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## **CHAPTER 10: ZONING**

### **10.0100 INTRODUCTION**

#### **10.0101 Authority**

The Town of Pierce pursuant to the authority conferred by applicable provisions of Sections 60.61, 60.62, 61.35, 62.23(7), subchapter V, ch.91, Wis. Stats., and other relevant provisions of the Wisconsin Statutes and amendments thereto, does ordain as follows:

#### **10.0102 Title**

This ordinance shall be known, cited and referred to as: TOWN OF PIERCE ZONING ORDINANCE, KEWAUNEE COUNTY, WISCONSIN.

#### **10.0103 Purpose**

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Pierce, Kewaunee County, Wisconsin.

#### **10.0104 Intent**

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and water; and to:

- A. Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- B. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- C. Preserve productive agricultural land for food and fiber production and preserve productive farms by preventing land use conflicts between incompatible uses.
- D. Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- E. Secure safety from fire, pollution, contamination and other dangers;
- F. Stabilize and protect existing and potential property values;
- G. Maintain the aesthetic appearances and scenic values of the Town of Pierce;
- H. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;

- I. Further the maintenance of safe and healthful water conditions;
- J. Protect the traffic-carrying capacity of existing and proposed arterial roads and highways;
- K. Implement those comprehensive plans or components thereof adopted by the Town of Pierce; and
- L. Provide for the administration and enforcement of this Ordinance and provide penalties for the violation of this Ordinance.

**10.0105 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 laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**10.0106 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

**10.0107 Severability**

- A. If any Section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- B. If Any Application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

**10.0108 Repeal**

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**10.0109 Effective Date**

This Ordinance shall take effect from and after its passage and posting according to law, and shall be effective for all areas of the Town of Pierce, excluding only those which are subject to extraterritorial zoning by the cities of Algoma and Kewaunee which have exercised such power.

## **10.0200 GENERAL PROVISIONS**

### **10.0201 Jurisdiction**

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Pierce, Kewaunee County, Wisconsin.

### **10.0202 Application of Regulations**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. 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 except in conformity with all of the regulations herein specified for the district in which it is located, and without the issuance of a building permit.
- B. No building or other structure shall hereafter be erected or altered:
  - To exceed the height or bulk;
  - To accommodate or house a greater number of families;
  - To occupy a greater percentage of lot area;
  - To have narrower or smaller rear yards, street yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot. Accessory Uses and structures are permitted, but not until their principal structure is present or under construction.
- D. 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. With the exception of the A-1 Exclusive Agriculture district (see 10.0202 E), 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.
- E. No yard or lot in the A-1 Exclusive Agriculture district shall be reduced in dimension or area below the minimum requirements set forth in the original adoption of the Town of Pierce Zoning Ordinance (November 20, 1986).
- F. Permitted Uses and Conditional Uses are limited to the uses indicated for the respective districts.

- G. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission and issuance of a Conditional Use permit.
- H. Where the Zoning Administrator has issued a building permit pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit.
- I. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with their approved plans.
- J. The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:
  - 1. 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 provided all required yards (i.e., front, side and rear) are increased from the minimum requirement for that zoning district at least one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- K. Setback Averaging: A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) main buildings existing prior to the enactment of this Ordinance and located within five hundred (500) feet of the proposed site that are also built to less than the required setback. In such a case, the minimum setback for the new structure shall be the average of the nearest main building on each side of the proposed site. If there is no building on one side of the proposed new site, the required setback is used to compute the average. Such setback shall be granted by a permit from the Zoning Administrator and shall not require a variance. *(Note: Does not include setbacks from ordinary high-water marks of lakes, rivers and streams)*
- L. Districts adjacent to Agricultural districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has

existed for the longest period of time, and what land use existed at the time the adjacent land use was created.

**10.0203 Kewaunee County Shoreland/Wetland and Floodplain Zoning Regulations**

The Town recognizes that Kewaunee County has an adopted Shoreland and Wetland Zoning Ordinance and a Floodplain Zoning Ordinance in compliance with Wisconsin Statutes. Accordingly, the Zoning Administrator for the Town of Pierce 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/wetland or floodplain area subject to County regulations. If the Zoning Administrator determines that any Town Building Permit is required for such project, the permit shall not be issued until the county permit has been issued. In a situation where the Town and County regulations conflict, the more restrictive regulations shall apply.

**10.0204 Erosion Control**

The Town of Pierce finds that runoff from construction sites may carry a significant amount of sediment and other pollutants to the waters of the Town of Pierce and Lake Michigan.

It is the purpose of this Section to preserve natural resources; to protect the quality of the waters of the state and the Town of Pierce; and to protect and promote the health, safety, and general welfare of the people of the Town of Pierce, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands.

Accordingly, no construction site activity shall discharge sediment and other pollutants to lakes, streams, wetlands, or adjoining properties so as to exceed or contribute to the exceeding of minimum standards set forth in applicable state or county regulations or equivalent programs including, but not limited to, Department of Commerce Uniform Dwelling Code and Commercial Building Code provisions contained within Comm. Chapter 21; Comm. Chapters 60 to Chapter 65; Comm. Chapter 101; and, Department of Natural Resources NR 216 of the Wisconsin Administrative Code.

**10.0205 Site Restrictions**

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town of Pierce Plan Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which they base their conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired.

Thereafter the Town Board may affirm, modify or withdraw the determination of unsuitability. In addition:

- A. Private Sewer and Water. The width and area of all lots shall be sufficient to permit location of legal and conforming private onsite waste treatment system and an area large enough to accommodate a replacement system should the original system fail, designed in accordance with Chapters Comm 83 and Comm 85 of the Wisconsin Administrative Code and all Kewaunee County and town ordinances.
- B. Public Access. No Building Permit shall be issued for construction unless the main body of the lot upon which the building or structure is to be erected fronts on a public street for a distance of at least 70 feet in width (minimum).

## **10.0300 ZONING DISTRICTS**

### **10.0301 Establishment of Districts**

For the purpose of this Ordinance, the Town of Pierce, Kewaunee County, Wisconsin, is hereby divided into the following zoning districts:

A-1 Exclusive Agriculture

A-2 General Agriculture

R-1 Residential

R-2 Rural Residential

B-1 Business

I-1 Institutional

LSO Lakeshore Overlay

CO Conservancy Overlay

PDO Planned Development Overlay

### **10.0302 Zoning Map**

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled "Official Zoning Map, for the Town of Pierce, Kewaunee County, Wisconsin", dated May 27, 2009, which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

### **10.0303 Interpretation of District Boundaries**

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

- A. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

- C. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Town Board, after due hearing may extend the regulation for either portion of such lot.
- D. In a district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.
- E. 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.

#### **10.0304 Interpretation of Meaning**

- A. **Permitted Use** – Within each zoning district uses listed under this heading are permitted as of right. This means that an applicant for a building permit must be given a permit if said applicant meets other requirements of this Ordinance, e.g., yards, setbacks, etc.
- B. **Conditional Use** – A use which is required for the public convenience but is potentially incompatible with typical permitted uses in a zoning district and has an impact on the surrounding area that cannot be predetermined and controlled by general use regulations.  
Any use not listed as permitted or allowed as a conditional use is prohibited.

#### **10.0305 A-1 Exclusive Agriculture**

- A. Purpose and Intent of A-1 Exclusive Agricultural Use  
The town recognizes the importance of preserving prime agricultural lands for productive agricultural purposes. The specific purposes of the Exclusive Agricultural Use (A-1) zone are to:

- Restrict uses in the district to “agricultural uses” and “uses consistent with agricultural use”;
- Preserve productive agricultural land for food and fiber production;
- Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
- Maintain a viable agricultural base to support agricultural processing and related service industries;
- Reduce costs of providing services to scattered non-farm uses;
- Pace and shape growth;
- Implement the provisions of the county farmland preservation plan as adopted and periodically revised; and
- Comply with the provisions of Chapter 91, Wisconsin Statutes (Exclusive Agricultural Zoning) to permit eligible landowners to receive Farmland Preservation tax credits

For the purposes of this Ordinance, a “use consistent with agricultural uses” must meet all of the following criteria:

- The activity will not convert land that has been devoted primarily to agricultural use;
- The activity will not limit the surrounding land’s potential for agricultural use;
- The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement;
- The activity will not conflict with agricultural operations conducted on other properties.

B. Permitted Uses

Beekeeping; animal feedlots under 500 animal units; dairying; floriculture; fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising under 200 animal units; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

1. Essential Services.
2. Additional structures necessary for the continuance of the farming operation.
3. One roadside stand per farm.

C. Conditional Uses

A conditional use in this district is to permit the following uses only after public meeting and approval of the Town Plan Commission. Conditional Use Permits for uses in the A-1 zone are required, including for those uses that are not "agricultural uses" but are "consistent with agricultural use." When deciding on conditional uses in the A-1 zoning district, the Plan Commission must make findings using the following criteria:

- The relationship of the application to the “Purposes” set forth above;
  - The compatibility of, and/or potential conflict with existing agricultural uses;
  - The need of the proposed use to be located in the A-1 district;
  - The availability of alternative locations in districts other than A-1 district;
  - All uses, structures, and improvements are required to be “consistent with agricultural use” as defined in s. 91.01(10), Wis. Stats.
  - The agricultural productivity of the lands involved;
  - The acreage of productive agricultural land to be converted to non-agricultural use by the proposed use;
  - Whether adequate public facilities to accommodate the development presently exist or will be provided within a reasonable time;
  - Whether the provision of public facilities to accommodate development will place an unreasonable burden on the Town to provide them;
  - Whether development will result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.
1. One single-family dwelling that has a use consistent with agricultural use and that is occupied by any of the following:
    - (a) An owner of the parcel;
    - (b) A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel;
    - (c) A parent or child of an owner who conducts the majority of the farm operations on the parcel;
    - (d) A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
  2. Fish Farming and other aquaculture.
  3. Commercial egg production (see section 10.1500).

4. For purposes of farm consolidation, farm dwellings and related farm structures existing at the time of the original adoption of the Town of Pierce Zoning Ordinance (i.e., November 20, 1986) may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the A-2 General Agriculture district.
  5. Hunting cabin for private use.
  6. Wildlife sanctuaries and game preserves consistent with s. 91.75(5), Wis. Stats.
  7. 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, only if consistent with s. 91.75(9), Wis. Stats., including a requirement for restoration to agricultural use.
  8. Signs.
  9. Utilities, that do not require authorization under Wis. Stats. 196.491(3).
  10. Wind farms that do not require authorization under s. 196.491(3), Wis. Stats. (See Section 10.0605 of this Ordinance).
  11. Wireless communication tower, except commercial radio and commercial television towers (See Section 10.0604 of this Ordinance).
  12. Animal Feedlot / Livestock Facility, 500 or more animal units (see Section 10.0602 of this Ordinance).
  13. Riding and Boarding Stables.
  14. Farm family business restricted to the provisions of Wis. Stats. 91.75(8).
- D. Miscellaneous Provisions (See Section 10.0311 for Zoning District Standards)
1. Conditions. The Department of Agriculture, Trade and Consumer Protection shall be notified of any conditional use granted. The following conditions may be attached to the granting of a Conditional Use Permit. A performance bond or other comparable form of security may be required to insure compliance with such requirements.
    - (a) Increased setbacks and yards;
    - (b) Specifications for water supply, liquid waste, and solid waste disposal facilities;
    - (c) Landscaping and planting screens;
    - (d) Operational controls;

- (e) Erosion prevention measures;
  - (f) Location of the use on the lot; and
  - (g) Similar requirements found necessary to fulfill the purpose and intent of this ordinance.
2. Rezoning. The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any rezoning. When deciding on rezonings from A-1 to a different district classification, the Plan Commission shall consider the following criteria:
    - (a) Adequate public facilities to accommodate the development presently exist or will be provided within a reasonable time.
    - (b) The provision of public facilities to accommodate development will not place an unreasonable burden on the Town to provide them
    - (c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas
    - (d) The potential for conflict with remaining agricultural uses in the area is.
    - (e) The need of the proposed development location in an agricultural area.
    - (f) The availability of alternative locations.
    - (g) The productivity of the agricultural lands involved.
    - (h) The location of the proposed development to minimize the amount of agricultural land converted.
  3. No yard or lot in the A-1 Exclusive Agriculture district shall be reduced in dimension or area below the minimum requirements set forth in the original adoption of the Town of Pierce Zoning Ordinance (November 20, 1986).
  4. Comprehensive ordinance revisions or ordinance amendments are required to be certified by State Land and Water Conservation Board in order for the landowners within the Exclusive Agriculture district (A-1) to qualify for tax credits.

**10.0306 A-2 General Agriculture**

A. Purpose and Intent of A-2 General Agriculture.

The purpose of the General Agriculture (A-2) zone is to provide for the continuation of small-scale, general agriculture and related uses in those areas generally suitable for farming, but that do not necessarily meet the standards and objectives of the A-1 zone. The intent is to conserve areas

with soils, drainage and topography generally suitable for farming, and to regulate residential, commercial and industrial development in those areas.

B. Permitted Uses

1. Single family dwellings
2. Agricultural operations, including but not limited to, animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, vegetable raising, plant nurseries, orchards and crop harvesting, truck farming, horticulture or viticulture, and accessory uses
3. Animal feedlots under 500 animal units (See Section 10.0602 of this Ordinance).
4. Forestation (tree or shrub planting)
5. Essential Services
6. Accessory buildings, including buildings clearly incidental to the residential use of the property provided that no accessory building may be used as a separate dwelling unit.
7. One roadside stand per farm.

C. Conditional Uses

1. Home Business
2. Hunting cabins
3. 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.
4. Signs
5. Utilities, that do not require authorization under Wis. Stats. 196.491(3)
6. Wind farms
7. Wireless communication tower (including commercial radio and commercial television towers)
8. Animal Feedlot / Livestock Facility, 500 or more animal units (see Section 10.0602 of this Ordinance).
9. Riding and Boarding Stables

D. Miscellaneous Provisions (See Section 10.0311 for Zoning District Standards)

To encourage an agricultural environment that is compatible with the character of the Town, Conditional Use Permits for uses in the A-2 zone shall not be issued without review and approval of the Town of Pierce Plan

Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, etc.

**10.0307 R-1 Residential**

A. Purpose and Intent of R-1 Residential

The Residential (R-1) zone is intended to provide for pleasant living conditions on smaller parcels of land. The intent is to provide reasonable standards to those existing smaller parcels generally located adjacent to surface waters which were divided and developed in order to utilize and enjoy the natural beauty of these water features. Development and/or redevelopment of these parcels shall be done in a manner that will not cause harm to the surface water features or diminish the integrity of the natural environment.

B. Permitted Uses

1. Single-family dwellings.
2. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Essential Services.
4. Accessory buildings incidental to the residential use. No accessory building may be used as a separate dwelling unit.

C. Conditional Uses

1. Bed and Breakfast establishments, residential
2. Community living arrangements with a capacity of 9 or more persons subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Home Business
4. Professional Offices
5. Short term rentals
6. Signs
7. Utilities, that do not require authorization under Wis. Stats. 196.491(3)

D. Miscellaneous Provisions (See Section 10.0311 for Zoning District Standards)

To encourage a residential environment that is compatible with the character of the Town, Conditional Use Permits for uses in the R-1 zone shall not be issued without review and approval of the Town of Pierce Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, etc.

