

Chapter 280

ZONING

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[HISTORY: Adopted by the Town Board of the Town of Scott 1-18-1979 by Ord. No. 1-1979, as amended through 7-14-1995. Subsequent amendments noted where applicable.]

[Comprehensive revision adopted by the Town Board of the Town of Scott 12-27-2016.]

ARTICLE I
Introduction

§ 280-1. Authority.

These regulations are adopted under the authority granted by §§ 61.35 and 62.23(7), Wis. Stats.

§ 280-2. Purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community. Residents of the agricultural districts recognize that the area is primarily agriculturally oriented and accept those environmental conditions customarily associated with farming.

§ 280-3. Intent.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands, and waters and regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to preserve as much prime agricultural land in the Township as possible, to keep existing farms intact, to preserve woodlands and wetlands, to encourage the division of land into small parcels in areas adjacent to present population centers, to promote the building of single-family dwellings and control the building of multiple-family dwellings, to preserve open land in rural areas, to encourage the orderly development of light industry, planned recreational areas, and planned commercial areas, control the development of quasi-agricultural land uses such as hobby farms, establish and promote plans to control access to heavily traveled highways, provide adequate light, air, sanitation and drainage, prevent overcrowding, facilitate the adequate provision of public facilities and utilities, stabilize and protect property values, preserve and promote the beauty of the Town and implement the Town's Comprehensive Plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 280-4. Abrogation and greater restrictions.

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

§ 280-5. Interpretation.

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

§ 280-6. Title.

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

ARTICLE II
General Provisions

§ 280-7. Jurisdiction.

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Town of Scott.

§ 280-8. Compliance required; administration.

- A. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- B. The duty of the Planning Commission, with the aid of the Building Inspector, shall be to investigate all complaints, give notice of violations, and to enforce the provisions of this chapter. The Building Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

§ 280-9. Building and other permits.

- A. Whenever a building or other permit is requested under the terms of Chapter 25, Article II, Building Code, the Building Inspector shall first determine that the proposed use of the premises as authorized by said permit will comply in every respect with this chapter.
- B. The Town Planning Commission shall review all building and other permits issued by the Building Inspector on a regular basis to determine whether the use of the premises under the terms of the permit will comply in every respect with this chapter; in the event that a building or other permit is found by the Town Planning Commission to authorize use of the premises which does not comply with this chapter, the Building Inspector shall revoke said permit pursuant to the authority granted in Paragraph 5 of Section 30.05 of the Wisconsin Uniform Building Code.

§ 280-10. Site restrictions.

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Planning Commission 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 Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The land user shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Town Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

- A. Private sewer and water. In any district where public sewage service is not available, the width and the area of all lots shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with the Wisconsin Administrative Code. In any district where a public water service or public sewage service is not available, the lot width and area shall be increased in accordance with Ch. SPS 385, Wis. Adm. Code.

- B. All lots shall abut upon a public street, and each lot shall have a minimum frontage as required for the district in which it lies; however, irregularly shaped lots which otherwise meet the requirements may have a frontage of 66 feet for driveway purposes only. (See "lot" definition in § 280-79, Definitions.)
- C. All principal structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot.
- D. No lot shall be created which abuts a public street dedicated to only a portion of its proposed width and which lot is located on that side of the street from which the required dedication has not been secured.
- E. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards in the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- F. Sites in excess of five acres proposed for any type of development shall be specifically reviewed by the Town Planning Commission as to the suitability of the site and demand for Town services.
- G. No certified survey map, as required by the Subdivision Regulations of Sheboygan County, shall be recorded in the office of the Register of Deeds for Sheboygan County until said survey map has been reviewed and approved by the Town Board of the Town of Scott; before approving any said certified map, the Town Board of the Town of Scott shall make a finding that the land division and proposed land use associated therewith comply in every respect with this chapter.

§ 280-11. Use restrictions; mobile homes.

Requests for variances must be made in writing to the Board of Appeals along with the fee set by the Town Board submitted for each request. The following use restrictions and regulations shall apply:

- A. Principal uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- B. Accessory uses and structures are permitted in any district but shall not be inhabited. The construction of accessory uses and structures may precede the construction of the primary use or structure. Residential accessory uses shall not involve the conduct of any business, trade, or industry except by conditional use permit.
- C. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board upon recommendation of the Town Planning Commission in accordance with Article IV, Conditional Uses.
- D. Unclassified or unspecified uses may be permitted by the Board of Appeals after the Town Planning Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
- E. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Board of Appeals.
- F. Performance standards shall be complied with by all uses in all districts, including state and county standards.

G. Building and room areas. The total area of all habitable rooms in any one-family dwelling shall not be less than 1,000 square feet nor less than 1,500 square feet in any two-family dwelling, with not less than 700 square feet per family.

H. Mobile homes.

- (1) No mobile home may be parked, kept, or maintained for purposes of human habitation within the Town of Scott except when located:
 - (a) Within a campground as provided for in § 280-34 of this chapter;
 - (b) Within a Planned Mobile Home Park Residence District as provided for in § 280-30 of this chapter;
 - (c) On private property and its use is limited to that of a field office trailer during the period of a construction project, provided that it is not used for overnight lodging;
 - (d) On private property in connection with a bona fide visit with the owner or occupant of said premises, provided that said stay will not exceed 21 days; or
 - (e) On private property as a temporary place of abode if the same is a substitute for a residence that has within a previous sixty-day period been destroyed by fire or other act of God and is being rebuilt, provided that said use does not exceed 120 days.
- (2) The lawful use of any mobile home existing at the time of the adoption of this amendment to this chapter shall be continued according to the provisions of Article VII, Nonconforming Uses, Structures and Lots, of this chapter.

§ 280-12. Reduction or joint use.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

§ 280-13. Enforcement.

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the Town Board, the Building Inspector, the Town Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

§ 280-14. Violations and penalties.

Any person, firm, or corporation who or which violates, disobeys, neglects, omits, refuses or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE III
Zoning Districts

§ 280-15. Establishment; boundaries.

A. The Town of Scott, Sheboygan County, Wisconsin, is divided into the following zoning districts:

- (1) Agricultural Districts.
- (2) Conservation Districts.
- (3) Park Districts.
- (4) Residence Districts.
- (5) Business Districts.
- (6) Industrial Districts.
- (7) Mineral Extraction Districts.
- (8) Sanitary Landfill Districts.

B. Boundaries of these districts are hereby established as shown on a map titled "Town of Scott Zoning Map" dated January 18, 1979, and as subsequently amended, which accompanies and is a part of this chapter. Such boundaries shall be construed to follow corporate limits, U.S. Public Land Survey lines, lot or property lines, and center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended, unless otherwise noted on the Zoning Map.

C. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

§ 280-16. Zoning Map.

A. A certified copy of the Zoning Map shall be adopted and approved with the text part of this chapter and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk.

B. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

§ 280-16-5. Farmland Preservation Zoning (FPZ).

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

B. Density. Residential density under the Town's Farmland Preservation Zoning is 1 residence allowed for every 35 acres of contiguous A-1 land under common ownership. A landowner with 70 vacant, contiguous A-1 acres, for example, can manage the property in a variety of ways (see the "yield" table), but there could not be more than two residences in any development scenario for the 70 acres. This is ensured by the proper use of the non-developable A-PR designation for property remnants.

To determine the allowable residential yield for a particular tract of A-1 land, start with the total A-1 acreage of the tract, divide by 35, round down to the nearest whole number, and subtract 1 for each existing residence to determine the number of new residences that can be constructed. Whenever a new residence and/or a land division is proposed, all or part of any remaining land shall be simultaneously rezoned to A-PR to prevent exceeding the density in the future. (The landowner also has the option of voluntarily making the A-PR larger than required, if desired, to lower the density.)

POTENTIAL RESIDENTIAL YIELD OF SAMPLE A-1 TRACTS			
TRACT	EXAMPLE A	EXAMPLE B	EXAMPLE C
70 contiguous A-1 acres with an existing residence	No division = 1 residence total	Divide into 15-acre A-1-S with existing residence, 35-acre A-1 and 20-acre A-PR = 1-2 residences	Divide into 35-acre A-1 with existing residence, and 35-acre A-1 = 1-2 residences
Vacant, contiguous 70 A-1 acres	No division = 0-1 residence total	Divide into 35-acre A-1 , 5-acre A-1-S and 30-acre A-PR = 0-2 residences	Divide into two 10-acre A-1-S , and 50-acre A-PR = 0-2 residences

Note: Although one residence can be built on a vacant A-1-S lot, a lot can remain undeveloped. Nevertheless, once an A-1-S lot is created, one residence is subtracted from the yield calculation.

C. By March 1 of each year the Town shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the Town has rezoned out of the farmland preservation zoning district under sub. (1) during the preceding year and a map that clearly shows the location of those acres.

§ 280-17. A-1 Prime Agricultural Land District.

The primary purpose of this district is to maintain, preserve, and enhance agricultural lands. Such lands are generally covered by Class 1, 2 and 3 soils as rated by the U.S. Department of Agriculture, Natural Resources Conservation Service. As a matter of policy, it is the intent of this Ordinance to implement the goals and objectives of the Town's comprehensive plan regarding the preservation of productive agricultural lands.

