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GENERAL ZONING MANITOWOC COUNTY ZONING ORDINANCE USE REGULATIONS

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An ordinance regulating and restricting the location, construction, and use of buildings, structures, and the use of land in the County of Manitowoc and for said purposes of dividing the County into districts. The Board of Supervisors of the County of Manitowoc, under the authority of Wis. Stat. §§ 59.60, 59.694, and other applicable provisions of the Wisconsin Statutes, hereby ordains, enacts, and publishes as follows:

8.01 Purposes. It is the purpose of this Ordinance to promote the public health, safety, and general welfare of the unincorporated areas of Manitowoc County; and it is the intent of this Ordinance to assure adequate living areas by preventing overcrowding and by providing lots of adequate size; by providing for a variety of housing types; by providing for shopping, church, and cultural facilities without disrupting the residential quality of the area; by preventing blight and slum development through the prevention of incompatible land uses; by encouraging attractiveness and sound development; to protect rural land resources; prevent rural slums and blight; conserve the scenic beauty of the countryside; discourage uneconomical scattering of development; to assure sound commercial development by providing commercial areas of sufficient size and in the right places to serve the

people; by encouraging planned, integrated commercial development along major streets; by recognizing the central business districts of the County's communities as the principal shopping area and hub of commercial functions for their respective market areas; to encourage the expansion of existing industry and the development of new ones by preserving industrial land from encroachment of non-industrial uses; to conserve and wisely use the County's natural resources; to provide for the uses of land and buildings in such a way as to provide for economy in government.

8.02 Definitions. As used in this Chapter, certain words and terms are defined as follows:

(1) 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 "building" includes the word "structure." The word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the Wisconsin Administrative Code.

(2) Accessory Building. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the

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permitted use of the main building or the use of the premises.

(3) Accessory Use. An accessory use is any use subordinate to principal use and used for the purposes customarily incidental to the principal use.

(4) Alley. A street or thoroughfare less than twenty-one feet (21') wide and affording only secondary access to abutting property.

(5) Apartment House. See "Dwelling, Multiple."

(6) Automobile Wrecking Yard. Any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

(7) Basement. A story partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

(7m) "Board" means the Board of Adjustment created pursuant to sec. 2.04(1).

(8) Boarding House. A building other than a hotel where meals, and/or lodging and meals, are furnished for compensation for four (4) or more persons not members of a family.

(9) Building. Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

(10) Building - Height Of. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip, or pitch roof.

(10g) "Code Administrator" means the person appointed to sec. 8.18(1) or his or her designee.

(10m) Commercial Poultry Operation. A poultry operation that houses more than 500 hens.

(11) Commercial Recreation Areas. An area, premises, or parcel of land on which is provided recreation facilities open to the general public for a fee or restricted to members when operated for a profit as a business.

Commercial Recreation Areas may include necessary accessory or service buildings and uses such as a swimming pool or club, winter sports resorts, private parks or exhibits, or similar uses provided that the Board of Adjustment, after public hearing, finds a proposed use to be similar to those listed.

(11m) "Conditional use permit" means a permit issued pursuant to sec. 8.15.

(12) Dwelling - One Family. A detached building designed for or occupied exclusively by one family.

(13) Dwelling - Multiple. A building or portion thereof designed for and occupied by more than two (2) families including tenement houses, row houses, apartment houses, and apartment hotels.

(14) Dwelling - Two Family. A detached or semi-detached building designed for and occupied exclusively by two (2) families.

(15) Essential Services. The erection, construction, or alteration by public or private utility companies of underground, surface, or overhead transmission or distribution systems for gas or electricity by towers, poles, wires, pipes, conduits, and similar devices, but not including buildings necessary in supplying the foregoing essential services.

(16) Family. The body of persons who live together in one dwelling unit as a single housekeeping entity.

(16m) Family Farm Business. Any lawful activity, except a farm operation, conducted primarily for any of the following:

(a) the purchase, sale, lease, or rental of personal or real property;

(b) the manufacture, processing, or marketing of

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products, commodities, or any other personal property; or

(c) the sale of services.

A family farm business may be permitted as a special exception or conditional use if limited to existing farm residences, structures, or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two (2) persons who are not members of the resident farm family may be employed in the farm family business.

(17) Farm. Any parcel of land containing at least two (2) acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products.

(18) Farm Consolidation. The joining together of two (2) or more farm operations or portions thereof, which were in existence before the adoption or amendment of this Ordinance, into one farm.

