.
- (8) Day-care centers.

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23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



- (9) Bed-and-breakfast establishments.<sup>25</sup>
  - (a) All facilities shall be licensed by the Department of Health Services and shall meet all requirements of the State of Wisconsin for bed-and-breakfast establishments, including Ch. DHS 197, Wis. Adm. Code.
  - (b) Parking requirements as stated in Article VIII of this chapter must be met, including two spaces required for the single-family dwelling, one off-street space for each rental room, plus one parking space for every three employees.
  - (c) One sign shall be allowed to advertise the bed-and-breakfast establishment, provided it meets the requirements as stated in Article VII, § 375-36, of this chapter and the sign does not exceed eight square feet per side.
- (10) Microwave relay towers.
- (11) Two-family dwellings.
- (12) Community living arrangements having a capacity for nine or more persons being served by the program, licensed and operated under the authority of the Department of Health Services in accordance with § 62.23(7)(i), Wis. Stats.<sup>26</sup>

E. Lot requirements.

- (1) Area: 1 1/2 acres minimum.
- (2) Parcel and/or zoning lot frontage: 125 feet minimum.

F. Height regulations.

- (1) Residential dwellings: 35 feet maximum.
- (2) Farm structures: 60 feet maximum. Farm structures and buildings may be erected to a height of 60 feet, provided that the required setbacks for the front, side and rear yards are each increased at least one foot for each foot of additional building height above 35 feet.
- (3) Building height is measured from the highest point of the adjacent road.

G. Building setbacks. [Amended 10-15-2009]

	<b>Principal Structure</b>	<b>Accessory Structure</b>
Front	30 feet minimum from	30 feet minimum from right-of-way

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25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

26. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Former Subsection D(13), regarding community living arrangements for 16 or more persons, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

yard	right-of-way	
Side yard	12 feet minimum	12 feet minimum
Rear yard	25 feet minimum	12 feet minimum; as close as 4 feet if unanimous consent of all adjacent neighbors
Corner side	30 feet minimum from right-of-way	30 feet minimum from right-of-way

- H. Building size. The minimum size of a residential dwelling shall be 1,000 square feet of ground-floor area for a one-story dwelling and 750 square feet minimum of ground-floor area for dwellings having more than one story, except as provided in Article IV, § 375-13, Height regulations.
- I. Accessory structures.
- (1) The total accessory space of all attached and detached structures shall not exceed 3,000 square feet.
  - (2) Each zoning lot is permitted to have two accessory structures in addition to an attached garage.
  - (3) Accessory structures shall conform to district requirements and those set forth in Article IV, § 375-11, Buildings and uses.
- J. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking.
- K. Signs. Signs shall be regulated as set forth in Article VII, Signs.

**§ 375-27. A-1 Agricultural District.**

The following regulations shall apply in A-1 Districts:

- A. Permitted uses:
- (1) Agriculture, dairying, floriculture, viticulture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries, and game preserves.
  - (2) Agricultural warehouses.
  - (3) Commercial feed lots and stock farms.
  - (4) Parks, recreational sites and golf courses.
  - (5) Single-family dwellings.
  - (6) Transmission lines, substations, telephone and cable lines, public utility installation, radio and television stations and towers, railroad rights-of-way and passenger depots, not including switching, storage freight yards, or siding.

- (7) Quarries, sand and gravel pits, if incidental to the farming operation and in conformance with Article X, Fill and Earth Excavations.
  - (8) Mixed use. [Added 10-15-2009]
- B. Permitted accessory structures:
- (1) Private garages, carports and driveways.
  - (2) Tool houses, sheds and other similar buildings used for the storage of common supplies.
  - (3) Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height, and provided that it conforms to all setback requirements.
  - (4) Additional structures necessary for the continuance of the farming operation.
- C. Permitted accessory uses:
- (1) Home occupations.
- D. Conditional uses: [Amended 10-15-2009]
- (1) Artificial lakes and ponds.
  - (2) The following institutional uses:
    - (a) Schools, colleges and universities, public, denominational, or private, elementary, junior high and senior high schools, and including playgrounds, athletic fields, and other accessory uses required for operations.<sup>27</sup>
    - (b) Public open space, including customary park, playground and athletic field activities and functions.
    - (c) Public libraries, museums, community centers, or other public recreational buildings and grounds.
  - (3) Religious institutions in the form of convents, seminaries, and monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
  - (4) Airfields and heliports.
  - (5) Cemeteries.
  - (6) Commercial feedlots and stock farms.
  - (7) Quarries, sand and gravel pits.
  - (8) Microwave relay towers.

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27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (9) Bed-and-breakfast establishments.<sup>28</sup>
- (a) All facilities shall be licensed by the Department of Health Services and shall meet all requirements of the State of Wisconsin for bed-and-breakfast establishments, including Ch. DHS 197, Wis. Adm. Code.
  - (b) Parking requirements as stated in Article VIII of this chapter must be met, including two spaces required for the single-family dwelling, one off-street space for each rental room, plus one parking space for every three employees.
  - (c) One sign shall be allowed to advertise the bed-and-breakfast establishment, provided it meets the requirements as stated in Article VII, § 375-36, of this chapter and the sign does not exceed eight square feet per side.
- (10) Day-care centers.
- (11) Two-family dwellings.
- (12) Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
- (13) Temporary buildings, construction trailers and equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.
- (14) Community living arrangements having a capacity for nine or more persons being served by the program licensed and operated under the authority of the Department of Health Services in accordance with § 62.23(7)(i), Wis. Stats.<sup>29</sup>
- (15) Communication towers in accordance with Chapter 57 of the Town Code.<sup>30</sup>
- E. Lot requirements.
- (1) Area: 1 1/2 acres minimum.
  - (2) Zoning lot frontage: 125 feet minimum.
- F. Height regulations.
- (1) Residential dwellings: 35 feet maximum.
  - (2) Farm structures: 60 feet maximum. Farm structures and buildings may be erected to a height of 60 feet, provided that the required setbacks for the front, side and rear yards are each increased at least one foot for each foot of additional building height above 35 feet.
  - (3) Building height is measured from the highest point of the adjacent road.

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28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Former Subsection D(13), regarding community living arrangements for 16 or more persons, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

30. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

G. Building setbacks. [Amended 10-15-2009]

	<b>Principal Structure</b>	<b>Accessory Structure</b>
Front yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side yard	12 feet minimum	12 feet minimum
Rear yard	25 feet minimum	12 feet minimum; as close as 4 feet if unanimous consent of all adjacent neighbors
Corner side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

H. Building size. The minimum size of a residential dwelling shall be 1,000 square feet of ground-floor area for a one-story dwelling and 750 square feet minimum of ground-floor area for dwellings with more than one story.

I. Accessory structures.

- (1) The total accessory space of all attached and detached structures shall not exceed 3,000 square feet if the zoning lot is at the minimum allowable size of 1 1/2 acres. An additional 1,000 square feet of accessory space is permissible for each additional acre of land up to 5,000 square feet of total accessory space, or an increment thereof.
- (2) All additional land necessary to accommodate the accessory space in addition to the 3,000 square feet shall be maintained with the parent parcel. Any lot split or reduction in lot area which would reduce the total lot area below the requirement will require an appropriate amount of accessory space to be removed.
- (3) Each zoning lot is permitted to have two accessory structures in addition to an attached garage.
- (4) Accessory structures shall conform to district requirements and those set forth in Article IV, § 375-11, Buildings and uses.

J. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking.

K. Signs. Signs shall be regulated as set forth in Article VII, Signs.

L. Other requirements. Other structures or buildings allowed within the A-1 District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Zoning Administrator.

**§ 375-28. A-2 Exclusive Agriculture District.**

The following regulations shall apply in A-2 Districts:

A. Permitted uses:

- (1) Agriculture, dairying, floriculture, viticulture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries, and game preserves.
  - (2) Commercial feedlots and stock farms.
  - (3) Single-family dwellings for the farm operator, a parent or child of the farm operator, or worker who earns a substantial part of his/her livelihood from farm operations on the parcel.
  - (4) Transmission lines, substations, telephone and cable television lines, public utility installation, radio and television stations and towers, public streets, street rights-of-way, and street improvements.
  - (5) Agricultural warehouses.
  - (6) Quarries, sand and gravel pits, if incidental to the farming operation and in conformance with Article X, Fill and Earth Excavations.
  - (7) Mixed use. [Added 10-15-2009]
- B. Permitted accessory structures:
- (1) Private garages, carports and driveways.
  - (2) Tool houses, sheds and other similar buildings used for the storage of common supplies.
  - (3) Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height, and provided that it conforms to all setback requirements.
  - (4) Additional structures necessary for the continuance of the farming operation.
- C. Permitted accessory uses:
- (1) Home occupations.
- D. Conditional uses: [Amended 10-15-2009]
- (1) Artificial lakes and ponds.
  - (2) Airfields and heliports.
  - (3) Cemeteries.
  - (4) Microwave relay towers.
  - (5) Communication towers in accordance with Chapter 57 of the Town Code.<sup>31</sup>
- E. Lot requirements.

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31. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Area: 35 acres minimum.
- (2) Lot frontage: 125 feet minimum.

