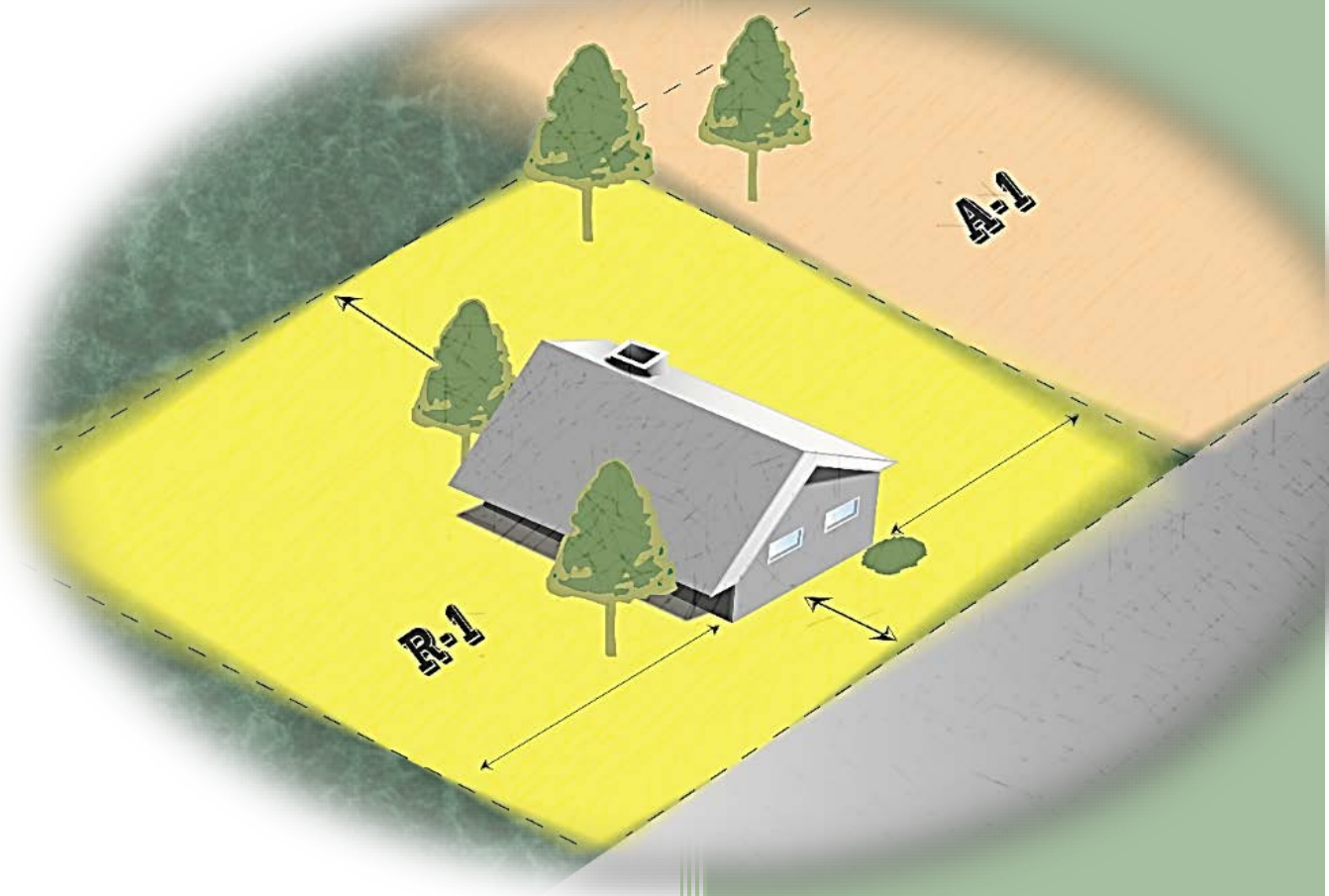


TOWN OF WEST KEWAUNEE

KEWAUNEE COUNTY, WISCONSIN

ZONING ORDINANCE



DATCP Certification
August 1, 2017

Town Adoption
August 15, 2017

TOWN OF WEST KEWAUNEE
KEWAUNEE COUNTY, WISCONSIN

TOWN BOARD CHAIRPERSON:	Tom Kruse
SUPERVISOR #1:	Shawn Siebold
SUPERVISOR #2:	Robert Karl
TOWN CLERK:	Bonnie Purzner
TOWN TREASURER:	Mary Bertrand

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Town of West Kewaunee

Zoning Ordinance

DATCP CERTIFIED: AUGUST 1, 2017

ADOPTED: AUGUST 15, 2017

Prepared by:



Bay-Lake Regional Planning Commission
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**ZONING ORDINANCE
TOWN OF WEST KEWAUNEE, WISCONSIN**

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APPENDIX

FARMLAND PRESERVATION ZONING DATCP CERTIFICATION MATERIALS

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ARTICLE I. INTRODUCTION

1.01 TITLE

This Ordinance shall be known, cited, and referred to as: THE TOWN OF WEST KEWAUNEE ZONING ORDINANCE, KEWAUNEE COUNTY, WISCONSIN.

1.02 AUTHORITY

This ordinance is adopted pursuant to authority granted by Wis. Stats. ss. 60.62, 61.35, and 62.23(7), and other applicable provisions of the Wisconsin Statutes.

1.03 PURPOSE

The purpose of this Ordinance is to implement the policies of the town's adopted comprehensive plan by classifying and regulating the uses of land and structures consistent with the town's comprehensive plan; to encourage the conservation and protection of the town's natural resources and agricultural lands; to protect the character and qualities of scenic areas and historic sites; to promote measures that preserve or improve the town's quality of life, and overall to protect and promote public health, safety, and general welfare.

1.04 ABROGATION AND GREATER RESTRICTIONS

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

1.05 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town of West Kewaunee, Kewaunee County.

1.06 APPLICABILITY

This ordinance applies to all land uses, structures, and development within the unincorporated limits of the Town of West Kewaunee, Kewaunee County, Wisconsin.

1.07 CONSTRUCTION OF LANGUAGE

In interpreting the various contents of the Ordinance, the following rules of construction shall apply:

- (1) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - (a) “And” indicates that all connected words or provisions shall apply.
 - (b) “And/or” indicates that the connected words or provisions may apply singly or in any combination.
 - (c) “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - (d) “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
- (2) In case of conflict between the text and a diagram or graphic, the text controls.
- (3) The term “building” includes the word “structure.” A “building” or “structure” includes any part thereof.
- (4) The term “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (5) The term “dwelling” includes the word “residence”
- (6) The word “lot” includes the words “plat” or “parcel.”
- (7) All references to “Chapter,” “Article,” or “Section” shall refer to this Zoning Ordinance unless another meaning is clear from the context of the reference.
- (8) The words “shall,” “will,” and “must” are always mandatory and not discretionary. The word “should” indicates that which is recommended but not required; and the word “may” is permissive.
- (9) The present tense includes the past and future tenses, and the future tense includes the past.
- (10) The singular number includes the plural, and the plural number includes the singular.
- (11) Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- (12) Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE II. DEFINITIONS

1.08 WORDS DEFINED

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accessory structure - a building, or any portion of a building, that is subordinate to the main building and that is used for a purpose incidental to the permitted use of the main building or the premises.

Accessory use – any use that is subordinate to the permitted use and that is incidental to the permitted use.

Agricultural accessory use - means any of the following land uses on a farm:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - b. A facility used to keep livestock on the farm.
 - c. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - e. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - f. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

Agricultural uses - means any of the following activities conducted for the purpose of producing an income or livelihood:

1. Aquaculture.
2. Beekeeping.
3. Crop or forage production.
4. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
5. Floriculture.

6. Forest management.
7. Fur farming.
8. Keeping livestock.
9. Nursery, sod, or Christmas tree production.

Agriculture-related uses - means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

1. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to farms.
2. Storing, processing or handling raw agricultural commodities obtained directly from farms. Examples include feed mills and grain elevators.
3. Slaughtering livestock.
4. Marketing livestock to or from farms.
5. Processing agricultural by-products or wastes received directly from farms.

Animal unit - the value used to establish the maximum number of animals permitted on a tract of land in the A-1 zoning district. Animal units are calculated by multiplying the number of animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The Animal Unit Factor for each type of livestock is set by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. NR 243.05.

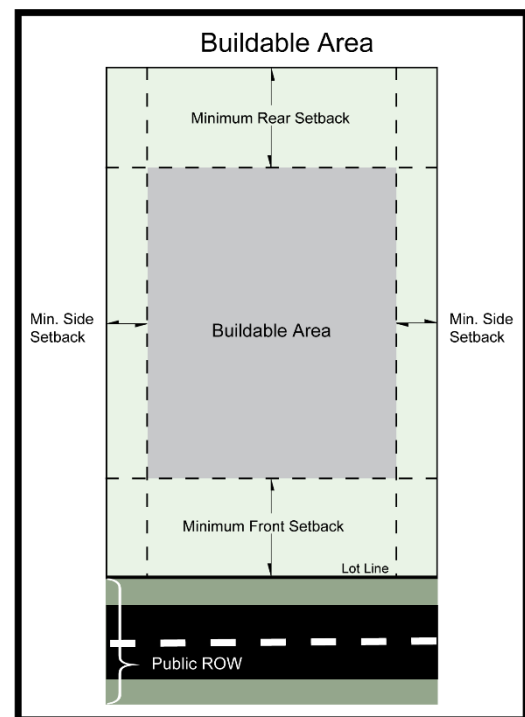
Automobile Wrecking Yard - Any premises on which more than three (3) automotive vehicles, not in operating condition, are stored in the open.

Basement - that portion of any structure located partly underground and having more than one-half (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, 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.

Buildable area - the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a permitted building and any attached accessory structures is permitted by this ordinance.

Building - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land.



Building line - a line measured across the width of the lot at that point where the main structure, including any overhang, is in accordance with setback provisions.

Common ownership - means ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. Common ownership includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Community living arrangement - a facility licensed and operated under the authority of the State of Wisconsin including group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities, but not including nursing homes or day care facilities.

Adult family home - a place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.

Community based residential facility - a place where 5 or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services, and may include up to 3 hours of nursing care per week.

Residential care apartment complex - a place where 5 or more adults reside that consists of independent apartments, each of which has: an individual lockable entrance and exit, a kitchen, including a stove, individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. Residential care apartment complex does not include a nursing home or a community-based residential facility.

Conditional use – means a use that is not permitted by right. Rather, its allowance is subject to the discretionary judgment of the Zoning Board of Appeals, as described in Section 1.45, Conditional Use Permits.

Contiguous - means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of- way. Parcels are not “contiguous” if they meet only at a single point.

District, zoning - divisions of the town, each area being accurately defined to boundaries and locations on the official zoning map and in the zoning ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

Dwelling – a building, or portion thereof, including a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels and motels.

Dwelling unit – one (1) or more rooms which are arranged, designed for use as living quarters.

Dwelling unit, single family – a detached building designed for or occupied exclusively by one (1) family.

Dwelling unit, two family – a building designed for or occupied exclusively by two (2) families living independently of each other, also called “duplexes.”

Essential services - electric, telephone, gas, or water service, including the overhead, surface, or underground distribution or transmission systems necessary to supply the service. It includes the conduits, pipes, poles, towers, wires, and similar devices necessary to supply these services, but does not include any buildings necessary to supply these services. It does not include wind energy systems, communications facilities, or any structure or use listed as a permitted, accessory, or conditional structure or use in any other district.

Farm - means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
2. A majority of the land area is in agricultural use.

Farm operation - means an activity conducted primarily for the production of one or more agricultural products or commodities, for home use or for sale, in a quantity sufficient to contribute to the operator's support.

Farm residence - meaning any of the following structures that is located on a farm:

1. A single-family residence that is occupied by any of the following:
 - a. An owner or operator of the farm.
 - b. A parent or child of an owner or operator of the farm.
 - c. An individual who earns more than 50 percent of his or her gross income from the farm.

Feedlot - An animal confinement facility or dairy farm used or designed for the feeding or holding animals.