A. Permitted uses.

- (1) Agricultural uses conducted for the purpose of producing an income or livelihood:
 - (a) Apiculture (beekeeping).
 - (b) Dairying.

- (c) Floriculture (cultivation of ornamental plants).
 - (d) Forest and game management.
 - (e) Grazing.
 - (f) Livestock raising.
 - (g) Orchards.
 - (h) Plant nurseries.
 - (i) Poultry raising.
 - (j) Raising of grain, grass, mint, and seed crops.
 - (k) Raising of tree fruits, nuts and berries.
 - (l) Sod farming.
 - (m) Vegetable raising.
 - (n) Viticulture (grape growing).
- (2) Accessory uses, meaning any of the following land uses on a farm:
- (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - (c) A business, activity, or enterprise, whether or not associated with an agricultural use, that meets the definition of a home occupation in § 280-79. Such uses are regulated under and must meet the standards of § 280-43D.
 - (d) Paddocks.
 - (e) Greenhouses.
 - (f) Stables.
 - (g) Roadside stands not exceeding one per farm.
- (3) One single-family residence existing before January 1, 2014, regardless of occupancy. (Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt as a permitted use, provided that the rebuilt residence occupies the same general footprint or an alternate site that does not impair agricultural uses to any greater degree than the original residence.)
- (4) Undeveloped natural resource open space areas, including equestrian trails, and nature trails and walks.
- (5) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

B. Conditional uses. See Article IV, Conditional Uses.

- (1) One single-family residence built after January 1, 2014 that meets the standards in subsections (a), (b), and (c), as well as other applicable requirements of this Ordinance.
 - (a) The location and size of the proposed residential lot and, for a new residence, the location of the residence on that residential lot, will not do any of the following:
 - [1] Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a residential lot or residence.
 - [2] Significantly impair or limit the current or future agricultural use of other protected farmland.
 - (b) The conditional use application shall include a color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use, along with a brief written statement describing how the proposed lot and/or residence will not do either of subsection (a) [1] or [2].
 - (c) Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without a renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.
- (2) Residential clusters that meet the standards of § 280-43A and that qualify under § 91.46(3), Wis. Stats.

C. Area, height, and yard requirements.

- (1) Lot.
 - (a) Area: minimum 35 acres.
 - (b) Width: minimum 200 feet.
- (2) Building height.
 - (a) Residence: maximum 35 feet.
 - (b) Other structures: maximum two times their distance from the nearest lot lines.
- (3) Yards.
 - (a) Residence:
 - [1] Rear and side: minimum 20 feet.
 - [2] Street: see Article VI, Highway Setback Lines.
 - (b) Other structures:
 - [1] Rear and side: minimum 20 feet if structure is not to be used for housing animals; otherwise 50 feet.
 - [2] Street: see Article VI, Highway Setback Lines.
- (4) Existing substandard lots. See Article VII, Nonconforming Uses, Structures and Lots.

D. Town criteria for rezoning A-1 land out of Farmland Preservation Zoning.

- (1) Adequate public facilities to serve the development are present or will be provided.
- (2) Provision of these facilities will not be an unreasonable burden to local government.
- (3) The land is suitable for development.
- (4) Development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.
- (5) The need of the proposed development location in an agricultural area.
- (6) Availability of alternative locations.
- (7) Productivity and size of the agricultural lands involved. Rezoning is restricted when the point total, based on the calculations below, equals or exceeds 15. (Proposed lots with less than 1 acre of Class 1 or 2 soils are exempt from the 15-point standard.)
 - (a) Class 1 and 2 soils = 5 points per acre or fractions thereof.
 - (b) Size of proposed lot = 1 point per acre or fractions thereof.

E. State criteria for rezoning A-1 land out of Farmland Preservation Zoning (FPZ).

- (1) Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of rezoning:
 - (a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of rezoning.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection (1) does not apply to any of the following:
 - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Sheboygan County Farmland Preservation Plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

§ 280-17-3. A-1-S Prime Agricultural Land District – Small-Scale.

- A. Purpose. The primary purposes of the A-1-S District are to maintain, preserve, and enhance agricultural lands historically utilized for crop production but are too small to be included within the A-1 District. The A-1-S District aims to implement the policies of the Sheboygan County Farmland

Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

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

(1) Permitted uses. All permitted uses allowed in the A-1 Prime Agricultural Land District.

(2) Conditional uses. All conditional uses permitted in the A-1 Prime Agricultural Land District

C. Area, height, and yard requirements.

(1) Lot.

(a) Area: minimum 3.0 acres; maximum 34.99 acres.

(b) Width: minimum 200 feet.

(2) Building height.

(a) Residence: maximum 35 feet.

(b) Other structures: maximum two times their distance from the nearest lot line.

(3) Yards.

(a) Residence:

[1] Rear and side: minimum 20 feet.

[2] Street: see Article VI, Highway Setback Lines.

(b) Other structures:

[1] Rear and side: minimum 20 feet if structure is not to be used for housing animals; otherwise 50 feet.

[2] Street: see Article VI, Highway Setback Lines.

D. Development of A-1-S lots.

(1) Only one residence is allowed on an A-1-S lot. No additional A-1-S lots may be created out of an existing A-1-S lot, unless at the same time 35 acres of qualifying A-1 and/or A-1-S land is rezoned to A-PR. The aforesaid 35 acres may be land owned by the owner of the A-1-S lot being divided, or, by private agreement, land owned by another party within the Town of Scott. (See also § 280-17-6 D. (3).)

(2) To facilitate the preservation of continuous areas of protected farmland, the Town encourages the clustering of residences.

E. Rezoning A-1-S land out of Farmland Preservation Zoning (FPZ).

- (1) Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:
 - (a) The rezoned land is better suited for a use not allowed in FPZ.
 - (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection (1) does not apply to any of the following:
 - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Sheboygan County Farmland Preservation Plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

§ 280-17-6. A-PR Prime Agricultural Parcel Remnants District.

- A. Purpose. To accommodate parcel remnants that remain worthy of farmland or open space preservation. Lands in this district are not intended to be rezoned for development, except in rare cases. The A-PR District is intended to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.
- B. Lands included. Lands included are parcel remnants that remain worthy of farmland or open space preservation. As a matter of policy, it is the intent of this Ordinance to implement the goals and objectives of the Town's comprehensive plan regarding the preservation of productive agricultural lands.
 - (1) Permitted Uses. All uses permitted in the A-1 District, except that no residences are allowed.
 - (2) Conditional Uses. All conditional uses allowed in the A-1 District, except that no residences are allowed.

C. Area, height and yard requirements.

(1) Lot.

(a) Density: no dwelling units allowed.

(b) Lot area: no minimum.

(c) Width: 66 feet.

(2) Height for buildings and structures: maximum of two times their distance from the nearest lot line.

(3) Yards.

(a) Buildings.

[1] Rear: minimum 50 feet.

[2] Side: minimum 20 feet.

[3] Street: See Article XV of this chapter.

(b) Other structures.

[1] Rear: minimum 50 feet.

[2] Side: minimum 20 feet if the structure is not to be used for the housing of animals;
minimum 50 feet if the structure is to be used for the housing of animals.

[3] Street: See Article XV of this chapter.

D. Delineating A-PR land on a property.

(1) A landowner may locate A-PR on his/her property wherever the landowner wishes, subject to the restrictions of this Ordinance. The Town Plan Commission may require a plat of survey to accurately locate the district boundaries on the Town Zoning Map.

(2) Subject to the restrictions of this Ordinance, the landowner reserves the right to relocate the boundary of any A-PR on the landowner's property at any time by filing an application and fee payment, as specified in the Town's Fee Schedule, for rezoning with the Town Plan Commission Clerk. The Town Plan Commission may require a plat of survey to accurately locate the revised district boundary on the Town Zoning Map.

(3) A landowner who wishes to exceed the allowable density of his/her tract may make a private agreement with the owner of qualifying A-1 or A-1-S land elsewhere in the Town of Scott to allocate the required amount of such land (35 acres per proposed residence) on said second owner's tract for rezoning to A-PR. If the rezonings are approved, the residential yields on each owners' tract shall be adjusted accordingly. (Note: Said second owner and the first landowner may be the same person.)

E. Rezoning A-PR land: super-majority vote of approval required.

(1) A-PR land may not be rezoned to any other district unless the rezoning meets the minimum standards of the proposed district and is approved by a super-majority vote of the Town Board.

F. Rezoning A-PR land out of Farmland Preservation Zoning (FPZ).

- (1) Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:
 - (a) The rezoned land is better suited for a use not allowed in FPZ.
 - (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Subsection (1) does not apply to any of the following:
 - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Sheboygan County Farmland Preservation Plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

§ 280-18. A-2 Agricultural Land District.

The primary purpose of this district is to maintain, preserve, and enhance agricultural lands utilized for crop production but which are not included within the A-1 Prime Agricultural Land District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and similar agricultural-related farming activity.

A. Permitted uses. All permitted uses allowed in the A-1 Prime Agricultural Land District, except commercial feedlots.

- (1) One single-family or one duplex dwelling unit, regardless of farm or nonfarm status.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height, and yard requirements:

- (1) Lot.