## **10.0308 R-2 Rural Residential**

### **A. Purpose and Intent of R-2 Rural Residential**

The purpose of the Rural Residential (R-2) zone is to provide for a quiet, pleasant and spacious living area on larger lots protected from the intrusion of incompatible land uses. The intent is to provide for rural residential development in areas that do not infringe on agricultural uses.

### **B. Permitted Uses**

1. Single-family dwellings.
2. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Essential Services.
4. Roadside stands
5. Accessory buildings incidental to the residential use. No accessory building may be used as a separate dwelling unit

### **C. Conditional Uses**

1. Bed and Breakfast establishments, residential
2. Community living arrangements with a capacity of 9 or more persons subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Day Care Center
4. Day Care Home
5. Home Business
6. Short term rentals
7. Signs
8. Utilities, that do not require authorization under Wis. Stats. 196.491(3)

### **D. Miscellaneous Provisions (See Section 10.0311 for Zoning District Standards)**

To encourage a rural residential environment that is compatible with the character of the Town, Conditional Use Permits for uses in the R-2 zone shall not be issued without review and approval of the Town of Pierce Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, etc.

## **10.0309 B-1 Business**

### **A. Purpose and Intent of Business (B-1)**

The Business (B-1) zone is intended to accommodate certain limited commercial sales and service facilities adjacent to residential areas which constitute a convenience to residents in the town and are compatible with existing residential uses; and to accommodate commercial development by providing areas adjacent to high volume roadways for the location of commercial establishments which require land area for open storage and display of merchandise and equipment, require year-round roads, or which serve the traveling public.

### **B. Permitted Uses**

1. Stores and shops in which items are sold directly to the public to include: gasoline service stations and automotive and farm equipment repair; grocery; hardware; clothing and apparel stores; bakeries; coffee shops; gift shops; taverns and restaurants; parking areas.
2. Professional offices.
3. Personal services to include barbershops, beauty salons, and tailor shops.
4. Bed and Breakfast - Commercial
5. Essential Services

### **C. Conditional Uses**

1. Animal hospital and clinics, excluding open kennels and exercise yards.
2. Campgrounds
3. Fireworks sales
4. Golf courses
5. Lodges and fraternal buildings
6. Mobile home parks
7. Nursing and retirement homes, nursery and day care centers.
8. Signs
9. Single-family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
10. Utilities, that do not require authorization under Wis. Stats. 196.491(3)
11. Wind Energy Systems

- D. Miscellaneous Provisions (See Section 10.0311 for Zoning District Standards)
- To encourage a business environment that is compatible with the rural character of the town, Conditional Use Permits for permitted uses in the B-1 zone shall require the review and approval of the Town of Pierce Plan Commission and the review and approval of a site plan in accordance with Section 10.0700 of this ordinance. In addition to the requirements of Section 10.0700, the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, impervious surface, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

**10.0310 I-1 Institutional**

- A. Purpose and Intent of Institutional (I-1)
- The I-1 Institutional district is intended to eliminate the uncertainty of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.
- B. Permitted Uses
1. Essential Services
- C. Conditional Uses
1. All buildings and structures
  2. Cemeteries.
  3. Schools - public, parochial and private, elementary, junior high and senior high.
  4. Public administrative offices, public parks, and public service buildings, including fire and police stations.
  5. Religious places of worship
  6. Historic monuments or sites
  7. Signs
  8. Utilities, that do not require authorization under Wis. Stats. 196.491(3)
- D. Miscellaneous Provisions (See Section 10.0311 for Zoning district Standards)
- To encourage an environment that is compatible with the rural character of the Town, Conditional Use Permits for uses in the I-1 shall not be issued without review and approval of the Town of Pierce Plan Commission and the review and approval of a site plan in accordance with Section 10.0700 of this ordinance. In addition to the requirements of Section 10.0700, the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, impervious surface, parking, loading and unloading, landscaping, and open space utilization.

### 10.0311 Requirements Table for Permitted Uses and Conditional Uses

Within the permitted zoning districts noted below, all of the following standards shall apply.

		R-1	R-2	B-1	I-1	A-2**	A-1**
(a)	Minimum lot size	1 acre	3 acres	1 acre	1 acre	3.5 acres	35 acres
(c)	Minimum road frontage	70 feet	70 feet	70 feet	70 feet	70 feet	70 feet
(d)	Minimum lot width at building	70 feet	100 feet	100 feet	100 feet	100 feet	100 feet
(e)	Side yard setback						
	Lot size < 3 acres	10 feet	NA	10 feet	10 feet	NA	NA
	Lot size ≥ 3 acres	15 feet	15 feet	15 feet	15 feet	25 feet	25 feet
(f)	Rear yard setback	25 feet	25 feet	25 feet	25 feet	50 feet	50 feet
(g)	Front yard setback						
	State Road	110 feet	110 feet	110 feet	110 feet	110 feet	110 feet
	County Road	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet
	Town Road	65 feet	65 feet	65 feet	65 feet	65 feet	65 feet
(h)	Building setback from water						
	Inland navigable waters	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet
	Lake Michigan						
	Bluff height ≤ 10 feet	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet
	Bluff height > 10 feet	125 feet	125 feet	125 feet	125 feet	125 feet	125 feet
(i)	Maximum building height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet

\*\* For new or expanded Livestock Facilities that will have 500 or more animal units, refer to Chapter 11 of the Town of Pierce Code of Ordinances. (see 11.0500 - Licensing Standards)

## **10.0312 LSO Lakeshore Overlay**

### **A. Purpose and Intent of Lakeshore Overlay (LSO)**

1. The LSO is hereby established as a zone which overlays existing base zoning categories, the extent and boundary of which are as indicated on the official zoning map for the Town of Pierce. This overlay district imposes certain additional requirements upon the underlying base zoning districts. However, these additional requirements do not apply to A-1 Exclusive Agriculture parcels that underlie the LSO. In the event that regulations imposed by the LSO conflict with regulations of an underlying zoning district, the regulations imposed by the LSO shall prevail.
2. The provisions of the LSO are intended to protect the unique and sensitive natural environment of the lakeshore areas adjacent to Lake Michigan in the Town of Pierce. Its purpose is based on the recognition that:
  - (a) The economic and environmental well being and health, safety, and general welfare of the Town of Pierce is dependent on, and connected with the preservation of its Lake Michigan shoreline areas;
  - (b) The shoreline zone has unique physical, biological, economic, and social attributes that contribute to the scenic diversity and attractiveness of the town;
  - (c) Future land development should not be conducted at the expense of these attributes;
  - (d) Pollution impairment or destruction of the shoreline area and the adjacent bottomlands and waters of Lake Michigan should be prevented or minimized.

### **B. Permitted Uses**

1. Permitted uses shall be those permitted in the underlying zoning district and as modified herein.

### **C. Conditional Uses**

1. Conditional uses shall be those included in the underlying zoning district and as modified herein.

### **D. Special Requirements**

1. General
  - (a) The extent of the LSO is shown on the Official Zoning Map of the Town of Pierce. Specifically, the depth of the LSO shall be 1,000 ft. from the top of the highest bluff or the distance from the top of the bluff to Lakeshore Drive, whichever is greater. In

addition, if any part of a parcel falls within the 1,000 ft. dimension, the entire parcel falls within the LSO.

- (b) The minimum acreage for any newly created parcels shall be 10 acres, except in the Exclusive Agriculture District (A-1), which requires a minimum acreage of 35 acres. A maximum of one residence shall be allowed per 10 acre parcel, if permitted in the underlying zoning district.
- (c) The Plan Commission may allow a reduction of the overall residential density for a Planned Development Overlay (PDO – see section 10.0314), if all of the following conditions are met:
  - (1) A contiguous undeveloped area is created with a depth equal to the depth of the parcel and the width equal to 50 percent of the largest width dimension of the parcel.
  - (2) The creation of a positive system of erosion control including (but not limited to); retention ponds, dams, weirs and direct water control piping. The extent of the erosion control system shall be approved by the Plan Commission.
  - (3) The creation of a native vegetative buffer along the entire edge of shoreline, ravines and waterways with a minimum depth of 75 ft.
  - (4) The final location of buildable sites shall comply with the following guidelines, but shall be approved by the Plan Commission.
    - Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
    - Minimize disturbance to woodlands, wetlands, grasslands, mature trees, and steep slopes.
    - Avoid encroaching on rare plant communities, high quality habitats, or endangered species identified by the Wisconsin Department of Natural Resources.
    - Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
    - Protect and preserve scenic views of the land when viewed from public roads and from abutting properties.
    - Care should be taken in placement and direction of outdoor lighting so as to minimize light pollution

which detracts from the quality of the night sky above Lake Michigan.

2. Setbacks (refer to 10.0311 for the underlying districts)
3. Landscaping and Shoreline Vegetative Buffer
  - (a) Shoreline vegetative buffer zones protect water quality and shoreline habitat, preserve scenic and aesthetic character, and control erosion and flooding. To preserve the fragile and transient nature of the coastal environment, A Shoreline Vegetative Buffer shall be maintained 75 feet landward of the bluff. The vegetative buffer with native shoreline species shall serve as a natural transition between the shoreline and adjacent upland development.
  - (b) Within the Shoreline Vegetative Buffer zone, natural vegetative shall be retained in a natural, undisturbed condition. Only minimal alteration of vegetation using selective pruning or thinning techniques necessary to obtain a view of the water shall be acceptable. Removal of trees, shrubs, ground cover and other native vegetation shall require review and approval of the Zoning Administrator to ensure impacts to the coastal resources are minimized.
  - (c) The following standards apply to all uses within the vegetative buffer:
    - (1) Vegetation removal shall be limited to the amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees.
    - (2) Vegetation shall be restored in areas affected by construction activities. Vegetation must be indigenous to the Great Lakes shoreline. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. Stumps of trees cleared or harvested within the vegetative buffer zone must remain undisturbed in the ground.
    - (3) Tree removal shall be limited to removal of fallen, dead or dangerous trees and selective cutting of trees to provide a filtered view of the water. Cutting of trees on the parcel is limited to 30 percent, but clearings must be limited to 30 feet per 100 feet to the shoreline width. Those trees to be removed shall be so identified and approved by the Zoning Administrator.
  - (d) In cases where native vegetation does not exist within a buffer zone, the landowner is encouraged to replant the buffer zone with native plant species.

### **10.0313 CO Conservancy Overlay**

#### **A. Purpose and Intent of Conservancy Overlay (CO)**

Overlay districts provide the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

The CO Conservancy Overlay zone is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Town of Pierce. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water 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; and protect the water-based recreation resources of the Town.

The CO zone, the extent and boundaries of which are as indicated on the official zoning map for the Town of Pierce, informs the public that the provisions of the Kewanee County Shoreland and Floodplain Zoning Ordinance may apply in this overlay zone in addition to those of the underlying zoning category.

### **10.0314 PDO Planned Development Overlay**

#### **A. Purpose and Intent of Planned Development Overlay (PDO)**

The Town of Pierce may with the cooperation of the owners the land in question, establish a Planned Development Overlay district, with regulations following the general intent of the zoning districts in the area in which the Planned Development is proposed. However, a PDO cannot be placed over the A-1 Exclusive Agriculture district (see section 10.0314 B 3). A Planned Development will, over a period of time, tend to promote the maximum benefit for the area, from coordinated area site planning, diversified location of structures and mixed compatible uses.

Such regulations shall provide for a safe efficient system for pedestrian and vehicular traffic attractive recreational uses and landscaped open spaces, economic design and location of public and private utilities and common facilities and insure adequate standards for construction and planning. Such regulations may also provide for the development of the land within these districts allowing additional principal structures and related accessory uses, and in such districts, the regulations need not be uniform.

#### **B. Application**

Application for consideration of a Planned Development Overlay district shall be made in writing to the Town Board or its Designee (here in after referred to as the Town) by filing with the Town's Zoning Administrator and shall include the following:

1. Name, address and signature of the applicant and/or owners of the proposed project, and the names and addresses of the architect, planner and professional engineer. (if appropriate)
2. Description of the subject site by legal description, meets and bound or address.
3. If existing zoning is A-1 Exclusive Agriculture, identify the new zoning district(s) for the proposed PDO.
4. Preliminary development plan including maps, preliminary building plans and a written statement showing enough of the surrounding area to demonstrate the relationship of the proposed development to adjoining uses, both existing and proposed. The maps shall contain the following:
  - (a) The existing topography of the land and any major grading changes proposed.
  - (b) Existing and proposed land uses.
  - (c) A site plan showing existing and proposed buildings and structures, common open space, impervious surface, open space around buildings and structures, and any other existing or proposed improvements.
  - (d) Elevation and/or perspective drawings of all proposed structures and improvements and their accessory buildings.
  - (e) Off-street parking and loading plan
  - (f) A circulation diagram indicating the proposed movement of goods, vehicles and pedestrians within the proposed area, and to and from existing roadways.
5. A written statement to accompany the development plans shall contain the following information:
  - (a) A statement of the present ownership of all lands in the proposed project.
  - (b) An explanation of the general operation of the planned development.
  - (c) A statement of planned financing.
  - (d) A statement restricting the project to be constructed as proposed, with written agreement that the Town does have the right to hold building permits for any or all of the project if it does not conform to the original proposal, unless changes have been mutually agreed upon.

6. A development schedule as follows:
  - (a) The approximate date when the construction of the project is expected to begin.
  - (b) The stages in which the project will be built and the date when construction of each stage is expected to begin.
  - (c) The dates when each of the stages can be expected to be completed.
  - (d) Agreements, provisions or covenants which govern the use, maintenance and continued operation of the planned development and any of its common open areas.
  - (e) A fee of two thousand dollars (\$2,000) shall be paid upon submission of the Planned Development Overlay district Application.

C. Permitted Uses

In a planned development under the regulations of this Section, all permitted uses shall be conditioned upon the determination as to their appropriateness within the context of the Town's Comprehensive Plan, and subject to conditions that are established as part of the final approval plan.

1. Any uses permitted in the current zoning district may be permitted in a planned development.
2. Where the Planned Development proposal designates residential and/or commercial uses greater than is allowed by the town zoning code, these uses may be permitted, if in the opinion of the Town the economic resources to the community, in terms of its potential tax impacts and/or employment opportunities, would be an asset to the Town. The Planned Development may proceed to include the uses proposed with the submittal of the Planned Development Overlay application.
3. Where the existing zoning is a mixture of uses any uses proposed as part of the Planned Development may use those uses throughout the development. Within the Planned Development area the location of uses do not need to respect the original zoning district boundaries. The approval of these new land use locations shall be designated on the Development Plan and approved by the Town.

D. Development Area

In order to provide for the best utilization of the project site with relation to topography, open space and recreation areas, structure location and design, flexibility will be allowed in the establishment of population density, setback and side yard requirements and maximum height requirements.

E. Review procedures

Upon the formal submission of an application for a Planned Development Overlay district, along with the proper fee, the Town Plan Commission shall review and make recommendations. As a result of this recommendation, the Town Plan Commission shall establish a date for a public hearing, and such hearing shall be held prior to any final action by the Town Board.

F. Failure to Begin Planned Development

If no construction has begun, or no permanent use has been established under the Planned Development Overlay district requirements within one year from the approval of the final development plan, the plan and related restrictions and conditions shall lapse and be of no further effect. In its discretion and for good cause the Town Board may extend for not more than one year, the period for the beginning of construction on the establishment of a permanent use.