F. Height regulations.

- (1) Residential dwellings: 35 feet maximum.
- (2) Farm structures: 60 feet maximum. Farm structures and buildings may be erected to a height of 60 feet, provided that the required setbacks for the front, side and rear yards are each increased at least one foot for each foot of additional building height above 35 feet.
- (3) Building height is measured from the highest point of the adjacent road.

G. Building setbacks. [Amended 10-15-2009]

	<b>Principal Structure</b>	<b>Accessory Structure</b>
Front yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way
Side yard	12 feet minimum	12 feet minimum
Rear yard	25 feet minimum	12 feet minimum; as close as 4 feet if unanimous consent of all adjacent neighbors
Corner side	40 feet minimum from right-of-way	40 feet minimum from right-of-way

H. Building size. The minimum size of a residential dwelling shall be 1,000 square feet ground-floor area for a one-story dwelling and 750 square feet minimum of ground-floor area for dwellings with more than one story.

I. Accessory structures. Accessory structures shall conform to district requirements and those set forth in Article IV, § 375-11, Buildings and uses, except as provided by § 375-13, Height regulations.

J. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking.

K. Signs. Signs shall be regulated as set forth in Article VII, Signs.

L. Other requirements.

- (1) Existing nonconforming residences located in the Exclusive Agriculture District at the time of passage of this chapter may be continued in residential use and may be exempted from any limitations imposed or authorized under § 59.69(10), Wis. Stats.
- (2) Other structures or buildings allowed within the Exclusive Agriculture District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Zoning Administrator.

**§ 375-29. B-1 Community Business District.**

The Community Business District is intended to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional consumer needs. The following regulations shall apply in the B-1 District:

A. Permitted uses:

Accessory uses incidental to and on the same parcel as the principal use

Antique shops

Art and school supply stores

Art shops or galleries, but not including auction rooms

Automobile accessory stores

Banks and financial institutions

Barbershops

Beauty parlors

Bicycle sales, rental and repair stores

Business machine sales and service

Camera and photographic supply stores

Candy and ice cream stores

Carpet and rug stores, retail sales only

China and glassware stores

Clothing and costume rental stores

Clubs and lodges, nonprofit and fraternal

Coin and philatelic stores

Custom dressmaking

Department stores

Drugstores

Dry-cleaning establishments not engaged in wholesale processing

Dry goods stores

Electrical and household appliance stores, including radio and television sales

Employment agencies

Florist shops

Food stores, grocery stores, meat markets, bakeries and delicatessens

Frozen food stores, including locker rental in conjunction therewith

Furniture stores, including upholstery when conducted as part of the retail operations and secondary to the principal use



Furrier shops, including the incidental storage and conditioning of furs

Garden supply, tool, and seed stores

Gift shops

Hardware stores

Hobby shops, for retail of items to be assembled or used away from the premises

Interior decorating shops, including upholstering and making of draperies, slip covers and other similar articles, when conducted as part of the retail operations and secondary to the principal use

Jewelry stores, including watch repair

Launderettes

Leather goods and luggage stores

Liquor stores, packaged goods

Locksmith shops

Medical and dental clinics

Meeting halls

Millinery shops

Musical instrument sales and repair

Newspaper distribution agencies

Office machine sales and servicing

Offices, business and professional

Office supply stores

Optician sales, retail

Orthopedic and medical appliance stores

Paint and wallpaper stores

Phonograph record and sheet music stores

Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises

Picture framing, when conducted for retail trade on the premises only

Post offices

Radio and television stations and studios, including towers not exceeding 75 feet in height

Sewing machine sales and services, household appliances only

Shoe, clothing and hat repair stores

Shoe stores

Single-family dwellings

Sporting goods stores  
Tailor shops  
Ticket agencies, amusement  
Tobacco shops  
Toy shops  
Travel bureaus and transportation ticket offices  
Variety stores  
Wearing apparel shops

B. Conditional uses:

Automobile service stations  
Day-care centers  
Drive-through establishments  
Garages for storage, repair and servicing of motor vehicles  
Motor vehicle sales (in an enclosed building)  
Parking lots, garages or structures, other than accessory for the storage of private passenger automobiles only  
Planned development, business  
Public utility and service uses  
Recreation buildings and community centers  
Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principal activity  
Schools, music, dance and business  
Taverns  
Theaters, indoor

C. Lot requirements.

- (1) With public sewer:
  - (a) Area: 15,000 square feet minimum.
  - (b) Lot frontage: 100 feet minimum.
- (2) Without public sewer:
  - (a) Area: 1 1/2 acres minimum.

(b) Lot frontage: 125 feet minimum.

D. Height regulations. All structures: 35 feet maximum, except as provided by § 375-13, Height regulations.

E. Building setbacks.

(1) Setback requirements. [Amended 10-15-2009]

	<b>Principal Structure</b>	<b>Accessory Structure</b>
Front yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side yard	12 feet minimum	12 feet minimum
Rear yard	15 feet minimum	12 feet minimum, as close as 4 feet if unanimous consent of all adjacent neighbors
Corner side	30 feet minimum from right-of-way	30 feet minimum from right-of-way

(2) Transitional yards. If the lot abuts an R-1 Zone at any point along the side or rear lot line, it must maintain the same side or rear yard as required in the abutting zone, if more restrictive, and shall contain landscaping and planting to provide an effective screen. Required landscaping shall be in conformance with the Plan Commission's site plan review criteria.<sup>32</sup>

(3) Exceptions.

(a) Bases for light standards (i.e., parking lot lights) may be located at the lot line, provided that no part of the base or light extends into the public right-of-way and that no light is cast directly onto the adjoining property or onto the public right-of-way.

(b) Seasonal displays of merchandise may be displayed outside of the primary or accessory structures and may be displayed within the required setback, provided that a permit for outdoor displays is first obtained.

F. Building size: minimum of 725 square feet.

G. Maximum lot coverage by building: 25% of total lot area.

H. Accessory structures. All accessory structures hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, § 375-11, Buildings and uses.

I. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking.

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32. Editor's Note: The site plan review criteria are on file with the Plan Commission.

- J. Signs. Signs shall be regulated as set forth in Article VII, Signs.
- K. Other requirements. Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of this chapter as determined by the Town Zoning Administrator.
  - (1) All business, service, repair, or storage shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
  - (2) No more than five persons, in addition to a single owner or manager, shall be engaged at any time in fabricating, repairing, or processing of goods in any establishment.
  - (3) Outside trash bins shall be screened from view by use of solid screening, fencing materials, or natural landscape screening. All landscape plans shall conform to the Town's site plan review criteria and shall be approved by the Plan Commission.<sup>33</sup>
- L. Conditions. Uses permitted in the B-1 District are subject to the following conditions:
  - (1) All business establishments shall be retail or service establishments.
  - (2) The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 1 1/2 tons' capacity when located within 75 feet of a residential district boundary line.

**§ 375-30. B-2 General Business District.** <sup>34</sup>

The B-2 General Business District is designed primarily to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in the B-1 District and whose service area is not confined to any one neighborhood or community. The following regulations shall apply in the B-2 Districts.

- A. Permitted uses. Any use permitted in the B-1 District shall be permitted in the B-2 District and, in addition, the following uses shall be permitted:

Amusement establishments, including bowling alleys, pool halls, dance halls, gymnasiums, swimming pools and skating rinks

Apartment hotels

Auction rooms

Automobile service stations

Bakeries; the room or rooms containing the baking process shall not exceed a total of 2,400 square feet in area

Blueprinting and photocopying establishments

Boat showrooms

Car washes

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33. Editor's Note: The site plan review criteria are on file with the Plan Commission.

34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Catering establishments  
Electrical showrooms and shops  
Exterminating shops  
Feed and seed stores  
Fuel and ice sales  
Garages for storage, repair, and servicing of motor vehicles, including body repair, painting and engine rebuilding  
Greenhouses and nurseries  
Hotels and motels  
Laboratories, medical, dental and optical  
Laundries; the room or rooms containing the laundering process (washing, drying, ironing and wrapping) shall not exceed a total of 2,400 square feet in area  
Motor vehicle sales  
Parking lots, garages or structures  
Pawnshops  
Pet shops  
Plumbing showrooms and shops  
Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principal activity  
Schools, commercial and trade  
Schools, music, dance and business  
Secondhand stores and rummage shops  
Taverns  
Taxidermists  
Theaters, indoor  
Trailer sales and rental for use with private passenger motor vehicles  
Undertaking establishments and funeral parlors

B. Conditional uses. Any use allowed as a conditional use in the B-1 District shall be allowed in the B-2 District (unless already permitted in Subsection A above):

Amusement establishments, including archery ranges, shooting galleries and other similar amusement facilities

Amusement parks, including permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses, and other similar outdoor amusement facilities

Animal hospitals and kennels

Building material and products sales  
Cartage and express facilities  
Communication towers in accordance with Chapter 57 of the Town Code  
Car washes  
Community living arrangement, any size, licensed and operated under the authority of the Department of Health Services  
Contractor or construction offices, shops and yards  
Day-care centers  
House trailer sales  
Machinery sales  
Mail-order houses  
Model homes and garage displays  
Printing and publishing  
Riding academies and commercial stables  
Stadiums, auditoriums and arenas, open and enclosed  
Theaters  
Warehousing and wholesale establishments and storage other than accessory to permitted retail uses

C. Lot requirements.

- (1) With public sewer:
  - (a) Area: 15,000 square feet minimum.
  - (b) Lot frontage: 100 feet minimum.
- (2) Without public sewer:
  - (a) Area: 1 1/2 acres minimum.
  - (b) Lot frontage: 125 feet minimum.