- (a) Area: 5 to 9.99 acres.
- (b) Width: minimum 200 feet.

- (2) Building height.

- (a) Residence: maximum 35 feet.
- (b) Other structures: maximum two times their distance from nearest lot lines.

- (3) Yards.

- (a) Residence:

[1] Rear and side: minimum 20 feet.

[2] Street: see Article VI, Highway Setback Lines.

(b) Other structures:

[1] Rear and side: minimum 20 feet if structure is not used for housing animals; otherwise 50 feet.

[2] Street: see Article VI, Highway Setback Lines.

(4) Existing substandard lots. See Article VII, Nonconforming Uses, Structures and Lots.

§ 280-19. A-3 Agricultural Land Transition District.

The primary purpose of this district is to preserve for a limited time period in agricultural and related open space land uses those lands generally located adjacent to existing incorporated urban centers within Town of Scott where urban expansion is planned to take place. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the appropriate planning bodies no less frequently than every five years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses.

A. Permitted uses. All permitted uses allowed in the A-1 Prime Agricultural Land District, except commercial feedlots.

(1) One single-family or one duplex dwelling unit, regardless of farm or nonfarm status.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height, and yard requirements:

(1) Lot area: minimum 3 acres.

(2) Residence limits: There shall be no more than 1 residence for every 35 acres of contiguous land under common ownership.

(3) Building height.

(a) Residence: maximum 35 feet.

(b) Other structures: maximum two times their distance from the nearest lot lines.

(4) Yard.

(a) Residence:

[1] Rear and side: minimum 20 feet.

[2] Street: see Article VI, Highway Setback Lines.

(b) Other structures:

[1] Rear and side: minimum 20 feet if structure is not used for housing animals; otherwise 50 feet.

[2] Street: see Article VI, Highway Setback Lines.

(5) Existing substandard lots. See Article VII, Nonconforming Uses, Structures and Lots.

§ 280-20. A-4 Agricultural-Related Manufacturing, Warehousing and Marketing District.

The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or closely allied to the agricultural industry.

A. Permitted uses.

(1) Hay baling.

B. Conditional uses.

(1) Contract sorting, grading and packaging services for fruits and vegetables.

(2) Corn shelling and threshing services.

(3) Bottling of spring water.

(4) Grist mill services.

(5) Horticultural services.

(6) Poultry hatchery services.

(7) Production of animal and marine fat and oils.

(8) Canning of fruits, vegetables, preserves, jams and jellies.

(9) Canning of specialty foods.

(10) Preparation of cereals.

(11) Production of natural and processed cheese.

(12) Production of chocolate and cocoa products.

(13) Coffee roasting and production of coffee products.

(14) Production of condensed and evaporated milk.

(15) Wet milling of corn.

(16) Cottonseed oil milling.

(17) Production of creamery butter.

(18) Drying and dehydrating fruits and vegetables.

(19) Preparation of feeds for animals and fowl.

(20) Production of flour and other grain mill products.

- (21) Blending and preparing of flour.
- (22) Fluid milk processing.
- (23) Production of frozen fruits, fruit juices, vegetables and other specialties.
- (24) Malt production.
- (25) Meat packing.
- (26) Fruits and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation.
- (27) Poultry and small game dressing and packing, provided that all operations are conducted within an enclosed building.
- (28) Milling of rice.
- (29) Production of sausages and other meat products, provided that all operations are conducted within an enclosed building.
- (30) Production of shortening, table oils, margarine, and other edible fats and oils.
- (31) Milling of soy bean oil.
- (32) Milling of vegetable oil.
- (33) Sugar processing and production.
- (34) Production of wine, brandy, and brandy spirits.
- (35) Livestock sales and facilities.
- (36) Grain elevators and bulk storage of feed grains.
- (37) Fertilizer production, sales, storage, mixing and blending.
- (38) Sales of farm implements and related equipment.
- (39) Transportation-related activities primarily serving the basic agricultural industry.
- (40) Living quarters for watchmen and caretakers.

C. Area, height, and yard requirements.

- (1) Lot area: minimum area for structure and accessory building, all required yards, and off-street parking and loading.
- (2) Building height: maximum 60 feet.
- (3) Yards.
 - (a) Rear: minimum 75 feet.
 - (b) Side: minimum 75 feet.
 - (c) Street: see Article VI, Highway Setback Lines.

§ 280-21. A-5 Agricultural Estate Land District.

The primary purpose of this district is to maintain, preserve and enhance agricultural lands utilized for crop production but which are not included within the A-1 Prime Agricultural Land District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards and other similar agricultural-related farming activity.

A. Permitted uses. All permitted uses allowed in the A-1 Prime Agricultural Land District, except commercial feedlots.

- (1) One single-family or one duplex dwelling unit, regardless of farm or nonfarm status.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height, and yard requirements.

- (1) Lot area: 10 to 34.99 acres, depending upon the size of the parcel at the time of creation; there shall be no subsequent division of the parcel without Town Board approval upon recommendation of the Town Planning Commission.

- (2) Building height.

- (a) Residence: maximum 35 feet.

- (b) Other structures: maximum two times their distance from nearest lot line.

- (3) Yards.

- (a) Residence:

- [1] Rear and side: minimum 20 feet.

- [2] Street: see Article VI, Highway Setback Lines.

- (b) Other structures:

- [1] Rear and side: minimum 20 feet if structure is not used for housing animals; otherwise 50 feet.

- [2] Street: see Article VI, Highway Setback Lines.

- (4) Existing substandard lots. See Article VII, Nonconforming Uses, Structures and Lots.

§ 280-22. A-6 Rural Residence District.

Lots in the A-6 District shall have an area from one to five acres, depending upon the parcel size at time of creation; there shall be no subsequent division of the parcel without recommendation of the Planning Commission and approval of the Town Board. The minimum size would be dependent upon the septic capability of the soil.

A. Permitted uses. All permitted uses allowed in the A-1 Prime Agricultural Land District, except commercial feedlots.

- (1) One single-family or one duplex dwelling unit, regardless of farm or nonfarm status.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height, and yard requirements.

(1) Lot.

(a) Area: minimum one acre.

(b) Width: minimum 120 feet.

(2) Building height.

(a) Residence: maximum 35 feet.

(b) Other structures: maximum two times their distance from the nearest lot line.

(3) Yards.

(a) Residence:

[1] Rear and side: minimum 20 feet.

[2] Street: see Article VI, Highway Setback Lines.

(b) Other structures:

[1] Rear and side: minimum 20 feet if structure is not used for housing animals; otherwise 50 feet.

[2] Street: see Article VI, Highway Setback Lines.

(4) Existing substandard lots. See Article VII, Nonconforming Uses, Structures and Lots.

D. Animal restrictions. One animal unit is the equivalent of one steer, one cow, one horse, four swine, four sheep, four goats or 100 fowl. One animal unit per acre is permitted up to five acres, provided that the required setbacks are maintained for the structure to house the animals.

§ 280-23. C-1 Conservation District.

The primary purpose of this district is to preserve, protect and enhance the lakes, streams, marshes, bogs, other wetlands, significant woodlands, related scenic areas, and submarginal farmlands in the Town of Scott. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface, prevent flood damage, protect wildlife habitat, prohibit the location of structures on soils which are generally not suitable for such purpose, protect natural watersheds, control erosion and sedimentation, protect areas of significant topography, preserve and protect potential recreation sites, promote and maintain the natural beauty of the Town of Scott, and preserve and protect other natural resource characteristics that contribute to the environmental quality of the Town of Scott.

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

(1) Farming and related agricultural uses when conducted in accordance with the Natural Resources Conservation Service standards, not including the erection of building or structures, unless subsection C applies.

- (2) Boat landing sites.
- (3) Drainage.
- (4) Fish hatcheries.
- (5) Flood overflow and movement of water.
- (6) Forest and game management.
- (7) Hunting and fishing clubs, not including the location or erection of buildings or structures, unless subsection C applies.
- (8) Impoundments.
- (9) Navigation.
- (10) Park and recreation areas, not including the location or erection of buildings or structures, unless subsection C applies.
- (11) Stream bank protection.
- (12) Swimming beaches.
- (13) Wilderness areas and wildlife preservation and refuges.
- (14) Hiking and nature trails.
- (15) Wild crop harvesting.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height, and yard requirements. None; no buildings are permitted; no structures are permitted unless they do not significantly conflict with or impair the natural features of the site.

§ 280-24. C-2 Conservation District.

The primary purpose of this district is to preserve, protect and improve woodlands, scenic areas, submarginal farmlands, wildlife habitat and recreational areas. Lands included are wooded and partially wooded, former mineral extraction areas and other highlands, all of which generally do not fall within the agricultural district.

A. Permitted uses.

- (1) Forestry and game management.
- (2) General farming under Natural Resources Conservation Service standards.
- (3) Parks and recreational areas.
- (4) Single-family residence.

B. Conditional uses. All other uses are conditional uses. See Article IV, Conditional Uses.

C. Prohibited uses.

- (1) Activities which would substantially disturb or alter the natural flora or fauna.
- (2) Clear-cutting of timber without the approval of the District Forester and the Town Board.

D. Minimum lot area: 10 acres. If wooded, a maximum of 40,000 square feet may be cleared for the residence site.

§ 280-25. P-1 Recreational Park District.