G. Changes and Amendments

No changes shall be made in the approved final development plan and related restrictions and conditions during construction except upon application under the procedures provided:

Minor changes in location, setting and height of buildings and structures may be authorized by the Town if required circumstances not foreseen at the time the plan was approved. All other changes in use, any rearrangements of lots, blocks and building tracts, any changes in the provisions of common open spaces, and all other changes in the approved final development plan must be authorized by the Town Board under the procedures authorized for approval of a Planned Development Overlay district.

H. Subdivision and Resale

A Planned Development Overlay district shall not be subdivided or re-subdivided for purposes of sale or lease without the approval of the Town Board as required in this Section.

All sections of a subdivided Planned Development Overlay district shall comply with the final development plan as approved by the Town Board unless changes thereto have been approved in accordance with this Section.

I. District Identification

All Planned Development Overlay districts shall be indicated as PDO, and each district shall be numbered sequentially 1, 2, 3, 4, etc. since different restrictions may apply to each district.

## **10.0400      CONDITIONAL USE PERMITS**

### **10.0401      General Provisions**

Any use listed as a conditional use in this Ordinance may be permitted only upon application to the Zoning Administrator, review, determination of the conditions to be attached to the permit, and approval by the Plan Commission, and issuance of a Conditional Use Permit by the Zoning Administrator. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered on an individual case.

### **10.0402      Initiation**

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application 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.

### **10.0403      Application**

The application for a conditional use permit shall be filed with Zoning Administrator on forms so prescribed by the Town. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zoning districts. Such application shall be reviewed by the Plan Commission.

### **10.0404      Hearing on Application**

Upon receipt in proper form of the application referred to above, the Town Plan Commission 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 Commission shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as all adjacent property owners and owners of property within 500 feet of the proposed conditional use.

### **10.0405      Standards Applicable to All Conditional Uses**

Pursuant to acting upon a Conditional Use Permit application, the Plan Commission 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 and development adjacent thereto.
- E. The proposals consistency with the town's adopted comprehensive plan.
- F. Its harmony with the future development of the district.
- G. Existing topography, drainage, soil types, and vegetative cover.
- H. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

**10.0406 Conditions Attached to Conditional Use Permit**

Upon consideration of the factors listed above, the Plan Commission shall attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include, but are not limited to, 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, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions that are necessary to fulfill the purpose and intent of this Ordinance.

**10.0407 Conditional Use Permit Fee**

The applicant, upon filing of his/her application, shall pay a fee to the Zoning Administrator in accordance with Section 10.1205 of this Ordinance:

**10.0408 Expiration**

All conditional use permits shall expire (12) months from the date of issuance where no action has commenced to establish the authorized use as determined by the Town Board. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.

**10.0409 Amendments**

Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. The process for amending a conditional use permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 10.0400.

**10.0410 Revocation of a Conditional Use Permit**

Should a permit applicant, his or her heirs or assigns, fail to comply with the conditions of the permit issued by the Plan Commission, or should the use, or characteristics of the use be changed without prior approval by the Plan Commission, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 10.0400.

## **10.0500 PARKING, LOADING, DRIVEWAYS, AND ACCESS**

### **10.0501 Parking Standards**

- A. Parking areas may be located in any yard space for commercial uses and in any yard but the street yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
- B. For business uses, each parking space shall be a minimum of two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet, and there shall be one (1) space for each 200 square feet of floor area.
- C. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- D. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- E. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- F. None of the off-street facilities as required in this Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.
- G. Uses Not Listed – In the case of structures or uses not mentioned, the Plan Commission shall determine the number of parking spaces to be required after considering, but not limited to the following: the amount of floor space, number of employees, the traffic generation potential, and the number of spaces required for the uses that are specified.
- H. 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 if needed as determined by the Zoning Administrator.

### **10.0502 Restrictions on Parking of Equipment**

Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers shall be restricted as follows:

- A. Parking in all zoning districts. Vehicles and machinery used on an operating farm or used in conjunction with a business may be stored, inside or outside, on the premises provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- B. Storage of junked vehicles. No more than one (1) 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 Pierce. Additional vehicles stored in the open must be removed within 10 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicles unless:
  - 1. 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
  - 2. The vehicle is in use on the premises as a lawful, unlicensed use; or
  - 3. 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 (1) year.

### **10.0503 Parking of Recreational Vehicles**

No motorhome, travel trailer, recreational vehicle, boat, snowmobile, or other recreational type vehicle shall be stored on any property in any residential district except as provided herein:

- A. Storage of recreational vehicles shall be limited to recreational vehicles owned and used by the property owner.
- B. Any number of personal recreational vehicles may be stored within the lot within a fully enclosed structure.

### **10.0504 Traffic Visibility**

Intersections of two Town Streets: No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the plane through the mean centerline street grade within the triangular space formed by a line joining points on the right-of-way of two intersecting Town streets at a point located 150 feet from their intersection

In the Case of County Highways, the corner cutoff distances establishing the triangular vision clearance space shall be increased in 200 feet (Appendix B: Illustration No. 2).

In the Case of State or Federal Highways, the corner cutoff distances establishing the triangular vision clearance space shall be increased in 300 feet (Appendix B: Illustration No. 2).

**10.0505 Loading Requirements**

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

**10.0506 Driveways**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

- A. Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.
- B. Openings for vehicular ingress and egress shall not be less than 24 feet at the street line.
- C. Permits. All driveways shall require a permit from the town. Applications for a driveway permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:
  - 1. Name, address, and telephone number of the applicant. Location of proposed driveway and existing or proposed use served by the driveway.
  - 2. A scale drawing indicating the location and dimensions of such driveway.
  - 3. Additional information as may be required by the Zoning Administrator or Town Board.

**10.0507 Street and Highway Access**

- A. No direct private access shall be permitted to the existing or proposed right-of-way of expressways, state trunk highways, or any controlled access arterial street without permission from the highway agency having access control jurisdiction. Access barriers, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
- B. Driveways on arterial streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Town Board shall determine the driveway location. Said setback shall be measured from the intersection of the rights-of-way of the two streets.
- C. Driveways on collector or land access streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet,

in which case the Town Board shall determine the driveway location. Said setback shall be measured from the intersection from the rights-of-way of the two streets.

- D. Residential driveways on corner lots shall be located on the least heavily traveled street.
- E. Temporary access to the above rights-of-way may be granted by the Town Board after review and recommendation by the highway agency having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required by the reviewing agencies, Plan Commission, or Town Board.

## **10.0600 SUPPLEMENTARY USES**

### **10.0601 Accessory Structures and Uses**

Accessory buildings are permitted as a matter of right in all of the zoning districts. Such buildings and uses are, however, subject to all applicable regulations set forth in this and other sections.

- A. No accessory building may be used as a separate dwelling unit.
- B. The following accessory uses and structures may be placed in any yard without a building permit provided that such use does not interfere with the vision clearance triangle as set forth in Section 10.0504 of this Ordinance; shall not be located closer than 3 feet to a side or rear lot line and shall not exceed 15 feet in height: basketball hoops, bird baths, fountains, lawn furniture, religious statues, and wishing wells. Flag poles shall not be located closer than 3 feet to a front, side or rear lot line and shall not exceed the height limitation for the zoning district in which they are located.
- C. Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the principal structure, and shall be located not closer than 3 feet to a lot line.
- D. Decks located adjacent to a principal structure shall be located not closer to a lot line than the required side yard and rear yard requirements for the district in which they are located and shall require the issuance of a building permit. Freestanding decks or decks surrounding private swimming pools separated from the principal structure shall be located at least 10 feet from the principal structure and shall be regulated in the same manner as an accessory garage, tool shed, or gazebo.
- E. Fences and Hedges
  - 1. Definition - For the purposes of this Ordinance, a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement, or other material. The term "fence" shall be construed to include planting, such as hedges.
  - 2. Location - Fences may be located on lot lines if the adjoining property owner(s) approves in writing. Such written approval must be filed with the Zoning Administrator prior to construction erection, or planting of the fence. No fence or hedges shall be erected along or within four (4) feet of any public streets, sidewalks, or alleys in the town not to supersede State Statutes Chapter 90.
  - 3. Construction and Maintenance - Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Any such fence which is, or has become dangerous to the town health or welfare, is a public nuisance, and the Town may commence property proceedings for the abatement thereof.

Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted, and shall not interfere with or obstruct overhead utilities such as power lines, telephone lines or cable lines.

4. Residential Fences - No fence or hedges exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way, except in rear yard setback where there is no access to a street right-of-way, the maximum height may be six (6) feet. The maximum height of fences or any other boundary line shall not be more than six (6) feet in height, except the hedges may be permitted to grow to their natural height. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited. The most attractive side of a fence shall face adjoining property.
5. Business and Agricultural Fences – Solid wall fences used for business and agricultural purposes shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into the lot proper.
6. Fences Required for Certain Swimming Pools - All permanent in-ground or above ground private swimming pools located in Residential zoned districts shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have intermediate rails or an ornamental pattern such that an object larger than nine (9) inches in diameter cannot pass through.

F. Antennas

The Town of Pierce recognizes that the development of various antennas, including satellite dish antennas, and their increased use poses questions of regulation not often addressed in local zoning ordinances. In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public. To protect the health and safety of all citizens, as well as the aesthetic values embodied in this Ordinance, the following regulations shall apply to all terrestrial and satellite dish antennas, with the exception of satellite antennas with a diameter of 3 feet or less:

1. All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided in Section 10.0604 of this Ordinance.

2. Ground-mounted satellite dish antennas shall not exceed 15 feet in height.
3. All free standing terrestrial antennas shall be located not less than one foot from a lot line for each one foot of height above the surrounding grade. (See Appendix B, Illustration No. 3).
4. Roof mounted antennas may be mounted one foot above the roofline for each one foot from the nearest lot line.
5. All satellite dish antennas shall be located not less than 5 feet from a side or rear lot line. (See Appendix B, Illustration No. 3).
6. All antennas, including satellite dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
7. All antennas, including satellite dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
8. Not more than one terrestrial and one satellite dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
9. Satellite dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
10. Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed 2 days at any one location.

## **10.0602 Agricultural Uses**

### **A. Animal Feedlot**

1. Definitions (For new or expanded livestock facilities that will have 500 or more animal units, refer to Chapter 11 of the Town of Pierce Code of Ordinances).
  - (a) Animal feedlot or “feedlot” means an operation or facility, including a drylot other than a pasture, where animals have been, are or will be fed, confined, maintained or stabled. (Also refer to Section 11.2000 in Chapter 11 of the Town of Pierce Code of Ordinances).

- (b) Animal manure means poultry, livestock or other animal excrement or a mixture of excrement with feed, bedding or other materials.
- (c) Animal unit means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feedlot. For purposes of this definition, the following equivalents shall apply. For animals not listed below the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

	UNIT	100 AU EQUALS
<b>DAIRY CATTLE:</b>		
Milking and Dry Cows	1.4	70 Animals
Heifers (800 to 1,200 lbs)	1.1	91 Animals
Heifers (400 to 800 lbs)	0.6	167 Animals
Calves (under 400 lbs)	0.2	500 Animals
<b>BEEF CATTLE:</b>		
Steers or Cows (1,000 lbs to Mkt)	1	100 Animals
Steers or Cows (600 to 1,000 lbs)	0.8	125 Animals
Calves (under 600 lbs)	0.5	200 Animals
Bulls	1.4	70 Animals
<b>SWINE:</b>		
Pigs (55 lbs to Mkt)	0.4	250 Animals
Pigs (up to 55 lbs)	0.1	1,000 Animals
Sows	0.4	250 Animals
Boars	0.5	200 Animals
<b>SHEEP:</b>		
Per Animal	0.1	1,000 Animals
<b>HORSES:</b>		
Per Animal	2	50 Animals
<b>CHICKENS:</b>		
Layers	0.01	10,000 Animals
Broilers	0.005	20,000 Animals

- (d) Expansion means an increase beyond the maximum number of animal units allowable in a permitted feedlot, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in construction or operation of an animal feedlot that would

affect the storage, handling, utilization, or disposal of animal manure.

- (e) Livestock means animals kept for use on a farm, range or lot and/or raised for sale and profit.

## 2. General Regulations

- (a) Feedlots Restricted to A-1 Exclusive Agriculture and A-2 General Agriculture districts.

- (b) Feedlots will be designated as either permitted or conditional uses dependent on the size classification of the proposed operation:

- (1) A feedlot with 10 to 499 animal units on a parcel of thirty-five (35) acres or more shall be considered a permitted use provided that a comprehensive nutrient management plan (meeting the minimum standards of NRCS 590) has been filed and approved with Kewaunee County Land and Water Conservation Committee (LWCC).
- (2) A feedlot with less than 100 animal units on a parcel of less than thirty-five (35) acres shall be considered a permitted use provided that a comprehensive nutrient management plan (meeting the minimum standards of NRCS 590) has been filed and approved with Kewaunee County LWCC.
- (3) A feedlot with more than 100 animal units on a parcel of less than thirty-five (35) acres shall be considered a permitted use.
- (4) A feedlot / livestock facility with 500 or more animal units shall be considered a conditional use. (see Chapter 11 of the Town of Pierce Code of Ordinances).
  - a. Contact Kewaunee County for State Well Code Rules NR 811 and NR 812.
  - b. For State Siting Standards (see 11.0500).
  - c. Application and Approval Procedures, Timelines (see 11.0700).
  - d. Criteria for Issuance of a License (see 11.0800).
  - e. Record of Decision (see 11.0900).
  - f. Permit Conditions (see 11.1100).

## 10.0603 Commercial Uses

### A. Adult Entertainment Businesses

1. No adult entertainment business shall be located:
  - (a) Within a residential zoning district
  - (b) Within 2,500 feet of an existing adult entertainment business.
  - (c) Within 2,500 feet of any residence.
  - (d) Within 2,500 feet of any pre-existing school, church, day care center, where children assemble, or licensed care facility.
  - (e) Within 2,500 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
  - (f) Within 2,500 feet of a public park
  - (g) Within 2,500 feet of a property or Historic District listed in the State Register of Historic Places or in the National Register of Historic Places.
  - (h) Within 2,500 feet of inland lake shorelines and Lake Michigan shoreline.
2. For purposes of this Section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of the above listed uses.
3. No portable signs, window displays, or temporary signs shall be permitted on the premises.

### B. Home Business. The following shall apply:

1. Home businesses may be permitted as conditional uses in the A-2, R-1, and R-2 districts.
2. A maximum of one home business shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site.
3. The home business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but no more than two non-residents shall work on the premises.
4. If located within a dwelling unit, home businesses shall occupy no more than 60 percent of the floor area of the dwelling unit. If located in accessory buildings, home businesses shall not occupy an area greater than 100 percent of the floor area of the dwelling unit, except that home businesses may occupy an entire accessory building that existed prior to the effective date of this ordinance.