Fish hatcheries – Establishments devoted to hatching, raising or rearing fish.

Forestation - Planting trees or shrubs on burned over land, cut over land or land that was never covered by forest, consisting of 5 (five) or more acres.

Garage, private – An accessory structure to the main building which provides for the storage.

Garage, Public - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

Garage – Storage - any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.

Gross farm revenue - means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.

Home occupation – A gainful occupation conducted by members of the family within his or her place of residence, where the space used is incidental to residential use. A household occupation includes such things as babysitting, dressmaking, canning, laundering and crafts, offices for commercial loggers, offices for building tradesmen, accountants, home beauty shops, lawyers, real estate agents and insurance agents. Includes home based, off-site sales (e.g., candles, cosmetics, cookware, etc.)

Hotel – A building in which lodging, with or without a meal, is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

Hunting shacks or warming shacks - buildings used only during hunting and fishing seasons as a base for hunting, fishing, and outdoor recreation and not permanently occupied for residential use. Hunting shacks and warming shacks must be less than 100 square feet, provided no water or sewage facilities are included.

Junk yard or Salvage yard – An area where junk, 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, used automobiles, used machinery, used building material and similar materials. A salvage dealer license is required under Wis. Stat. § 218.205.

Kennel - any lot or premises on which more than three (3) household animals (i.e., dogs, cats, or other domestic non-exotic animals) over the age of four (4) months are boarded, bred, groomed, sold, or trained on a regular basis for commercial purposes.

Land fill operation – A solid waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, per Wis. Stat. Ch. 289.

Limited forestation - Planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of 5 (five) or less acres.

Livestock - means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and farm-raised fish.

Livestock facility - a feedlot, dairy farm, or other operation where livestock are, or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area.

Lot – a parcel of land abutting on a public road or other officially approved means of access, having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory structures together with the open spaces required by this ordinance.

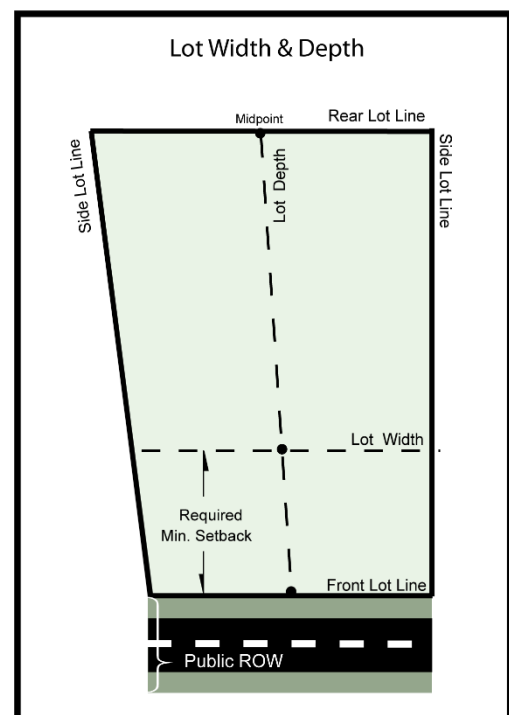
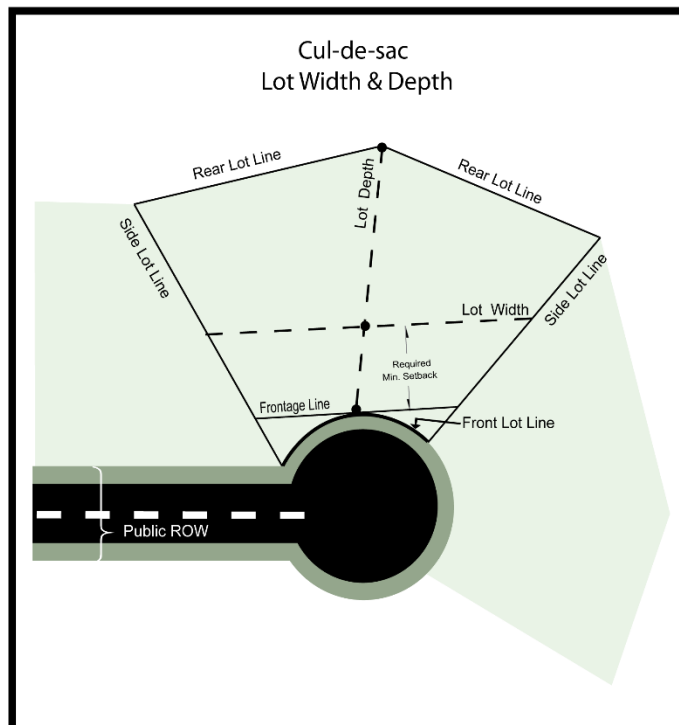
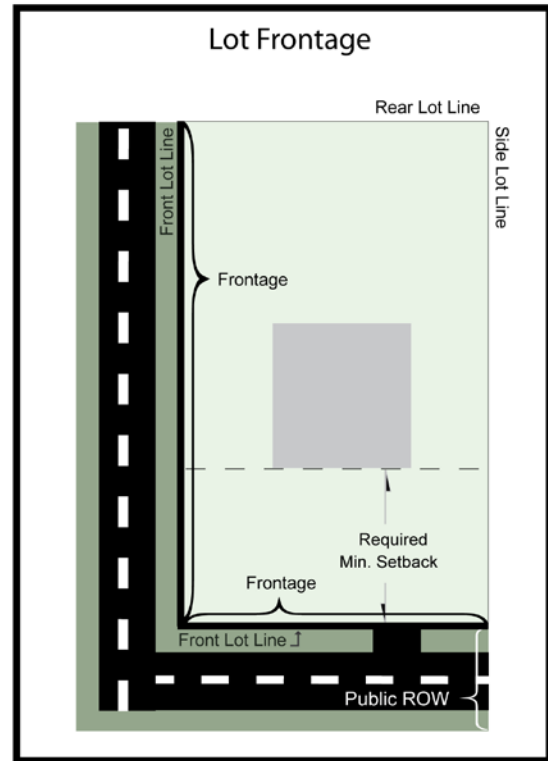
Lot, frontage – The side of a lot abutting on a road or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

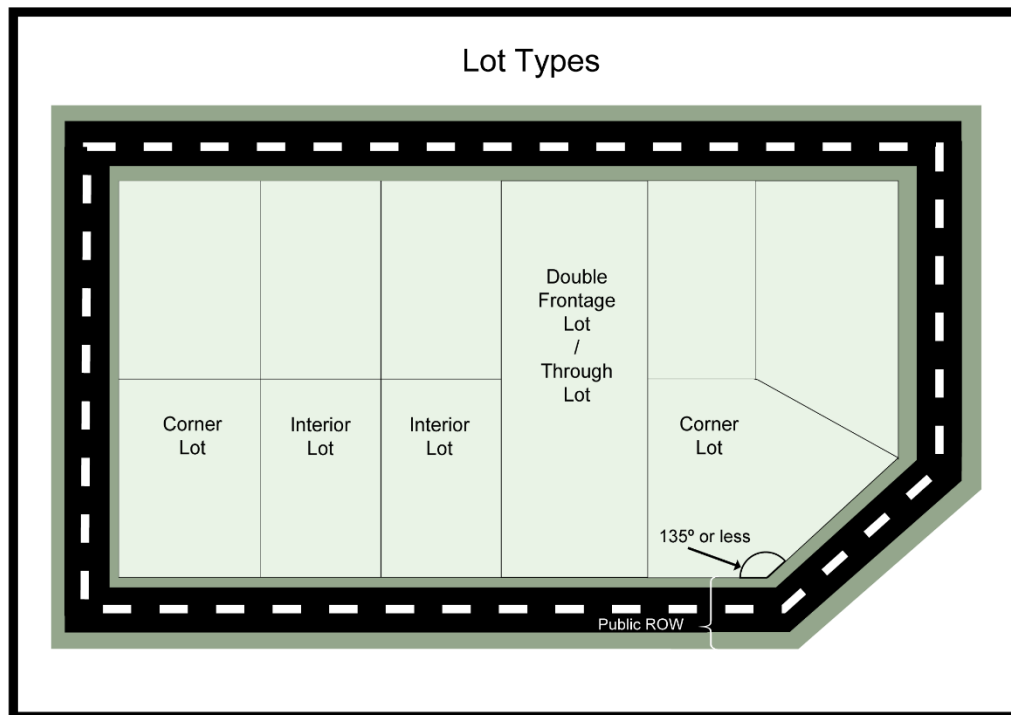
Lot, corner – a lot abutting on two or more roads at their intersection.

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 lines and area – the peripheral boundaries of a parcel of land including the road right-of-way lines and the total area lying within such boundaries.

Lot, width of – the horizontal distance between the side lot lines.





Lot of record – a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Kewaunee 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 Ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Kewaunee County.

Manmade pond - a pond created or constructed by human activity, such as excavating gravel, sand, stone, or topsoil from a property, but does not include a family swimming pool and manure storage pit.

Manufactured home - means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426.

Manufactured home park - means -any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Mobile Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

Mobile home – means a structure, transportable in one or more sections built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

Motel - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning 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 home – a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Nursing home – a place which provides 24-hour services including board and room to three (3) or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week, unless the facility has been designated as a community based residential facility. Nursing homes shall be licensed under Chapter 50 of the Wisconsin State Statutes.

Open space parcel - means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

Parking space, off-street - for the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Town.

Permitted use – means a use permitted by right, provided all requirements of this Ordinance are met.

Prime farmland - means all of the following:

1. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
2. Land, other than land described in sub. (1), which is identified as prime farmland in the county's certified farmland preservation plan.

Principal building – the building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. On agricultural zoned property the principal building may include barns and structures essential to the operation of a farm.

Prior nonconforming use - means a land use that does not comply with this zoning ordinance, but which lawfully existed prior to the application of this ordinance.

Professional office – means the office of an architect, author, dentist, doctor, lawyer, minister, musician, professional engineer, or other recognized professional practitioner.

Protected farmland - means land that is any of the following:

1. Located in the A-1 zoning district certified under ch. 91, Wis. Stats.
2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
3. Covered by an agricultural conservation easement under Wis. Stat. § 93.73.
4. Otherwise legally protected from nonagricultural development.

Public airport - means any airport which complies with the definition contained in Wis. Stat. § 114.002(3), or any airport which serves or offers to serve common carriers engaged in air transport.

Public hunting & fishing grounds - land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.

Reasonable accommodation - a deviation from the strict requirements of this ordinance which is necessary to provide equal housing opportunity for a disabled person or persons. An accommodation is reasonable if it does not cause an administrative burden, fiscal burden, or undue hardship on the town and does not undermine the basic purpose of this ordinance.

Recreation camps – means an area, premises, or parcel of land on which is provided facilities for overnight or short term camping in tents, bedrolls, travel trailers, pick up coaches, motor homes, or camping trailers, as defined in Chapter DHS 178 of the Wisconsin Administrative Code. Recreational camps include accessory structures and service facilities required by the State Board of Health together with a residence or living quarters for the owner or caretaker on the premises. Recreational camps shall mean and be synonymous with camps and campgrounds for the purposes of this Ordinance.

Road - means all property dedicated or intended for public or private road purposes or subject to public easements therefore and 21 feet or more in width.

Roadside stand – means a structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered, and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one premise.

Salvage yard - see *Junkyard*

Setback – the distance from a lot line or other specified line to a structure or other specified point on a lot as measured perpendicularly to the lot line or other specified line.

Shooting preserve - Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.

Shoreland zoning - under an ordinance enacted by Kewaunee County under Wis. Stat. § 59.692, shoreland zoning limits or prohibits the construction or placement of buildings or structures.

Sign – means any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, and model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word “sign” includes the word “billboard,” but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign, directional - means signs containing directional information about public places owned or operated by federal, state, or local governments, or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public.

Stable - An accessory structure in which horses or domestic livestock are kept.