D. Height regulations. All structures: 35 feet maximum, except as provided by § 375-13, Height regulations.

E. Building setbacks.

- (1) Setback requirements. [Amended 10-15-2009]

	<b>Principal Structure</b>	<b>Accessory Structure</b>
Front yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side yard	12 feet minimum	12 feet minimum
Rear yard	15 feet minimum	12 feet minimum; as close as 4 feet if unanimous consent of all adjacent neighbors
Corner side	30 feet minimum from right-of-way	30 feet minimum from right-of-way

(2) Transitional yards. If the lot abuts an R-1 Zone at any point along the side or rear lot line, it must maintain the same side or rear yard as required in the abutting zone, if more restrictive, and shall contain landscaping and planting to provide an effective screen. Required landscaping shall be in conformance with the Town's site plan review criteria and shall be approved by the Plan Commission.<sup>35</sup>

(3) Exceptions.

(a) Bases for light standards (i.e., parking lot lights) may be located at the lot line, provided that no part of the base or light extends into the public right-of-way and that no light is cast directly onto the adjoining property or onto the public right-of-way.

(b) Seasonal displays of merchandise may be displayed outside of the primary or accessory structures and may be displayed within the required setback, provided that a permit for outdoor displays is first obtained.

F. Building size: minimum of 725 square feet.

G. Maximum lot coverage by building: 25% of total lot area.

H. Accessory structures. All accessory structures hereinafter constructed in the B-2 District shall meet the district requirements and those identified in Article IV, General Provisions, § 375-11, Buildings and uses.

I. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking.

J. Signs. Signs shall be regulated as set forth in Article VII, Signs.

K. Other requirements. Additional structures and buildings allowed in the B-2 General Business District shall meet the regulations of this district and other articles of this chapter as determined by the Town Zoning Administrator.

(1) All business, service, repair, storage, and merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.

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35. Editor's Note: The site plan review criteria are on file with the Plan Commission.

- (2) No more than five persons, in addition to a single owner or manager, shall be engaged at any time in fabricating, repairing, or processing of goods in any establishment.
- (3) Outside trash bins shall be screened from view by use of solid screening, fencing materials, or natural landscape screening. All landscape plans shall conform to the Town's site plan review criteria and shall be approved by the Plan Commission.<sup>36</sup>

L. Conditions. Uses permitted in the B-2 District are subject to the following conditions:

- (1) All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions: establishments of the drive-through type offering goods or services directly to customers waiting in parked motor vehicles, display of merchandise for sale to the public, and off-street parking and loading.
- (2) The enclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 1 1/2 tons' capacity when located within 75 feet of a residential district boundary line.

**§ 375-31. I-1 Limited Industrial District.** <sup>37</sup>

The I-1 Limited Industrial District is designed to accommodate those industrial activities which, by their character, should be relatively remote from residential and business development and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat.

A. Permitted uses. The following uses are permitted in the I-1 District:

- Abrasive manufacture
- Accessory uses incidental to and on the same lot as the principal use
- Bakeries
- Bedding manufacturing
- Boot and shoe manufacturing
- Bottling companies
- Brick and structural clay products manufacture
- Building materials sales and storage
- Carpet manufacturing
- Cartage facilities
- Cloth products manufacturing
- Contractors' offices, shops and yards
- Cosmetic production

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36. Editor's Note: The site plan review criteria are on file with the Plan Commission.

37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



Dairy products  
Electronic and scientific precision instrument manufacturing  
Electroplating  
Feed and seed sales  
Food manufacture, packaging and processing  
Freight terminals  
Glass products production and sales  
Grain storage and processing  
Graphite products manufacture  
Greenhouses, wholesale  
Heavy machinery production  
Laboratories, research and testing  
Laundries  
Light machinery products, appliances, business machines, etc.  
Lithographing  
Lodges and offices of labor organizations  
Machine shops  
Mail-order houses  
Metal stamping  
Musical instruments manufacture  
Orthopedic and medical appliance manufacture  
Paint products manufacture  
Paper products manufacture  
Parking lots, other than accessory, and subject to the provisions of Article VIII, Off-Street  
Parking  
Petroleum products storage or processing  
Plastics manufacture  
Printing and publishing establishments  
Public utility and service uses  
Radio and television stations and towers  
Rope, cord and twine manufacture  
Rubber processing and manufacture  
Sign manufacture  
Sporting goods manufacture

Steel manufacture  
 Trade schools  
 Wastewater treatment plants, municipal  
 Wearing apparel manufacture  
 Woodworking and wood products

B. Conditional uses. The following conditional uses may be allowed in the I-1 District:

Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities  
 Communication towers in accordance with Chapter 57 of the Town Code  
 Sexually oriented adult entertainment establishments  
 Warehousing, storage, and distributing facilities

C. Lot requirements.

- (1) With public sewer:
  - (a) Area: 40,000 square feet minimum.
  - (b) Lot frontage: 100 feet minimum.
- (2) Without public sewer:
  - (a) Area: 1 1/2 acres minimum.
  - (b) Lot frontage: 125 feet minimum.

D. Height regulations.

- (1) Principal structures: 60 feet maximum, except as provided by § 375-13, Height regulations.

E. Building setbacks.

- (1) Setback requirements. [Amended 10-15-2009]

	<b>Principal Structure</b>	<b>Accessory Structure</b>
Front yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side yard	12 feet minimum	12 feet minimum
Rear yard	20 feet minimum	12 feet minimum; as close as 4 feet if unanimous consent of all adjacent neighbors
Corner	30 feet minimum from	30 feet minimum from right-of-way

side right-of-way

- (2) Transitional yards. If the lot abuts an R-1 Zone at any point along the side or rear lot line, it must maintain the same side or rear yard as required in the abutting zone if more restrictive and shall contain landscaping and planting to provide an effective screen. Required landscaping shall be in conformance with the Town's site plan review criteria and shall be approved by the Plan Commission.<sup>38</sup>
- F. Maximum lot coverage: 35% of the total lot area may contain building coverage.
- G. Accessory structures. All accessory structures hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Article IV, General Provisions, § 375-11, Buildings and uses.
- H. Parking. Parking shall conform to requirements as set forth in Article VIII, Off-Street Parking.
- I. Signs. Signs shall be regulated as set forth in Article VII, Signs.
- J. Other requirements. No use shall be established, maintained, or conducted in any I-1 District that causes any of the following:
- (1) Dissemination of excessive noise, vibration, odor, dust, smoke, observation of gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
  - (2) Hazard of fire or explosion or other physical hazard to any person, building, or vegetation.
  - (3) A harmful discharge of waste material.
  - (4) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
- K. Conditions. Uses permitted in the I-1 District are subject to the following conditions:
- (1) Dwelling units and lodging rooms, other than custodian's quarters, are not permitted.
  - (2) All business, servicing, or processing within 300 feet of a residential or business district shall be conducted within completely enclosed buildings.
  - (3) All storage within 300 feet of a residence district or business district, except of motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height.

**§ 375-32. P-R Planned Development Overlay District.**

- A. Application to existing use districts. This section shall operate as a conditional use and as

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38. Editor's Note: The site plan review criteria are on file with the Plan Commission.

an alternative to the permitted uses and regulations applicable to existing districts, except the Exclusive Agriculture District. Basic underlying zoning requirements for lands overzoned as a Planned Development District shall continue in full force and effect.

- B. Purpose. The purpose of the Planned Development District and the regulations applicable is to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations and to accomplish a well-balanced, aesthetically satisfying Town and economically desirable development of building sites within a Planned Development District. The permitted uses include single- and multiple-family homes, cluster developments, garden apartments, row housing, apartment houses, group housing, mixed-use village-style developments, multitenant business developments, and business/industrial parks.
- C. Procedure. The procedure for the approval of a planned development project shall consist of the following:
- (1) A person desiring to develop a particular site as a Planned Development District shall apply to the Town and shall pay appropriate review fees with such written application. The application shall contain the names, mailing addresses and telephone numbers of the owners and developers and a description of the development site.
  - (2) The application or petition shall also include the following:
    - (a) Street design, number and general location of dwelling units, common structures and facilities, utilities and other information that the Town may require to make a decision.
    - (b) The proper preservation, care and maintenance by the original owner and all subsequent owners of exterior design common structures, utilities, access and open space shall be assured by deed restrictions enforceable by the Town or other measures deemed appropriate by the Town.
    - (c) All designs shall conform to the Town's standard construction specifications manual and Chapter 297, Stormwater Management.
    - (d) Approved sanitary sewers shall be provided.
    - (e) A fresh water supply, tested and approved, shall be provided at each dwelling unit.
    - (f) Utilities shall be provided at each dwelling unit.
    - (g) Parking areas shall meet the requirements of Article VIII, Off-Street Parking.
    - (h) A detailed landscaping plan illustrating the type, size, and quantity of all proposed landscape materials, in conformance with the Town site plan review criteria.<sup>39</sup>
    - (i) Any other requirement deemed necessary by the Town.