5. Home businesses shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced or normally used by the home business.
6. Home businesses shall not involve any outdoor display of any articles offered for sale or produced on the premises in conjunction with the home business. Outdoor storage of products, materials, equipment, or machinery used in conjunction with the home business shall be permitted if the outdoor storage areas are provided with the fencing or vegetative screening so that such storage is not visible from public rights-of-way nor neighboring properties.
7. Vehicles bearing business insignia and trailers used in conjunction with the home business may be stored on-site, provided that no more than one of each is visible from public rights-of-way and surrounding properties.
8. Parking shall be provided in accordance with the requirements in Section 10.0500.
9. A maximum of one on-premise advertising sign, not to be illuminated and not to exceed 12 square feet in area, shall be permitted for a home business. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this ordinance. No off-premise advertising signs shall be permitted.
10. Sanitary facilities shall be provided per county and state sanitary code requirement.
11. Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

#### **10.0604 Communication Uses**

##### **A. Wireless Communication Facilities**

In response to consumer demand for wireless communication services and requirements of the Federal Communications Commission (FCC), wireless communications providers wish to establish their systems as quickly and efficiently as possible. This will result in more antennas and towers across the visual landscape. In order to provide for appropriate location and network development, to minimize adverse visual effects through careful design, siting, co-location of providers and screening, and to maximize public safety, specific sites for wireless communication facilities may be granted by conditional use permit.

Wireless communication facilities may be permitted as conditional uses in the A-1 Exclusive Agriculture and A-2 General Agriculture zoning districts (Note: commercial radio and commercial television towers are not allowed in the A-1 Exclusive Agriculture district) provided that the following information, requirements, and standards shall apply:

1. Applications for wireless communication facilities shall include the following information:
  - (a) A plat of survey, or site plan drawn to scale, showing the exact location of the facility and any associated equipment.
  - (b) A description of the telecommunication service to be provided by the facility.
  - (c) An indication as to whether the facility is designed to accommodate the equipment of additional carriers.
  - (d) Approval from a registered professional engineer familiar with the requirements of wireless communication structures of new towers or appurtenances to be placed on buildings or to be ground mounted, and certification that the facility complies with applicable building and electrical codes and Electronic Industries Alliance and Telecommunications Industry Association standards.
  - (e) Photo simulation that illustrates the appearance of the site once the facility has been constructed. Photos shall be taken from any adjoining street and from any adjacent residential zoning districts from which the facility will be visible. Elevation drawings shall be provided for wall and roof-mounted facilities for each side of the building from which the antennas or equipment will be visible.
  - (f) A description of the height, material, and color of the facility, and associated accessory equipment, as well as a description of how the accessory equipment will be landscaped, screened, and secured.
  - (g) Evidence of compliance with pertinent FCC regulations and federal requirements concerning radio-frequency emissions.
  - (h) A copy of the Federal Aviation Administration (FAA) and Wisconsin Department of Transportation, Division of Aeronautics application, if required, or a written statement signed by the applicant that such approval is not required.
  - (i) A copy of the Wisconsin Department of Commerce (COMM) application, if required, or a written statement explaining why COMM approval is not required.
  - (j) A statement from the building/property owner indicating that they consent to the placement of the wireless communication facility on the site, and that the lease does not preclude co-location.
  - (k) Any other applicable information necessary to evaluate the request, as determined by the Town.

2. Co-location of equipment by various carriers is encouraged. No facility owner or operator shall unfairly exclude a telecommunications competitor from using the same facility or location. Any such exclusion shall be based upon technical, structural, or other objective reasons. If co-location is not feasible, the applicant shall provide sufficient reason and documentation of why it is not feasible.
3. Freestanding wireless communication facilities shall be subject to the height limitations of the zoning district in which they are located. Requests for freestanding facilities that are proposed to be constructed in excess of the maximum height allowed in the zoning district shall be considered when accompanied by a statement which justifies the need for the proposed height.
4. Roof and wall mounted antennas, support structures, and screening devices shall not exceed the highest point of the building upon which they are mounted by more than seven (7) feet. Whip type antennae may extend 15 feet from the highest point of the building. All roof, wall, and whip antennas, and required equipment shall comply with the height requirement for the zoning district in which they are located. Requests to exceed the maximum height allowed by the zoning district shall be considered when accompanied by a justification statement.
5. Freestanding wireless communication facilities shall be located no closer than a distance equal to five (5) times their height from any property zoned R-1 and R-2 districts. This distance shall be measured in a straight line from the boundary line of the residential zone to the proposed tower location. Stealth facilities shall be exempt from this requirement. Any equipment associated with wireless communications facilities shall meet the required setbacks for the zoning district in which they are located.
6. The minimum street, side, and rear yard setbacks for freestanding wireless communication facilities shall be a distance equal to the height of the freestanding facility.
7. Wireless communication facilities may be attached to existing utility infrastructure (i.e., electrical transmission poles, street light standards, and telephone poles) located within a public or utility right-of-way or easement, or constructed within the right-of-way or easement, provided the following requirements are met:
  - (a) The antennae do not exceed the height of the existing utility infrastructure by more than four (4) feet.
  - (b) The facilities visually resemble other vertical utility infrastructure along the same street or highway.

- (c) The applicant submits written authorization from the owner of the existing utilities and the right-of-way or easement with the application.
- 8. Freestanding wireless communication facilities shall not be artificially lighted unless required by the FAA or another regulatory agency.
- 9. Stealth wireless communication facilities and associated equipment are preferred and encouraged in instances where a freestanding facility is necessary.
- 10. Carriers shall notify the Town when they place the FCC on notice that a specific facility is being discontinued. Antennas or support structures and equipment not in use for six (6) months for wireless communication purposes shall be removed by the facility owner. The Town may require the posting of a bond or other financial guarantee adequate to ensure removal of the facility at no cost to the Town.

**10.0605 Wind and Solar Energy Systems**

A. Wind Energy Systems-Wind Farms

Wind Farms are permitted in the A-1, A-2 and B-1 districts as a conditional use provided that the following shall apply:

*(Commentary: Section 66.0401 of the Wisconsin Statutes limits the authority of the Town to place restrictions on a wind energy system “unless the restriction satisfies one of the following conditions:*

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.”

*(Therefore the Town should consider the following when establishing the conditions for the conditional use permit for a wind farm.)*

- 1. Setbacks. The wind tower in a large wind system and each wind tower in a wind farm system must be set back:
  - (a) at least 1.1 times the total height of the large wind system from the property line of a participating property.
  - (b) at least 1,000 feet from the property line of a nonparticipating property unless the owner of the nonparticipating property grants an easement for a lesser setback. The easement must be recorded with the Register of Deeds and may not provide for a setback that is less than 1.1 times the total height of the large wind system.
  - (c) at least 1.1 times the total height of the large wind system or 500 feet, whichever is greater, from any public road or power line right-of-way.

2. The period and time of construction must be approved by the Town Board.
3. The town board may establish separate fees to cover the costs of hearings, attorney's fees, engineering fees and other cost necessary to process the conditional use permit and may establish impact fees.
4. The applicant shall address how the construction of proposed project will affect wells within in a one mile radius of the proposed construction.
5. The applicant must address the impact of the project on radio and television reception within a one-mile radius of the proposed project construction.
6. The applicant must address pre and post construction noise levels within a one-mile radius of the proposed project construction and develop a plan to ameliorate objectionable noise levels.
7. The applicant must show the proposed pattern and location of the wind generation facilities.
8. The applicant must show how the public roads will be affected during construction, and post construction and ensure that roads will be restored to pre-construction conditions, if the roads are damaged.
9. The applicant must document receipt of all necessary state, county, and federal permits and any conditions imposed by those permits.
10. The applicant must demonstrate that the project will not adversely effect avian bird populations.
11. The applicant must address the removal and repair of wind generation facilities.
12. The applicant must address clean up during and after constructions.
13. The applicant must address erosion control and storm water management.
14. The applicant must address the removal and replacement of trees, shrubbery, and ground cover during and after construction.
15. The applicant must address the adequacy of emergency services during and after construction.
16. The applicant must provide a terrorism protection plan
17. The applicant must provide a natural hazards protection plan.
18. Any storage facility or other building associated with the wind generation facility shall meet the setback requirements for principal building in the district in which it is located. A storage building shall not be classified as an accessory structure.

19. Parking. When a wind generation facility is regularly staffed, a parking space for each such on site staff person shall be provided.
20. Signs and advertising. The use of any portion of a wind generation tower and its appurtenances for signs other than warning or equipment information signs is prohibited.
21. New or modified towers shall be certified by a registered professional engineer to be in accordance with structural standards for the industry.
22. Tower Appearance and Illumination
  - (a) For towers not regulated by the Wisconsin Division of Aeronautics or the Federal Aviation Administration, a surface paint or finish shall be used that reduces the visibility of the tower.
  - (b) Towers shall not be illuminated and shall not display strobe lights except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. However, such lights shall be directional and shall not produce glare into residential areas.
  - (c) A photo simulation that illustrates the appearance of the site once the facility has been constructed. Photos shall be taken from any adjoining street and from any adjacent residential zoning districts from which the facility will be visible.
23. Interference with Public Safety Telecommunications
  - (a) No new or existing wind generation facility shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
24. The applicant must present a plan for the connection of the wind generation facility to the existing power grid.
25. The applicant must identify and address the cumulative and secondary impacts of the proposed and existing wind generation facilities in the town and adjacent towns.
26. The applicant must present a plan to identify and address construction and post construction impacts.
27. Landscaping and Building Materials
  - (a) Landscaping shall be installed or existing vegetation shall be maintained for the purpose of screening the base of towers and

their associated buildings. Building materials shall blend with the surrounding environment.

28. Abandonment

Abandoned or unused towers or portions of towers shall be removed within six (6) months of the cessation of operations at the site. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower may be removed by the Town and the costs of removal assessed against the property. The Town may require the posting of a bond or other financial guarantee adequate to ensure removal of the facility at no cost to the Town. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit

29. Reporting *Reserved*

30. Modification *Reserved*

31. Unanticipated Impacts *Reserved*

B. Solar Energy Conversion Systems

*(Commentary: Section 66.0401 of the Wisconsin Statutes limits the authority of the Town to place restrictions on a solar energy system as defined in Section 13.38(2)(h)1g. of the Wisconsin Statutes “unless the restriction satisfies one of the following conditions:*

(a) Serves to preserve or protect the public health or safety.

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(c) Allows for an alternative system of comparable cost and efficiency.”

Therefore the Town should consider the above when establishing the conditions for the conditional use permit for a solar energy system.

Commonly referred to as “active” or “passive” solar collection and heating systems and including all systems as defined by Section 13.48(2)(h) of the Wisconsin Statutes when such systems are erected as an accessory structure may be permitted in any district.

1. Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.

2. Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building and zoning codes.

3. Location and Height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height

requirements of this ordinance unless otherwise provided in the conditional use permit issued pursuant to this section.

#### **10.0606 Manufactured Homes & Mobile Home Parks Regulations**

The purpose of these regulations is to provide for the orderly and well-planned development of mobile home parks.

##### **A. Definitions**

1. **Manufactured Home:** 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. secs. 5401 to 5426.
2. **Manufactured Home Park:** 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.
3. **Mobile Home -** 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.
4. **Occupied Area -** That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
5. **Pad -** A concrete slab or eight-inch gravel pad, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.
6. **Park Management -** The person who owns or has charge, care or control of the mobile home park.
7. **Person -** Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.
8. **Space -** A plot of ground in a mobile home park designed for the location of only one (1) manufactured home.
9. **Unit -** One (1) manufactured home.

B. General Requirements

1. It shall be unlawful, except as provided in this Ordinance, for any person to park any manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person within the Town of Pierce.
2. Emergency or temporary stopping or parking is permitted on any street, 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 street, alley or highway.
3. No person shall park or occupy any manufactured home on any premise which is situated outside an approved mobile home park, except as permitted under Section 10.0606 C. Parking of only one (1) unoccupied manufactured home, mobile home, or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:
  - (a) Within an accessory private garage building or in a rear yard during the entire year.
  - (b) 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 street yard setback area.
  - (c) Within the street yard setback area for a maximum period of two (2) weeks during the period indicated in (b) above to permit preparation and cleaning of the unit.
4. Except as permitted under Section 10.0606 (B) (3), mobile homes are permitted only in mobile home parks.
5. Replacement of any legally existing manufactured home is allowed in each zoning district.
6. All manufactured homes manufactured for or used for human habitation must meet the construction standards contained in Wisconsin Administration Code Chapter Comm27.

C. Permit Required for Manufactured Homes Not Located in a Manufactured Home Park

1. Manufactured homes are a permitted use on individual lots in the A-1, A-2, R-1, and R-2 districts provided that:
  - (a) A proposed site plan shall be submitted with the building permit application to the Zoning Administration for review and approval by the Town Plan Commission and shall include the size of the manufactured home along with the location on the

building plot showing all yard measurements and locations of water supply and septic tank filter bed.

- (b) To help ensure that the manufactured home is compatible with site-built housing, the manufactured home shall comply with the following design standards:
  - (1) The manufactured home is set on an enclosed foundation in accordance with Sec. 70.043(1), Wisconsin Stats., and subchapters III, IV, and V of Ch. Comm 21, Wis. Admin. Code. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure property support for the home.
  - (2) The manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2800 lbs., and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than four tie-downs.
  - (3) The manufactured home is installed in accordance with the manufacturer's instructions and is properly connected to utilities.
  - (4) The hitch and wheels must be removed.
  - (5) The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles but excluding corrugated aluminum, or corrugated fiberglass. The roof shall have a minimum 8-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.
  - (6) The dwelling shall have exterior siding material that is residential in appearance and consist of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingle shakes or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- (c) All other district regulations shall apply.

- (d) No manufactured home shall be located in the Town of Pierce after six (6) months unless it meets the requirements of a permanent dwelling and is taxed accordingly or located in a mobile home park licensed and approved by the Town Board.

D. License for Mobile Home Park: Application and Issuance

1. 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 mobile home park within the limits of the Town of Pierce 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 an additional period of one (1) year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay a fee (see Appendix A “Fee Schedule”), and in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of one thousand (\$1,000.00) dollars for each fifty (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 mobile home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
3. 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 mobile home park and make the application) and such legal description of the premises upon which the mobile 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 mobile 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:
  - (a) The extent and area for park purposes.
  - (b) Roadway and driveways.

- (c) Location of manufactured home spaces.
- (d) Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the mobile home park.
- (e) Complete layout of storm, sanitary and water systems for service building and spaces.
- (f) Method and plan of garbage removal.
- (g) Plan for electrical or gas lighting of spaces.
- (h) Interest of applicant in proposed mobile 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.

E. 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.

F. Location of Mobile Home parks

Mobile home parks as a conditional use are permitted in the B-1 Business district subject to the regulations of this ordinance.

G. Mobile Home Park Plan

The mobile home park shall conform to the following requirements:

1. Manufactured home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4,200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be permeable surface and maintained in good condition. Provide for adequate storm water drainage, said drainage to be determined by a licensed engineer. The roadways shall not be obstructed.
2. 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.
3. All manufactured homes within a mobile home park shall be parked within the designated spaces.
4. For the protection of abutting property owners as well as mobile homeowners, a twenty-five (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 twenty-five (25) foot buffer strip.

5. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (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:
  - (a) 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.
  - (b) The hitch used for pulling the manufactured home may protrude into the street yard setback.
6. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section 10.0606 G5.
7. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.
8. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in 10.0606 G 4 and 5 above, shall be required for the express purpose of providing open space and recreational area for the residents of the mobile home park.
9. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
10. All manufactured homes in mobile home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
11. No person shall construct, alter, add to or alter any structure attachment or building in a mobile home park or in a manufactured home space without a permit from the Town 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 or awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home

spaces shall comply with all setback, side yard and rear yard requirements for manufactured home units.

H. Sanitarian Regulations

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

I. Operation of mobile home parks: responsibility of park management

1. In every mobile 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.

2. 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:

(a) Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:

(1) Names and addresses of all owners and occupants of each manufactured home.