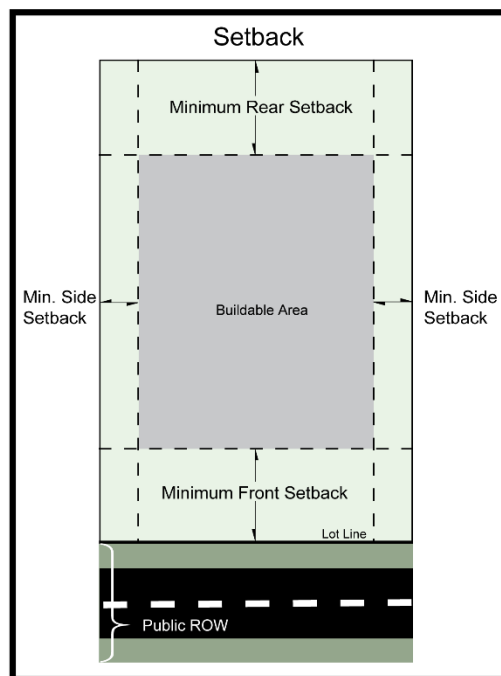
Story – means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having ½ or more of its height above grade shall be deemed a story for purposes of height regulations.

Structural alteration - means any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

Structure - means 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.

Sub-standard lot - means a lot which is recorded with the Register of Deeds prior to the adoption of this Ordinance, and is located in a zone requiring greater area, width, or other characteristics.

Surveys and plans - means surveys and plans as referred to in this ordinance and as relating to the construction of highways, shall be considered as accepted by the County or Town Board if County or Town funds have been used in the improvement carried out according to such plans.



Temporary Use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Traffic lane - means a strip of roadway intended to accommodate a single lane of moving vehicles.

Variance – means a relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to condition peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Wind generating equipment - is the conversion of wind energy into a useful form of energy, such as using wind turbines to make electricity, windmills for mechanical power, windpumps for water pumping or drainage.

Yard-related definitions:

1. **Yard** - an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.
2. **Yard, front** - a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed road or highway right-of-way and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
3. **Yard, rear** - a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
4. **Yard, side** - a yard extending from the front yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Yard Types



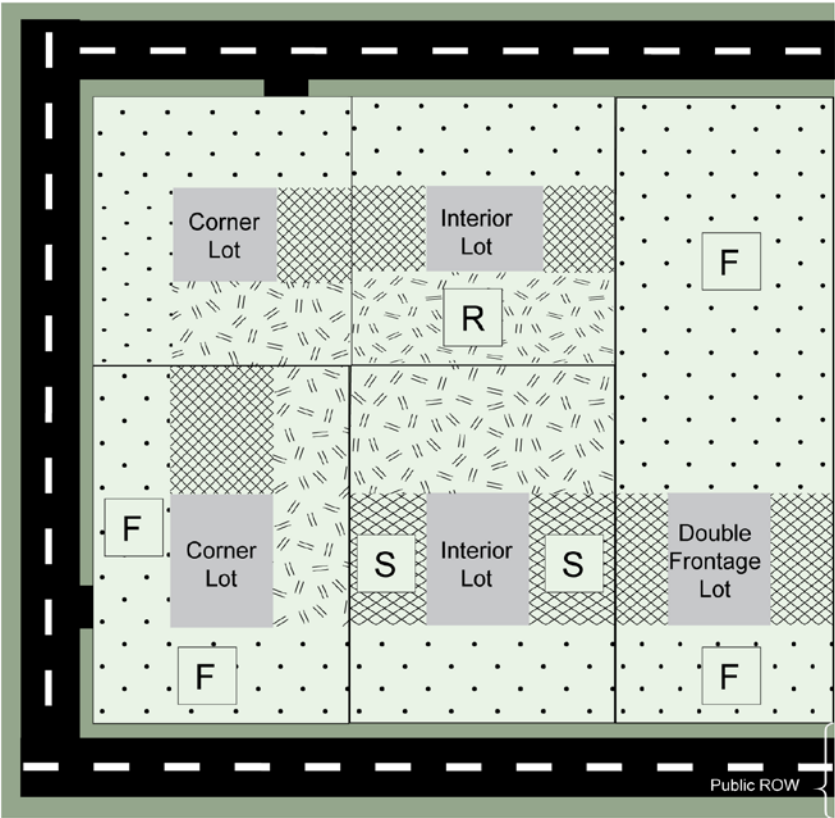
Front Yard



Rear Yard



Side Yard



ARTICLE III. GENERAL PROVISIONS

1.09 JURISDICTION

This ordinance applies to all land uses, structures, and development within the unincorporated limits of the Town of West Kewaunee, Kewaunee County, Wisconsin.

1.10 COMPLIANCE AND PERMIT

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, enlarged, constructed, reconstructed, moved, or structurally altered without the issuance of a building permit, unless specifically exempted in Section 1.44, and without full compliance with the provisions of this Ordinance and all other applicable local, county, state, and federal regulations.

1.11 STANDARDS

(1) Nonconforming Lots of Record.

- (a) A nonconforming lot of record may be developed even though it does not meet the minimum lot size and lot width requirements of this ordinance if the proposed use is a single family dwelling or a principal or accessory use in the district in which it is located, except for the A-1 district. A nonconforming lot of record is subject to all other requirements contained in this ordinance.

- 1. Compliance with the standards of the Kewaunee County Sanitary Code shall be a condition for the granting of a building permit.
- 2. Nonconforming lots of record granted permits under this section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is issued by the Zoning Board of Appeals.

- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

(2) Nonconforming Structures.

- (a) An uncompleted structure for which a building permit was issued and construction commenced may be completed if the completed structure complies with the ordinance in effect at the time the permit was issued, even if the structure does not conform to the requirements of this ordinance at the time construction is completed, and the completed structure will be deemed a nonconforming structure.
- (b) A nonconforming structure may continue to be used and maintenance and

repairs may be made to the nonconforming structure.

- (c) The total structural repairs or alterations in a nonconforming structure shall not during its life exceed 50 percent of the fair market value of the structure.
- (d) A nonconforming structures exterior dimensions may be changed provided that the change does not reduce any existing nonconforming setback or increase any existing nonconforming height.
- (e) Restoration of Certain Nonconforming Structures. In accordance with Wis. Stat. s. 60.61(5m), a nonconforming structure that is damaged or destroyed by fire, flood, ice, infestation, mold, snow, vandalism, or violent wind may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the nonconforming structure may be enlarged, but only to the extent necessary for the structure to comply with applicable state and federal requirements.

(3) Nonconforming Uses.

- (a) A nonconforming use may not be enlarged or expanded.
- (b) A nonconforming use that has ceased or otherwise been discontinued for a period of 12 months may not be resumed, and any further use must conform to the requirements of this ordinance.
- (c) A nonconforming use may not be moved to any other part of the parcel on which it is located.
- (d) A nonconforming use may not be moved to another parcel unless the use is allowed or permitted on the parcel to which it is moved. A conditional use permit must be obtained if the use is a conditional use on the parcel to which it is moved.
- (e) A nonconforming use may not be changed to another nonconforming use.
- (f) A nonconforming use may be changed to a conforming use, but a conditional use permit must be obtained if the new use is a conditional use.
- (g) A nonconforming use that has been changed to a conforming use may not be returned to the prior nonconforming use or to any other nonconforming use.

(4) Site Restrictions.

- (a) No structure may be constructed, erected, or moved onto land that is unsuitable by reason of adverse soil or rock formations, concentrated runoff, flooding, inadequate drainage, low percolation rate or bearing strength, susceptibility to erosion, unfavorable topography, or any other reason deemed likely to be harmful to the aesthetics, general welfare, health, prosperity, and safety of the community.
- (b) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements (for the zoning district within which the lot is located) established by this Ordinance.

- (c) All lots shall have a **minimum of 66 feet of road frontage** at the road right of way.
 - (d) No building permit shall be issued unless the main body of the lot upon which the building or structure is to be erected fronts on a public road, or a private road that existed at the time of the effective date of this ordinance.
 - (e) The depth, width, and overall area of a lot must be sufficient to permit the location of a conforming and legal private onsite wastewater treatment system if it is not serviced by a municipal wastewater treatment system.
- (5) Use Restrictions.
- (a) No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
 - (b) No land or structure, and no part of any land or structure, may be used or occupied for any purpose unless the use or occupancy complies with the requirements of this ordinance.
 - (c) A principal structure must be located on a lot and only one principal structure may be constructed, erected, or moved onto a lot.
 - (d) Permitted uses in a zoning district are limited to those permitted uses specified for the district in this ordinance.
 - (e) Accessory uses and structures are permitted in any district **but not until their principal structure is present or under construction.**
 - (f) Conditional uses in a zoning district are limited to those conditional uses specified for the district in this ordinance.
 - (g) Conditional uses and accessory uses to conditional uses are special uses that require an application, review, public hearing, approval by the Zoning Board of Appeals, and issuance of a conditional use permit.
 - (h) Holding tanks will be allowed in the Town of West Kewaunee only if no other means of proper sewage disposal is available as determined by Kewaunee County Zoning Administrator. An individual landowner will be required to follow all regulations established by Kewaunee County Private Sewage System Ordinance and Wisconsin's Administrative Code, SPS 383 pursuant to this provision of the Ordinance.
 - (i) No land or structure, and no part of any land or structure, may be used for any purpose if it is unsuitable for that purpose by reason of adverse soil or rock formations, concentrated runoff, flooding, inadequate drainage, low percolation rate or bearing strength, susceptibility to erosion, unfavorable topography, or any other reason deemed likely to be harmful to the aesthetics, general welfare, health, prosperity, and safety of the community.

- (j) There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
 - (k) Where the Zoning Administrator has issued a building permit application pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within one (1) year of the date of the issuance of such permit.
 - (l) Temporary Uses, such as real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, or onsite asphalt plants or concrete batch plants may be permitted for a period of up to one year by the Town Board. Temporary use permits may be renewed if the Zoning Board of Appeals deems such renewal appropriate.
- (6) Height Requirements.

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys; Accessory farm buildings and special structures such as, gas tanks, silos, grain elevators, scenery lofts manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks; essential services, utilities, water towers, electric power and communication transmission lines; and Communication Structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas are hereby exempted from the height regulations of this Ordinance.

(7) Visual Clearance Triangle

In each quadrant of every public road intersection, there shall be a visual clearance triangle bounded by the road center lines and a line connecting points on them 300 feet from a state or federal highway intersection, 200 feet from a county highway intersection and 150 feet from a Town road intersection. Uses permitted in a visual clearance triangle include:

- (a) Open fences.
- (b) Telephone, telegraph and power transmission poles, lines and portable equipment.
- (c) Field crops, shrubbery and trees, except that no trees or shrubbery may be planted within a visual clearance triangle so as to obstruct the view.

1.12 KEWAUNEE COUNTY SHORELAND ZONING ORDINANCE

The Town recognizes that Kewaunee County has adopted a Shoreland Zoning Ordinance in compliance with Wisconsin Statutes. Accordingly, the Zoning Administrator for the Town of West Kewaunee shall refer to Kewaunee County all applicants seeking building permits for structures or uses which are proposed to be located or conducted within the shoreland area subject to county regulations. If the Zoning Administrator determines that any Town building permit is required for such project, a permit will not be issued within Shoreland Zoning until approval from Kewaunee County has been granted.