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39. Editor's Note: The site plan review criteria are on file with the Plan Commission.

- (3) After receipt of a petition and the filing of the required data, the Plan Commission shall recommend to the Town Board that the petition shall be either approved, disapproved, or approved with conditions. The Town Board shall then hold a Class 1 public hearing. The Town Board shall then consider whether or not to give final approval to the proposed project.
- (4) No construction shall be commenced on the building site until the Board has granted final approval, except such construction as shall be in compliance with both the requirements of the underlying zone and proposed planned development as submitted for final approval.
- (5) No subsequent change or addition to the planned development after final approval shall be allowed or permitted until approved by the Town Board after hearings and the recommendation of the Plan Commission, as hereinabove provided.

**§ 375-33. C-1 Conservancy District.**

- A. The purpose of the Conservancy District is to provide adequate natural areas for the drainage of surface water and stormwaters and to protect and promote the general health, safety, and welfare of the community and to protect natural resource areas containing swamps, wildlife habitat, natural water or drainage courses, and historically or archaeologically significant areas.
- B. Lands designated in the Conservancy District are those areas deemed by the Town to be of significant importance to the Town and which may not have otherwise been protected by state or county regulations.
- C. Lands given the Conservancy District designation may also be lands owned and/or protected by conservation organizations such as the Department of Natural Resources or the Northeast Wisconsin Lands Trust.
- D. No building or structure is permitted within the Conservancy District except when used to increase the public's education and awareness of the site on which it is located.
- E. Natural, historical, and archaeologically significant features of a site may be restored and improved, including but not limited to improving the site with walking or biking trails, ski trails or outdoor interpretive centers, and other uses, provided that they do not impede or diminish the unique features of the site.
- F. Other nonrelated recreational features may be associated with the preserved land within the district, provided that they do not diminish the significance of the site. These uses may be, but are not limited to, such things as playgrounds, athletic fields, or open manicured grassy areas.
- G. The owner of all lands within the Conservancy District shall file a preservation plan annually with the Town. Said plan will be reviewed by the Town Board and a permit will be granted by the Board, provided that the plan as submitted shall preserve the integrity of

the site.<sup>40</sup>

## ARTICLE VII Signs

### § 375-34. Purpose.

The purpose of this article is to promote and protect the public safety, morals, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Scott, Brown County, Wisconsin.

### § 375-35. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**ANIMATED SIGN** — A sign with action or motion, flashing, or color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind-actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, revolving or changeable message signs.

**ARCHITECTURAL PROJECTION** — Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

**AREA OF COPY** — The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration.

**AREA OF SIGN** — The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregular-shaped sign area shall be computed using the actual sign face surface.

**BACKGROUND AREA OF SIGN** — The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or those faces which can be seen from any one direction at one time shall be counted.

**BILLBOARD** — See "off-premises sign."

**BUILDING FACADE** — That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

**BUILDING FACADE FACING** — A resurfacing of an existing facade with approved material, illuminated or nonilluminated.

**BUILDING IDENTIFICATION SIGN** — Any sign which promotes the name and type of business only on the premises where it is located.

**CANOPY/AWNING SIGN** — Any sign attached to or constructed in, on, or under a canopy or awning. For the purpose of this article, canopy/awning signs shall be controlled by the rules governing projecting signs.

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40. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**CHANGEABLE MESSAGE SIGN** — A sign, such as a manual, electronic or electrically controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

**DIRECTIONAL SIGNS** — On-premises incidental signs designed to guide or direct pedestrians or vehicular traffic.

**DOUBLE-FACED SIGN** — A sign with copy on two faces that are more or less back to back, facing in opposite directions.

**FREESTANDING SIGN** — A sign which is supported by one or more columns, uprights or braces in or upon the ground and not attached to any building.

**GRADE** — The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

**HEIGHT OF SIGN** — The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

**ILLUMINATED SIGN** — A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

**LEGAL NONCONFORMING SIGN** — A nonconforming sign that did meet code regulations when it was originally installed.

**MARQUEE** — A permanent roofed structure attached to and supported by the building.

**MARQUEE SIGN** — Any sign attached to or constructed in a marquee.

**MONUMENT PEDESTAL SIGN** — A freestanding sign, one- or two-sided, which is generally longer horizontally than vertically and is affixed to a foundation or base which is approximately the same size and scale as the sign face.

**MULTIPLE-COPY SIGN** — A sign which advertises other than the name of the business and the principal product or service.

**NAMEPLATE** — A sign which states the name of the occupant of the premises at which the nameplate is posted.

**NONCONFORMING SIGN** — A sign that does not meet code regulations.

**OFF-PREMISES SIGN** — A sign which advertises goods, products, facilities or services not on the premises where the sign is located or directs persons to a different location from where the sign is located.

**ON-PREMISES SIGN** — Any sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.

**PEDESTAL, POLE OR PYLON SIGN** — A freestanding sign, one- or two-sided, which, with its pedestals or support columns, is taller vertically than horizontally. The actual sign face may be any shape and may promote multiple tenants on the site. (See also "freestanding sign.")

**PRINTED BULLETIN** — Any sign printed on material which is to be attached to a permanent

sign structure.

**PROJECTING SIGN** — A sign, normally double-faced, which is attached to and projects from a structure or building facade.

**REVOLVING SIGN** — A sign which revolves 360° but does not exceed eight rotations per minute.

**ROOF SIGN** — A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

**SIGN** — Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

**SIGN STRUCTURE** — Any structure which supports or is capable of supporting any sign, as defined in this section. A sign structure may be a single pole or may or may not be an integral part of the building.<sup>41</sup>

**SWINGING SIGN** — A sign installed on an arm or mast or spar that is permanently fastened to an adjacent wall or upright pole.

**TEMPORARY SIGN** — A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

**WALL SIGN** — A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than 18 inches from the building or structure wall and is not above the eaves or facade of the building on which it is located, or a sign which is painted on any exterior wall.

**WINDOW SIGN** — A sign installed on a window for purposes of viewing from outside the premises.

**§ 375-36. General requirements.**

- A. Scope. This chapter pertains to and regulates all billboards and signs in the Town of Scott.
- B. Animated signs in residential district. No animated signs shall be erected or maintained in any residential land use district. No animated signs shall be erected or maintained closer than 200 feet to any residential zoning district.
- C. Marquee signs. Marquee signs may be placed on, attached to or be constructed in a marquee. Marquee signs shall be limited to the size of the marquee.
- D. Building facade signs. The copy area of a building facade facing shall not exceed 40% of the background facing to which it is applied.
- E. Wall signs. The background area on wall signs shall not exceed 30% of the building facade

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41. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



or four square feet per linear foot of the elevation upon which they are placed, whichever is greater.

- F. Monument sign. Monument signs shall be located within the property lines. Such signs shall be located back of the property line a distance equal to and not less than the height of the sign.
- G. Pedestal signs. A pedestal sign, any part of which is located in the building setback or the right-of-way, shall have a minimum vertical distance of 10 feet between the bottom of the sign and the grade at the right-of-way line.
  - (1) Such signs shall be located back of the property line a distance equal to and not less than the height of the sign.
  - (2) Only one freestanding sign shall be allowed in the front building setback.
  - (3) A freestanding or projecting sign within 25 feet of an intersection or 15 feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of 10 feet between the bottom of the sign and the grade at the right-of-way line or shall be not more than three feet in height.
- H. Maximum area of signs. The maximum area of signs shall be the sum of the area of all signs located on a lot. The maximum area of signs may differ according to the zoning classification of a lot.
- I. Roof signs prohibited. Roof signs are prohibited in all districts of the Town of Scott.
- J. Stability. Signs shall be constructed so that they will withstand a wind pressure of at least 30 pounds per square foot of surface and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported such that they will not be a menace to persons or property. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action.
- K. Illumination. All electrical signs shall conform to state electrical requirements. Illumination shall be directed entirely on the sign.
- L. Maintenance of signs. All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.
- M. Removal of obsolete, unmaintained, or abandoned signs. All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned shall be removed by the business or property owner within 90 days after the receipt of a removal notice, or, upon failure of such removal, the Town shall remove such signs at the expense of the property owner.
- N. Location. All freestanding, ground, and portable signs shall be located within the property lines.
- O. Signs facing a residential district. No sign facing a residential district shall be closer than 25 feet to that district line.
- P. Vision corner. Signs shall conform to all vision corner requirements (see § 375-20).

**§ 375-37. Permit required.**

- A. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Scott without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this chapter. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
- B. Application for a permit. An application for a permit shall be filed with the Town upon forms provided by the Town. The applicant shall provide all information required on the application for the permit.
- C. Permit fees. An application for a permit shall be filed with the Town, together with a permit fee for each sign in accordance with the Town's fee schedule.
- D. In all districts, where land is being or has been subdivided for a new development, two thirty-two-square-foot signs are permitted per development. Permits shall be for up to 12 months and may be renewed, provided that the property being advertised is still available. All such signs shall be removed within 30 days of the property being taken off the market.