(2) Number of children of school age.

(3) State and legal residence.

(4) Dates of entrance and departure of each manufactured home.

(5) Make, model, year and serial number of license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.

(6) Place of employment of each occupant, if any.

(b) 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.

(c) Notify the health officer immediately of any suspected communicable or contagious disease within the park.

(d) Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tie-downs.

- (e) 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.

J. Variances

The requirements of Section 10.0606 G 1, 4, 5, 6, 7, 8, and 9 shall not apply to mobile home parks existing prior to the effective date of this Ordinance; however, they shall apply to new mobile home parks and to additions to existing mobile home parks.

K. Monthly Parking Fee

1. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Town of Pierce a monthly parking fee determined in accordance with Section 66.0345 (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 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.
2. Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile or manufactured homes shall furnish information to the Town Clerk on such 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.

**10.0607 Automobile and Other Junkyards**

- A. The provisions of the 1987-88 revised Wisconsin Statutes Section 84.31 as amended regarding regulation of junkyards excluding any penalty provisions and excluding provisions applicable only to the Wisconsin Department of Transportation are hereby adopted and incorporated in this Ordinance by reference.
- B. The provisions of the 1987-88 Wisconsin Statutes Section 175.25 as amended regarding storage of junk automobiles excluding any penalty provisions are hereby adopted and incorporated in this Ordinance by reference to the extent such provisions apply to towns. The Town Plan Commission shall issue permits according to law for the accumulation and storage of junk automobiles or parts thereof located within 750 feet of the centerline of any county trunk, state trunk or federal highway or within 500 feet of the centerline of any town road.
- C. Any automobile junkyards and any other type of junkyards within the limits of the Town of Pierce shall be screened from public view by a solid fence completely surrounding such junkyard at least eight (8) feet in height and

made of a permanent weather resistant type of material such as weather resistant treated wood, metal or plastic. Such fence shall be properly maintained so as to retain its integrity and as to be reasonably aesthetic.

- D. No junk automobiles or parts thereof or other junk shall be stored outside the confines of the screening fence required in subsection three (3) above nor shall junk automobiles or parts thereof or other junk be piled up higher than the height of the screening fence or otherwise stored so as still to be visible to public view despite the existence of the screening fence.
- E. The owner or operator of any property used as an automobile junkyard or any other type of junkyard shall undertake rodent control measures so as to prevent the infestation of rodents in any such junkyards. The rodent control measures taken shall be documented by any professional pest control company or by the owner or operator of the junkyard and shall be consistent with the then prevailing rodent control practices followed by professional pest control businesses in the area.

#### **10.0608 Quarries and Mines**

- A. Applicability - The following regulations shall apply to mining operations on activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending.
- B. Exempt Activities - These regulations do not apply to the following activities:
  - 1. Excavations or grading by a person solely for domestic use at his or her residence.
  - 2. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
  - 3. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
  - 4. Excavations for building construction purposes.
- C. Permit - The application for a conditional use permit shall be submitted to the Town Zoning Administrator on forms provided by the Town of Pierce. The application shall be signed and dated by the applicant and shall be accompanied by information which shall include but not be limited to the following:
  - 1. General Information – The name and address of the operator.
  - 2. Lease(s) – A signed copy of the lease(s) or a letter(s) signed by the owner(s) of record which authorizes the operator to enter upon the lessor’s land for the purpose of mining as defined in this Ordinance.

The expiration date of the lease of agreement shall clearly be indicated thereon.

3. Legal Description – A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
4. General Map – Two copies of a general map which shall be drawn at a scale of no less than one inch equals 200 feet and shall include the following:
  - (a) Property boundaries of the operator’s owned or leased land and the location of other owners’ property boundaries at the point where they abut the boundary of the project site.
  - (b) Topography of affected lands at intervals no larger than ten feet.
  - (c) Location and names of all streams and roads, on or within 300 feet of the project site.
  - (d) Location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land is used.
  - (e) Boundaries of previous excavations on the site.
  - (f) Location and description of mining site boundary stakes and permanent reference point. Boundary stakes may not be required for projects which are to be completed in six months or less.
5. Operation Plan – All horizontal and vertical measurements shall be referenced to a permanent reference point. The operation plan shall include two copies of maps, information about the site, a description of the proposed mining operation, methods and procedures to be used in mining the site and a proposed timetable for completion of various stages of the operation as follows:
  - (a) Observed or estimated depth to groundwater.
  - (b) Type of mining and processing.
  - (c) Estimated total volume of materials to be extracted.
  - (d) A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
  - (e) Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.
  - (f) Plan view drawing and a description of the sequential stages of mining. The drawing shall show the location of the stage boundary stakes, the location and extent of the mining site to

include but not be limited to mining refuse dumps, sediment and/or wash ponds, and sediment.

- (g) Two copies of a plan showing temporary erosion control measures to be used during excavation.
    - (1) Temporary stabilization measures shall describe how such things as haul roads and stockpiles will be dealt with to minimize erosion and contamination of surface and groundwater.
    - (2) Temporary stabilization measures may be ordered by field directive by the Zoning Administrator or his designee to correct situations which arise out of the operation of a project site.
    - (3) Temporary stabilization may include but need not be limited to the following: Silt fencing, bale check dams, sod strips, rock riprap, hard surfacing through the use of concrete or blacktop slope or highwall reduction, temporary seeding, erosion mat placement, mulching and sediment basin construction.
  - (h) Proposed truck and machinery access to the site.
  - (i) Types and location of temporary or permanent buildings and structures to be erected on the site.
  - (j) Approximate number of trucks and other types of machinery to be used at the site.
  - (k) Reclamation Plan – A reclamation plan for the nonmetallic mining site as required and approved under the Kewaunee County Non-Metallic Mining Ordinance.
6. Other Information – The Town Plan Commission and the Town Board may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.
- D. Conditions – These conditions shall apply to the Permit in addition to those established under Section 10.0400.
- 1. No fixed machinery shall be erected or maintained within 200 feet of any property or street right-of-way.
  - 2. No excavation shall take place within 100 feet of any property line or 100 feet of an existing or platted street right-of-way.
  - 3. Screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises shall be at least 500 feet from any residential zone.

E. Standards Applied to all Permits:

1. Right of Access – The filing of an application shall grant the Town the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Ordinance.
2. Boundary Staking – All excavation and phase boundaries shall be staked or otherwise marked and other operators shall notify the department that the site is staked at least two work days prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the Town. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.
3. Permit Period – Permits shall be granted for a specified period of time not to exceed two (2) years based on the nature of the operation.
4. Limits of Operation – Projects shall be limited to approved dimensions and depths.
5. Conflicts with other Regulations – It is the responsibility of the applicant to obtain any local, state and federal permits or approvals.
6. Compliance with Reclamation – The operator shall comply with progressive and final reclamation plans for the site.
7. Notification of Commencement and Cessation – The operator shall notify the town, in writing, at least fifteen (15) work days prior to initial mining operations and at least thirty (30) work days prior to final completion of project reclamation. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Town for approval of the reclamation before entering the next stage.
8. Other Standards – The Town may apply such other requirements as are necessary to ensure progressive and final reclamation in a manner consistent with this Ordinance and to limit environmental pollution.

F. Renewal of Permit

1. Requests for permit renewal must be submitted in writing to the Town Zoning Administrator prior to the 60 days expiration date of the existing permit.
2. Permit renewals may be granted by the Plan Commission for not more than the duration of the original permit.
3. No permit renewal shall be granted unless the project is in compliance with the terms of the existing permit.

4. Permit renewals may be conditioned upon correction of any unanticipated environmental pollution occurring during the original permit.

G. Project Site Modification or Enlargement and Transfer of Permit

1. Site Modification – An operator may apply, in writing, to the Town Zoning Administrator, for a modification or cancellation of a permit or for a change in the reclamation plan for a project site. This application shall identify the area to be removed as affected by a change on the operation and reclamation plans.
2. Transfer of Permit – When one operator succeeds to the interest of another in an uncompleted site, the Town Plan Commission shall release the first operator of the responsibilities imposed by the permit only if:
  - (a) Both operators are in compliance with the requirements and standards of this Ordinance.
  - (b) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.
3. Site Enlargement – Any proposed enlargement may be approved by the Plan Commission subject to the Plan Commission’s evaluation of the revised reclamation plan.

H. Fees

1. The application for a permit shall be accompanied by a permit fee established by the Town Board.
2. The Applicant shall furnish the necessary sureties which will enable the town to perform the planned restoration of the site in event of default by the applicant. The form and type of such sureties shall be approved by the Town Attorney.

**10.0609 Natural Resources Features (*Reserved*)**

**10.0610 Recreational Uses (*Reserved*)**

## **10.0700 SITE PLAN REVIEW**

### **10.0701 Purpose and Intent**

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit for new construction or additions in the B-1 Business district and I-1 Institutional district, without first obtaining the approval of the Plan Commission of a site plan as set forth in this section.

The Town Plan Commission shall insure that such construction is in accord with the official map, subdivision ordinance and comprehensive plan of the Town of Pierce and other applicable codes and ordinances of the Town of Pierce.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

### **10.0702 Exceptions**

Residential development having four or fewer dwelling units on a lot of record are exempt from the site plan review, except as specifically required elsewhere in this Ordinance.

### **10.0703 Fee**

All site plans submitted to the Town of Pierce for review and approval shall be accompanied by a review fee as established from time to time by the Town Board.

### **10.0704 Principles**

To implement and define criteria for the purposes set forth in Section 10.0701, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- A. No building shall be permitted if the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted if the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- C. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

- D. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- E. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.
- F. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

**10.0705 Site Plan Materials**

Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following:

- A. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
- B. Name of project noted.
- C. Owner's and/or developer's name and address noted.
- D. Architect and/or engineer's name and address noted.
- E. Date of plan submittal.
- F. Scale of drawing noted on plan.
- G. North arrow shown.
- H. Existing and proposed topography shown at a contour interval not less than two (2) feet.
- I. The characteristics of soils related to contemplated specific uses.
- J. Total number of parking spaces noted including location and dimension.
- K. Dimensions of lot.
- L. The type, size, and location of all structures with all building dimensions shown including setbacks.
- M. Indicate height of building(s).
- N. Existing and proposed street names indicated.
- O. Indicate existing and proposed rights-of-way and widths.
- P. Locate existing and general location of proposed sanitary disposal systems.
- Q. Locate any proposed storm water management facilities, including detention/retention areas.

- R. Locate existing trees and wetlands.
- S. Note location, extent, and type of proposed plantings.
- T. Note location of pedestrian sidewalks and walkways.
- U. A graphic outline of any development staging which is planned is required to be shown on the site plan.
- V. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
- W. A certified survey may be required by the Plan Commission.

**10.0706 Review and Findings**

The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

**10.0707 Sureties**

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to Section 10.1200 of this ordinance.

## **10.0800 SIGNS**

### **10.0801 Purpose and Intent**

The intent of this Section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Town as a whole.

### **10.0802 Compliance**

No sign (See Appendix B, Illustration 5) shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Ordinance. No signs, with the exception of official signs, shall be placed within the public right of way. No signs shall be located within the vision clearance triangle of any intersection (See Appendix B: Illustration No. 1 and No. 2).

### **10.0803 Signs Permitted in All Districts Without a Permit**

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Real Estate Signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. One real estate sign shall be allowed per parcel.
- B. Name and Warning Signs not to exceed 2 square feet located on the premises.
- C. Home Business Signs located on premise not to exceed 2 square feet in area.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the “election campaign period” as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 4 days following the election. Election campaign signs may not be placed within the public right-of-way.
- E. Rummage Sale and Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin Boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises.
- G. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

- H. Official Signs, such as traffic control, parking restrictions, information, and notices.
- I. Farm Identification Signs placed on premise showing the name of the owner or corporate affiliation or memberships not to exceed 16-square feet in area.

**10.0804 Signs Permitted in All Residential Districts With a Permit**

The following signs are permitted in any residential district and are subject to the following regulations:

- A. Permanent Real Estate Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development, shall meet all the yard requirements of the district in which it is located, and shall be placed as to not impede visibility. The Zoning Administrator shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- B. Temporary Development Signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Zoning Administrator shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

**10.0805 Signs Permitted in All Agricultural Districts With a Permit**

The following signs may be permitted in all Agricultural districts and are subject to the following regulations:

- A. Wall Signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises, or displaying the owner's name shall not exceed a total of 200 square feet.
- B. Ground Signs advertising farm products produced on and/or sold on the premises shall not exceed 15 feet in height above the ground surface, shall meet all yard requirements for the district in which they are located, and shall not exceed a total of 100 square feet on one side or 200 square feet on all sides for any one premises.
- C. Directional Signs indicating the name of a business or other establishment, and the direction and distance to the establishment. No directional sign shall exceed 12 square feet in area. The location and the number of directional signs permitted shall be determined by the Zoning Administrator on a case-by-case basis.

#### **10.0806 Signs Permitted in the Business and Institutional Districts With a Permit**

Signs are permitted in the business district subject to the following restrictions:

- A. Wall Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface and shall not extend above the roofline of the building. Wall signage shall be allocated at a maximum of 1.5 square foot of signage allowed for each linear foot of building length.
- B. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground Signs shall not exceed 6 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 32 square feet on one side nor 64 square feet on all sides for any one lot.
- D. Marquee, Awning, or Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding 2 square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- E. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings. Window signs shall not be subject to the limitation on number of signs.
- F. Pole Signs shall meet the height requirements for the zoning district in which they are located; shall not be less than 10 feet above a sidewalk and 15 feet above a parking lot, driveway, or other area used by motor vehicles; and shall not exceed 32 square feet on one side or 64 square feet on both sides. Pole signs shall be set back a minimum of 20 feet from the front or rear property boundary line; may not be placed in any right-of-way or easement; and may not be located closer than 500 feet to another pole sign.

- G. Combinations of any of the above signs, excluding window signs, shall meet all the requirements of the individual sign. The total number of signs on any premises shall be limited as follows:

Floor Area	Maximum Number of Signs Permitted
0 - 5,000 sq. ft	2
5,001 - 20,000 sq. ft	3
20,001 - 50,000 sq. ft	4
More than 50,000 sq. ft	5

**10.0807 *Reserved***

**10.0808 **Portable Signs****

The Zoning Administrator may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 30 days in any 365-day period. The permit required in Section 10.0815 shall be required for portable signs.

**10.0809 **Facing****

No sign except those permitted in Sections 10.0803 and 10.0804 shall be permitted to face a residence within 100 feet of such residence.

**10.0810 **Lighting and Color****

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility. Signs may be illuminated but non-flashing. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaries, or luminaries with cutoff optics, and careful fixture placement is encouraged to facilitate compliance with this requirement. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts may not be illuminated.

**10.0811 **Construction and Maintenance Standards****

- A. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.

- B. Protection of the Public. The temporary occupancy of a side walk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- D. Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Zoning Administrator determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Zoning Administrator. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.
- E. No Signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.
- F. All signs shall comply with the provisions of Chapter Comm 16 Electrical of the Wisconsin Administrative Code and the Wisconsin State Electrical Code.

**10.0812 Nonconforming Signs**

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the size or location does not conform to this Ordinance and shall be subject to the nonconforming use provisions of Section 10.1000 of this Ordinance.