ARTICLE IV. ZONING DISTRICTS

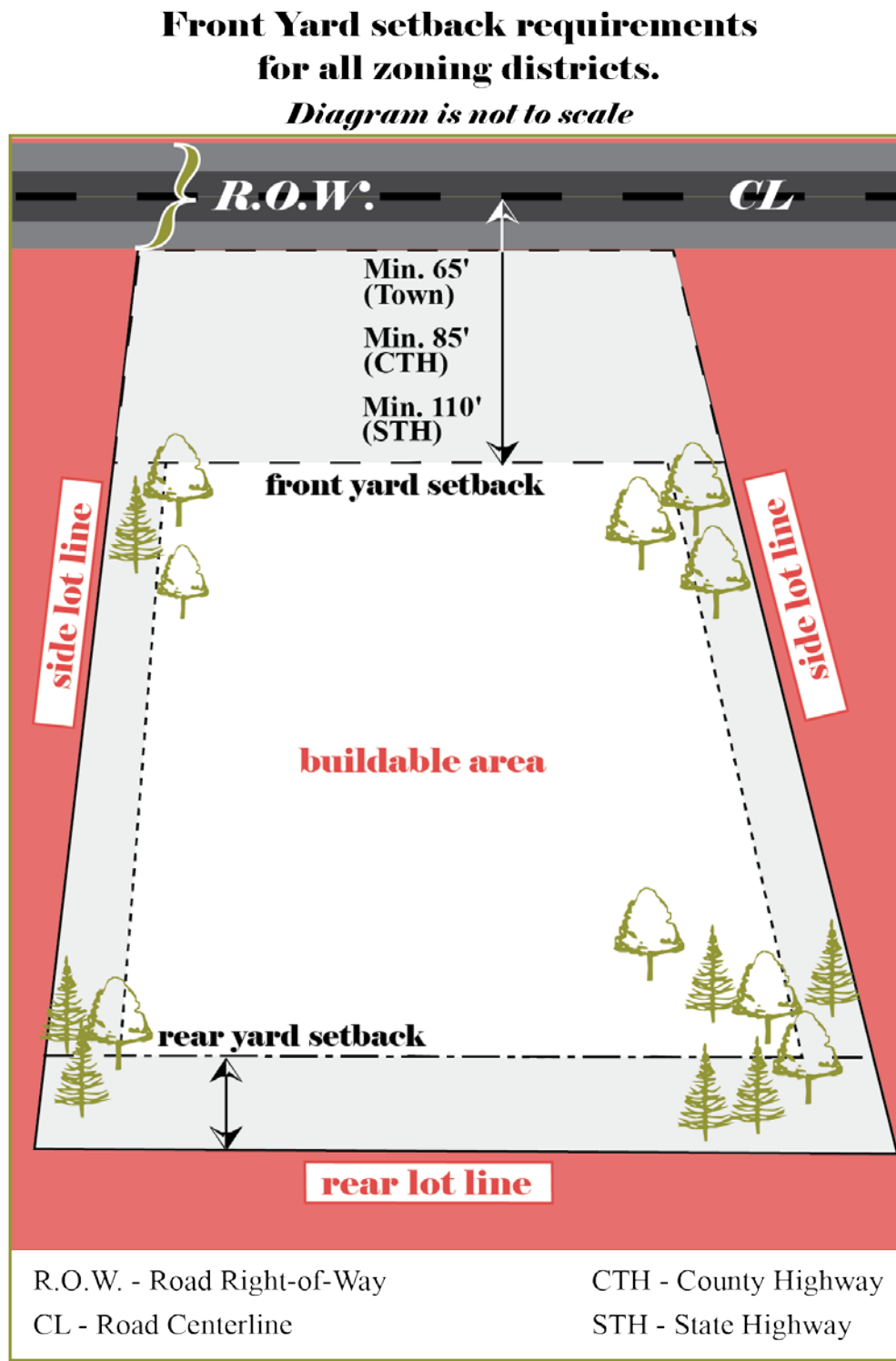
1.13 ESTABLISHMENT OF DISTRICTS

- (1) The unincorporated area of the Town of West Kewaunee, Kewaunee County, Wisconsin is hereby divided into the following districts for purposes of zoning.
 - (a) A-1 – Prime Agricultural Land
 - (b) A-2 – Agricultural – Rural Residential
 - (c) R-1 – Residential
 - (d) B-1 – Business
 - (e) CO-OV – Conservancy Overlay
- (2) Zoning Map.

Boundaries of the aforesaid zoning districts are hereby established as shown on the official zoning map entitled “Farmland Preservation Zoning Map - Town of West Kewaunee, Kewaunee County, Wisconsin” which accompanies and is incorporated as a part of this Ordinance. All legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the zoning map, are as much a part of this ordinance as though they were specifically described herein.
- (3) Interpretation of District Boundaries
 - (a) Where district boundaries are indicated as approximately following the centerlines of roads or highways, road lines, or highway right-of-way lines, such centerlines, road lines, or highway right-of-way lines shall be construed to be such boundaries.
 - (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - (c) Where district boundaries are so indicated that they are approximately parallel to the centerlines of road lines of streets, or the centerlines or right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

1.14 YARD SETBACKS FOR ALL DISTRICTS

Figure 1.1: Yard Requirements Applying to All Zoning Districts in the Town of West Kewaunee.



1.15 PRIME AGRICULTURAL LAND DISTRICT (A-1)

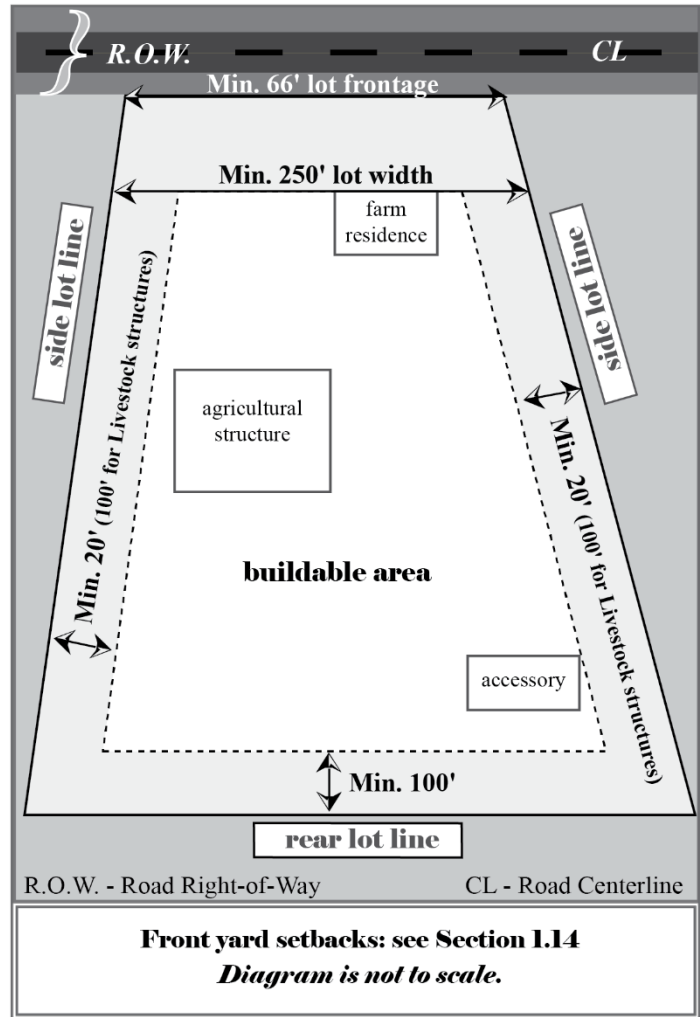
- (1) Purpose and Intent. The A-1 district is intended to protect the agricultural industry from scattered nonagricultural development that may displace agricultural uses and is, therefore, not intended to accommodate future nonagricultural growth. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; or have been integral parts of such farm operations.
- (2) Permitted Uses. The following uses are allowed in the A-1 district.
 - (a) Agricultural uses.
 - (b) Livestock facility, less than 500 animal units.
 - (c) Agricultural accessory uses, except:
 1. Aircraft facilities, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, require a conditional use permit under Section 1.15(4)(b).
 2. Livestock facilities with 500 or more animal units require a conditional use permit under Section 1.15(4)(d).
 3. Riding and Boarding Stables, consistent with Wis. Stat. § 91.01(1), require a conditional use permit under Section 1.15(4)(m).
 - (d) Farm residence, single family dwelling.
 - (e) Essential services consistent with Wis. Stat. § 91.44.
 - (f) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - (g) Undeveloped natural resource and open space areas.
 - (h) Limited forestation under five (5) acres (tree or shrub planting). No tree or shrub shall be planted within 20 ft. of a lot line.
- (3) Accessory Uses. The following uses may be allowed in the A-1 district and may be subject to additional provisions listed in Article V of this Ordinance.
 - (a) Roadside stand for the sale of agricultural products, one per farm.
- (4) Conditional Uses. The following uses may be allowed in the A-1 district subject to the issuance of a conditional use permit.
 - (a) Agriculture-related uses.
 - (b) Airfields, airports, and heliports, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, however are not open to the public.
 - (c) One additional farm residence, single family dwelling.

- (d) A new or expanded Animal Feedlot/Livestock Facility, 500 or more animal units.
- (e) Bed and breakfast consistent with Wis. Stat. § 91.01(1)(d).
- (f) Kennel consistent with Wis. Stat. § 91.01(1)(d).
- (g) Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with Wis. Stat. § 91.46(4).
- (h) Forestation over five acres (tree or shrub planting). No tree or shrub shall be planted within 20 ft. of a lot line.
- (i) Institutional, governmental uses, and religious uses consistent with Wis. Stat. § 91.46(5) such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, churches and other religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.
- (j) Signs.
- (k) Quarries, sand, and gravel pits and non-metallic mining consistent with Wis. Stat. § 91.46(6).
- (l) Riding and Boarding Stables, consistent with Wis. Stat. § 91.01(1).
- (m) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (1) It is conducted on a farm by an owner or operator of that farm.
 - (2) It requires no buildings, structures, or improvements other than a building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use; or a farm residence.
 - (3) It employs no more than 4 full-time employees annually.
 - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

- (5) Yard Requirements. The following requirements apply to the A-1 district.

Yard Requirements for Permitted, Accessory, and Conditional Uses within the A-1 District:

Prime Agricultural Land (A-1)	
Lot Size:	
Minimum lot area	35 acres
Minimum lot width at building line	250 ft.
Yard Setbacks:	
Front yard Setback:	<i>See Section 1.14</i>
Minimum rear:	100 ft.
Minimum side:	20 ft.
Minimum side for Livestock Structures	100 ft.
Structure Height:	
Maximum Farm Residence:	35 ft.
Maximum Agricultural Structures:	150 ft.



- (6) Rezoning Land Out of the A-1 Prime Agricultural Land District.

- (a) Town of West Kewaunee may not rezone land out of the A-1 zoning district unless the town does all of the following prior to the rezoning:
1. Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - a. The rezoned land is better suited for a use not allowed in the A-1 zoning district.
 - b. The rezoning is consistent with any comprehensive plan, adopted by the local community which is in effect at the time of the rezoning.
 - c. The rezoning is substantially consistent with the Kewaunee County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

- d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (b) By March 1 of each year, the Zoning Administrator shall provide a report to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) identifying the number of acres that the Town has rezoned out of the A-1 zoning district during the previous calendar year and a parcel map that clearly shows the location of those acres.
- (c) By March 1 of each year, the Zoning Administrator shall submit a copy of the information that it reports to DATCP under Section 1.15 (6)(b) to Kewaunee County.