A. Permitted uses.

- (1) Parks, general recreation.
- (2) Parks, leisure and ornamental.
- (3) Forest reserves.
- (4) Boat rentals and boat access sites.
- (5) Golf courses and country clubs.
- (6) Gymnasiums and athletic clubs.
- (7) Ice skating.
- (8) Picnic grounds.
- (9) Play fields and athletic fields.
- (10) Playgrounds.
- (11) Play lots and tot lots.
- (12) Recreational accessways.
- (13) Forest and game management.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height and yard requirements.

- (1) Lot area: minimum sufficient area for the principal structure and accessory buildings and off-street parking and loading.
- (2) Building height: maximum 35 feet.
- (3) Yards.
 - (a) Rear: minimum 50 feet.
 - (b) Side: minimum 50 feet.
 - (c) Street: see Article VI, Highway Setback Lines.

§ 280-26. P-2 Institutional Park District.

A. Permitted uses.

- (1) Churches, synagogues and temples.
- (2) Rectories and convents.
- (3) College dormitories.
- (4) Hospitals.
- (5) Junior colleges.
- (6) Monasteries.
- (7) Nursing homes.
- (8) Nursery schools and day-care centers.
- (9) Orphanages.
- (10) Public right-of-ways.
- (11) Retirement homes.
- (12) Universities and colleges.
- (13) Lodges and fraternal buildings.
- (14) Cemeteries.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height, and yard requirements.

- (1) Lot (sewered).
 - (a) Area: minimum 15,000 square feet.
 - (b) Width: minimum 100 feet.
- (2) Lot (unsewered). Area and width of all lots shall be determined in accordance with necessary state requirements.
- (3) Building height: maximum 35 feet.
- (4) Yards:
 - (a) Rear: minimum 20 feet.
 - (b) Side: minimum 10 feet.
 - (c) Street: see Article VI, Highway Setback Lines.

§ 280-27. R-1 Single-Family Residence District (unsewered).

A. Permitted uses.

- (1) Single-family detached dwellings.
- (2) Two-family dwellings (duplex).
- (3) Parks and playgrounds.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height and yard requirements.

- (1) Lot (single-family): not less than 150 feet in width and 40,000 square feet in area.
- (2) Lot (duplex): see Article VII, Nonconforming Uses, Structures and Lots.
- (3) Building height: maximum 35 feet.
- (4) Yards.
 - (a) Rear: minimum 20 feet.
 - (b) Side: minimum 15 feet.
 - (c) Street: see Article VI, Highway Setback Lines.

D. Residences built in R-1 and R-2 areas must conform to the applicable sanitation codes in determination of the lot size. Any residences built on unapproved roads must have the roads approved, paved and paid for by said owners of residences before the Town will accept these roads for maintenance. Any multi-lot planning will be considered only after all planning is approved by the Planning Commission and Town Board.

§ 280-28. R-2 Single-Family Residence District (sewered).

A. Permitted uses.

- (1) Single-family detached dwellings.
- (2) Two-family dwellings (duplex).
- (3) Parks and playgrounds.

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height, and yard requirements.

- (1) Lot.
 - (a) Area: minimum 15,000 square feet.
 - (b) Width: minimum 100 feet.
- (2) Building height: maximum 35 feet.
- (3) Yards.
 - (a) Rear: minimum 20 feet.
 - (b) Side: minimum 10 feet.

(c) Street: see Article VI, Highway Setback Lines.

D. Residences built in R-1 and R-2 areas must conform to the applicable sanitation codes in determination of the lot size. Any residences built on unapproved roads must have the roads approved, paved and paid for by said owners of residences before the Town will accept these roads for maintenance. Any multi-lot planning will be considered only after all planning is approved by the Planning Commission and Town Board.

§ 280-29. R-3 Multiple-Family Residence District.

The primary purpose of this district is to designate areas adjacent to population centers for higher density residential development.

A. Permitted uses. Any use permitted in the R-2 District.

B. Conditional uses. Planned unit development (see § 280-43) and any multiple-family dwelling not serviced by public sewer but relying upon on-site disposal.

C. Area, height, and yard requirements. All details in accordance with necessary state requirements and approval of Scott Town Planning Commission and Town Board.

§ 280-30. R-4 Planned Mobile Home Park Residence District.

A. Permitted uses.

(1) Parks and playgrounds.

B. Conditional uses.

(1) Mobile home dwellings.

(2) Single-family attached dwellings.

C. Development density. There shall be a maximum of five dwelling units per net developable acre.

D. Sewerage requirements. All mobile home park developments must conform to applicable state codes for sewerage systems.

E. Area, height and yard requirements.

(1) Site development.

(a) Area: minimum 10 acres.

(b) Width: minimum 450 feet.

(c) Open space: minimum 20% of development area exclusive of required yards and access drives.

(2) Building height: maximum 35 feet.

(3) Yards.

(a) Rear: minimum 20 feet.

(b) Side: minimum 15 feet.

(c) Street: minimum 20 feet from the right-of-way line.

§ 280-31. B-1 Local Business District.

A. Permitted uses.

(1) Business and professional offices of not more than 2,000 square feet.

B. Conditional uses may include but are not limited to:

(1) Bakeries.

(2) Barbershops.

(3) Beauty shops.

(4) Business offices exceeding 2,000 square feet.

(5) Clinics.

(6) Clothing and apparel stores.

(7) Clubs.

(8) Confectioneries.

(9) Delicatessens.

(10) Drugstores.

(11) Fish markets.

(12) Florists.

(13) Fruit stores.

(14) Gift stores.

(15) Grocery stores.

(16) Hardware stores.

(17) Hobby shops.

(18) Lodges.

(19) Meat markets.

(20) Optical stores.

(21) Packaged beverages stores.

(22) Professional offices exceeding 2,000 square feet.

(23) Restaurants.

(24) Self-service and pickup laundry and dry-cleaning establishments.

- (25) Sporting goods stores.
- (26) Supermarkets.
- (27) Tobacco stores.
- (28) Vegetable stores.
- (29) Residential dwelling units not to exceed one per principal use when attached to the principal structure.
- (30) Small business.
- (31) See Article VII, Nonconforming Uses, Structures and Lots.

C. Area, height and yard requirements.

- (1) Lot (sewered).
 - (a) Area: minimum 7,500 square feet.
 - (b) Width: minimum 75 feet.
- (2) Lot (unsewered). Width and area of all lots shall be determined in accordance with necessary state requirements and approval of the Scott Town Planning Commission.
- (3) Building height: maximum 35 feet.
- (4) Yards.
 - (a) Rear: minimum 30 feet.
 - (b) Side: minimum 20 feet.
 - (c) Street: see Article VI, Highway Setback Lines.

§ 280-32. (Reserved)

§ 280-33. B-3 Highway Business District.

A. Permitted uses.

- (1) Municipal facilities, which could include a town hall, road maintenance shop, storage buildings, and solid waste collection center.
- (2) Business and professional offices of not more than 2,000 square feet.

B. Conditional uses may include but are not limited to:

- (1) Automobile and truck rental services.
- (2) Automobile repair services.
- (3) Bars and taverns.
- (4) Candy, nut, and confectionery sales.

- (4) Gasoline service stations.
- (5) Gift, novelty, and souvenir sales.
- (6) Hotels, motels, and tourist courts.
- (7) Nightclubs and dance halls.
- (8) Restaurants.
- (9) Sales, service, and installation of tires, batteries, and accessories.
- (10) Residential dwelling units not to exceed one principal use when attached to the principal structure.
- (11) See Article VII, Nonconforming Uses, Structures and Lots.
- (12) Welding repair.
- (13) Mini storage units.

C. Area, height and yard requirements.

- (1) Lot (sewered).
 - (a) Area: minimum 7,500 square feet.
 - (b) Width: minimum 75 feet.
- (2) Lot (unsewered). Width and area of all lots shall be determined in accordance with necessary state requirements and approval of the Scott Town Planning Commission.
- (3) Building height: maximum 35 feet.
- (4) Yards.
 - (a) Rear: minimum 40 feet.
 - (b) Side: minimum 40 feet.
 - (c) Street: see Article VI, Highway Setback Lines.

§ 280-34. B-4 Planned Commercial-Recreation Business District.

The primary purpose of this district is to permit on a planned basis major commercial-recreation development projects, including recreation-related residential land uses. Such planned development projects are likely to include a large number of different individual land uses which are needed to carry on and support the primary commercial-recreational venture.

A. Permitted uses.

- (1) Internet cafes.

B. Conditional uses.

- (1) Aircraft landing and takeoff fields.