**10.0813 Prohibited Signs**

The following signs shall be prohibited within the Town of Pierce:

- A. Roof signs.
- B. Flashing or Animated Signs or signs with intermittent intensity of illumination, except for a sign indicating the time, date, and temperature.

- C. Signs Which Obstruct any door, fire escape, stairway, or any opening intended to provide ingress and egress to or from any building or structure.
- D. Any Sign Which May Obstruct or impair the view in any direction at the intersection of two streets through its placement or illumination.
- E. Signs Which Advertise Activities that are illegal under Federal or State laws or regulations, or County or Town ordinances or resolutions.
- F. Billboards

**10.0814 Abandoned Signs**

- A. Except as otherwise provided in this section, all signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertised is no longer conducted there if the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 60 days written notice to remove the sign and upon the owner's or lessee's failure to comply, may remove such sign, any costs for which shall be charged to the owner of the property.
- B. Deteriorated or dilapidated signs shall be removed in the same manner as abandoned signs.

**10.0815 Sign Permit**

Applications for a sign permit shall be made on forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

- A. Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- B. Name of Person, firm, corporation, or association erecting the sign.
- C. Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- D. A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- E. A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.
- F. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections.
- G. Additional Information as may be required by the Zoning Administrator.

- H. Sign Permit Applications shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within 6 months of the date of issuance.

**10.0816 Measuring Signs**

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign. For signs located on slopes, height shall be measured from the average finished grade.

## **10.0900 PERFORMANCE STANDARDS**

### **10.0901 Compliance**

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their lot lines or district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, shall comply with the following performance standards.

### **10.0902 Fire and Explosive Hazards**

All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.

### **10.0903 Water Quality Protection**

- A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- B. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

### **10.0904 Lighting**

No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill over on operators of motor vehicles, pedestrians, and uses of land in abutting lots or public rights-of-way. These requirements shall not apply to lighting placed in a public right-of-way for public safety. Accent lighting and low voltage lighting (12 volts or less) are exempt from these requirements.

- A. Orientation. No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential

district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaries, or luminaries with cutoff optics, and careful fixture placement is encouraged to facilitate compliance with this requirement.

- B. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting.
- C. Intensity of Illumination. The intensity of illumination, measured at the property line, shall not exceed 0.5 foot-candles.
- D. Flashing, Flickering, and other Distracting Lighting which may distract motorists is prohibited.
- E. Nonconforming Lighting. All lighting fixtures approved prior to the adoption of this Ordinance not meeting the above criteria shall be treated and regulated as legal nonconforming uses under Section 10.1000.

## **10.1000 NONCONFORMING USES AND STRUCTURES**

### **10.1001 Purpose and Intent**

The purpose and intent of this Section is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue. Any non-conforming building, structure, lot, land or other use which existed lawfully in A-1 Exclusive Agriculture at the time of the original adoption of the Town of Pierce Zoning Ordinance (November 20, 1986), and any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this Ordinance, is subject to the regulations which follow.

### **10.1002 Buildings under Construction**

Buildings or structures on which construction was started before the effective date of this Ordinance may be constructed notwithstanding this ordinance, provided that the construction was legal and had received any necessary permits under the Ordinance in effect on the date the construction project commenced.

### **10.1003 Existing Structures: Dimensional Nonconformance**

Buildings which were constructed prior to the effective date of this Ordinance, or existed in the A-1 Exclusive Agriculture at the time of the original adoption of the Town of Pierce Zoning Ordinance (November 20, 1986), which are conforming to the Ordinance as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the following requirements.

- A. Repairs and improvements of a maintenance nature are allowed.
- B. Alterations, additions and expansion which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Ordinance are allowed.
- C. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

### **10.1004 Existing Uses and Structures: Use Nonconformance**

Land uses or uses of structures which were established prior to the effective date of this Ordinance, or existed in the A-1 Exclusive Agriculture at the time of the original adoption of the Town of Pierce Zoning Ordinance (November 20, 1986), which are nonconforming as to use may be continued provided that:

- A. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that use or structure shall conform to this Ordinance.
- B. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.

**10.1005 Existing Structures and Uses: Other Standards and Requirements**

In accordance with Section 60.61 (5m) of the Wisconsin State Statutes, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored to the size\*, location, and use that it had immediately before the damage or destruction occurred, or it must comply with the requirements of this Ordinance.

\* The size of such nonconforming structure may be enlarged if such enlargement is made necessary for the structure to comply with applicable state and federal requirements.

## **10.1100 ADMINISTRATION AND ENFORCEMENT**

### **10.1101 Purpose**

This Section of the Ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this Ordinance.

### **10.1102 Administrative Authority**

- A. This Ordinance shall provide for the position of Zoning Administrator and Zoning Board of Appeals.
- B. This article shall provide the authority and necessary requirements for issuance of building permits, appeals, fees, and violations and penalties.

### **10.1103 Zoning Administrator**

- A. A zoning administrator designated by the Town Board shall make those administrative decisions and determinations this ordinance specifically assigns to the zoning administrator in order to enforce this Ordinance. He/she may be provided with the assistance of such other persons as the Town Board may direct. The Zoning Administrator shall be appointed for a one (1) year term and serves at the pleasure of the Town Board. The Zoning Administrator shall have the following 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 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 Plan Commission all applications for conditional uses and amendments to this Ordinance that are initially filed with the Zoning Administrator.
  - 6. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to consider 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. The Zoning Administrator will determine whether specific ordinance requirements should be waived and a permit issued when:
  - (a) An applicant alleges that he or she is handicapped or disabled and is entitled to “reasonable accommodations” under the Federal Fair Housing Act (42 U.S.C. §3601-3631) or the Wisconsin Open Housing Law (Wis. Stats. S. 106.50 and 106.52), or
  - (b) The owner of a facility qualifying as a “public place of accommodation or amusement” under Wis. Stats. s. 106.50 and 106.52 or as a “public accommodation” under 42 U.S.C. §12181(7) specifically alleges the need to waive certain zoning restrictions in order to make the facility accessible to the handicapped or disabled.
9. Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance, and to make reports of his recommendations to the Town Board.

#### **10.1104 Town Plan Commission**

- A. The Town Plan Commission shall perform the duties of the Town Plan Commission as set forth in Wis. Stats. 62.23. (Also see Chapter 2, Section 2.0401 of this Code)
- B. In addition to the duties in Section 2.0401, the Plan Commission shall have the powers to carry out the following duties under this ordinance.
  1. To review all applications for conditional use permits and report said findings to the Town Board in accordance with the provisions of this ordinance.
  2. To review all zoning changes and amendment requests to this Ordinance and report said findings and recommendations to the Town Board.
  3. To receive from the Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Pierce Town Board.
  4. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
  5. To review and approve site plans for business and institutional uses.

6. To hold public hearings as directed by the Town Board and as required under this Ordinance.
7. To request assistance from other Town and county officials, departments, commissions and boards.

#### **10.1105 Building Permit**

- A. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. The application for a building permit shall include information as lawfully may be required by the Town Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. Every building permit shall state that the use complies with provisions of this Ordinance.
- B. No building permit is required for storage/tool sheds less than or equal to 100 square feet.

#### **10.1106 Application for Building Permit**

- A. Application for said building permit shall be made in writing to the Pierce Town Zoning Administrator by the land owner or his/her authorized agent.
- B. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town Zoning Administrator to the applicant.
- C. All applications for building permits shall be accompanied by the following:
  1. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by Board of Appeals and Zoning Administrator for the proper enforcement of this Ordinance.
  2. Estimated cost of the construction activity
  3. For new residential dwellings, the applicant or their agent shall include a copy of the sanitary permit issued by the Kewaunee County Zoning Administrator for the installation of an on-site soil absorption

sanitary sewage disposal system or other approved waste disposal system. A building permit for a new home in the Town of Pierce will be issued only after a sanitary permit has been issued by Kewaunee County.

4. A building permit shall be granted or denied in writing by the Zoning Administrator. The permits are void after six (6) months unless substantial work has commenced, and expire after two (2) years of issuance. Permits may be renewed for one additional year, if requested in writing to the Zoning Administrator prior to the permit expiration.
  5. Any permit issued in conflict with the provisions of this ordinance shall be null and void.
- D. When an applicant requests waiver of zoning restrictions in order to provide a handicapped or disabled person with equal housing opportunities, or with access to a place of public accommodation, the applicant must:
1. Specify each zoning restriction for which the applicant seeks a waiver;
  2. Specify each handicap or disability requiring a waiver;
  3. Explain the need for the waiver; and
  4. Describe each alternative solution (if any) the applicant has considered and for each alternative solution considered, each reason for rejecting it.

**10.1107 Building Permit Fee (see Appendix A “Fee Schedule”)**

**10.1108 Permits that Authorize "Reasonable Accommodations": for a Handicapped Person.**

- A. The Town Zoning Administrator will use a zoning permit that waives specified zoning ordinance requirements, if the zoning administrator determines that both of the following conditions have been met.
1. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation is:
    - (a) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
    - (b) The minimum accommodations that will give the handicapped or disabled persons adequate relief.
  2. The accommodation will not unreasonably undermine the basic purposes the zoning ordinance seeks to achieve.

- B. If the Town Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a zoning permit waiving compliance with specified zoning requirements, the permit must:
  - 1. State that issuance of the permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and
  - 2. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the town zoning administrator specifies in writing, reason for not including the condition. If the permit includes this condition, the property owner must notify the zoning administrator not more than 30 days after the handicapped or disabled person vacates the property.
- C. In cases where the Town Zoning Administrator issues a handicapped or disabled person a permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the permit will not become effective until the property owner:
  - 1. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the permit is authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and
  - 2. Records the affidavit with the Town Clerk.

## **10.1200 VIOLATIONS, PENALTIES, AND PERMIT FEES**

### **10.1201 Violation**

It shall be unlawful to construct, erect, reconstruct, alter, convert, or maintain any building or structure, or to develop or use any land, water or air in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Administrator, the Zoning Board of Appeals, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

### **10.1202 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.

### **10.1203 Penalties for Violation**

- A. General Penalty. Any person who violates any of the provisions of this Ordinance shall upon conviction for such violation, be subject to a penalty, which shall be as follows:
  1. 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 Pierce. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$25.00 and not more than \$500.00 or in lieu of payment thereof be imprisoned for not more than 30 days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises, or part thereof, 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.
- C. Nothing herein contained shall prevent the Town of Pierce from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **10.1204 Abatement of Violation**

Any person, firm, partnership, limited liability company, corporation or other entity 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.

#### **10.1205 Permit Fees**

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Zoning Administrator to help defray the cost of administration, investigation, advertising, and processing of permits, licenses, and variances. The permits for which a fee is required are the Building Permit, Conditional Use Permit, Sign Permit, Quarry Permit, Planned Unit Development Review, and Mine, Junk Yard and Salvage Yard Permit. A fee is required for a mobile home park. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate, except where specifically listed in this Ordinance (see Appendix A “Fee Schedule”).

#### **10.1206 Double Fee**

A double fee will be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

## **10.1300 ZONING BOARD OF APPEALS**

### **10.1301 Establishment**

There is hereby established a Zoning Board of Appeals for the Town of Pierce for the purpose of hearing appeals and applications, and granting variances to the provisions of this Zoning Ordinance.

### **10.1302 Board Membership**

- A. The board of appeals shall consist of 5 members appointed by the Town Chairperson subject to confirmation of the Town Board.
  - 1. Members of the 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.
  - 2. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Chairperson for cause upon written charges and after public hearing.
- B. The members serve at the pleasure of the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.
- C. The Chairperson shall designate one of the members as chairperson. The board may employ a secretary.
- D. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- E. The Chairperson shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for.
  - 1. Annually, the Chairperson shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent.
  - 2. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- F. The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
- G. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.

### **10.1303 Organization**

- A. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson of the Board, and at such times as the Zoning Board of Appeals may determine.
- B. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agency or attorney.
- C. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Pierce.
- D. The Chairperson of the Board, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
- E. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- F. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.

### **10.1304 Powers**

The Zoning Board of Appeals shall have the following powers:

- A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Plan Commission.
- B. Variances. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.
- C. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
- D. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

- E. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of a permit.
- F. Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
- G. Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.

### **10.1305 Appeals**

#### **A. Application**

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator.

Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the paper(s) constituting a record upon which the action appealed from was taken. Such appeals shall include the following information:

1. Name and address of the appellant or applicant and all abutting and opposite property owners of record, and owners within five hundred (500) feet.
2. All adjoining property owners shall be notified (by first class mail) of the appeal.
3. A plat of survey at a minimum scale of one (1) inch to 100 feet prepared by a registered land surveyor showing all of the information required by this Ordinance for a building permit.
4. Additional information required by the Zoning Board of Appeals.
5. Fee receipt from the Zoning Administrator per Section 10.1205 of this Ordinance or cost of legal notice publication, whichever is greater.

#### **B. Findings on Appeals**

An appeal shall terminate all further proceedings on action unless the Zoning Administrator certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record or notice from the Zoning Administrator on due cause.

C. Hearings on Appeals

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Zoning Administrator and the Town Board. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

D. Decisions on Appeals

1. The Zoning Board of Appeals shall decide all appeals within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant, Zoning Administrator and Town Board.
2. The Zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that, in its opinion, ought to be done and to that end, shall have all powers of the officer to whom the appeal is taken. The Board of Appeals shall maintain records of all actions relative to appeals.

E. Review by Court of Record of Appeals

Any person or persons, or any board, taxpayer, department, or bureau of the Town of Pierce aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 (7)(e).

**10.1306 Variances**

A. Application

An application for a variance shall be filed with the Zoning Administrator and shall include the following information:

1. Name and address of the applicant and all abutting and opposite property owners of record, and owners within five hundred (500) feet.
2. The Zoning Administrator (at his or her discretion) may require that a plat of survey drawn at a minimum scale of one (1) inch to one hundred (100) feet and prepared by a registered land surveyor - showing all of the information required by this Ordinance for a building permit, be submitted.
3. Additional information required by the Zoning Board of Appeals.
4. Fee receipt from the Zoning Administrator per Section 10.1205 of this Ordinance or the cost of legal notice publication, whichever is greater.

B. Hearings

The Zoning Board of Appeals shall select a reasonable time and place for hearing of the Variance, give notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Zoning Administrator and the Town Board.

C. Standards for a Variance. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

1. 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 principal use, accessory use, or conditional use in that particular district.
2. 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 would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
4. 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.
5. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
6. Impairment of Air and Light. The proposed variance shall not impair an adequate supply of light and air to adjacent property.
7. Increase in Traffic Congestion. The proposed variance shall not substantially increase the congestion of the public streets.
8. Public Endangerment. The proposed variance shall not increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

D. Decisions on Variances

The Zoning Board of Appeals shall decide on application for variances within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant, Zoning Administrator and Town Board.

E. Review by Court of Record of Variance

Any person or persons, or any board, taxpayer, department, or bureau of the Town of Pierce aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 (7)(e).

**10.1307 Conditions**

Conditions may be placed upon any building permit ordered or authorized by this Board.

**10.1308 Variances or Substitutions**

Variances or substitutions granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

## **10.1400 AMENDMENT PROCEDURES**

### **10.1401 Authority**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with the purposes and intent of this Ordinance.