**§ 375-38. Signs exempt from permit requirement.** <sup>42</sup>

A permit is not required for the following:

- A. Construction signs: two construction signs per construction site, not exceeding 100 square feet in area each, which shall be confined to the site of construction and shall be removed 30 days after completion of construction or prior to occupancy, whichever is sooner.
- B. Directional and instructional nonelectric signs: directional and instructional nonelectric signs which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying rest rooms, telephones, parking areas, entrances and exits.
- C. Nonilluminated emblems: nonilluminated emblems or insignia of any nation or political subdivision, profit or nonprofit organization.
- D. Government signs: government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- E. House numbers and nameplates: house numbers and nameplates not exceeding two square feet in area for each residential, commercial or industrial building.
- F. Interior signs: signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from structural, electrical, or material specifications of this chapter.

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42. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- G. Memorial signs and plaques: memorial signs or tablets, names of buildings and dates of erection which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area.
- H. "No trespassing" or "no dumping" signs: "no trespassing" and "no dumping" signs not to exceed 1 1/2 square feet in area per sign.
- I. Public notices: official notices posted by public officers or employers in the performance of their duties.
- J. Public signs: signs required as specifically authorized for a public purpose by any law, statute, or ordinance.
- K. Political and campaign signs: political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that said signs are subject to the following regulations:
  - (1) Said signs may be erected not earlier than 30 days prior to the primary election and shall be removed within the time limits specified by the State Elections Board.
  - (2) Each sign, except billboards, shall not exceed 16 square feet in nonresidential zoning districts and eight square feet in residential zoning districts.
  - (3) No sign shall be located within 15 feet of the public right-of-way at a street intersection nor over the right-of-way.
  - (4) No signs shall be allowed in a public right-of-way or on publicly owned property.
- L. Real estate signs: one real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not illuminated.
  - (1) In residential districts, such signs shall not exceed eight square feet in area and shall be removed within 30 days after the sale, rental, or lease has been accomplished.
  - (2) In all other districts, such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental, or lease has been accomplished.
- M. Temporary window signs: In business, commercial and industrial districts, the inside surface of any ground-floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 50% of the total window area, and such signs shall not be placed on door windows or other windows needed to be clear for pedestrian safety.
- N. On-premises symbols or insignia: religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
- O. On-premises temporary signs: temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than 30 days before said event and are removed within five days after the event.

- P. Vehicular signs: truck, bus, trailer, or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
- Q. Neighborhood identification signs: In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification, provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.
- R. Awnings/Canopy: awnings/canopy with signs consisting of one line of copy upon the border of the awning.

**§ 375-39. Sign requirements by zoning district.**

- A. All residential districts and agricultural districts. In the residential districts and agricultural districts, all signs are prohibited, except for the following nonflashing, nonilluminated signs under the conditions specified. A permit is not required.
  - (1) Real estate signs: real estate signs which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight square feet in area. Corner lots shall be permitted two such signs, one facing each street.
  - (2) Nameplate signs: nameplate signs, not to exceed two square feet, located on the premises. Corner lots shall be permitted two such signs, one facing each street.
  - (3) Agricultural signs: agricultural signs, pertaining to the products of the agricultural premises, not to exceed 32 square feet in area for one farm. The height of this sign shall not exceed eight feet. Two such signs shall be permitted per farm.
  - (4) Bulletin boards: bulletin boards or similar devices for churches and religious institutions, not to exceed 32 square feet in area, and only one such sign shall be located on the premises.
  - (5) Memorial signs: memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.
  - (6) Official signs: official signs, such as traffic control, parking restrictions, information and notices.
- B. All business districts and industrial districts.
  - (1) Projection. In these districts, where limitations are imposed by this chapter on the projection of signs from the face of the wall of any building or structure, such limitations shall not apply to identification, canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.
  - (2) Safety standards. All outdoor advertising structures, post signs, accessory signs, or advertising statuary which is declared to be a traffic hazard by the Town shall be

relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination nor be illustrated in such a way as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.

- (3) Mounting. All signs shall be mounted in one of the following manners:
  - (a) Flat against a building or wall;
  - (b) Back-to-back in pairs, so that the back of the sign will be screened from public view;
  - (c) In clusters in an arrangement which will screen the back of the signs from public view; or
  - (d) Otherwise so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with the surrounding environment.

C. Business districts (General Business and Community Business) and industrial districts. In the Business Districts and Limited Industrial District, business signs and advertising devices are permitted, subject to the following conditions:<sup>43</sup>

- (1) Area of on-premises sign. The gross area in square feet of all on-premises signage shall not exceed 700 square feet.
- (2) Maximum size of freestanding signs. Freestanding on-premises signs shall not exceed 150 square feet per side, 300 square feet in area of all sides combined.
- (3) Content. Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as "Men's Clothing," "Drugs," "Jeweler" and the like, and the year the business was established and the street number thereof.
- (4) Height. No sign shall exceed a height of 30 feet, as measured from the highest point of the adjacent road.
- (5) Number of freestanding signs. One freestanding sign shall be allowed per lot. Such freestanding sign shall advertise only the name and location of such business or individual use and the name and type of business of each occupant of the center. Exception: Lots with more than 200 feet of frontage receive an additional 1/2 square foot of signage for each foot of frontage over 200 feet. This additional square footage may be used to create a second freestanding sign; however, such second sign may be located no closer than 200 feet to the first sign. If so desired, the size of the first sign may be reduced in order to shift square footage to the second sign. Such second sign shall be limited in size in accordance with Subsection C(6) below. If extra square footage is not applied to a second sign, it may be applied to a wall sign.
- (6) All freestanding signs. All ground and freestanding signs located adjacent to a street

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43. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

right-of-way shall meet the requirements of § 375-36H.

**§ 375-40. Off-premises signs.**

All off-premises signs are prohibited in the Town of Scott regardless of the nature, size and location.

**§ 375-41. Alteration or relocation.**

No sign or billboard in the Town of Scott shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this chapter. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity shall not be deemed to be alterations within the meaning of this chapter.

**§ 375-42. Nonconforming signs.**

- A. Notification of nonconformity. The Town shall survey the Town for signs which do not conform to the requirements of this article. Upon determination that a sign is a nonconforming sign, the Town shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located.
- B. Nonconforming signs. Any sign located within the Town limits on the date of adoption of this chapter or located in an area annexed to the Town thereafter which does not conform to these provisions is eligible for characterization as a nonconforming sign and is permitted, provided that it also meets the following requirements:
  - (1) The sign was covered by a sign permit, or a permit was issued prior to the date of adoption of this chapter, if one was required.
  - (2) If no sign permit was required for the sign in question and the sign was in all respects in compliance with applicable law on the date of construction or installation.
- C. Continuation of nonconforming status. A nonconforming sign shall maintain its nonconforming designation, provided that:
  - (1) No structural modification of a nonconforming sign is permitted, except where such modification will result in having the effect of bringing such sign more in compliance with the requirements of this article, except for changing of copy and normal maintenance.
  - (2) The sign is not relocated.
  - (3) The sign is not replaced.
  - (4) The total structural repairs or alterations to such a nonconforming sign shall not, during its life, exceed 50% of the assessed value of said sign existing at the time it became nonconforming.
- D. Loss of nonconforming status. Any changes, except provided in Subsection C(1), (2), (3) and (4), shall result in the loss of nonconforming status.

**§ 375-43. Abandoned signs; deteriorated or dilapidated signs.**

- A. A sign or sign message shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted or when rental or compensation is no longer provided if said sign is of the off-premises type. If the owner or lessee fails to remove it, the Town shall give the owner 60 days' written notice to remove it. Upon failure to comply with this notice, the Town, or its duly authorized representative, may remove the sign at cost to the sign owner.
- B. The Town shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413, Wis. Stats.

**§ 375-44. Remedies.**

- A. The remedies in this section for violations, or for failure to comply with the provisions of this article, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.
- B. Violation or failure to comply with the provisions of this article is unlawful. Any sign erected without a permit shall be removed at the owner's expense or brought into compliance within 30 days of written notification of the Zoning Administrator. In the event that the owner does not remove the sign or bring it into compliance, the Town may order removal at the owner's expense.
- C. This section shall not preclude the Town from taking any appropriate action to prevent or remove a violation of this article.

**ARTICLE VIII  
Off-Street Parking**

**§ 375-45. Applicability.**

The following regulations shall apply to all zone districts within the Town of Scott.