- (2) Amusement parks and miniature golf courses.
- (3) Boat rentals and boat access sites.
- (4) Campgrounds.
- (5) Dance halls.
- (6) Restaurants, taverns, bars and nightclubs.
- (7) Drive-in-movies.
- (8) Dude ranches.
- (9) Fair grounds.
- (10) Health and recreational resorts, including the following uses which may be permitted as a part of the resort complex, provided that either in combination or individually they do not occupy more than 25% of the total floor area of the principal resort buildings:
 - (a) Retail sales.
 - [1] Antiques.
 - [2] Books.
 - [3] Camera and photographic supplies.
 - [4] Candy, nut and confectionery.
 - [5] China, glassware and metalware.
 - [6] Cigars, cigarettes and tobacco.
 - [7] Flowers.
 - [8] Fur apparel.
 - [9] Gifts, novelties and souvenirs.
 - [10] Jewelry.
 - [11] Men's and boys' clothing and furnishings.
 - [12] Music supplies.
 - [13] Newspapers and magazines.
 - [14] Shoes.
 - [15] Sporting goods.
 - [16] Stationery.
 - [17] Toys.
 - [18] Women's and girls' clothing and furnishings.
 - [19] Drugs.
 - (b) Personal services.
 - [1] Artists services.
 - [2] Barber services.

- [3] Beauty services.
- [4] Dry cleaning.
- [5] Laundry.
- [6] Photographic studios.
- [7] Shoe repair and cleaning services.
- [8] Custom tailoring.
- [9] Travel arranging services.
- (11) Go-cart tracks.
- (12) Golf courses and related facilities.
- (13) Hotels and motels.
- (14) Penny arcades.
- (15) Race tracks.
- (16) Riding stables.
- (17) Roller-skating rinks.
- (18) Skiing and tobogganing.
- (19) Snowmobiling trails.
- (20) Swimming beaches.
- (21) Skeet trap and rifle ranges.
- (22) See Article VII, Nonconforming Uses, Structures and Lots.

C. Area, height and yard requirements.

- (1) Dwelling unit density. No planned development approved as a conditional use in the B-4 zone may, with respect to that area exclusively devoted to residential land uses, exceed 10 dwelling units per net developable acre.
- (2) Building height: maximum 75 feet; residential structure: 35 feet.
- (3) Interior yard.
 - (a) Rear: minimum 100 feet.
 - (b) Side: minimum 100 feet.
 - (c) Street: see Article VI, Highway Setback Lines.
- (4) Perimeter yard: minimum 100 feet from the exterior boundary of the development parcel.
- (5) Open space: minimum 90% of development area, including all lands not covered by structures.

§ 280-35. M-1 Industrial District.

The primary purpose of this district is to coincide with existing areas of light industry adjacent to population centers and provide areas for the establishment and expansion of such industries suitable for rural areas and compatible with adjacent lands.

A. Permitted uses.

- (1) Emergency shelters
- (2) Meeting halls and/or offices of labor organizations

B. Conditional uses. See Article IV, Conditional Uses.

- (1) Adult-oriented entertainment businesses.

C. Area, height and yard requirements. All details in accordance with necessary state requirements and approval of Scott Town Planning Commission.

§ 280-36. M-2 Heavy Industrial District.

The primary purpose of this district is to coincide with existing locations of heavy industry adjacent to population centers and provide for future establishment or growth of heavy industry compatible with adjacent lands.

A. Permitted uses.

- (1) Emergency shelters
- (2) Meeting halls and/or offices of labor organizations

B. Conditional uses. See Article IV, Conditional Uses.

C. Area, height and yard requirements. All details in accordance with necessary state requirements and approval of Scott Town Planning Commission.

§ 280-37. M-3 Mineral Extraction District.

The primary purpose of this district is to provide for and regulate future gravel pits and other mineral extraction sites.

A. Permitted uses.

- (1) All A-1, A-2, and C-1 uses.

B. Conditional uses.

- (1) Any mineral extraction, gravel pit, or similar operation requires conditional use approval, as set forth in § 280-46. Any extension of existing operations shall require conditional use approval.

C. Area, height and yard requirements. All details in accordance with necessary state requirements and approval of Scott Town Planning Commission.

§ 280-38. (Reserved)

ARTICLE IV
Conditional Uses

§ 280-39. Conditional use permit.

The Town Board upon recommendation of the Town Planning Commission may approve the issuance of a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment, protected farmland, or the value of the neighborhood or the community.

§ 280-40. Application for permit.

Applications for conditional use permits shall be made in duplicate to the Town Clerk on forms furnished by the Town Clerk and shall include the following:

- A. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of survey prepared by a registered land surveyor showing all of the information required under § 280-9 for a zoning permit and, in addition, the following: mean and historic water lines on or within 40 feet of the subject premises and existing and proposed landscaping.
- D. For proposed lots and residences within the A-1 and A-1-S Districts, submittals of the following:
 - (1) Color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use.
 - (2) Brief written statement describing how the proposed lot and/or residence will not convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a lot or residence; and will not significantly impair or limit the current or future agricultural use of other protected farmland.
 - (3) Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without a renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.
- E. Additional information as may be required by the Town Planning Commission, Building Inspector and/or Town Board.

§ 280-41. Review and approval.

The Town Board and the Town Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

- A. Conditions, such as landscaping and completion dates, sureties, lighting, fencing, planting, screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- B. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Article VIII, Board of Appeals.

§ 280-42. Public uses.

The following public uses shall be conditional uses and may be permitted as specified:

- A. Airports, airstrips, and landing fields in the industrial districts and agricultural districts, except in the A-1, A-1-S, and A-PR Agricultural Districts, provided that the sited area is not less than 20 acres.
- B. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all residential and business districts and industrial districts.
- C. Utilities in all districts, provided that all principal structures and uses are not less than 50 feet from any residential district lot line.
 - (1) Transportation, communication, pipeline, electric transmission, utility, or drainage uses in the A-1, A-1-S, or A-PR Districts must also meet all of the following standards:
 - (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (c) The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- D. Public passenger transportation terminals, such as heliports and bus and rail depots, except airports, airstrips and landing fields, in all business districts and industrial districts, provided that all principal structures and uses are not less than 100 feet from any residential district boundary.
- E. Public, parochial and private elementary and secondary schools and churches in the residence districts, provided that the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.
- F. Colleges, universities, hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories in all agricultural districts, except the A-1, A-1-S, and A-PR Districts, provided that all principal structures and uses are not less than 50 feet from any lot line.

§ 280-43. Residential uses.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

A. Planned residential developments, such as cluster developments, duplex houses, apartments, row housing and group housing, in the residence districts. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the Town. The following provisions shall be complied with:

(1) Development: minimum 10 acres.

(2) Width: minimum 2/3 of the minimum lot width for the district in which located. Minimum 20 feet for row houses.

(3) Building.

(a) Area: 1,000 square feet for each unit.

(b) Height: maximum 35 feet.

(c) Rooms. All living rooms shall have windows opening onto a yard.

(4) Yards.

(a) Street: minimum 75 feet.

(b) Rear: minimum 50 feet.

(c) Side: minimum 20 feet from street right-of-way, exterior property lines of the development and other building.

B. Clubs, fraternities, lodges, and meeting places of a noncommercial nature in the residence districts, provided that all principal structures and uses are not less than 25 feet from any lot line.

C. Rest homes, nursing homes, homes for the aged, clinics, and children's nurseries in the residence districts, provided that all principal structures and uses are not less than 50 feet from any lot line.

D. Home occupations. No home occupation shall hereafter be established, altered, or enlarged unless it complies with all of the standards applicable to the district in which it is located and the following standards:

(1) No person other than a member of the immediate family occupying such dwelling unit shall be employed, except for one nonresident part-time employee.

(2) Limited number of retail sales to be done on the premises.

(3) No alteration of the principal building shall be made which gives the building a business character.

(4) The home occupation shall be conducted within the principal residential building and/or in a permitted private accessory building.

(5) There shall be no outside storage of equipment or materials used in the home occupation.

(6) Does not include automotive business.

- (7) In addition to the requirements above, home occupations in the A-1, A-1-S, A-PR Districts must also be an activity or business operation that is an integral part of, or incidental to, an agricultural use; or, if not associated with an agricultural use, be conducted by the owner or operator of a farm and not impair or limit the current or future agricultural use of the farm or of other protected farmland. (91.01(1), Wis. Stats.)

§ 280-44. Highway-oriented uses.

The following commercial uses shall be conditional uses and may be permitted as specified:

- A. Drive-in-theaters in the business districts, provided that a planting screen at least 25 feet wide is created along any side abutting a residential district and no access is permitted to or within 1,000 feet of an arterial street.
- B. Drive-in establishments serving food or beverages for consumption outside the structure in the business districts.
- C. Motels in the business districts.
- D. Funeral homes in the business districts, provided that all principal structures and uses are not less than 25 feet from any lot line.
- E. Drive-in banks in the business districts.
- F. Tourist homes in the business districts, provided that such district is located on a state trunk or U.S. numbered highway.
- G. Vehicle sales, service, washing and repair stations, garages, taxi stands, and public parking lots in all business districts, provided that all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line.

§ 280-45. Industrial and agricultural uses.

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

- A. Animal hospitals in the A-4 District and industrial districts, provided that the lot area is not less than three acres and all principal structures and uses are not less than 100 feet from any residential district.
- B. Commercial raising, propagation, boarding, or butchering of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; riding academies; the hatching, raising, fattening, or butchering of fowl in the agricultural districts; and pea vineries, creameries, cheese factories, and condenseries in the A-4 District or industrial districts.
- C. Outside storage and manufacturing areas in the Industrial District; wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from any other district.
- D. Commercial service facilities, such as restaurants, and fueling stations in the Industrial District, provided that all such services are physically and sales-wise oriented toward Industrial District users and employees and other users are only incidental customers.