### **10.1402 Initiation**

A change or amendment may be initiated by the Town Board, Town Plan Commission, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

### **10.1403 Application**

An application for an amendment shall be filed with the Zoning Administrator. Said application shall be reviewed by the Plan Commission with a written recommendation submitted thereon to the Town Board for final action. Applications for any change to the district boundaries or amendments to the regulations shall describe the district boundaries or amendments to the regulations shall 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 one (1) inch equals one hundred (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 five hundred (500) feet of the area proposed to be rezoned.
- B. Owner's Names and Addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned.
- C. Additional Information required by the Plan Commission or Town Board.
- D. Fee Receipt from the Zoning Administrator in the minimum amount per Section 10.1205 of this Ordinance or the cost of legal notice publication whichever is greater.

### **10.1404 Findings and Recommendations**

- A. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
- B. Where the purpose and effect of the proposed map or text amendment is to change the zoning classification of particular property, the Plan

Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses or property within the general area of the property in question.
2. Zoning classification of property within the general area of the property in question.
3. Suitability of the property in question to the uses permitted under the existing zoning classification.
4. 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.
5. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any more restrictive zoning classification than that requested by the applicant.
6. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

C. Amendments or Revisions to the A-1 Exclusive Agriculture district

1. Pursuant to Section 91.77 (1) of the Wisconsin Statutes, the town may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:
  - (a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
  - (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
  - (c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.
  - (d) Land which is rezoned under this section shall be subject to the lien provided under Section 91.19 (8) to (10) of the Wisconsin Statutes for the amount of tax credits paid on the land rezoned. If the rezoning occurs solely as a result of action initiated by a governmental unit, any lien required under s. 91.19 (8) to (10) shall be paid by the governmental unit initiating the action.

2. The Department of Agriculture, Trade and Consumer Protection (DATCP) shall be notified of all rezonings under this section.
  3. Comprehensive ordinance revisions or ordinance amendments are required to be certified by State Land and Water Conservation Board in order for the landowners within the Exclusive Agriculture zoning district (A-1) to qualify for tax credits.
- D. The Town Plan Commission shall recommend changes which remove areas from the A-1 Exclusive Agriculture district only after a consideration of findings with respect to each of the following:
1. Adequate public facilities to accommodate the proposed development either exist or will be provided within a reasonable time.
  2. Provision of public facilities to accommodate the proposed development will not place an unreasonable burden on the ability of the Town, County, or other local unit of government to provide them.
  3. The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.
- E. The Town Board shall notify Kewaunee County and the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the A-1 Exclusive Agricultural district.

#### **10.1405 Hearings**

The Zoning Administrator shall notify all property owners within five hundred (500) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

## 10.1500 DEFINITIONS

### 10.1501 General Definitions

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

- A. The word "shall" is mandatory and not discretionary.
- B. The word "may" is permissive.
- C. The word "lot" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- D. Any words not herein defined shall be construed as defined in other respective state, county, and town codes.

### 10.1502 Specific Words and Phrases

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

ACCESSORY BUILDING: A subordinate building whose use is incidental to that of the principal building, and which is located on the same lot as the principal building.

ACCESSORY USE: A subordinate use of a premises or portion thereof which is clearly and customarily incidental to the principal use of the premises and which is located on the same lot as the principal use.

ADULT ENTERTAINMENT BUSINESS: means:

- a. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.
- b. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
- c. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

AGRICULTURAL OPERATION: means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for

payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

ANIMAL FEEDLOT OR “FEEDLOT” means an operation or facility, including a drylot other than a pasture, where animals have been, are or will be fed, confined, maintained or stabled. (Also refer to Section 11.2000 in Chapter 11 of the Town of Pierce Code of Ordinances).

ANIMAL UNIT means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feedlot. For purposes of this definition, the following equivalents shall apply. For animals not listed below the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds (Also see Section 10.0602 of this Ordinance).

AUTOMOBILE WRECKING YARD: means any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open.

BED AND BREAKFAST ESTABLISHMENTS, COMMERCIAL: Any place of lodging that provides five (5) to eight (8) rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

BED AND BREAKFAST ESTABLISHMENTS, RESIDENTIAL: Any place of lodging that provides four (4) or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

BUILDING: means any structure used, designed, or intended for the protection, shelter, enclosure or support of persons, animals, or property of any kind the use of which requires a permanent location on the ground or which is permanently affixed to the land.

BUILDING FOOTPRINT: The outline of the total area covered by a building's perimeter at the foundation.

BUSINESS: Any occupation, employment, or enterprise in which merchandise is exhibited, sold, stored, or manufactured, or which occupies time, attention, labor and materials, or where services are offered for compensation.

CAMPGROUNDS OR SITES (LICENSED): mean a tract of land with or without buildings or other equipment on which one or more cabins are located or where temporary accommodations are provided for two or more automobile trailers or house cars or tents open to the public, free or for a fee and licensed by the state of Wisconsin.

CAMPING UNIT: means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF): A place where 5 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

CONDITIONAL USES: means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity and general welfare.

DAY CARE CENTER: A licensed establishment operated as a commercial enterprise or public facility which is operated only during a part of any twenty-four hour day for the purpose of providing care, protection and supervision for compensation to more than nine (9) children or more than four (4) aged, infirm, or disabled adults who mainly reside elsewhere.

DAY CARE HOME: A residence where 12 or fewer children are provided care during a portion of a 24 hour day by an adult residing within said residence. Minor children of the provider shall be included in the 12-child limit if also cared for in the home.

DENSITY: The number of dwelling units permitted per acre within the gross tract area.

DRIVEWAY: a minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

DWELLING: A building designed or used exclusively as a residence or sleeping place, but does not include boarding houses, motels, hotels, tents, cabins, or mobile homes.

DWELLING UNIT: Any building, or portion thereof, having a kitchen, and bathroom facilities which is occupied wholly as a home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, camper or another other temporary structure be used as a dwelling. In the case of mixed use occupancy, where the building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling unit for the purpose of this Chapter and shall comply with those provisions relative to dwellings.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit, designed for or occupied exclusively by one family.

EGG PRODUCTION, COMMERCIAL: An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 200 or more animal units. (Also refer to Section 11.2000 in Chapter 11 of the Town of Pierce Code of Ordinances).

ESSENTIAL SERVICES: means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam,

water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants. However, not including buildings, wind energy conversion system facilities, wind farms, transmission towers, commercial radio and commercial television towers, and wireless communication towers.

FAMILY: The body of persons related by blood, marriage or adoption, or not more than 4 unrelated persons who live together in one dwelling unit as a single housekeeping entity.

FARM: means any parcel of land containing at least five acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.

FARM CONSOLIDATION: means the combination of two (2) or more farms to create a fewer number of farms.

FARM FAMILY BUSINESS: Any lawful activity, except a farm operation, conducted primarily for any of the following: 1) The purchase, sale, lease or rental of personal or real property, 2) The manufacture, processing or marketing of products, commodities or any other personal property, or 3) The sale of services. Also see s. 91.75 (8), Wis. Stats.

FENCE, OPEN: A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 80 percent of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.

FENCE, ORNAMENTAL: A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences have more than 80 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail or wrought iron type.

FENCE, SECURITY: A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed 6 feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

FENCE, SOLID: A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 80 percent or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences

FORESTATION: means planting trees or shrubs on burned over land, cut over land or land that was never covered by forest, consisting of five or more acres.

GARAGE: means a building used to primarily store motion vehicles. It is not to be used for residential purposes.

HOLDING TANK: means tank for holding effluent.

HOME BUSINESS: A business activity carried on by the resident(s) of a dwelling and up to two (2) non-resident employees, as a clearly incidental and subordinate use of the residential dwelling, in which the on-site business activity is conducted wholly within the dwelling, with no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

HUNTING AND FISHING CABIN: means a building or structure without permanent toilet or other plumbing fixtures, intended for hunting, fishing or other outdoor recreation and only for temporary occupancy.

IMPERVIOUS SURFACE: Land area covered by a surface treatment that hinders the ability of the underlying soils to percolate water.

JUNK (OR SALVAGE) YARD: is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, glass, lumber, rags, rubber tires, and bottles. A "junk or salvage yard" includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

LICENSEE: means any person licensed to operate and maintain a mobile home park under Section 10.0606 of this ordinance.

LIVESTOCK FACILITY: means 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. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility." (Also refer to Section 11.2000 in Chapter 11 of the Town of Pierce Code of Ordinances).

LOT: A tract of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such lot shall be bisected by a public street, and shall not include any portion of a public right-of-way.

LOT, CORNER: A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See Appendix B, Illustration No. 4 and No. 6).

LOT, DOUBLE FRONTAGE: A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Also known as a through lot. (See Appendix B, Illustration No. 4 and No. 6).

LOT, FLAG: A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots are not generally considered to conform to sound development principles. (See Appendix B, Illustration No. 4).

LOT, INTERIOR: A lot with frontage on one street which is bounded by adjacent lots along each side and a lot behind fronting on a different street. (See Appendix B, Illustration No. 4 and No. 6).

LOT LINE, FRONT: In the case of an interior lot, a line defining the lot at the street right-of-way. On a corner lot, both lines separating the lot from the street shall be designated as front lot lines.

LOT LINE, REAR: A line opposite the most distant to the front line and separating the lot from other lots, parcels, or public ways. On a corner lot, there are no rear lot lines.

LOT LINE, SIDE: Any lot line other than the front or rear lot lines.

LOT, SUBSTANDARD: means a lot smaller than the minimum required acreage or area that has been recorded with the Register of Deeds prior to the adoption of this Ordinance.

LOT WIDTH: The horizontal distance between the side lot lines at the rear of the required front yard.

MANUFACTURED HOME: means a structure manufactured or assembled not more than 10 years prior to the date of the application for a building permit and certified and labeled as a manufactured home under 42 U.S.C. 5401 through 5425, which, in the traveling mode, whether in one or more sections, is a total of 14 or more body feet in width and 50 or more body feet in length and which when placed on the site meets all of the following requirements:

- (a) Is set on an enclosed foundation in accordance with Sec. 70.043 (1), Stats., and sub-chapters III, IV and V of ch. ILHR 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the Zoning Administrator of the Town of Pierce. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home or comparable evidence submitted by a qualified construction contractor to ensure that the home will be properly supported.
- (b) Is installed in accordance with the manufacturer's instruction.
- (c) Is covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches which is finished in non-reflective paint or permanently covered with non-reflective material.
- (d) Is manufactured or assembled not more than 10 years prior to the date of the application for a building permit to the Town of Pierce and proof of the manufacturing or assembly date of the structure must be submitted to the Zoning Administrator at the time of application for a building permit.

MOBILE HOME: is that which is or was originally constructed, and designed to be transported by a motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating, and living quarters, or is intended to be so used, and includes any additions, attachments, annexes, foundations and appurtenances. Mobile homes which are referred to as trailers or house trailers, and which do not qualify as a “manufactured home” under this Ordinance shall be considered mobile homes for purposes of this Ordinance. Mobile homes which come under the definition of “manufactured home” within the meaning of this Ordinance shall be considered single family dwellings.

MOBILE HOME PARK: means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. "Mobile home park" shall not include automobile or mobile home sales lots which unoccupied mobile homes are parked for purposes of inspection and sale.

NONCONFORMING USE: means a building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto for the zoning district in which it is situated.

PAD: means a concrete slab or its equivalent constructed as on the mobile home space for the purpose of accommodating water and sanitary connections for a mobile home.

PARCEL: A tract of land upon which one or more rural structures, including residences, are placed, together with the required open spaces. The term “parcel,” unlike the term “lot” as defined elsewhere in this Section, may contain lands reserved for roadway purposes in the computation of the required minimum parcel size.

PARK: means a tract of land, designated and used by the public for active and passive recreation.

PARKING SPACE, OFF-STREET: means for the purposes 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 area 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, highway, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For the purpose 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 appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

PERMITTED ACCESSORY USE OR STRUCTURE: means a use or structure on the same lot with, and of a nature customarily, incidental and subordinate to the permitted use or structure.

PERMITTED USE: means a use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.

PERSON: means any natural individual, firm, trust partnership, association or corporation, whether tenant, owner, leaser, licensee, or other agent, heir, or assign.

PERVIOUS AREA. The area of a development site remaining after the area of structures, vehicular use areas, storage areas, utility areas, access ways, pedestrian pavement or wet retention ponds are subtracted.

PRIME AGRICULTURAL LAND: means all lands which have capability Unit I and II soils; farmlands of state wide importance having capability unit III soils and farmland of local significance have capability class and subclass IV, Vw, VIe, VI1e. Wetland type 3-8 found within these boundaries are not considered part of Units I, II, or III.

PRINCIPAL USE OR STRUCTURE: the main use of land or structures as distinguished from a secondary or accessory use. Such use could be a house in a residential district, a store in a business district, a factory in a manufacturing district, or crops and farm buildings in an agricultural district.

PROFESSIONAL OFFICE: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in any residential district, a professional office shall be incidental and subordinate to the residential occupation; and only one (1) resident person is employed.

PUBLIC HUNTING & FISHING GROUNDS: means 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: What constitutes a reasonable accommodation must be made on a case-by-case basis and depends on the fact of the situation. A “reasonable accommodation” might entail modifications to existing ordinances, regulations, or policies; or a waiver of zoning requirements to afford persons with disabilities equal access to public accommodations such as restaurants, retail establishments, or other businesses normally open to the public.

Similarly, the federal Fair Housing Act, and more specifically, Wisconsin’s Fair Housing Law requires local governments to make “reasonable accommodations” to provide equal access to housing for persons with disabilities.

*Example: If an existing home is built to the setback line, installing a ramp to enable a person with a disability to enter their home would be impermissible without a modification or exception to the zoning. In such*

*cases, local governments are required to make “reasonable accommodations” to prevent the discrimination of persons with disabilities. Local governments may wish to refer to the Americans with Disabilities Act (ADA) standards when considering the extent to which a zoning modification is reasonable.*

**ROADSIDE STAND:** A structure not permanently fixed to the ground that is readily removable in its entirety; covered or uncovered and not wholly enclosed, and used solely for the sale of products and produce either grown or produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and shall be limited to a maximum height of 10 feet, and shall not occupy a parcel in excess of six (6) months.

**SANCTUARIES/GAME PRESERVES.** A public or private land area, chiefly in a natural state, set aside for the protection, enhancement and enjoyment of wild animals or birds

**SANITARY LANDFILL:** means sanitary landfill operations are usually performed by depositing refuse in a natural or manmade depression or trench, or dumping it at ground level, compacting it to the smallest practical volume, and covering it with compacted earth or other material in a systematic and sanitary manner.

**SETBACK:** The distance required between a street centerline, or lot line, or high water mark, or Lake Michigan bluff and the nearest point of any structure or building on the lot.

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

**SIGN, AWNING:** Any sign or other graphic material attached or inscribed on an awning.

**SIGN, DIRECTIONAL:** A non-commercial sign limited to directional messages (e.g. enter, exit, drive through lane, or no smoking). Logos or business names will be permitted as needed to complete the directional message.

**SIGN, GROUND:** Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure (See Appendix B, Illustration No. 5).

**SIGN, POLE:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade (See Appendix B, Illustration No. 5).

**SIGN, PORTABLE:** Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without any structural support changes (See Appendix B, Illustration No. 5).

SIGN, PROJECTING: Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall (See Appendix B, Illustration No. 5).

SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. (See Appendix B, Illustration No. 5)

SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a period of 30 days or less.

SIGN, WALL: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure (See Appendix B, Illustration No. 5).