**§ 375-46. General provisions.** <sup>44</sup>

- A. All parking spaces required to serve buildings or uses erected or established after the effective date of this chapter shall conform to the requirements herein.
- B. Buildings or uses existing on the effective date of this chapter which are subsequently altered or enlarged so as to require the provision of the parking spaces under this chapter shall conform to the requirements as set forth herein.
- C. Required residential vehicular parking spaces shall be of gravel or hard-surfaced and shall conform to the standards set forth in the Town's site plan review criteria.<sup>45</sup>
- D. Parking areas may be located in any yard space for commercially zoned districts and in any yard but the front yard for all other zoning districts, but shall not be closer than 10 feet to

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44. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

45. Editor's Note: The site plan review criteria are on file with the Plan Commission.

any street line. No parking space or area shall be permitted within five feet of a property line in a side yard.

- E. Each parking space shall not be less than 162 square feet, exclusive of the space required for ingress and egress. The minimum width of the parking space shall be nine feet.
- F. Where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are accessory.
- G. All required off-street parking areas shall be graded and hard-surfaced so as to be dust-free and properly drained, and shall have the aisles and spaces clearly marked.
- H. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- I. Where a building permit has been issued prior to the effective date of this chapter, and provided that construction is begun within six months of such effective date and prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this chapter.
- J. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least 50% of any existing deficiency in parking or loading facilities.

**§ 375-47. Size of spaces.**

- A. Each required off-street parking space shall be at least nine feet in width and at least 18 feet in length, exclusive of access drives or aisles.
- B. All angle parking shall conform to the requirements as set forth:

<b>Angle</b>	<b>Stall Depth (Length) (feet)</b>	<b>Width of Aisles (1-way) (feet)</b>	<b>Width of Aisles (2-way) (feet)</b>
0° (parallel)	24	16	22
30°	18	14	22
45°	18	14	22
60°	18	18	24
90°	18	21	27

- C. All off-street parking facilities shall be designed with appropriate means of vehicular



access to a street or an alley in a manner which will least interfere with traffic movement.

- D. All off-street parking facilities are required to provide handicap-accessible parking spaces in conformance with the Americans with Disabilities Act (ADA) and Wisconsin Statutes.

**§ 375-48. Parking lot design.** <sup>46</sup>

Except for residential uses, the design of parking lots shall be subject to the approval of the Town Plan Commission in accordance with standards herein required. All parking lots shall have a hard surface and shall have a vegetative screen along the frontage side of the property. All parking lots shall be set back a minimum of 25 feet from adjoining residential properties and 10 feet from nonresidential properties. All such improvements shall be done at the time of sale of the property or expansion of the parking lot.

**§ 375-49. Parking standards.**

- A. The following parking standards shall be met:<sup>47</sup>

<b>Use</b>	<b>Number of Required Parking Spaces</b>
Single-family dwellings	2 for each dwelling unit
Two-family dwellings	2 for each dwelling unit
Multifamily dwellings	1 1/2 for each dwelling unit plus 1 guest parking space for every 2 units
Motels	1 for each guest room plus 1 for each 3 employees
Hotels	1 for each 2 guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms or nightclub facilities in the hotel
Lodging, rooming and boarding houses	1 for each 2 beds plus 1 for each 3 employees
Churches and places of worship	1 for each 5 seats
Hospitals	1 for each 2 hospital beds, plus 1 for each 2 employees (other than staff doctors), plus 1 for each doctor assigned to the staff
Medical and dental clinics	3 for each doctor
Sanitariums, rest homes, convalescent homes and nursing homes	1 for each 4 beds, plus 1 for each 2 employees (other than staff doctors), plus 1 for each doctor assigned to the staff
Elementary schools	1 for each employee
Junior high schools	1 for each employee

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46. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

47. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Senior high schools	1 for each employee, plus 1 for each 10 students in the school
Colleges and universities	1 for each employee, plus 1 for each 6 students
Public libraries, art galleries and museums	1 for every 500 square feet of gross floor space
Fraternities, sororities and dormitories	1 for each 3 residents, plus 1 for the manager
Restaurants	Parking spaces equal in number to 50% of the capacity in persons, plus 1 for each 3 employees
Taverns	Parking spaces equal in number to 60% of the capacity in persons
Bowling alleys	6 for each alley, plus additional spaces as required by this chapter for any associated use (bars, restaurants, etc.)
Swimming pools and skating rinks	Parking spaces equal in number to 30% of the design capacity
Amusement establishments not listed and amusement parks	Parking spaces shall be provided in adequate number as determined by the Town Plan Commission to serve persons employed as well as the visiting public
Stadiums, ballparks and outdoor arenas	Parking space shall be provided at the rate of 30% of the maximum capacity of persons using and/or observing activities at these facilities during a 24-hour period
Golf courses	1 for each 4 persons using the course at maximum capacity (Bars, restaurants and related uses shall require additional spaces.)
Driving ranges	2 for each tee
Private clubs	1 for each lodging room, plus parking spaces equal in number to 30% of the maximum capacity in persons of such clubs
Recreational buildings and community centers, noncommercial	Parking spaces equal in number to 30% of the capacity in persons
Convents, seminaries, monasteries, rectories, parsonages, parish houses and religious retreats	1 for each 2 employees, plus additional parking spaces equal in number to 5% of the maximum capacity of professional persons residing on the premises at any one time
Riding academies and commercial stables	1 for each employee, plus spaces adequate in number, as determined by the Town Plan Commission, to serve the visiting public
Shopping centers	8 for each 1,000 square feet of gross floor area in the center
Warehousing and wholesaling establishments	1 for each 2 employees

Junkyards, salvage yards and auto graveyards	1 for each 2 employees plus 1 for each 5,000 square feet of lot area.
Animal hospitals and kennels	3 for each employee
Automobile and truck service stations	1 for each employee, based on the maximum number of employees working the same shift; 1 additional space shall be furnished for each inside service bay
Car washes	1 for each 2 employees, plus 1 for the manager, and additional reserve parking spaces equal to 5 times the capacity of the car wash for those automobiles awaiting entrance to the facility. "Maximum capacity" in this instance shall mean the greatest number possible of automobiles undergoing some phase of washing and drying at the same time.
Building material sales	1 for each 2 employees plus additional space equal to 1 space for each 300 square feet of gross floor area in excess of 2,000 square feet
Cartage and express facilities	1 for each vehicle maintained on the premises plus 1 for each 2 employees
Contractor or construction offices, shops and yards	1 for each employee, plus additional customer space shall be furnished at the rate of 1 additional space for each 5 employees
Food stores, grocery stores, meat markets, bakeries, delicatessens, supermarkets and department stores	1 for each 150 square feet of gross floor area for the first 6,000 square feet, and 1 additional space shall be furnished for each 200 square feet of gross floor area in excess of 6,000 square feet
Motor vehicle sales	3 for each employee plus additional spaces as deemed necessary by the Town Plan Commission to store those cars waiting to be serviced or sold
Offices, business and professional	1 for each 300 square feet of gross floor area
Public utility and service uses	1 for each 300 square feet of gross floor area in excess of 4,000 square feet or 1 for each 2 employees, whichever provides the greater amount
Radio and television stations and studios	1 for each 2 employees, plus 1 for each 300 square feet of gross floor area in excess of 6,000 square feet
Post offices	1 for each 2 employees plus 1 for each 2,000 square feet of gross floor area in excess of 3,000 square feet
Undertaking establishments	1 for each 4 seats provided in each chapel or parlor

B. Parking standards for uses not listed in this section will be established on an individual use-by-use basis by the Town Plan Commission.

ARTICLE IX  
**Artificial Lakes and Farm Ponds**

**§ 375-50. Applicability.**

The following regulations shall apply to all artificial lakes and farm ponds hereinafter constructed or developed within the Town of Scott.

**§ 375-51. Location.**

Artificial lakes and farm ponds shall be allowed as conditional uses in the R-R Rural Residential, A-1 Agricultural, and A-2 Exclusive Agriculture Zoning Districts.

**§ 375-52. Permit required.**

- A. The property owner, developer, or assigned agent shall make application for a conditional use permit to the Town Plan Commission. The Town Plan Commission shall submit a written recommendation to the Town Board. The Town Board shall reach a decision on the application within 90 days from the filing of the completed application form.
- B. The Town Plan Commission shall review and approve the site plan after the Town Board has issued the conditional use permit but before the Town issues the excavation permit.

**§ 375-53. Site plan.**

- A. The following information shall be required on a site plan:<sup>48</sup>
  - (1) A map drawn at a minimum scale of one inch equals 200 feet showing the proposed lake or pond size and the adjoining property within 500 feet of the site.
  - (2) A scaled section view of the lake with slopes, depths, and high and low water levels.
  - (3) Layout of proposed residential lots and other buildings, if applicable.
  - (4) The type of sanitary facilities to be installed, if residential development is to take place.
  - (5) Source of water supply for residential dwellings.
  - (6) Indicate how the water level in the lake is to be maintained.
  - (7) Indicate how excess water is to be handled.
  - (8) Surface drainage sources and topography.
  - (9) Proposed roadways.
- B. The site plan shall be signed by a certified engineer.

**§ 375-54. Design standards.**

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48. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. All lakes and ponds shall be designed within the scope of this chapter. Where no minimum water level is to be maintained, the slope of the pond bottom may not exceed 3:1. In all cases where a portion of the lake will have a slope greater than 3:1, the Town's Engineer shall review and approve of the plan.
- B. All lakes and ponds shall have an outflow to maintain the maximum normal water level. The size of this outflow shall be determined by design and shall be reviewed by the Town's Engineer. Calculations shall be provided with the permit application. Outflows shall not flow directly onto adjacent parcels of property.. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3:1 or less shall be established and maintained from the normal high water level. This area shall be no less than three feet, measured inland from the water's edge.