§ 280-46. Mineral extraction.

Mineral extraction operations, including washing, crushing, or other processing, are conditional uses and may be permitted in the Mineral Extraction District, provided that:

- A. The application for the conditional use permit shall include an adequate description of the operation; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet; trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a restoration plan.
- B. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Board, and the form and type of such sureties shall be approved by the Town Attorney.
- C. The conditional use permit shall be in effect for a period determined by recommendation of the Planning Commission and approved by the Town Board, and renewal may be required that would require modification of additional conditions imposed.
- D. The Town Planning Commission and the Town Board shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

§ 280-47. Recreational uses.

- A. The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sport fields, stadiums, swimming pools, and zoological and botanical gardens in any district except the A-1, A-1-S, and A-PR Districts, provided that the lot area is not less than three acres and all structures are not less than 50 feet from any district boundary.
- B. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, turkish baths, skating rinks, and theaters are conditional uses and may be permitted in the business districts.
- C. Adult-oriented entertainment businesses (including but not limited to businesses commonly known as adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult steam room/bathhouse facility, gentlemen's club, or strip club) in the M-1 District, provided that all applicable provisions of this Ordinance and the following conditions are met:
 - (1) Adult-oriented entertainment businesses shall be located at least 500 feet from the boundary of any Residence (R) District or any Park (P) District of the Town of Scott or similar districts of adjacent municipalities; and at least 1,000 feet away from a church or other place of worship, public park, recreational site open to the public, licensed day-care facility, public library, public or private

educational facility that serve persons age 17 or younger, elementary school, middle school, high school, or long term care/residential health care facility including licensed nursing homes, assisted living facilities, and community-based residential facilities; and at least 500 feet from an existing private residence.

- (2) Adult-oriented entertainment businesses shall comply with the requirements of this subsection in addition to the requirements of any other provision of Town of Scott ordinances regulating signs. An adult-oriented entertainment business shall not be permitted more than one sign advertising its business, and this sign shall be an on-premise or building sign only. All such signs shall meet the following criteria:
 - (a) The business shall have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from an adjacent roadway, sidewalk, trail, or other public area.
 - (b) No sign shall be placed in any window. A one-square-foot sign shall be placed on the door to state hours of operation and "Admittance to Adults Only".
 - (c) No sign shall contain any flashing lights, moving elements, or mechanically changing messages.
 - (d) No sign shall contain any depiction of the human form or any part thereof, nor shall it contain sexually explicit or sexually suggestive language such as "Nude Dancing", "Adult Toys", "XXX fun", "Girls, Girls, Girls", or the like.
 - (e) If such a business is in legal operation within the Town prior to the date of enactment of this ordinance and has a sign or sign in place for which permits were issued by the Town, such businesses shall bring its signage into conformity with the provisions of this paragraph within one year from the date of enactment of this ordinance.
- (3) All such adult-oriented entertainment businesses shall operate in accordance with the following standards:
 - (a) No employee shall solicit business outside the building in which the business is located.
 - (b) No public nudity is allowed on the premises.
 - (c) No person on the premises shall engage in or simulate an act of sadomasochistic abuse, or any form of explicit or suggestive sexual conduct including but not limited to fondling their genitals or the genitals of another.
 - (d) No person on the premises including a customer, employee of the business, or independent contractor engaged by the business may be nude while being in direct, personal contact with another person, regardless of whether the other person is fully or partially clothed.
- (4) The exterior of all buildings on the premises of an adult-oriented entertainment business shall meet the following minimum criteria, together with any additional requirements established by the Town Board:
 - (a) All colors shall be earth or neutral tones with primary accent colors to be within the same color family.
 - (b) Stripes, geometric patterns, murals, and graffiti of any type, whether intentionally permitted by the owner or otherwise, are prohibited.
 - (c) Detailed plans prepared by a registered architect shall be submitted to the Town Board for review and approval, and shall include samples of materials to be utilized, color chips or

samples, and the detailed design scheme with elevations, rendered in true color. The Town Board may vary the specific requirements of this paragraph after review of the architectural plans in order to harmonize the building's design with a unique recognized architectural style or with other improvements in the nearby area.

- (d) The exterior shall be adequately maintained in good condition at all times.
- (5) **LIMITED TERM OF CONDITIONAL USE PERMIT:** The Town Board may limit the term of a conditional use permit for an adult-oriented business establishment and require periodic application for renewal of the permit, provided that the initial term and each renewal term shall be not less than one year. The Town Board may impose additional requirements for renewal of a conditional use permit whenever the Board concludes there is a rational basis to do so and finds that the additional requirements are in the public interest.
- (6) An applicant or permittee shall allow representatives of the Sheriff's Department, County Health Department, Town Fire Department, Town Board, or the Town Building Inspector to inspect the premises of an existing or proposed adult-oriented entertainment business during reasonable hours to make those inspections deemed necessary to ensure compliance with this Ordinance. Any owner or operator of an adult-oriented entertainment business who refuses to allow an inspection commits a violation of this Ordinance. Each day that such violation continues will be considered a separate and distinct violation subject to the penalties described in Section 2.06 of this Ordinance.

**ARTICLE V
General Regulations**

§ 280-48. Off-street parking.

- A. Required. Off-street parking spaces shall be provided for buildings and uses as hereinafter specified except in the B-1 District. Such parking shall be reasonably adjacent to the use or building being served and be intended specifically to serve the residents, patrons, or employees of said use or building, and the required number of spaces must be demonstrably usable and accessible for such purposes.
- B. Application to existing uses. The provision of parking space shall not be required for legally existing uses as of the date of this chapter but shall be required for any expansion of such use by the addition of new primary floor area or other partial expansion of building or use generating new parking demand.
- C. Determination of need. The number of parking spaces required shall be based upon the anticipated parking demand of individual uses and shall be as follows or as may be designated hereafter for specific uses or situations:

Use	Parking Requirements
Single-family detached residence	2 spaces per dwelling unit
Single-family attached residence	1 to 1 1/2 spaces per dwelling unit
Multiple-family	1 space per dwelling unit
Public assembly facilities providing for seating audiences (churches, theaters, auditoriums, etc.)	1 space for every 5 seats
Commercial lodging (hotels, motels,	1 space for every rental unit

tourist homes, etc.)

Elementary schools (if the school includes an auditorium, the auditorium requirement shall govern if it is greater)

2 spaces for every classroom

High schools (junior and senior)

1 space for every 3 students or auditorium requirement, whichever is greater

Use

Parking Requirements

Colleges, universities, vocational or other adult schools

1 space for every 3 students of maximum capacity

Hospitals

1 space for every 3 beds plus 1 space for each medical staff member plus 1 space for every 3 employees

Nursing, convalescent, rest and old age homes

1 space for every 7 beds plus 1 space for each staff member plus 1 space for every 3 employees

Clinics

5 spaces for every practitioner on the staff

Industrial uses

1 space for every 2 employees

Commercial office building

1 space for every 300 square feet of primary floor area

Retail stores

1 space for every 150 square feet of primary floor area

Customer service establishments

1 space for every 200 square feet of primary floor area

Restaurants, taverns, clubs, etc.

1 space for every 50 square feet of primary floor area

Planned shopping centers

1 space for every 50 square feet of primary floor area

Commercial recreation, indoor (other than theaters)

1 space for every 50 square feet of primary floor area

D. General requirements.

- (1) Surfacing. Any off-street parking area, other than that provided for a residence, having a capacity for more than four vehicles shall be hard surfaced and maintained in a reasonably dustless condition.
- (2) Screening. Any off-street parking area, other than that provided for a residence, which abuts or faces a residential district shall provide a planting screen, landscaped fence, or both, at least four feet in height along the side abutting or fronting on a residential district. Plans for such screen shall be submitted to the Planning Commission for approval before installation.

- (3) Offset. In any off-street parking area, other than that provided for a residence, which abuts a residential district, no vehicle shall be allowed to park closer than 10 feet to the abutting residential lot line.
- (4) Setback. In any off-street parking area, no vehicle shall be parked closer than five feet to the existing street line.
- (5) Lighting. Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination of adjacent residential property.
- (6) Private residential parking. Open parking of cars accessory to a residence use shall be limited to those actually used by the residents or for temporary parking of guests.
- (7) Uses not enumerated. In any case where there is question as to parking requirements for a use or where such requirements are not specifically enumerated, the Building Inspector shall bring such case to the Planning Commission, which body shall have the authority to determine the appropriate application of the parking requirements to the specific situation.

§ 280-49. Off-street loading and unloading.

- A. Required. In any commercial or industrial district, off-street loading and unloading space shall be provided in addition to the required off-street parking area for every building used for commercial or industrial purposes which building is in excess of 3,000 square feet in area, exclusive of storage area.
- B. Standard dimension. An individual loading space shall be at least 12 feet wide by 45 feet long and have a minimum height clearance of 14 feet.
- C. Determination of need. The number of such spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Planning Commission upon submittal of site and operational plans.
- D. Street servicing prohibited. No building for commercial or industrial purposes shall hereafter be erected or placed on a lot in a manner requiring servicing directly from the abutting public street.

§ 280-50. Signs.