1.16 GENERAL AGRICULTURE - RURAL RESIDENTIAL DISTRICT (A-2)

- (1) Purpose and Intent. The primary purpose of this A-2 district is to provide a mixture of agriculture and low density residential uses that utilize relatively small quantities of land in predominately agricultural areas for rural residential use. It is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels.
- (2) Permitted Uses. The following uses are allowed in the A-2 district.
 - (a) Agricultural uses.
 - (d) Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in Wis. Stat. § 60.63.
 - (b) Customary agricultural operations including a garden, nursery, greenhouse, and usual farm buildings
 - (c) Essential services.
 - (d) Limited forestation under five (5) acres (tree or shrub planting). No tree or shrub shall be planted within 20 ft. of a lot line.
 - (e) Public and private utilities.
 - (e) Single-family dwelling.
 - (f) Transportation, utility, communication or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law.
 - (g) Undeveloped natural resource and open space areas.
- (3) Accessory Uses. The following uses may be allowed in the A-2 district and may be subject to additional provisions listed in Article V of this Ordinance.
 - (a) Home occupation.
 - (b) Contractor or trade storage.
 - (c) Hunting shacks or warming shacks.
 - (d) Other accessory uses and buildings that are incidental to principal use and do not include any activity commonly conducted as a business.
 - (e) Private garage.
 - (f) Roadside stand, one per farm or residence.
- (4) Conditional Uses. The following uses may be allowed in the A-2 district subject to the issuance of a conditional use permit.
 - (a) Agriculture-related uses.
 - (b) Automobile wrecking yard, junk yard, and salvage yard.
 - (c) Camps and campgrounds.
 - (d) Community living arrangements with a capacity of 9 or more persons

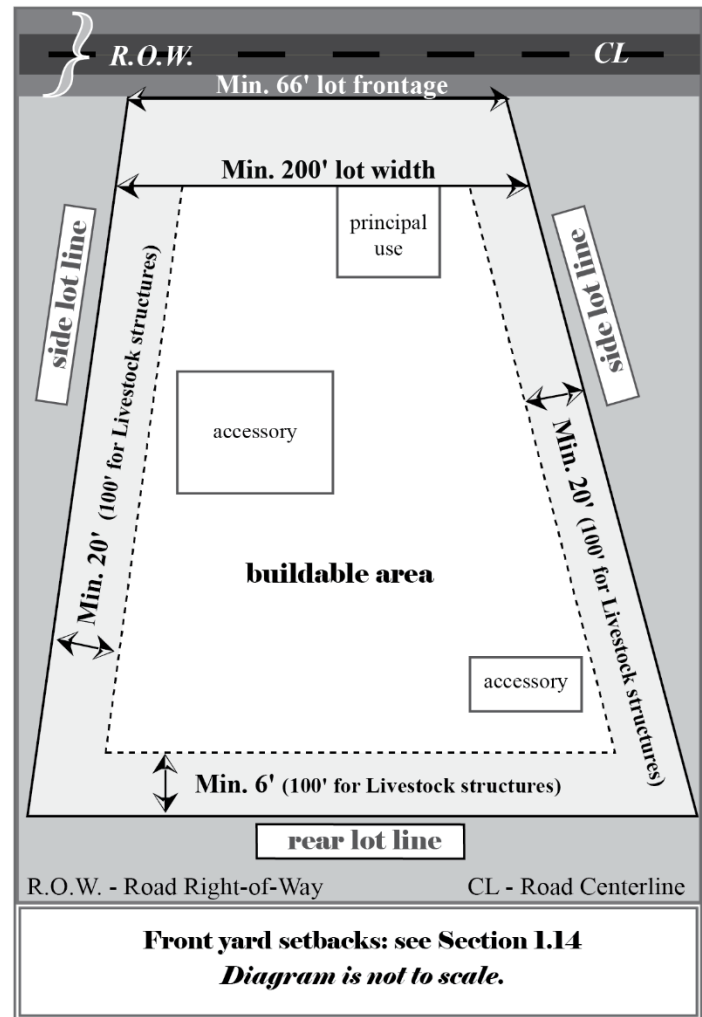
subject to the limitations set forth in Wis. Stat. § 60.63.

- (e) Community use including, but are not limited to such things as a church, clinic, community center, fire station, hospital, library, cemetery, municipal hall, museum, park, playground, police station, or school.
- (f) Compatible infrastructure to include transportation uses including roads, rail facilities, and agricultural aeronautic facilities; communication uses, including transmission lines, cell towers, antennae, and broadcast towers; and electrical transmission lines.
- (g) Farm implement sales & service.
- (h) Fertilizer plants, coops, feed mills and bulk storage of agricultural products.
- (i) Forestation over five (5) acres (tree or shrub planting). No tree or shrub shall be planted within 20 ft. of a lot line.
- (j) Governmental uses such as highway storage garages, sanitary landfills, transfer stations, and treatment plants.
- (k) Hunting and fishing clubs and lodges or public hunting and fishing grounds or shooting preserves
- (l) Landscape business.
- (m) Manufactured home park, See Section 1.23 of this Ordinance.
- (n) Public garage.
- (o) Quarries, sand, and gravel pits incidental to farm operation and non-metallic mining subject to a reclamation plan approved under the Kewaunee County Non-Metallic Mining Ordinance.
- (p) Signs.
- (q) Two family dwelling.

- (5) Yard Requirements. The following requirements apply to the A-2 district.

Yard Requirements for Permitted, Accessory, and Conditional Uses within the A-2 District:

General Agriculture - Rural Residential (A-2)	
Lot Size:	
Minimum lot area	1.5 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard Setback:	<i>See Section 1.14</i>
Minimum rear:	6 ft.
Minimum rear for Livestock Structures	100 ft.
Minimum side:	20 ft.
Minimum side for Livestock Structures	100 ft.
Structure Height:	
Maximum Height	35 ft.



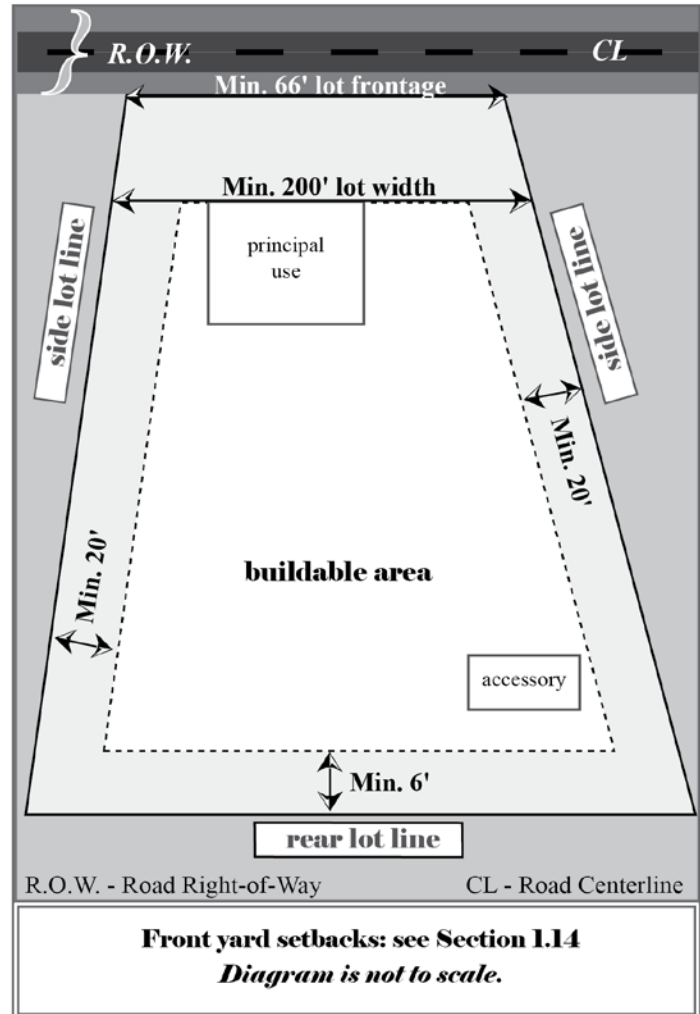
1.17 RESIDENTIAL DISTRICT (R-1)

- (1) Purpose and Intent. The R-1 district is intended to provide primarily for residential and low-impact non-residential development on relatively small lots, served by private onsite waste treatment systems and private wells, and in areas that do not infringe on agricultural uses.
- (2) Permitted Uses. The following uses are allowed in the R-1 district.
 - (a) Single-family dwellings.
 - (b) Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in s. 60.63 Wis. Stats.
 - (c) Essential Services.
 - (d) Public parks, playgrounds and athletic fields.
- (3) Accessory Uses. The following uses may be allowed in the R-1 district and may be subject to additional provisions listed in Article V of this Ordinance.
 - (a) Other accessory uses and buildings that are incidental to principal use and do not include any activity commonly conducted as a business.
 - (b) Contractor or trade storage.
 - (c) Private garage.
- (4) Conditional Uses. The following uses may be allowed in the R-1 district subject to the issuance of a conditional use permit.
 - (a) Bed and Breakfast.
 - (b) Community living arrangements with a capacity for 9 or more persons subject to the limitations set forth in s. 60.63 Wis. Stats.
 - (d) Community use including, but are not limited to such things as a church, clinic, community center, fire station, hospital, library, cemetery, municipal hall, museum, park, playground, police station, or school.
 - (e) Compatible infrastructure to include transportation uses including roads, rail facilities, and agricultural aeronautic facilities; communication uses, including transmission lines, cell towers, antennae, and broadcast towers; and electrical transmission lines.
 - (f) Home occupation, See Section 1.22 of this Ordinance.
 - (g) Signs.
 - (h) Two family dwelling.

- (5) Yard Requirements. The following requirements apply to the R-1 district.

Yard Requirements for Permitted, Accessory, and Conditional Uses within the R-1 District:

Residential (R-1)	
Lot Size:	
Minimum lot area	1 acre
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard Setback:	<i>See Section 1.14</i>
Minimum rear:	6 ft.
Minimum side:	20 ft.
Structure Height:	
Maximum Height	35 ft.



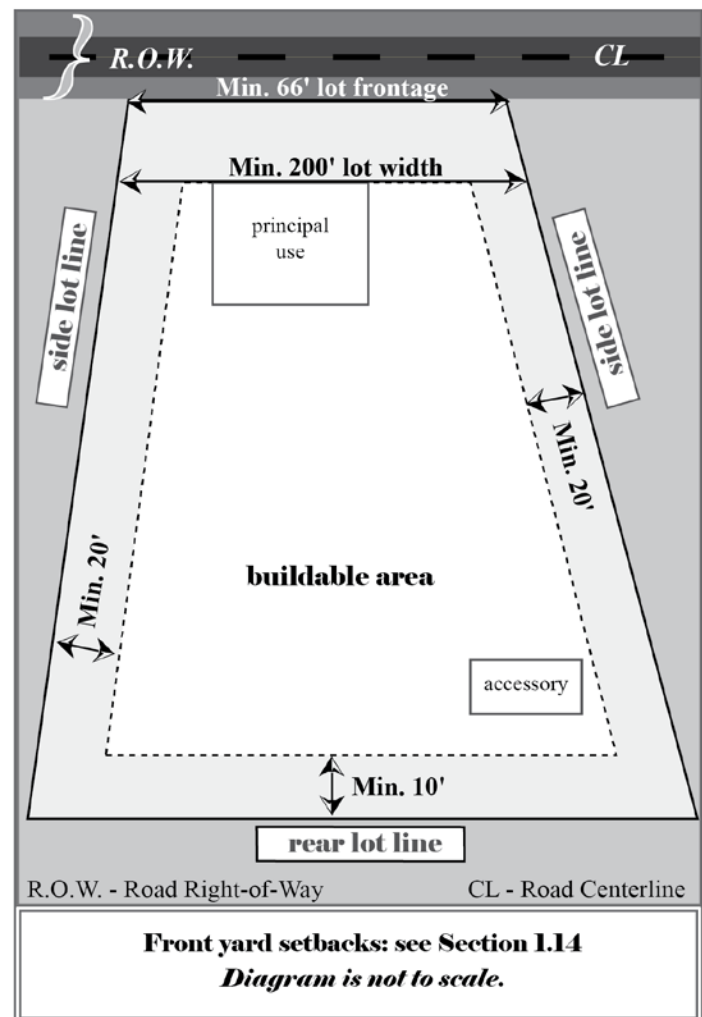
1.18 BUSINESS (B-1)

- (1) Purpose and Intent. The B-1 district permits both residential and business uses and is designed to accommodate those areas of the town with an existing desirable mixture of uses, or where such a mixture of uses is wanted.
- (2) Permitted Uses. The following uses are allowed in the B-1 district.
 - (a) Building, lumber, electrical, plumbing, and heating supply yards.
 - (b) Business and professional offices and services.
 - (c) Cabinet making, woodworking.
 - (d) Essential services.
 - (e) Farm implement and equipment sales.
 - (f) Fertilizer plants, coops, feed mills and bulk storage of agricultural products.
 - (g) Gas station and convenience stores.
 - (h) Mini-warehouses.
 - (i) Public and private utilities.
 - (j) Stores and shops for conducting retail, service, or wholesale business.
 - (k) Taverns and restaurants.
 - (l) Trade or contractor storage.
 - (m) Other uses not specifically listed, but which are deemed by the Board of Appeals to be similar to the uses listed above.
- (3) Accessory Uses. The following uses may be allowed in the B-1 district and may be subject to additional provisions listed in Article V of this Ordinance.
 - (a) Accessory structures or use incidental to principal use.
 - (b) Off street parking and loading areas.
- (4) Conditional Uses. The following uses may be allowed in the B-1 district subject to the issuance of a conditional use permit.
 - (a) Adult entertainment businesses. (Refer to Section 1.27)
 - (b) Banquet and dance halls.
 - (c) Community uses including, but are not limited to such things as a church, clinic, community center, fire station, hospital, library, mausoleum, municipal hall, museum, park, playground, police station, or school.
 - (d) Recreational and utility trailer dealers.
 - (e) Signs.