**§ 375-55. Other requirements.**

- A. The constructed lake shall meet the requirements of the Brown County Water Law Codes.
- B. Artificial lakes and ponds constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin Statutes and the Department of Natural Resources.
- C. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Natural Resources Conservation Service, Farm Service Agency and the Department of Natural Resources.<sup>49</sup>
- D. The groundwater table in the surrounding area and adjacent to the lake shall be protected from contamination or excessive water usage.
- E. State permits shall be required if high-capacity wells are drilled on the site.
- F. Department of Health Services requirements shall be met to ensure proper safety of swimmers.<sup>50</sup>
- G. The perimeter of the lake shall be landscaped and seeded within six months after completion of the excavation.
- H. A performance bond shall be filed with the Town Board, as specified by the Town Board, prior to the start of construction. The amount of the bond shall be based on the construction cost, plus engineering and administrative costs.<sup>51</sup>

ARTICLE X  
**Fill and Earth Excavations**

**§ 375-56. Applicability.**

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49. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

50. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

51. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

The following regulations shall apply to all future excavations and fill operations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Scott. This article shall regulate all existing gravel pits, sand pits, and stone quarries within the Town of Scott.

**§ 375-57. Scope.**

- A. All excavations and fill operations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries, shall come under the jurisdiction of this chapter.
- B. All existing sites of excavation and fill operations shall comply with this chapter prior to any additional expansions or alterations of the existing site.

**§ 375-58. Exemptions.**

The following uses shall be exempt from the provisions of this chapter:

- A. Excavation and removal and fill operations of less than 100 cubic yards over a period of one year from any single parcel of land recorded in the Brown County Register of Deeds office.
- B. Necessary foundation and trench excavation only in connection with work on premises for which a building permit has been issued.
- C. Nonmetallic mining operations that are subject to and in compliance with Chapter 182 of this Code regulating nonmetallic mining.

**§ 375-59. Permit required; term and renewal.**

- A. Application for a permit to fill, excavate or remove earth material shall be made to the Town of Scott Plan Commission by the property owner or his assigned agent. The Plan Commission shall inspect the site prior to issuing the permit. Forms shall be provided by the Town of Scott.
- B. The application shall contain the required information as specified in Article XII of this chapter prior to the issuance of an excavation/fill permit.
- C. Following submittal and approval of the excavation/fill plan, the Town shall issue the permit. The permit shall be valid for one year upon issuance.
- D. Upon expiration of the permit, the Town Planning Commission shall inspect the site before reissuing the permit. If the regulations have been complied with, the permit shall be reissued.

**§ 375-60. Site plan.**

The following information shall be required on a site plan prior to issuing a fill/excavation permit:

- A. A map showing the location of the premises and the adjoining properties within 500 feet. The map shall be drawn at a scale not smaller than one inch equals 200 feet.

- B. Contour intervals of the proposed site at intervals of 20 feet when available.
- C. Existing and proposed drainage patterns of the site.
- D. Proposed regrading and revegetation of the site after completion of the excavation operation.
- E. Proposed truck and machinery access to the site.
- F. Types and location of temporary or permanent structures to be erected on the site.
- G. Approximate amount of earth material to be excavated or removed or brought to fill the site.
- H. Approximate number of trucks and other types of machinery to be used at the site.
- I. Designated hours of operation.

**§ 375-61. Trucks and machinery.**

- A. No fixed machinery shall be erected or maintained within 200 feet of any property or street line.
- B. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

**§ 375-62. Material handling.**

- A. No excavation or filling operation shall take place within 50 feet of any property line or street line, if below the established grade of the street.
- B. No screening, sifting, washing, crushing, or other form of processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling.

**§ 375-63. Location.** <sup>52</sup>

The excavation or filling of earth materials shall be allowed as a permitted use in the A-1 Agricultural District and as a permitted use in the A-2 Exclusive Agriculture District if the excavation is a public (governmental) operation or if it is incidental to the farm operation.

**§ 375-64. Other requirements.**

- A. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- B. The premises shall be filled or excavated and graded in conformity with the plan, as approved. Any deviation from the plan shall be cause for the Town Zoning Administrator to revoke the permit upon the recommendation of the Town Plan Commission.
- C. When fill operations or excavating and removal operations are no longer used, as

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52. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

determined by the Town Plan Commission, the excavated/filled area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal:vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated/filled area, except exposed rock surfaces, to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.

- D. If the excavation/fill site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.
- E. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.
- F. Any violation of this article shall be subject to the regulations of Article XII of this chapter.
- G. A performance bond shall be filed with the Town Board, as specified by the Town Board, prior to the start of construction. The amount of the bond shall be based on the construction cost of the pond, plus engineering and administrative costs.
- H. The Plan Commission may require a review by the Town Engineer of any fill/excavation permit. Fees associated with this review shall be at the developer's expense.

#### ARTICLE XI Nonconforming Uses

##### **§ 375-65. Purpose.**

The purpose and intent of this article are to provide for the regulation of nonconforming buildings, structures, land, and other uses and to specify those circumstances and conditions under which such nonconforming buildings, structures, land, and uses shall be permitted to continue.

##### **§ 375-66. Regulations.** <sup>53</sup>

Any nonconforming building, structure, land, or other use which existed lawfully at the time of the adoption of this chapter and which remains nonconforming, and any such building, structure, land, or other use which existed lawfully at the time of the adoption of this chapter, shall be subject to the regulations which follow.

- A. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
- B. When a building containing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than 60% of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations in any nonconforming use shall, not during its

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53. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



life, exceed 60% of the local assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use. A nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats.

- C. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.
- D. Repairs and alterations may be made to a nonconforming building or structure, provided that the respective structure is not added to or enlarged in size.
- E. No nonconforming building or structure shall be moved in whole or in part to any other location on the same lot or any other lot unless every portion of such building or structure which is moved shall conform to the zone district requirements.

## ARTICLE XII Administration and Enforcement

### § 375-67. Purpose.

- A. This article shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this chapter. This article shall provide the authority and necessary requirements for issuance of building permits and occupancy permits, variances, appeals, amendments, conditional uses, fees, and penalties.
- B. This chapter shall provide for the position of Zoning Administrator, Building Inspector, Zoning Board of Appeals, and Town Plan Commission.

### § 375-68. Zoning Administrator.

The Town Board of Scott shall appoint a Zoning Administrator or designee to carry out the duties of Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this chapter with the assistance of such other persons as the Town Board may direct.

- A. The Town of Scott Zoning Administrator shall have the following responsibilities and duties. The Zoning Administrator shall:
  - (1) Issue all rezoning certificates and make and maintain records thereof.
  - (2) Provide and maintain a public information bureau relative to all matters arising out of this chapter.
  - (3) Forward to the Town of Scott Plan Commission all applications for conditional uses and for amendments to this chapter that are initially filed with the office of the Zoning Administrator.
  - (4) Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this chapter.
  - (5) Maintain permanent and current records of this chapter, including but not limited to

all maps, amendments, conditional uses, variances, appeals, and applications therefor.

- (6) Initiate, direct, and review, from time to time, a study of the provisions of this chapter and make reports of its recommendations to the Town Plan Commission.
- B. If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, the Administrator shall consult with the Town Board and, only with its advice and consent, shall thereafter notify in writing the person responsible for such violation and order the action necessary to correct it.

**§ 375-69. Building Inspector.** <sup>54</sup>

The Building Inspector shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all occupancy permits and make and maintain records thereof.
- C. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this chapter.
- D. Provide records of buildings to the Assessor as needed.

**§ 375-70. Zoning Board of Appeals.**

The Zoning Board of Appeals is hereby established as authorized under the provisions of § 62.23, Wis. Stats.

- A. Jurisdiction. The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:
  - (1) Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this chapter.
  - (2) Hear and pass upon an application for variance from the terms provided in this chapter in the manner prescribed by and subject to the standards established herein.
  - (3) Hear and decide all matters referred to it or upon which it is required to pass under this chapter, as prescribed by § 62.23, Wis. Stats.
- B. Meetings and rules.
  - (1) All meetings of the Zoning Board of Appeals shall be held at the call of the Chair of the Zoning Board of Appeals and at such times as the Zoning Board of Appeals may determine.
  - (2) All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.
  - (3) The Chair, or in the Chair's absence the Acting Chair, may administer oaths and compel the attendance of witnesses.

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54. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (4) The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
  - (5) All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
  - (6) The Board shall adopt its own rules and procedures, not in conflict with this chapter or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.
- C. Decisions. If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.<sup>55</sup>
- D. Board membership.
- (1) The Zoning Board of Appeals shall consist of five members appointed by the Scott Town Chairperson and subject to confirmation by the Scott Town Board.
  - (2) The term shall be for three years, except that of those first appointed, one shall serve for one year, two for two years, and two for three years. The Zoning Board of Appeals shall determine one of its members to be Chair effective January 1 of each calendar year. The Town Chairperson shall appoint, for staggered terms of three years, two alternate members of such Board in addition to the five members.. Annually, the Town Chairperson shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.<sup>56</sup>
  - (3) The members and alternates shall be removable by the Town Board for cause upon written charges and after public hearing.
  - (4) Vacancies shall be filled for the unexpired terms of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Scott.