- A. Permit required. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit and without being in conformity with the provisions of this chapter. The sign shall also meet the structural requirements of local and state building codes.
- B. Signs permitted in all districts without a zoning permit. The following signs are permitted in all zoning districts without a permit, subject to the following requirements:
 - (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
 - (2) Agricultural signs pertaining to the sale of agricultural products on a farm shall not exceed 30 square feet in area for any one farm.
 - (3) Real estate signs not to exceed 20 square feet which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

- (4) Name, occupation, and warning signs not to exceed eight square feet located on the premises, and not closer than 50 feet between signs.
 - (5) Bulletin boards of public, charitable, or religious institutions located on the premises.
 - (6) Memorial signs, tablets, names of buildings, and date of erection.
 - (7) Official signs, such as traffic control, parking restrictions, information, and notices.
 - (8) Temporary signs or banners when authorized by the Town Board.
 - (9) Recreational directory signs not to exceed two in number indicating the direction and distance to a specific cottage, residence, or recreation facility not to exceed two square feet in display area.
- C. Signs permitted in all business and industrial districts. The following signs are permitted in the business and industrial districts and are subject to the following regulations:
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean center-line street grade.
 - (2) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area on all sides for any one premises; shall not extend more than six feet in any required yard; shall not be less than 10 feet from all lot lines; shall not exceed a height of 20 feet above the mean center-line street grade; and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or an alley.
 - (3) Ground signs limited to one sign for each individual business premises which advertise the business name, services offered, or products sold on the premises shall not exceed 20 feet in height, shall meet all yard requirements for the district in which they are located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises. In addition to the above regulations, ground signs which advertise a business name, services offered, or products sold at a location other than the premises on which the sign is located shall not be located within 67 feet of the right-of-way of any state or country trunk highway or within 42 feet of the right-of-way of any Town road measured horizontally along a line normal or perpendicular to the center of the highway and shall not be located within 1,000 feet of any other ground sign.
 - (4) Roof signs shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed 200 square feet on all sides for any one premises.
 - (5) Window signs shall be placed only on the inside of commercial buildings.
 - (6) Combinations of any of the above signs shall meet all the requirements for the individual signs.
- D. Facing. No signs shall be permitted to face a residential, conservancy, or park district within 100 feet of such district boundary.
- E. Traffic. 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. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be lighted in such a way as to cause glare or impair driver visibility upon public ways.

F. Existing signs. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform to the provisions of this chapter.

§ 280-51. 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 into any water or public sewer of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to 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 or overload the existing municipal utilities.
- B. In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Adm. Code.

§ 280-52. Performance standards.

- A. Compliance. This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.
- B. Air pollution. No activity shall emit any fly ash, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mines Information Circular 7718, except that for not more than four minutes during any six-hour period each stack or chimney in an industrial district may emit smoke of Ringelmann No. 3. No activity shall emit more than 10 smoke units per hour per stack or chimney, except that once during any six-hour period each stack or chimney in an industrial district may emit up to 20 smoke units when blowing soot or cleaning fires. No activity shall violate Department of Natural Resources air pollution regulations and standards.
- C. Fire and explosive hazards.
 - (1) All activities involving the manufacture, utilization, processing, or storage of inflammable and 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.
 - (2) All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

D. Glare and heat. No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located, except activities in an industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

ARTICLE VI
Highway Setback Lines

§ 280-53. Setback lines established.

- A. In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the Town of Scott, Sheboygan County, Wisconsin, outside the limits of incorporated cities and villages, along all public highways and at the intersections of highways with highways and highways with railways as hereafter provided.
- B. If a highway in the future is located on a city or village boundary, this article is not intended to be effective on the side within the city or village, nor on the side within another county where the highway is located on a county boundary.

§ 280-54. Definitions.

As used in this article and for its purpose, the following words shall have the following meanings:

CENTER LINE — A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

JUNCTION — The point upon which two highway center lines, as herein established, or a highway center line and the center line of a railway right-of-way meet.

SETBACK LINES — Lines established along highways at specified distances from the center line, which buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within" the setback lines means between the setback line and the highway.

SURVEYS and PLANS — Surveys and plans as referred to hereinafter shall be considered as accepted by the county or Town Board if county or Town funds have been used in the improvement carried out with such plans.

TO PLACE — The putting of a building or structure in a particular situation, whether by original construction or erection or by moving a building or structure to the particular site.

TRAFFIC LANE — A strip of roadway intended to accommodate a single line of moving vehicles.

§ 280-55. Classes of highways and center lines.

Highway are classified and the position of the center line shall be determined as follows:

- A. Class C highways.

- (1) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the county or Town Board. The center line is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.
- (2) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or Town Board. The center line is at the center of the surfacing or pavement or, if there is none, the center of the graded roadbed.
- (3) Roads and streets in platted subdivisions not otherwise classified. The center line is at the midpoint between the right-of-way as shown on the recorded plat.

B. Class B highways. County trunk highways that have not been improved according to engineering surveys or plans accepted by the County Board or its agent, the County Highway Committee. The center line is at the midpoint between fences or other markers indicating the boundary on opposite sides thereof.

C. Class A highways. State highways.

§ 280-56. Structures permitted within setback lines.

No new building, new sign or other new structure or part thereof shall be placed between the setback line established by this chapter and the highway except as provided by this chapter, and no building, sign or structure or part thereof existing within such setback lines on the effective date of this chapter shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm, or other catastrophe to the extent of 60% or more of its last assessed value, except where restoration is authorized by § 60.61(5m), Wis. Stats.

A. The following kinds of structures may be placed between the setback line and the highway:

- (1) Open fences and temporary signs not over 18 square feet advertising the sale of farm products produced on the premises.
- (2) Telephone, telegraph and power transmission poles and lines and microwave radio relay structures may be constructed within the setback lines, and additions to and replacement of existing structures may be made, provided that the owner will file with the Town of Scott an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this chapter at his expense when necessary for the improvement of the highway.
- (3) Underground structures not capable of being used as foundations for future aboveground structures.
- (4) Access or service highways constructed according to plans as approved by the County Highway Committee. In giving such approval, the County Highway Committee shall give due consideration to highway safety and maximum sight distances.
- (5) Buildings, signs, or other structures or parts thereof, including improvements, which are attached to any existing building, sign or other structure on the lot or parcel in question and which extend no closer to the highway than said existing building, sign or other structure.

- B. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops; provided, however, that no building or structure, trees, or shrubbery shall be located, maintained, or permitted to grow so that the view across the sectors at the intersections, as provided in § 280-57, shall be obstructed.

§ 280-57. Setback distances.

Except as otherwise provided, the distance from the center line to the setback line applicable to the various classifications of highways as defined by § 280-55 of this article shall be as provided by the following subsections, respectively. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this chapter prior to such improvement, the setback distance shall be that applicable to the later classification. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

A. Along highways generally.

- (1) The setback distances from the center line, at any point, for the respective classes of highways shall be as follows:
 - (a) Class C highways: setback distance 60 feet except in platted subdivisions where the setback distance shall be 30 feet from the right-of-way lines, as shown on the recorded plat.
 - (b) Class B highways: setback distance 75 feet.
 - (c) Class A highways: setback distance 100 feet.
- (2) Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point on the boundary line of the highway be less than the following:
 - (a) Class C highways: 30 feet.
 - (b) Class B highways: 42 feet.
 - (c) Class A highways: 67 feet.
- (3) Except that where structures are to be erected between buildings existing at the time of the adoption of this chapter which are located not more than 150 feet apart and having setback lines less than are established by this section, the Board of Appeals may vary this regulation, provided that the Board of Appeals shall establish such conditions as will hold the Town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation will permit a setback less than the average setback of the adjacent buildings.

B. At ordinary highway intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class B highways or Class A highways, there shall be setback lines which shall be straight lines across all sectors connecting points on the setback lines along the intersecting highways, which points are located 50 feet from the intersections of the projections of the setback lines along the highways.

C. At railroad grade crossings. At railroad grade crossings, the setback lines shall be straight lines across all sectors, connecting points located on the railway right-of-way line and the highway setback line, respectively, each 100 feet from the intersections of the highway setback lines and the railway right-of-way line.

ARTICLE VII
Nonconforming Uses, Structures and Lots

§ 280-58. Existing nonconforming uses.

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however:

- A. Only that portion of the land or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. Substitution of new equipment may be permitted by the Board of Appeals, if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

§ 280-59. Abolishment or replacement.

- A. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter.
- B. The restoration of a nonconforming structure is allowed if the structure is restored to the size, subject to sub. (C), location, and use that it had immediately before the damage or destruction occurred. There are no limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - (1) The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- C. Structures restored pursuant to the preceding paragraph may be increased in size from what they were immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

§ 280-60. Existing nonconforming structures.

A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

§ 280-61. Changes and substitutions.

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

§ 280-62. Substandard lots.

In any residential district, or agricultural district not certified under Chapter 91 of Wisconsin Statutes, a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date of this chapter.

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

B. Issuing of a permit under this section is subject to § 280-10 of this chapter.

§ 280-62-5. Lots impacted by public right-of-way purchase(s).