- (5) Yard Requirements. The following requirements apply to the B-1 district.

Yard Requirements for Permitted, Accessory, and Conditional Uses within the B-1 District:

Business (B-1)	
Lot Size:	
Minimum lot area	1.5 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard Setback:	<i>See Section 1.14</i>
Minimum rear:	10 ft.
Minimum side:	20 ft.
Structure Height:	
Maximum Height	35 ft.



1.19 CONSERVANCY OVERLAY DISTRICT (CO-OV)

- (1) Purpose and Intent. The CO-OV district is intended to preserve, protect, and enhance the ponds, streams, lakes, and wetland areas of the Town. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both groundwater and surface water; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for such use.

The boundaries of the CO-OV district are based primarily on the standards of the *Kewaunee County Shoreland Zoning Ordinance*. The CO-OV district may also include buffers, significant natural areas, and conservation easements shown on approved development plans. Precise delineations may be necessary by field investigation prior to development to verify the CO-OV district boundaries, including sites containing farmed wetlands that are proposed for development.

- (2) Permitted Uses in the CO-OV District.

All uses specified in Section 16.05(3) of the *Kewaunee County Shoreland Zoning Ordinance* provided such uses meet the requirements of said section.

- (3) Prohibited Uses in the CO-OV District.

Any use not listed as a permitted use is prohibited (see Section 16.05(4) of the *Kewaunee County Shoreland Zoning Ordinance*).

ARTICLE V. SUPPLEMENTAL REGULATIONS

1.20 GENERAL STANDARDS

The following contains standards relevant for principal, accessory, and conditional uses and are in addition to the applicable regulations in Article IV of this Ordinance.

1.21 ACCESSORY STRUCTURES

- (1) An accessory structure is permitted if a principal structure exists or is under construction on the same zoning lot.
- (2) An accessory structure may not exceed the maximum permitted height for the zoning district in which it is located.
- (3) An accessory structure may not be erected within any required front yard setback.
- (4) Campers, ice shanties, manufactured homes, and truck trailers may not be used as accessory structures and cannot be converted for storage or other purposes.
- (5) Fences are a permitted accessory use in any district and may be erected upon the issuance of a building permit, unless otherwise specified. No solid fences shall be located within 100 feet of a highway or road centerline or within 15 feet of the pavement on the road side yard of a corner lot. All fences shall comply with the following requirements:
 - (a) Fences in the A-1 Agricultural District are permitted up to the lot line. All fences in the A-1 district erected in a front yard shall be “open fences”. Barbed wire and electric fences are permitted in the A-1 zoning districts. No permit is required for agricultural fences in the A-1 district.
 - (b) Residential Fences are permitted up to the lot line in the side and rear yards of residential districts, but shall not exceed a height of 6 feet, and shall not extend into the front yard setback. Residential fences may be “solid fences”. Residential fences shall be constructed in such a manner that the “finished” side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant’s property.

1.22 HOME OCCUPATIONS

- (1) The use of a residential dwelling for a home occupation may not occupy more than 25 percent of the floor area of one floor and must be clearly incidental and subordinate to the residential use. Typical home occupations include, but are not limited to, baby sitting, barber or beauty shops, canning, crafts, dance studios, desktop publishing and other computer services, dressmaking, insurance agencies, laundering and ironing, millinery, music instruction, photographic studios, real estate agencies, telephone marketing, and word processing. Auto body, construction trades, and engine repair are not allowable home occupations.
- (2) Only one (1) person other than a member of the immediate family living on the premises may be employed to work on the premises.
- (3) Traffic generated by the home occupation must not be greater in volume than would normally be expected in a residential neighborhood. Sufficient off-street parking must be provided for any traffic generated by the home occupation, but no parking is permitted in the front yard.

- (4) On-site retail sales is limited to goods made on the premises or goods approved by the Zoning Board of Appeals that are associated with the normal operations of the home occupation such as beauty supplies, shampoos, personal care products for a beauty shop.
- (5) One on premise sign shall be allowed.

1.23 MANUFACTURED HOMES / MOBILE HOMES AND MANUFACTURED HOME PARKS

(1) General Requirements

- (a) It shall be unlawful, except as provided in this Ordinance for any person to park any manufactured home on any road, alley, or highway or other public place or on any tract of land owned by any person, within the Town.
- (b) Emergency or temporary stopping or parking is permitted on any road, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that road, alley or highway.
- (c) No person shall park or occupy any manufactured home that does not meet the physical requirements applying to single and two family residential dwellings on any premises which is situated outside an approved manufactured home park. Parking of only one (1) Mobile Home, or travel trailer is permitted, provided that no living quarters shall be maintained or business practiced in said Mobile Home, or travel trailer or that the said Mobile Home, or travel trailer is not used for storage while such Mobile Home, or travel trailer is so parked or stored. Said unit can be parked or stored:
 - 1. Within an accessory private garage building.
 - 2. Except for Mobile Homes, in the rear yard during the entire year.
 - 3. Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so parked may have the drawbar protrude into the Front yard setback area.
 - 4. Within the Front yard setback area for a maximum period of two (2) weeks during the period indicated in (3) above to permit preparation and cleaning of the unit.
 - 5. Parking of occupied travel trailers on a lot is permitted for a period of time of not more than fifteen (15) consecutive days and for no more than three (3) such periods in a calendar year.
 - a. Mobile Homes are permitted only in manufactured home parks.
 - b. All manufactured homes manufactured for or used for human habitation must meet the construction standards established under the National Manufactured Housing and Construction and Safety Standards Act of 1974.

(2) License for Manufactured Home Park: Application and Issuance

- (a) No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of West Kewaunee without first securing a license for each park from the Town Board, pursuant to this section. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this section for additional periods of one (1) year.
- (b) The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of \$100.00 and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of \$1,000.00 for each 50 manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
- (c) The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan at a minimum scale of 1" = 50 feet showing the following, either existing or as proposed:
 - 1. The extent and area for park purposes.
 - 2. Roadway and driveways.
 - 3. Location of manufactured home spaces.
 - 4. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
 - 5. Complete layout of storm, sanitary and water systems for service building and spaces.
 - 6. Method and plan of garbage removal.

7. Plan for electrical or gas lighting of spaces.
8. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.
9. Landscape Plan.
10. Common Open Space Plan
11. Other detail showing how the manufactured home park meets the requirements of this Ordinance.

(3) Revocation and Suspension

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.0435 (2)(d) Wisconsin Statutes.

(4) Location of Manufactured Home Parks

Manufactured Home Parks as a conditional use are permitted in the A-2 district only, subject to the regulations of this Ordinance.

(5) Manufactured Home Park Plan

The manufactured home park shall conform to the following requirements:

- (a) Manufactured home spaces shall be clearly defined and shall consist of a minimum 4,200 square feet and a width of not less than 40 feet measured at right angles from the side lot line of each space when served by public sanitary sewer.
- (b) The park shall be arranged so that all spaces shall face or abut on a roadway of not less than 30 feet in width, giving easy access from all spaces to a public road. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage. The roadways shall be well lighted and shall not be obstructed.
- (c) Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
- (d) All manufactured homes within a manufactured home park shall be parked within the designated spaces.
- (e) For the protection of abutting property owners as well as manufactured homeowners, a 25 foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior 25 foot buffer strip following Town Board approval.
- (f) Each manufactured home space shall provide a road and rear yard setback of 10 feet and a side yard setback of 10 feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street

parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:

1. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line following Town Board approval.
 2. The hitch used for pulling the manufactured home may protrude into the front yard setback.
- (g) One (1) off-street parking stall shall be provided within each manufactured home space.
- (h) There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.
- (i) A minimum of 200 square feet of Common Open Space per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
- (j) In no case shall a manufactured home and its accessory structures occupy more than 36 percent of a space.
- (k) All manufactured homes in manufactured home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- (l) No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setbacks, side yard and rear yard requirements for manufactured home units located in the A-2 district.
- (m) The manufactured home park shall comply with the Wisconsin Administration Code Chapter SPS 385, except when this Ordinance is more restrictive.
- (n) Manufactured homes shall have piers installed in accordance with Wisconsin Administration Code Chapter SPS 320.
- (o) Tie Downs: Manufactured homes shall have tie downs installed and connected in accordance with the manufacturer's instructions.

(6) Sanitarian Regulations

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Kewaunee County.

(7) Operation of Manufactured Home Parks: Responsibility of Park Management

- (a) In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the Town and state and their agents or officers and shall have the following duties:
 - 1. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
 - a. Names and addresses of all owners and occupants of each manufactured home.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure of each manufactured home.
 - e. Make, model, year, and serial number or license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.
 - f. Place of employment of each occupant, if any.
 - 2. Notify park occupants of the provision of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
 - 3. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
 - 4. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tie downs, in accordance with the manufactures specifications.
 - 5. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(8) Monthly Parking Fee

- (a) There is hereby imposed on each owner of a nonexempt, occupied manufactured or mobile home in the Town of West Kewaunee a monthly parking fee determined in accordance with Section 66.0435 (3) of the Wisconsin State Statutes which is hereby adopted by reference and made part of this Ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from

each manufactured home and mobile home owner. Said licensee shall be liable to the Town for any default in payment of the monthly parking permit fee by the manufactured home or Mobile Home owner.

- (b) Licenses of manufactured home parks and owners of land on which are parked any occupied, nonexempt mobile home or manufactured homes shall furnish information to the Town Clerk on such mobile or manufactured homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.0435 (3) (c) and (e) of the Wisconsin Statutes.

1.24 AUTOMOBILE WRECKING YARDS, DUMPING GROUNDS, JUNK YARDS, SANITARY LAND FILLS, AND SALVAGE YARDS.

- (1) Automobile Wrecking Yards.

Not more than three (3) disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicles shall be stored or allowed to remain in the open upon private property in the Town of West Kewaunee within 10 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless:

- (a) The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
- (b) The vehicle is in use on the premises as a lawful, unlicensed use; or
- (c) Due to individual hardship, a variance has been granted by the Zoning Board of Appeals to store such vehicle. The Zoning Board of Appeals shall not grant such variances for a period of more than one year.

- (2) Any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard must be located so that it does not prevent or interfere with the proper development of the surrounding area.
- (3) Any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard must be adequately fenced or otherwise screened year round with a dense shrub growth to prevent unsightliness and the blowing of materials off of the premises.
- (4) The minimum side and rear setback for any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard is 50 feet.
- (5) The Zoning Board of Appeals shall take into consideration the temporary nature of dumping and sanitary land fill operations and the public necessity for waste disposal in considering the application for a conditional use permit for a dumping ground or sanitary landfill operation.

1.25 SAND, GRAVEL, AND ROCK EXCAVATION

- (1) RESERVED

1.26 MOBILE TOWER SITING REGULATIONS

(1) Purpose.

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

(2) Authority.

The town board has the specific authority under s. 62.23(7) and 66.0404, Wis. Stats., to adopt and enforce this section.

(3) Definitions.

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

(4) Siting and Construction of Any New Mobile Service Support Structure and Facilities.

(a) Application Process

1. A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.
2. A conditional use application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A conditional use application will be provided by the Zoning Administrator upon request to any applicant.
4. If an applicant submits to the town an application for a conditional use permit, per Section 1.45, to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
 - a. Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 1.26 (4)(a)2.f.