**§ 375-71. Plan Commission.**

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in § 62.23, Wis. Stats.

- A. Jurisdiction. The Scott Plan Commission shall carry out the following duties under this chapter. It shall:

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55. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

56. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Review all applications for conditional uses and amendments to this chapter and report said findings and recommendations to the Town Board in the manner designated by this chapter for amendments and conditional uses.
- (2) Receive from the Zoning Administrator staff recommendations as related to the effectiveness of this chapter and report the staff's conclusion and recommendations to the Scott Town Board.
- (3) Hear and decide matters upon which it is required to pass under this chapter.

B. Meetings.

- (1) All meetings of the Town Plan Commission shall be held at the call of the Chair of the Commission and at such times as the Commission may determine.
- (2) The Commission shall keep minutes of its proceedings, showing the vote of the members upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

C. Decisions. All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

D. Membership.

- (1) The Town Plan Commission shall consist of seven members appointed by the Scott Town Chairperson and subject to confirmation by the Scott Town Board.
- (2) Town Plan Commission members shall consist of not more than one member of the Zoning Board of Appeals and not more than two members of the Scott Town Board. The remaining Plan Commission members shall be citizens at large of the Town of Scott.
- (3) The term shall be for three years, except that of those first appointed; two shall serve for one year, two for two years, and three for three years.
- (4) The Town Plan Commission members shall be removable by the Town Board of Scott for cause upon written charges.
- (5) Vacancies shall be filled for the unexpired terms of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Scott.

**§ 375-72. Building permits.**

- A. No building, or addition thereto, constructed after the effective date of this chapter and no addition to a previously existing building shall be occupied and no land vacant on the effective date of this chapter shall be used for any purpose until a building permit has been issued by the Town Building Inspector. No change in a use shall be made until a building permit has been issued by the Town Building Inspector. Every building permit shall state that the use complies with the provisions of this chapter.
- B. Application for said building permit shall be made in writing to the Town of Scott's

Building Inspector by the landowner or an authorized agent.

- C. Application for a building permit shall be deemed to be an application for an occupancy permit as well.
- D. Each building permit shall be accompanied by a plat in accordance with requirements as specified in § 375-74, Plats.
- E. Each building permit applied for shall be granted or denied within 10 business days from the date of application. Reasons for denial of a building permit shall be forwarded in writing by the Town Building Inspector to the applicant.

**§ 375-73. Occupancy permits.** <sup>57</sup>

- A. No occupancy permit for a building, or portion thereof, constructed after the effective date of this chapter shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based.
- B. The occupancy permit shall be issued, or a written notice shall be given to the applicant stating the reasons why a permit cannot be issued, not later than seven days after the Building Inspector is notified in writing that the premises or building is ready for occupancy.
- C. All occupancy permits shall be issued by the Town of Scott Building Inspector.

**§ 375-74. Plats.**

- A. All applications for building permits for business, residential, and industrial uses shall be accompanied by the following:
  - (1) A copy of the plat or certified survey map (CSM) of the proposed building site.
  - (2) A plat, in duplicate, drawn at a minimum scale of one inch to 100 feet, showing the ground area, height and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure or land, and such other information as may be required by the Town Plan Commission, Building Inspector and Zoning Administrator for the proper enforcement of this chapter.
- B. When submitting a plat for a business or industrial use, said plat material shall be submitted to the Town Plan Commission. Required plat material shall be submitted in conjunction with an application for a building permit.

**§ 375-75. Variances.** <sup>58</sup>

- A. Application.
  - (1) An application for a variance shall be filed with the Zoning Board of Appeals. The

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57. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

58. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

application shall contain such information as the Zoning Board of Appeals by rule may require.

- (2) Notice of the time and place of the public hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Scott.
- B. Standards for variances. The Zoning Board of Appeals shall not vary the regulations set forth in this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was to be carried out.
  - (2) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
  - (3) The alleged difficulty or hardship is caused by this chapter and has not been caused by any person presently having an interest in the property.
  - (4) The granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - (5) The proposed variance shall not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.
- C. The owner realizing a higher financial return is not sufficient grounds for granting a variance.

#### **§ 375-76. Appeals.**

- A. Scope of appeals.
- (1) An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of the Town Plan Commission or Zoning Administrator.
  - (2) Such an appeal shall be made within 30 days after the decision or the action complained of by filing with the Zoning Administrator a notice of appeal specifying the ground thereof.
  - (3) The Town Plan Commission shall forthwith transmit to the Zoning Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.
- B. Findings of appeals.
- (1) An appeal shall stay all legal proceedings in furtherance of the action appealed from,

unless the Town Plan Commission certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Town Plan Commission and on due cause shown.<sup>59</sup>

- (2) The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties as provided in the state law on planning and zoning and applicable to the Town of Scott.
- (3) The Zoning Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- (4) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end it shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issue of a permit.<sup>60</sup>

#### **§ 375-77. Amendments.**

- A. Authority. The Scott Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts and amend district boundary lines, provided that in all mandatory ordinances adopted under the authority of this section, due allowance shall be made for the intent and purpose of said changes as per Article II of this chapter.
- B. Initiation. Amendments may be proposed by a governmental body, interested person, or organization.
- C. Application. An application for an amendment shall be filed with the Town Plan Commission in such form and be accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Town Board.
- D. Hearing notices. The Town Board shall hold a public hearing on each application for an amendment. Notice of the time, place, and purpose of the hearing shall be submitted and provided, subject to the state law on planning and zoning and applicable to the Town of Scott.<sup>61</sup>
- E. Findings and recommendations.
  - (1) The Town Plan Commission shall make written findings of fact and shall submit the same, together with its recommendations, to the Town Board prior to the public hearing.

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59. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

60. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

61. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Where the purpose and effect of the proposed amendment are to change the zoning classification of particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  - (a) Existing uses or property within the general area of the property in question.
  - (b) Zoning classification of property within the general area of the property in question.
  - (c) Suitability of the property in question to the uses permitted under the existing zoning classification.
  - (d) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- (3) The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

F. Town Board action.

- (1) The Town Board shall not act upon a proposed amendment to this chapter until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.
- (2) The Town Board may grant or deny any application for an amendment; provided, however, that in the event of a written protest against any proposed amendment to this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the members of the Town Board voting on the proposed change.<sup>62</sup>
- (3) If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

**§ 375-78. Conditional uses.**

- A. Purpose. The purpose of this section is to place unique land use characteristics within favorable zoning districts to ease conflicts with neighboring lands and public need.
- B. Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application

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<sup>62</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



to use such land for one or more of the conditional uses provided for in this chapter in the zoning district in which the land is located.

- C. Application. The application for a conditional use shall be filed with the Town of Scott Plan Commission on a form so prescribed by the Town of Scott. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth for the respective zoning district. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.
- D. Hearing on application. Upon receipt in proper form of the written recommendation referred to in Subsection C, the Town Board shall hold at least one public hearing on the proposed conditional use.
- E. Authorization.
  - (1) For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon within 90 days of the date upon which such application is received by the Town of Scott Town Board, it shall be deemed to have been denied.
  - (2) An applicant shall have 12 months from the date of being granted a conditional use to apply for a building permit. If a building permit is not issued within 12 months, the conditional use permit shall be considered expired. If an applicant wishes to reapply for a conditional use permit, then all application fees and procedures shall be followed as if it were a new application.
- F. Conditions and guarantees. Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this chapter. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**§ 375-79. Fees.**

Any application for an amendment or conditional use filed by or on behalf of the owner or owners of the property affected shall be accompanied by a fee. The schedule of all fees is set and maintained at the direction of the Town Board.

**§ 375-80. Violations and penalties.**

- A. Any building or structure hereinafter erected, moved or structurally altered or any use hereafter established in violation of the provisions of this chapter by any person, firm,

association, corporation (including building contractors) or its agent shall be deemed an unlawful structure or use.

- B. The Building Inspector shall report all such violations to the Town Attorney, who shall bring an action to enjoin the erection, moving, or structural alteration of such building or the establishment of such use or to cause such building, structure, or use to be vacated or removed.
- C. Any person, firm, or corporation, or agent, employee, or contractor of such, who or which violates or omits, neglects, or refuses to comply with or who resists enforcement of any provision of this chapter shall, upon conviction thereof, be subject to a forfeiture of not less than \$100 nor more than \$5,000. In addition to the cost, said person shall also be imprisoned in the county jail until payment of said forfeiture and cost of prosecution is made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.<sup>63</sup>
- D. This section shall not preclude the Town of Scott from taking any appropriate action to prevent or remove a violation of this chapter.

**§ 375-81. Posting or publication.**

The Town Clerk shall properly post or publish this chapter as required under § 60.80, Wis. Stats.

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<sup>63</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).