SIGN, WINDOW: Any sign printed, attached, glued, or otherwise affixed to or behind a window and visible to the public (See Appendix B, Illustration No. 5).

SPACE: means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

STORAGE SHED OR TOOL SHED: means an accessory building used to store items customarily used in family living including but not necessarily limited to the following: lawn and garden equipment, boats, and associated equipment, sporting goods, campers. It is not to be used for residential or business purposes.

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.

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

TEMPORARY USE: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

UTILITIES: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, wireless communication facilities, shops, and storage yards

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. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district. Variances can be considered and granted by the Zoning Board of Appeals only.

VISION CLEARANCE AREA: An unoccupied triangular space at the intersection of 2 or more streets or highways, or a street and a railway, which is bounded by the street lines, highway or railway right-of-way lines, and a setback line connecting points specified by measurement from the corner on each street, highway, or railway line. (See Appendix B, Illustration No. 1 and No. 2).

YARD: means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, REAR: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot (See Appendix B, Illustration No. 6).

YARD, SIDE: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure (See Appendix B, Illustration No. 6).

YARD, STREET OR SETBACK: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards (See Appendix B, Illustration No. 6).

ZONING: The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

ZONING ADMINISTRATOR: The officer appointed by the Town Board to administer this Ordinance and to issue Building Permits and, following a determination by the Plan Commission or Zoning Board of Appeals, respectively, conditional use permits and variances.

## **10.1600 TOWN BOARD ACTION**

### **10.1601 Town Board Action**

The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment.

- A. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of 20 percent or more either in the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.
- B. 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.

### **10.1602 Reversion of Map Amendments**

The Town Board may reverse a map amendment if certain actions are not taken by the applicant.

- A. The adopted rezoning may be conditioned on an automatic reversion of the zoning to the previous zoning, if in one year from the date of approval of the map amendment by the Town Board substantial work has not commenced on the use for which the rezoning was granted.
- B. The adopted rezoning may be conditioned on the proper recording of the lot subject to the rezoning amendment with the Kewaunee County Register of Deeds within 30 days of the date of approval date of the map amendment by the Town Board.

**APPENDIX A: FEE SCHEDULE**

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The following is a summary of all of the fees connected with the Town of Pierce Zoning Ordinance.

Building Permit or Hearing	Fee
1. Planned Development Overlay Application	\$ 2,000.00
2. Building Permit <ul style="list-style-type: none"> <li>• New one family &amp; two family dwelling</li> <li>• Building, structure, addition or storage/tool shed &gt; 100 square feet</li> <li>• Deck, porch or patio</li> <li>• Remodeling/Maintenance</li> </ul>	<p>The greater of \$ 25.00 or \$1.00 per \$ 1,000.00 value</p> <p>The greater of \$ 25.00 or \$1.00 per \$ 1,000.00 value</p> <p>\$ 25.00</p> <p>The greater of \$ 25.00 or \$1.00 per \$ 1,000.00 value</p>
3. Site Plan Review	\$ 200.00
4. Appeals Application	\$ 400.00
5. Variance Application	\$ 400.00
6. Conditional Use Application	\$ 400.00
7. Rezoning	\$ 400.00
8. Sign Permit (initial)	\$ 50.00
9. Quarry Fee	\$ 100.00 Annually
10. Junkyard and Salvage Yard	\$ 250.00 Annually
11. Mobile Home Park	per Wis. Stats. 66.0435(3)

**NOTES:**

1. All fees for permits and hearings shall be doubled when work or action is taken by applicants or their agents prior to requesting the required permits or hearings.
2. Applicants for hearings with the Plan Commission will be billed for any additional costs for commission member hearing fees, public notices or other required notifications that exceed the scheduled fee.

3. Multiple hearings for a single parcel may be scheduled together (except PDO applications), and will require no additional fee.
4. The Appeals Application fee of \$400 is refundable if the Zoning Board of Appeals rules in favor of the applicant and overturns the decision of the Zoning Administrator.
5. Building and remodeling permits are void after six (6) months unless substantial work has commenced, and expire after two (2) years of issuance. Permits may be renewed for one additional year, if requested in writing to the Zoning Administrator prior to the permit expiration.
6. For any interior or exterior improvements, maintenance, or alterations, to an existing building(s) having a cost or fair market value of less than \$5,000 or less shall not result in a structural change in use or encroachment upon any yard or open space does not require a building permit.

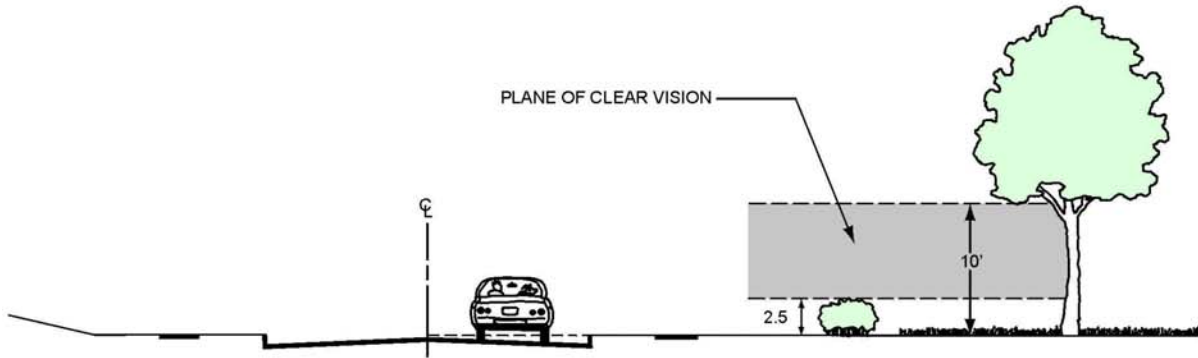
## **APPENDIX B: ILLUSTRATIONS**

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# Illustration No. 1

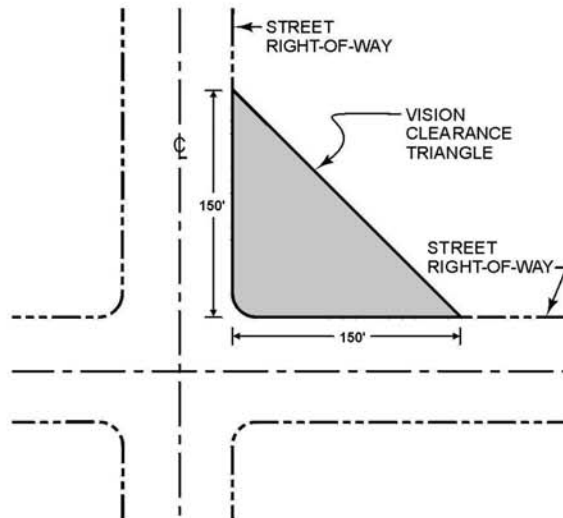
VISION CLEARANCE TRIANGLE  
(CROSS-SECTION VIEW)



# Illustration No. 2

VISION CLEARANCE TRIANGLE  
(PLAN VIEW)

TWO TOWN STREETS INTERSECTING



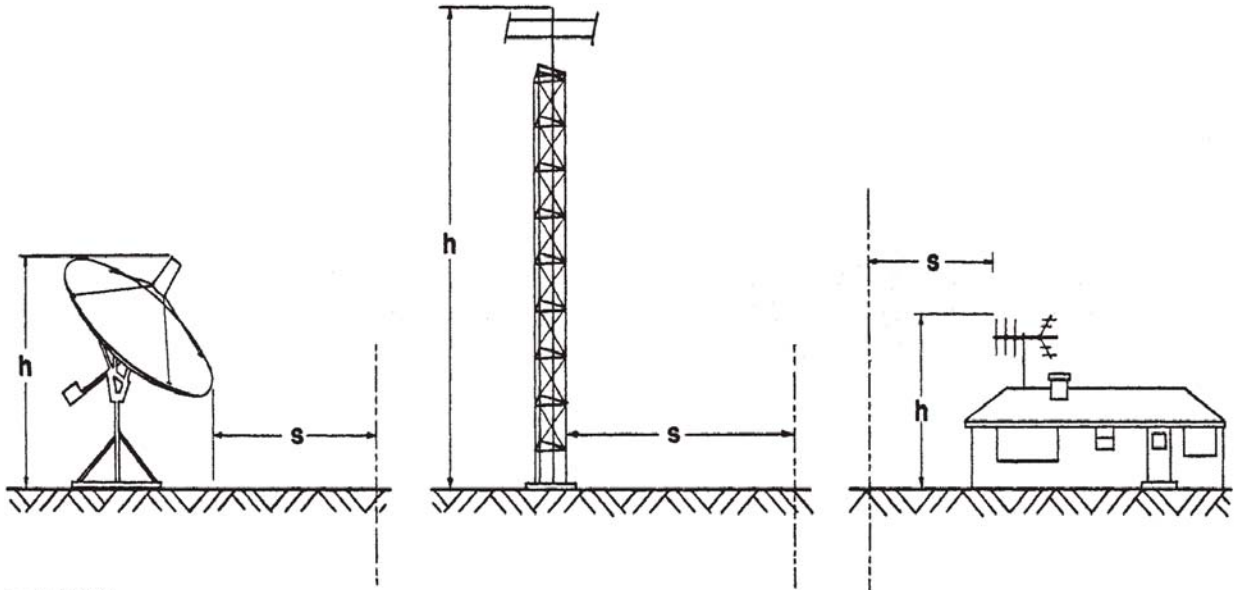
# Illustration No. 3

## MEASURING HEIGHT AND SETBACK OF ANTENNAS

EARTH STATION DISH ANTENNA

TOWER MOUNTED ANTENNA

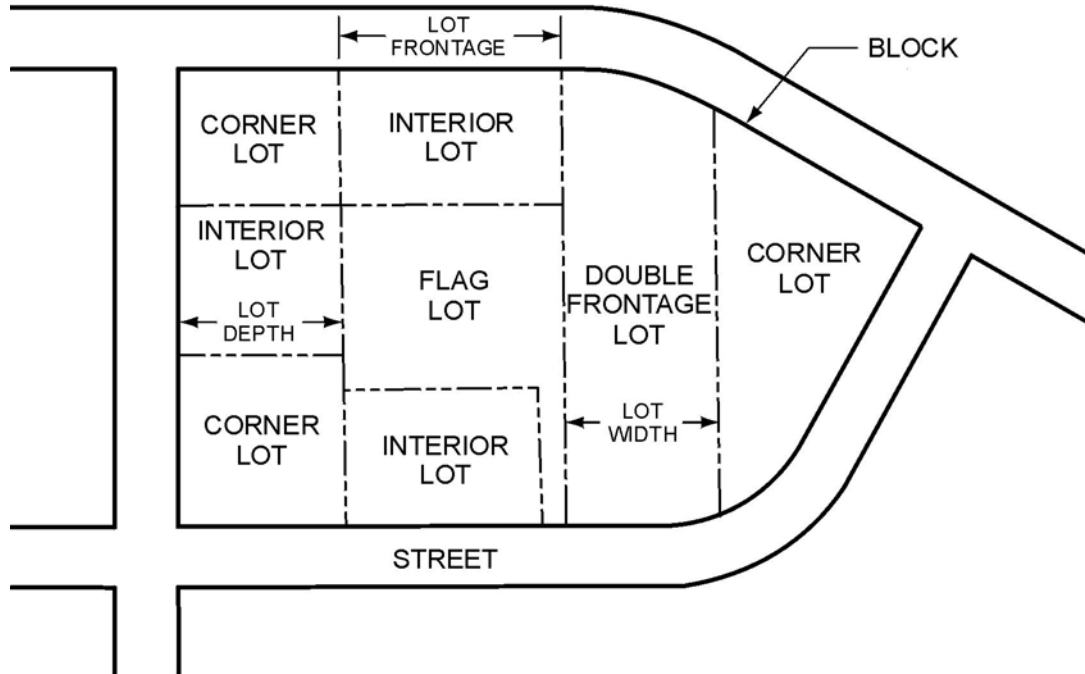
ROOF MOUNTED ANTENNA



s = SETBACK  
h = HEIGHT

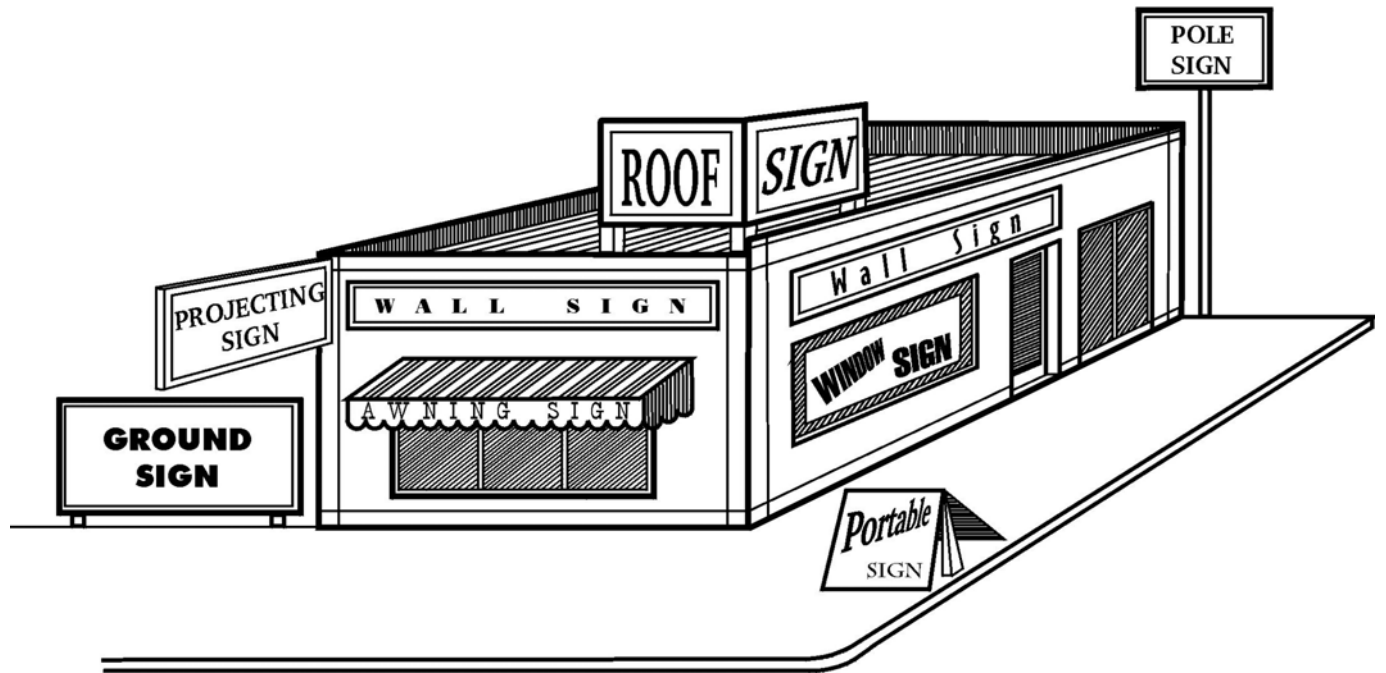
## **Illustration No. 4**

TYPICAL CORNER, DOUBLE FRONTAGE,  
FLAG AND INTERIOR LOTS



# Illustration No. 5

SIGN TYPES



# Illustration No. 6

LOCATION OF YARDS ON TYPICAL INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS