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

(5) Class 1 Collocation

(a) Application Process

1. A conditional use permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.
2. A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the Zoning Administrator upon request to any applicant.
4. If an applicant submits to the town an application for a conditional use permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
 - a. Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 1.26 (5)(a)2.f.
7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
8. The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

(6) Class 2 Collocation.

(a) Application Process

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

2. A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
3. A permit application will be provided by the Zoning Administrator upon request to any applicant.
4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject (see Section 1.42).
5. If an applicant submits to the town an application for a permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
6. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
 - a. Make a final decision whether to approve or disapprove the application.
 - b. Notify the applicant, in writing, of its final decision.
 - c. If the application is approved, issue the applicant the relevant permit.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - e. The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

(7) Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$3,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees.

A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

1.27 ADULT ENTERTAINMENT BUSINESSES

In recognition of the protection afforded to the citizens under the 1st and 14th Amendments of the Constitution of the United States, the purpose of this section is to regulate the location of specifically defined activities and materials consistent with the town's interest in the present and future character of its development, and this section is not intended to inhibit any person's freedom of speech or the freedom of the press. For that reason, commercial establishments dealing in adult entertainment activities and materials are permitted as a conditional uses in designated zoning districts (Article IV).

- (1) The conditional uses allowed by this section are subject to the following provisions:
 - (a) No permit may be granted where the proposed establishment is within 2,000 feet of any church, funeral parlor, historic district or site listed in the State or National Register of Historic Places, hospital, library, museum, park, playground, restaurant, school, or any other private or public building or premises likely to be utilized by persons under the age of 18 years.
 - (b) No permit may be granted if the proposed establishment is within 2,000 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
 - (c) No permit may be granted where the proposed establishment is within 2,000 feet of any area zoned residential in the same or a contiguous town or municipality.
 - (d) The applicant must provide the name and address of the owners and occupants of all property within 1,000 feet of the proposed establishment.
 - (e) Billboards, portable signs, and towers are prohibited on the premises. No flashing or traveling lights may be located on or visible from the exterior of the structure in which the establishment is located. No sign may depict specified anatomical areas or specified sexual activity.
 - (f) All access points to the establishment and all windows or other openings must be constructed, covered, located, or screened in a manner that prevents viewing the interior of the establishment from any public or semipublic area.
 - (g) Adequate parking must be provided in a lighted area.
 - (h) The hours of operation for such establishments are limited to the same hours of operations for bars and taverns within the community in which the district is located.
 - (i) If a protest signed by 51 percent or more of the adult residents and property owners within 500 feet of the proposed establishment is filed with the Zoning Administrator, a unanimous vote of the Board of Appeals is required to issue a conditional use permit.

1.28 REGULATION OF OFFENSIVE MATERIAL AND CONDITIONS

(1) General Regulations.

- (a) No person or entity shall cause or permit or otherwise encourage the dumping, accumulation or escape of any material which is offensive to the public or constitutes a public nuisance as defined below.
- (b) The regulations in the following subsections apply to all districts established under this Ordinance and all lands and waters within the Town of West Kewaunee.

(2) Specific Regulations.

The following acts, omissions, places, conditions and things are hereby specifically declared to be offensive and to constitute public nuisances, but such enumeration shall not be construed to exclude other nuisances coming within the definition given below or otherwise within the regulatory authority of the town.

- (a) Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner.
- (b) Accumulations or storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, junk, rotting lumber, building debris, or any offensive material whatsoever which is not temporary and which is not incidental to the customary farm operations of the landowner of the property on which it is located.
- (c) The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants in such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or cause substantial injury to property in the town.
- (d) Any use of property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
- (e) The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.

(3) Public Nuisance.

Defined, a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any road, highway, navigable body of water or other public way or the use of public property.

- (4) Farming Operations.
 - (a) This section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure.
 - (b) This section is not intended to interfere with the operation of farm machinery and equipment at night for normal and customary farm operations.
- (5) Damaged Buildings.

Any building or structure damaged by fire, wind, or other means which cannot be repaired shall be razed and the site shall be cleared within a period of 90 days after the building or structure is damaged beyond repair unless upon request the Town Board extends this time period because it would cause undue hardship to the property owner.

1.29 SIGNS

- (1) RESERVED

1.30 PARKING, LOADING, AND DRIVEWAYS

- (1) Off-street automobile parking requirements. Off-street automobile parking shall be provided in the amounts listed below except that the Town may alter the number of parking spaces.
 - (a) Residential uses. Residential uses in any zone shall provide two (2) spaces per dwelling unit.
 - (b) Manufactured home park. For each space there shall be a graveled or paved parking area of at least 350 square feet. There shall be additional parking spaces for automotive vehicles within the park totaling not less than 1¼ parking spaces for each manufactured home space.
 - (c) Hotel and motel. One (1) for each lodging unit.
 - (d) Places of public assembly (auditorium, church, theater). One (1) for each six (6) seats (Based on maximum seating capacity).
 - (e) Dance hall, skating rink, or private club. One (1) for each 100 square feet of floor area used for dancing or assembly.
 - (f) Industrial or manufacturing uses. Two (2) spaces for each three (3) employees, based on estimated maximum daily or maximum eight (8) hour shift requirements in a twenty-four (24) hour period.
 - (g) Retail or wholesale, tavern, restaurant, retail stores, or offices. One (1) for each two hundred (200) square feet of floor space and one (1) for each three (3) employees.
 - (h) Publicly owned service buildings. One space per 400 square feet of gross floor area.
 - (i) Uses not listed. For any use not listed above, the Town may specify the number of spaces required.

(2) Loading Requirements.

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

(3) Driveways. All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements:

(a) Openings for vehicular ingress and egress:

1. Non-agricultural related vehicular ingress and egress shall not be less than 20 feet in width at the road line.
2. Agricultural related vehicular (equipment) ingress and egress shall have a minimum width of 40 feet at the road line, with the availability to go wider if needed.

(b) Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways as determined by the Zoning Administrator.

1.31 RESERVED

1.32 RESERVED

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1.36 RESERVED

1.37 RESERVED

ARTICLE VI. ADMINISTRATION, APPEALS, AND ENFORCEMENT

1.38 ZONING ADMINISTRATOR

The Town Board of West Kewaunee shall appoint a Zoning Administrator. The Town Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The Town of West Kewaunee Zoning Administrator shall have the following responsibilities and duties:

- (1) Issue all building permits and make and maintain records thereof.
- (2) Issue all rezoning certificates and make and maintain records thereof.
- (3) Conduct inspection of buildings, structures, and use of land and water to determine compliance with the terms of this Ordinance.
- (4) Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
- (5) Forward to the Zoning Board of Appeals all applications for Conditional Uses and for amendments to this Ordinance that are initially filed with the Zoning Administrator.
- (6) Forward to the Zoning Board of Appeals applications of appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance.
- (7) Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
- (8) Initiate, direct and review from time to time, a study of the provisions of this Ordinance and to make reports of its recommendations to the Town Board.
- (9) Attend meetings of the Zoning Board of Appeals for the purpose of providing technical assistance when requested by the Zoning Board of Appeals.

1.39 ZONING BOARD OF APPEALS

The Town of West Kewaunee Zoning Board of Appeals is hereby established as authorized under the applicable provisions of Wis. State Stats., and s. 62.23(7)(e) Wis. Stats.

- (1) Membership.
 - (a) The Zoning Board of Appeals shall consist of **five (5) members** appointed by the Town Chairperson and subject to confirmation by the Town Board.
 - (b) Members of the Zoning Board of Appeals shall be appointed for **terms of 3 years**, except that of those first appointed; one shall serve for one year; 2 for 2 years; and 2 for 3 years.
 - (c) Not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals.

- (d) **Two Alternate Members** shall be appointed by the Town Chairperson for a term of three (3) years. The first alternate shall act, with full power, only when a member of the Zoning Board of Appeals refuses to vote because of conflict or potential conflict of interest or when a member is absent. The second alternate shall act only when the first alternate so refused or is absent or when more than one member of the Zoning Board of Appeals so refuses or is absent.
 - (e) All Zoning Board of Appeals members shall reside in the Town.
 - (f) The members serve at the pleasure of the Town Board.
 - (g) Official **Oaths** shall be taken by all members in accordance with s. 19.01 of Wis. Stats., within 10 days of receiving notice of their appointment.
 - (h) **Vacancies** shall be filled for the unexpired term of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board.
- (2) Organization.
- (a) The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
 - (b) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson of the Zoning Board of Appeals, and at such times as the Zoning Board of Appeals may determine.
 - (c) 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 Town Clerk.
 - (d) A majority vote of four (4) members of the Zoning Board of Appeals shall be necessary to decide appeals; grant a variance, or conditional use.
- (3) Authority.
- The Zoning Board of Appeals shall have the power to carry out the following duties under this Ordinance.
- (a) **Administrative Appeals.** To hear and decide appeals where it is alleged there is error in any decision, determination, order, or requirement made by the Zoning Administrator under the provisions of this ordinance.
 - (b) **Variances.** To hear requests for a variance from the terms of this ordinance and to authorize such variances in specific cases where granting the request will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done. In each case where a variance is granted, the Zoning Board of Appeals shall issue a written decision that includes detailed, specific reasons for its determination that a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. In every case where a variance is granted, the minutes of the board must show the recommendation of the town board.

- (c) Conditional uses. To hear and decide upon each application for a conditional use permit and report said findings and recommendations to the Town Board in accordance to the provisions of this Ordinance.
 - (d) Changes and amendments. To review all zoning changes and amendment requests to this Ordinance and report said findings and recommendations to the Town Board.
 - (e) The Zoning Board of Appeals shall have the power to receive from the Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Town Board.
- (4) Administrative Appeals and Application.
- (a) Appeals to the Zoning Board of Appeals may be made by any person aggrieved or by any officer, department, or board of the Town affected by any decision of the Zoning Administrator concerning the literal enforcement of this Ordinance. Such appeals shall be filed with the Zoning Board of Appeals within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Zoning Board of Appeals Secretary. Such appeals and application shall include the following:
 - 1. Name and Address of the appellant or applicant, all abutting property owners, all property owners of record within 200 feet, and all property owners immediately adjacent to the site such as across waterways and rights-of-way utilities, roads, and highways.
 - 2. Plat of Survey prepared by a registered land surveyor showing all of the information required for a Building Permit under Section 1.43 of this Ordinance.
 - 3. Additional Information required by the Zoning Board of Appeals or Zoning Administrator.
 - 4. Fee Receipt from the Town Clerk.
 - (b) The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.
- (5) Hearings
- (a) The Zoning Board of Appeals shall fix a reasonable time and place to hold a public hearing within 45 days of receiving written application for the hearing, give public notice thereof by publication of a Class 2 notice under Chapter 985 Wis. Stats., and shall give due notice to the parties in interest, the Zoning Administrator, and the Town Board.
 - (b) The Zoning Board of Appeals may postpone a public hearing if it determines that it needs additional information.
 - (c) All hearings conducted shall be open to the public. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

- (d) The Zoning Board of Appeals Chairperson, or in their absence the action Chairperson, may administer oaths and compel the attendance of witnesses.
- (e) Minutes of the proceedings and a record of all actions shall be kept by the Zoning Board of Appeals, showing the vote of each member upon each question, the reasons for the Board of Appeal's determination, and its findings of facts. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.

(6) Variance Findings

No Variance to the provisions of this Ordinance shall be granted by the Zoning Board of Appeals unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

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

(7) Decision

- (a) The Zoning Board of Appeals shall decide all appeals and applications within 60 days from the filing of the appeal and shall transmit a signed copy of the Board of Appeal's decision to the appellant or applicant, Zoning Administrator, and Town Board.
- (b) Conditions may be placed upon any permit ordered or authorized by the Zoning Board of Appeals.
- (c) Variances or Substitutions granted by the Zoning Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(8) Review by Court Of Record

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may, within 30 days, after the filing of the decision in the office of the Town Clerk, seek court review of the decision as provided in s. 62.23(7)(e)(10) Wis. Stats.