Any lot that would become nonconforming due to lacking sufficient acreage to meet the minimum lot size requirement for its particular zoning district shall remain a conforming lot in that district if the cause of said lack is due to a public right-of-way purchase(s) by the State of Wisconsin, Sheboygan County, or the Town of Scott.

**ARTICLE VIII
Board of Appeals**

§ 280-63. Establishment.

There is hereby established a Board of Appeals for the Town of Scott for the purpose of hearing appeals and applications and for granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

§ 280-64. Membership.

The Board of Appeals shall consist of five members appointed by the Town Chairman and confirmed by the Town Board.

A. Terms shall be for staggered three-year periods.

B. The Chairman shall be designated by the Town Chairman.

C. An alternate member may be appointed by the Town Chairman for a term of three years and shall act only when a regular member is absent or refuses to vote because of interest.

D. The members shall receive a per diem as determined by the Town Board members and shall be removable by the Town Chairman for cause upon written charges and after public hearing.

E. The Secretary shall be elected by the Board.

F. The Building Inspector shall attend all 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 § 19.01, Wis. Stats., within five days of receiving notice of their appointment.

H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

§ 280-65. Organization.

The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

A. Meetings shall be held at the call of the Chairman and shall be open to the public.

B. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

C. The concurring vote of four members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

§ 280-66. Powers.

A. The Board of Appeals shall have the following powers:

- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
- (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a practical difficulty or unnecessary hardship exists, and the records of the Board shall clearly show in what particular and specific respects a practical difficulty or an unnecessary hardship is created.
- (3) Substitutions. To hear and grant applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alternations are to be made and the Town Planning Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (4) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.
- (5) Temporary uses. 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 Board of Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- (6) Zoning Map. To interpret the provisions of this chapter in such a way as to carry out the intent and purposes of the plan as shown on the Zoning Map accompanying and made a part of this chapter.

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

§ 280-67. Appeals and applications.

Appeals from the decision of the Building Inspector concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of survey prepared by a registered land surveyor showing all the information required under § 280-9 for a zoning permit.
- C. Additional information required by the Town Planning Commission, Board of Appeals, or Building Inspector.
- D. Fee receipt from the Town Treasurer in the amount as set by the Town Board.

§ 280-68. Hearings.

The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least 10 days prior, and shall give due notice to the parties in interest and the Building Inspector. At the hearing the appellant or applicant may appear in person, by agent or by attorney.

§ 280-69. Findings for variances.

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

- A. 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 or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.
- B. Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- C. Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

§ 280-70. Decision.

The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector and Town Board.

- A. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- B. Variances, substitutions, or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 280-71. Review by court of record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

**ARTICLE IX
Changes and Amendments**

§ 280-72. Authority.

- A. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.
- B. Such change or amendment shall be subject to the review and recommendation of the Scott Town Planning Commission.

§ 280-73. Initiation.

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

§ 280-74. Petitions.

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

- A. Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- B. Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- C. Additional information required by the Town Planning Commission or Town Board.

§ 280-75. Recommendations.

The Town Planning Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board.

§ 280-76. Hearings.

The Town Board shall hold a public hearing upon each recommendation, giving at least 10 days' prior notice by publication at least two times during the preceding 30 days, listing the time, place and the changes or amendments proposed. The Town Board shall also give at least 10 days' written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

§ 280-77. Town Board action.

Following such hearing and after careful consideration of the Town Planning Commission's recommendation, the Town Board shall vote on the passage of the proposed change or amendment.

§ 280-78. Protest.

In the event of a protest against such proposed district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Town Board membership.

**ARTICLE X
Definitions**

§ 280-79. Definitions and word usage.

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

ACCESSORY USE OR STRUCTURE — A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel, serving a purpose customarily incidental to the principal use or the principal structure.

ALLEY — A special public right-of-way affording only secondary access to abutting properties.

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

BASEMENT — That portion of any structure located partly below the average adjoining lot grade.

BOARDINGHOUSE — A building other than a hotel or restaurant where meals or lodging is regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons, and not open to transient customers.

BUILDING — Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

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

BUILDING HEIGHT — The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deckline of mansard roofs.

CLOTHING STORES — Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

COMMON OWNERSHIP — Ownership of land by the same individual, married couple, joint tenants, or tenants in common. For example, a parcel owned by John Smith is considered to be in common ownership with a parcel owned by John & Mary Smith, husband and wife. A parcel owned by John Smith is not considered to be in common ownership with a corporation, LLC, partnership, estate, or trust in which John Smith has an interest.

CONDITIONAL USES — Uses of a special nature as to make impractical their predetermination as a principal use in a district.

CONTIGUOUS — Parcels that adjoin and are not divided by a public road. (Parcels are not contiguous if they meet only at a single point.)

CORNER LOT — A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

DWELLING — A detached building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodging houses, motels, tents, cabins, or mobile homes.

EFFICIENCY — A dwelling unit consisting of one principal room with no separate sleeping rooms.

EMERGENCY SHELTER — Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

ESSENTIAL SERVICES — 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, but not including buildings.

EXPRESSWAY — A divided arterial street or highway with full or partial control of access and with or without grade-separated intersections.

FAMILY — Any number of persons related by blood, adoption, or marriage, or not to exceed three persons not so related, living together in one dwelling as a single housekeeping entity.

FARM — All contiguous land under common ownership that is primarily devoted to agricultural use.

FREEWAY — An expressway with full control of access and with fully grade-separated intersections.

FRONTAGE — The smallest dimension of a lot abutting a public street measured along the street line.

GIFT STORES — Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

HARDWARE STORES — Retail stores where such items as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

HOME OCCUPATION — Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25% of the area of any floor, uses only household equipment, and no stock-in-trade is kept or sold except that made on the premises. A home occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering, and crafts but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

INTERCHANGE — A grade-separated intersection with one or more turning lanes for travel between intersection legs.

LIVESTOCK — Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

LIVING ROOM — All rooms within a dwelling except closets, foyers, storage area, utility rooms, and bathrooms.

LOADING AREA — A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT — A parcel of land having frontage on a public road or other means of access approved in the past by the Town, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking lot area, and other open space provisions of the district in which it is zoned.

LOT LINES AND AREA — The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

LOT WIDTH — The width of a parcel of land measured at the rear of the specified street yard.

MACHINE SHOPS — Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

MINOR STRUCTURE — Any small, moveable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four feet in height.

MOBILE HOME — That which is, or was as originally constructed, designed to be transported by any 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, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations, and appurtenances equals or exceeds 50% of the assessable value of the house trailer.

MOTEL — A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

NONCONFORMING USE OR STRUCTURE — Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendment thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirement shall be considered a nonconforming structure and not a nonconforming use.

PARCEL — A "tax parcel" as identified in the current records of the Sheboygan County Treasurer's Office.

PARKING LOT — A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.

PARKING SPACE — A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

PARTIES IN INTEREST — Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontage.

PROFESSIONAL HOME OFFICE — Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed 1/2 the area of only one floor of the residence and only one nonresident person is employed.

QUALIFYING A-1 or A-1-S LAND — 35 contiguous acres of A-1 and/or A-1-S land, under common ownership, with sufficient road frontage, that contains at least one site with sufficient area and soil formation for a residence and an on-site waste disposal system. Said area cannot be within a floodplain.

REAR YARD — 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.

SIDE YARD — A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal structure.

SIGN — Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks 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 are visible from any public street or highway.

STABLE — A building for beasts to lodge and feed for personal use only, not for hire.

STREET — A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

STREET YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

STRUCTURAL ALTERATION — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

STRUCTURE — Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

SUPER-MAJORITY VOTE OF APPROVAL — A vote of approval by at least four of the five members of the Town of Scott Board of Supervisors, except in those instances when, due to conflict of interest, one or more members abstains from voting; in such instances an approving vote of at least three of the four members voting, or three of the three members voting, is required.

TRACT — All contiguous land under a common ownership and within the same zoning district.

TURNING LANE — An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

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, status transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

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

ARTICLE XI
Procedures

§ 280-80. Summary of procedures.

Summarizing the procedures to be followed:

- A. Conditional uses will be referred to the Scott Town Planning Commission for recommendation for decision by the Town Board.
- B. Variances will be administered by the Building Inspector with any appeal process referred to the Board of Appeals.
- C. Zoning changes will be reviewed by the Scott Town Planning Commission with recommendations to the Town Board for approval.
- D. None of the above will be reviewed by the Board of Appeals.

§ 280-81. Permit application approval and denial; appeals.

Application for a building/zoning permit is made to the Building Inspector. The Inspector determines if the proposal in the permit complies with the zoning requirements that apply to the particular land involved. If the Building Inspector determines that the proposed use is a principal permitted use or an accessory use for the district involved and the proposal meets all of the other requirements for the district, the permit can be granted. If the proposal is at variance with this chapter and the Building Inspector denies a permit, the following procedures must be followed:

- A. If an applicant for permit believes that the Building Inspector has made a mistake in his interpretation or application of this chapter, he must appeal that decision to the Board of Appeals. Process per § 280-80B above. The Board of Appeals may determine that § 280-80A above applies.
- B. If the reason for denial of the permit is that the proposed use is not a permitted principal or accessory use and could not be considered a conditional, temporary, or unspecified use, the applicant must petition the Town Board for a change in zoning. Process for review per § 280-80C above.