1.40 RESERVED

1.41 RESERVED

1.42 BUILDING PERMIT

No building shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or their agent has secured a building permit from the Zoning Administrator, unless otherwise exempted pursuant to Section 1.44 of this Ordinance. Applications for building permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

1.43 APPLICATION FOR BUILDING PERMIT

- (1) Applications for a building permit shall be made to the Zoning Administrator by the landowner or their authorized agent and shall include the following, where applicable.
 - (a) Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (b) Description of the subject site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (c) A plat, at a minimum scale of 1 inch to 100 feet, showing the location, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed front, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
 - (d) Proposed sewage disposal if municipal sewerage service is not available. This plan shall include a copy of the permit issued by Kewaunee County for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
 - (e) Proposed water supply plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 812 of the Wisconsin Administrative Code.
 - (f) Additional information as may be required by the Zoning Administrator.
 - (g) A Fee Receipt from the Town Clerk shall be submitted with the application.

- (2) No building permit shall be issued by the Zoning Administrator to any landowner, or their authorized agent, unless the landowner has paid all delinquent property taxes due and owing the Town of West Kewaunee.
- (3) A building permit shall be granted or denied in writing by the Zoning Administrator within a 10 day period for the date of application. Reason for denial of a building permit will be forwarded in writing by the Zoning Administrator to the applicant.
- (4) The building permit shall expire within one (1) year unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

1.44 CASES WHERE BUILDING PERMITS ARE NOT REQUIRED

- (1) No Building Permit shall be required for any of the following:
 - (a) For building an accessory structure less than 100 square feet in area.
 - (b) For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use or extend a nonconformity.
 - (c) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

1.45 CONDITIONAL USE PERMIT

- (1) Purpose

The purpose of conditional uses is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
- (2) Initiation

Any person having a freehold interest in land, or a possessory interest entitles 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 to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.
- (3) Application
 - (a) The application for a conditional use shall be filed with the Zoning Board of Appeals on a form so prescribed by the Town of West Kewaunee. The application shall be accompanied by such plans and/or data prescribed by the Zoning Board of Appeals 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 in the respective zone districts. Such application shall be reviewed by the Zoning Board of Appeals.
 - (b) Applications shall be accompanied by a fee as established by the Town Board.

(4) Hearing on Application

Upon receipt in proper form of the written recommendation referred to in Section 1.45(3), the Zoning Board of Appeals shall hold at least one (1) public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before the Zoning Board of Appeals shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes.

(5) Authorization

For each application for a conditional use, the Zoning Board of Appeals shall record 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 and shall thereupon make a final written decision regarding the grant or denial of the proposed conditional use.

(6) Standards Applicable to All Conditional Uses

In passing upon a Conditional Use Permit application, the Zoning Board of Appeals shall consider the following factors:

- (a) The location, nature, and size of the proposed use.
- (b) The size of the site in relation to it.
- (c) The location of the site with respect to existing or future roads giving access to it.
- (d) Its compatibility with existing uses on land adjacent thereto.
- (e) Its harmony with the future development of the district.
- (f) Existing topography, drainage, soil types, and vegetative cover.
- (g) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

(7) Conditions Attached to Conditional Use Permit

- (a) Upon consideration of the factors listed above, the Zoning Board of Appeals may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include measures to minimize odor, noise and dust, landscaping, architectural design, type of construction, construction commencement and completion date, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, road dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Zoning Board of Appeals upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
- (b) In all cases in which conditional uses are granted, the Zoning Board of Appeals requires 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.

1.46 RESERVED

1.47 RESERVED

1.48 RESERVED

1.49 REASONABLE ACCOMMODATIONS FOR A DISABLED PERSONS.

- (1) The Zoning Administrator will, upon receipt of a written request, issue a permit that waives one or more specific zoning requirements if the Zoning Administrator determines that all of the following conditions have been met:
 - (a) The requested waiver is necessary to afford a handicapped or disabled person equal housing opportunity or equal access to public accommodations.
 - (b) The requested waiver is the minimum deviation from the terms of this ordinance necessary to provide the handicapped or disabled person equal housing opportunity or equal access to public accommodations.
 - (c) The requested waiver will not unreasonably undermine the basic purposes this ordinance.
- (2) A permit issued pursuant to this section must state the provisions of this ordinance that are waived and describe with reasonable particularity the deviation from the terms of this ordinance that are authorized.
- (3) A permit issued pursuant to this section must state that the permit is issued pursuant to the requirements of the Americans with Disabilities Act, the Fair Housing Act, the Rehabilitation Act, the Wisconsin Open Housing Law, a local ordinance, or a combination of these acts, laws, and ordinances in order to provide the reasonable accommodation necessary to avoid discrimination on the basis of disability or handicap.
- (4) A permit issued pursuant to this section must include a provision stating that the permit is valid only for so long as the waiver is necessary for a disabled or handicapped person to occupy or use the premises and that the permit holder must notify the Zoning Administrator within 30 days of the date that the disabled or handicapped person no longer occupies or uses the premises.
- (5) A permit issued pursuant to this section must include a provision stating that any addition or external structural change allowed by the waiver must be constructed, insofar as is practicable, in such a way that it can be removed when the disabled or handicapped person no longer occupies or uses the premises, unless the department determines that removal will not be required and includes a written statement of the reason that removal is not required as part of the permit.
- (6) A permit issued pursuant to this section which requires the removal of any addition or external structural change will not become effective until the permit holder:
 - (a) Signs an affidavit that contains the legal description of the property, acknowledges that waiver granted by permit is authorized only for so long a disabled or handicapped person uses the premises, agrees to notify the Zoning Administrator within 30 days of the date that the premises are no longer occupied or used by a disabled or handicapped person, and agrees to remove any addition or external structural change authorized by the permit

within 30 days of the date that the premises are no longer occupied or used by a disabled or handicapped person; and

- (b) Records the affidavit with the Town Clerk.

1.50 OTHER PERMITS

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency. This includes, but is not limited to, building, electrical, plumbing, and HVAC permits from the Town's building or other applicable inspector to ensure architectural plans and specifications comply with the Wisconsin Uniform Dwelling Code pursuant to Chapters SPS 320 to 325 of the Wisconsin Administrative Code; water use permits from the Wisconsin Department of Natural Resources (DNR) pursuant to Chapters 30 and 31 of the Wisconsin State Statutes; and a wetland fill permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act and/or a Water Quality Certification from the DNR.

1.51 CHANGES AND AMENDMENTS

(1) Authority.

The Town Board may from time to time amend, supplement, or change the regulations and district boundaries established by this ordinance.

(2) Initiation.

Petitions for amendments of the zoning ordinance text or map may be made by any property owner in the area to be affected by the amendment, by Town Board, or by the Zoning Board of Appeals.

(3) Petitions.

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

- (a) Plot Plan drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and current use of all properties within 100 feet of the area proposed to be rezoned.
- (b) Owner's names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- (c) Certified Survey as may be required by the Zoning Board of Appeals.
- (d) Additional Information required by the Zoning Board of Appeals.
- (e) Fee receipt in the amount established by the Town Board.

(4) Review and Recommendations.

The Zoning Board of Appeals shall review all proposed changes and amendments within the limits of the Town and shall recommend to the Town Board in writing that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Zoning Board of Appeals 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) 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.
- (e) The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

- (f) The Zoning Board of Appeals 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.
- (g) Consistency of the proposed amendment with the Town's Comprehensive Plan.
- (h) In addition to the above, in the case of map amendment request for rezoning of lands in the A-1 Prime Agricultural Land district, the Zoning Board of Appeals and Town Board shall follow the provisions of Section 1.15(6), Rezoning land out of A-1 Prime Agricultural Land District, of this Ordinance.

(5) Hearing.

The Town Board shall, after publishing a Class 2 notice under Chapter 985, Wis. Stats., hold a public hearing upon each proposed change or amendment proposed by the Zoning Board of Appeals, giving notice of the time, place, and the changes or amendments proposed. The Town Board shall also give at least 10 days prior written notice to the Clerk of any municipality lying within 1,000 feet of any land to be affected by the proposed change or amendment and to all property owners within 200 feet of the areas of land included within the proposed amendment.

(6) Town Board's Action.

Following such hearing and after careful consideration of the Zoning Board of Appeal's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

The Zoning Board of Appeals recommendations may be only overruled by a unanimous vote of the Town Board.

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.

(7) Protest.

In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent and extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the road frontage of such opposite land, such changes or amendments shall not become effective except by a unanimous vote of the Town Board.

1.52 VIOLATIONS AND PENALTIES

(1) Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

(2) Penalties

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Town of West Kewaunee. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10 and not more than \$500 or in lieu of payment thereof be imprisoned for not more than 30 days, and in addition shall pay all attorney fees and any and all other costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town of West Kewaunee from taking such other lawful action as is necessary to prevent or remedy any violation.

(3) Abatement of Violation

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

1.53 SCHEDULE OF FEES

(1) Fee Payment

All persons, firms, or corporations who petition for approval of a zoning text or map amendments, conditional uses, variances, or appeals, and all persons, firms, or corporations performing work in the Town of West Kewaunee for which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Town Clerk, in accordance with the schedule of fees established by the Town Board and amended from time to time to help defray the cost of administration, investigation, advertising, and processing of such petitions and permit applications.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(2) Additional Fees

If the Town Board, Zoning Board of Appeals, or Zoning Administrator determine that additional professional assistance is needed, beyond what is normally necessary to review a proposed development, petition, or permit application, the Town Board may employ the services of attorneys, engineers, planners, architects, surveyors, or related professional experts as may be required, the services of which shall be paid for by the petitioner or applicant. A deposit of funds may be required prior to any meeting.

1.54 SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions should be held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance

1.55 REPEAL

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

1.56 EFFECTIVE DATE

This Ordinance shall take effect the day following the publication or posting of the adopting ordinance, as provided in ss. 60.80(3) and 66.0103 Wis. Stats.

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APPENDIX:

FARMLAND PRESERVATION ZONING
DATCP CERTIFICATION MATERIALS

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**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

TOWN OF WEST KEWAUNEE, KEWAUNEE COUNTY FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP).	DARM Docket No. 061-85775-O-17 F-0817 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2027
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INTRODUCTION

The Town of West Kewaunee in Kewaunee County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the county’s formerly certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28.

(2) The Town of West Kewaunee is a town in the State of Wisconsin. The Town of West Kewaunee is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of West Kewaunee previously had a certified farmland preservation zoning ordinance.

(8) Kewaunee County has a certified farmland preservation plan. This plan is currently certified through December 31, 2026.

(9) On June 30, 2017, DATCP received an application from the Town of West Kewaunee, in which the county asked DATCP to certify the Town's farmland preservation ordinance. The Town of West Kewaunee submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) The farmland preservation zoning ordinance is part of the general Town of West Kewaunee General Zoning Ordinance, and is intertwined with other provisions of that zoning code. The ordinance includes an ordinance text, together with an ordinance map.

(11) On July 5, 2017, DATCP confirmed by letter that the Town of West Kewaunee certification application was complete, and that DATCP would proceed to review the complete application.

(12) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an ordinance may not exceed 10 years. See s. 91.36(2)(b), Wis. Stats.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of West Kewaunee in its application for certification of a farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of West Kewaunee farmland preservation ordinance, consisting of a proposed ordinance text dated July 12, 2017 and map dated July 14, 2017, meet certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2027.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of West Kewaunee adopting the ordinance, in the form certified, before December 31, 2017.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of West Kewaunee farmland preservation ordinance, consisting of the proposed ordinance text dated July 12, 2017 and maps dated July 14, 2017 are hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of West Kewaunee is the A-1 Prime Agricultural Land district.


(3) This certification is contingent upon the Town of West Kewaunee adopting the ordinance, in the form certified, before December 31, 2017.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2027.

Dated this 1st day of August, 2017

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Ben Brancel, Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of West Kewaunee

Copies to:

Edith Lauscher, Town of West Kewaunee Zoning Administrator
E4794 Lonesome Lane
Kewaunee, WI 54216

Prepared by:



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