(19) Farm Operation. Any activity conducted solely primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(19m) Feed Lot. A facility at which feeder cattle or veal calves are assembled for feeding prior to slaughter.

(20) Frontage. All the property abutting on one side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead-end of a street.

(21) Garage - Private. An accessory building or space for the storage only of not more than two (2) motor-driven vehicles.

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

(23) Garage - Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to

transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold. No commercial motor vehicle exceeding two (2) tons capacity shall be stored in any storage garage.

(24) Home Occupation. A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no sign other than one (1) unlighted announcement or professional sign not over three (3) square feet in area may be installed and that only one (1) person other than a member of the immediate family living on the premises is employed.

(24m) Homestead. The dwelling and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, but not less than one (1) acre (if available) and not exceeding forty (40) acres.

(25) Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

(26) Junk Yard. Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber, or other materials stored or customarily stored for salvage, unless such accumulation shall be housed in a completely enclosed building.

(27) Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than four (4) persons not members of the family.

(28) Lot. A parcel of land having a width, depth, and area sufficient to provide the space necessary for one main building and its accessory building or uses, together with the open spaces required by this Ordinance. The word "lot" shall include plat or parcel, but a lot does not necessarily conform to plat or parcel lines.

(29) Lot - Corner. A lot abutting on two (2) or more streets at their intersection, provided that the interior angle of such intersection is less than one

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hundred thirty-five (135) degrees.

(30) Lot - Depth Of. Horizontal distance between the front and rear lot lines.

(31) Lot - Interior. A lot other than a corner lot.

(32) Lot Lines. The lines bounding a lot as defined herein.

(33) Lot - Through. An interior lot having frontage on two (2) non-intersecting streets.

(34) Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients.

(35) Non-Conforming Use. A building or premises lawfully used or occupied at the time of the passage of this Ordinance or Amendments thereto, which use or occupancy does not conform to the regulations of this Ordinance or any Amendments thereto.

(36) Parking Space. For the purpose of this Ordinance, two hundred (200) square feet of lot or floor area exclusive of aisles and/or driveways or internal moving lanes which has a means of ingress and egress from any alley or street, shall be deemed a parking space for one (1) vehicle.

(37) Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than twenty-five (25%) percent of the floor area of only one (1) story of a dwelling unit shall be occupied by such office and only one (1) unlighted name plate, not exceeding one (1) square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.

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

(39) Recreational Camps. An area, premises, or

parcel of land on which is provided facilities for overnight or short term camping in tents, bedrolls, travel trailers, pick-up coaches, motor homes, or camping trailers, as defined in Chapter HSS 78 of the Wisconsin Administrative Code. Recreational camps include accessory buildings and service facilities required by the State Board of Health together with a residence or living quarters for the owner or caretaker on the premises. Recreational camps shall mean and be synonymous with camps and campgrounds for the purposes of this Ordinance.

(40) Roadside Stand. A structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered, and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and there shall not be more than one (1) roadside stand on any one (1) premise.

(41) Setback Line. A line established adjacent to a highway, at a specified distance from the centerline thereof.

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

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

(44) Stable. An accessory building in which horses are kept.

(45) Story. That portion of a building included

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between the surface or a floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half (½) or more of its height above grade shall be deemed a story for purposes of height regulations.

(46) Story - Half. The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.

(47) Street. All property dedicated or intended for public or private street purposes or subject to public easements therefor and twenty-one feet (21') or more in width.

(48) Street Line. The dividing line between a lot, tract, or parcel of land and a contiguous street.

(49) Structural Alteration. Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

(50) Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

(51) Sub-Standard Lot. A lot which is recorded with the Register of Deeds prior to the adoption of this Ordinance, and is located in a zone requiring greater area, width, or other characteristics.

(52) Surveys and Plans. Surveys and Plans as referred to in this Ordinance and as relating to the construction of highways, shall be considered as accepted by the County or Town Board if County or Town funds have been used in the improvement carried out according to such plans.

(53) Tourist Camp. A tract or parcel of land, with or without buildings or other equipment, on which one or more camp cabins are located, or where temporary accommodations are provided for two (2) or more automobile trailers or house cars, open to the public or for a fee.

(54) Traffic Lane. A strip of roadway intended to accommodate a single lane of moving vehicles.

(54m) Consistent with agricultural use. Any activity that meets all of the following conditions:

(a) The activity will not convert land that has been devoted primarily to agricultural use;

(b) The activity will not limit the surrounding land's potential for agricultural use;

(c) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement; and

(d) The activity will not conflict with agricultural operation on other properties.

(55) Vision Clearance. An unoccupied triangular space at the intersection of two (2) or more streets or highways which is bounded by street lines or highway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street or highway line.

(56) Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

(57) Yard - Front. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

(58) Yard - Rear. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding steps.

(59) Yard - Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

8.03 Establishment of Districts. (1) Districts. For the purpose of promoting the public health, safety, morals, and general welfare of Manitowoc County, the unincorporated area of the County is hereby divided into the following types of districts:

(a) R-1 Residential Districts

(b) R-2 Residential Districts

(c) R-3 Residential Districts

(cf) ES - Estate Residential District

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(cm) SE - Small Estate Residential District

(ct) LR - Lake Residential District

(d) A-1 Agricultural Districts

(e) A-2 Agricultural Districts

(f) A-3 Agricultural Districts

(fh) PA - Principal Agriculture District

(fp) GA - General Agriculture District

(g) B-1 Business Districts

(h) B-2 Business Districts

(I) I-1 Industrial Districts

(j) C-1 Conservancy Districts

(k) NA - Natural Areas District

(2) Zoning Map. Said districts are bounded as shown on a set of maps entitled "Zoning Maps of Manitowoc County," as amended, dated the 21st day of April, 1965, and is made a part of this Ordinance.

(3) Interpretation Of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Maps, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c) Where district boundaries are so indicated that they are approximately parallel to the centerlines of street lines of streets, or the centerlines or right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such

dimension shall be determined by use of the scale shown on said Zoning Map.

(d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

8.04 Regulations. (1) Application of Regulations. Except as hereinafter provided:

(a) No use, structure, or land shall hereafter be used or occupied and no use, structure, or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

(b) No building shall hereafter be erected or altered:

1. To exceed the height;

2. To accommodate or house a greater number of families;

3. To occupy a greater percentage of lot area; or

4. To have narrower or smaller rear yards, front yards, or side yards;

than is specified herein for the district in which such building is located.

(c) No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

(d) Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building or part thereof for which any permit has been issued before the effective date of this Ordinance and the construction of which shall have been started within six (6) months from the date of such permit.

(e) No building or structure adjacent to any river, stream, or lake except boathouses, piers, wharfs, and similar structures, hydroelectric, navigation, and flood control dams and structures, telephone, telegraph, and power transmission poles

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and lines, microwave radio relay structures, and permitted signs, shall hereafter be erected, moved, or structurally altered so that the bottom of its lowest floor is lower than three feet (3') above the ordinary highwater mark.

(f) Private sewage disposal facilities for any residence, cottage, club, or place of business shall be located not less than fifty feet (50') from the average high water mark of any lake, stream, or river, except that any place of business or club housing entertaining or employing more than five (5) persons shall have a sewage disposal facility located at least one hundred feet (100') from the lake, river, or stream shore.

(g) A sub-standard lot of record, which has been owned separately and individually from all adjoining tracts of land continuously since the initial passage of this Ordinance, or any amendments thereto, shall be subject to the following provisions:

1. Where an existing sub-standard lot or combination of existing sub-standard lots held in common ownership result in a lot which does not contain sufficient area or width or conform to the dimensional requirements of the Ordinance shall be deemed to be a conforming lot provided that the following conditions are met:

a. The proposed use is a listed permitted or accessory use, or a single family dwelling in an A-1, A-2, or A-3 Zoning District.

b. The lot is on record in the County Register of Deeds Office prior to the effective date of this Ordinance or any amendments thereto.

c. The lot is in separate ownership from abutting lands.

d. The lot must meet the minimum area requirements of Wis. Admin. Code Ch. 85.

(h) Notwithstanding any other provisions of this Ordinance, an undeveloped lot which:

1. was recorded prior to the adoption of this Ordinance, and

2. which is served by public sewers (as defined in Wis. Admin. Code § Comm 85.01(17)) may be

developed with a single family (or seasonal) dwelling and accessory uses if the lot contains not less than seven thousand two hundred (7,200) square feet and the lot is not less than sixty feet (60') in width at the building line.

(i) A lot developed with an existing single family (or seasonal) dwelling and/or accessory uses which:

1. was recorded prior to the adoption of this Ordinance; and

2. is served by public sewers (as defined in Wis. Admin. Code § Comm 85.01(17)); and

3. has a lot area and lot width that is seventy-five percent (75%) of the area required for an undeveloped lot;

may be further developed with additions, accessory uses, or similar modifications.

(im) A minimum side yard setback of 7.5 feet must be provided for the developed or undeveloped lots described in this subsection (h) or (i).

(j) Notwithstanding any other provisions of this Ordinance to the contrary, a lot that contains farm residence(s) or structures which existed prior to the adoption of this Ordinance or amendments thereto, that is one (1) acre or more but less than thirty-five (35) acres in size may be created in an A-3 Agricultural District to accommodate farm consolidations and the resultant small lot is deemed to be a conforming lot for the purpose of this Ordinance.

(k) Notwithstanding any other provisions of this Ordinance to the contrary, farm signs, political signs, real estate signs, or signs advertising bazaars, garage sales, or similar activities or events, are exempt from the permit requirements of this Ordinance, if all of the following conditions are satisfied:

1. The sign shall not exceed ten (10) square feet in area.

2. The sign shall not be illuminated.

3. The sign shall not be erected in a location where it constitutes a hazard.

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4. The sign may be erected on private property only with the consent of the property owner.

5. The sign shall be removed at the owner's expense, not less than seven (7) days after the event, sale, activity, or election is over.

8.05 R-1 Residential Districts. The following regulations shall apply in all R-1 Districts:

(1) Permitted Principal Uses.

(a) One and two family dwellings.

(b) Churches and similar places of worship.

(c) Convents and monasteries.

(d) Public schools, parks, playgrounds, and recreational areas.

(e) Private elementary and high schools.

(f) Fire stations.

(g) Public utilities.

(h) Customary agricultural operations including a garden, nursery, greenhouse, and usual farm buildings, subject to the following restrictions:

1. No building in which farm animals are kept shall be closer than one hundred feet (100') to any adjoining lot line.

2. No storage of manure or odor or dust-producing substance or use shall be permitted within one hundred feet (100') of adjoining lot line.

3. No greenhouse heating plant shall be operated within fifty feet (50') of any adjoining lot line.

4. No products shall be publicly displayed or offered for sale from the roadside.

5. No swine farms or fur farms.

(2) Permitted Accessory Uses. The following accessory uses are permitted if located on the same lot with the permitted use:

(a) Private garage.

(b) Customary home occupations or professional offices conducted by the resident only, provided that there be no external evidence of such use except an announcement or professional sign not over three (3) square feet in area.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(3) Conditional Uses. The following uses are permitted on issuance of a conditional use permit:

(a) Public buildings and institutions.

(b) Hospitals, sanitariums, nursing homes, and convalescent homes.

(4) Yard Requirements.

(a) Front yard shall be as required in County Zoning Ordinance Setbacks.

(b) Side yard shall each have a width of not less than twenty-five (25) feet for Permitted Principal Uses and Conditional Uses and not less than ten (10) feet for Permitted Accessory uses.

(5) Height and Area Requirements.

(a) No building shall be erected to a height in excess of thirty-five feet (35'), except that farm structures or parts thereof not used for human occupancy may be erected to a height exceeding the limitations of this district provided that such structures are located more than two (2) miles from major airports or do not present a hazard to aircraft operations at major airports in or adjacent to the County.

(b) Lot width shall not be less than one hundred fifty feet (150').

(c) Lot area shall not be less than one (1) acre except, however, where the State Board of Health Regulations governing subdivisions as defined in the Wisconsin Statutes permit a lesser or require a larger lot area, such regulations shall govern.

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8.06 R-2 Residential Districts. The following regulations shall apply in all R-2 Districts:

(1) Permitted Principal Uses. Same as R-1 Districts (MCC § 8.05(1)).

(2) Permitted Accessory Uses. Same as R-1 Districts (MCC § 8.05(2)).

(3) Conditional Uses. The uses permitted under sec. 8.05(3) are permitted on issuance of a conditional use permit.

(4) Yard Requirements.

(a) Front yard shall be as required in County Zoning Ordinance--Setbacks, MCC Ch. 10.

(b) Side yards shall each have a width of not less than fifteen (15) feet for Permitted Principal Uses and Conditional Uses and not less than ten (10) feet for Permitted Accessory Uses.

(5) Height and Area Requirements.

(a) No building shall be erected to a height in excess of thirty-five feet (35').

(b) Lot width shall be not less than one hundred twenty feet (120').

(c) Lot area shall be not less than one-half (½) acre (21,780 sq. ft.) except, however, where the State Board of Health Regulations governing subdivisions as defined in the Wisconsin Statutes permit a lesser or require a larger area, such regulations shall govern.

8.07 R-3 Residential Districts. The following regulations shall apply in all R-3 Districts:

(1) Permitted Principal Uses.

(a) Same as R-2 Districts (MCC § 8.06(1)).

(b) Multiple family dwellings.

(c) Mobile home courts.

(2) Permitted Accessory Uses.

(a) Same as R-2 Districts (MCC § 8.06(2)).

(3) Conditional Uses. The uses permitted under sec. 8.05(3) are permitted on issuance of a conditional use permit.

(4) Yard Requirements.

(a) Front yard shall be as required in County Zoning Ordinance--Setbacks, MCC Ch. 10.

(b) Side yards shall each have a width of not less than ten feet (10').

(5) Height and Area Requirements.

(a) No building shall be erected to a height in excess of thirty-five feet (35'), except that farm structures or parts thereof not used for human occupancy may be erected to a height exceeding the limitations of this district provided that such structures are located more than two (2) miles from major airports or do not present a hazard to aircraft operations at major airports in or adjacent to the County.

(b) Lot width shall not be less than one hundred feet (100').

(c) Lot area shall not be less than fifteen thousand (15,000) square feet per housing unit except, however, where the State Board of Health Regulations governing subdivisions as defined in the Wisconsin Statutes, permit a lesser or require a larger lot area, such regulations shall govern.

8.073 ES Estate Residential Districts. The following shall apply to all ES Districts:

(1) Permitted principal uses.

(a) Single family residences.

(b) General agriculture.

(c) Tree/shrub nurseries.

(d) Public utilities.

(2) Permitted Accessory Uses. The following accessory uses are permitted if located on the same parcel with the permitted use:

(a) Private garage.

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(b) Customary home occupations or professional offices conducted by the resident only, provided there is no external evidence of such use except an announcement or professional sign not over 3 square feet in area.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(d) Small wind energy systems.

(3) Conditional Uses.

(a) Golf courses.

(b) Public buildings and institutions.

(c) Churches and schools.

(4) Yard Requirements.

(a) Front yard as required in Manitowoc County Setbacks Ordinance

(b) Side yards shall have a width of 25 feet for principal structures and conditional uses and 10 feet for accessory structures.

(c) Rear yards shall have a width of 25 feet for principal structures and conditional uses and 10 feet for accessory structures.

(5) Lot Area.

(a) Lot widths shall not be less than 330 feet.

(b) Lot Area shall not be less than 5 acres.

8.076 SE Small Estate Residential Districts.
The following shall apply in all SE Districts:

(1) Permitted Principal Uses.

(a) Single family residences.

(b) General agriculture.

(2) Permitted Accessory Uses. The following accessory uses are permitted if located on the same parcel with the permitted use:

(a) Private garage.

(b) Customary home occupations or professional offices conducted by the resident only, provided there is no external evidence of such use except an announcement or professional sign not over 3 square feet in area.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(d) Small wind energy systems.

(3) Conditional Uses.

(a) Two family residences.

(b) Public utilities.

(c) Day care facilities.

(d) Churches, schools, and cemeteries.

(4) Yard Requirements.

(a) Front yard as required in Manitowoc County Setbacks Ordinance.

(b) Side yards shall have a width of 25 feet for principal structures and conditional uses and 10 feet for accessory structures.

(c) Rear yards shall have a width of 25 feet for principal structures and conditional uses and 10 feet for accessory structures.

(5) Lot Area.

(a) Lot widths shall not be less than 250 feet.

(b) Lot area shall not be less than 2.5 acres.

8.078 LR Lake Residential Districts. The following shall apply in all LR Districts:

(1) Permitted Principal Uses.

(a) Single family residences.

(b) Parks and boat landings.

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(2) Permitted Accessory Uses. The following accessory uses are permitted if located on the same parcel with the permitted use:

(a) Private garage.

(b) Customary home occupations or professional offices conducted by the resident only, provided there is no external evidence of such use except an announcement or professional sign not over 3 square feet in area.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(3) Conditional Uses.

(a) Resorts.

(b) Sport and bait shops.

(c) Sportsman clubs.

(d) Taverns and restaurants.

(4) Yard Requirements.

(a) Front yard as required in Manitowoc County Setbacks Ordinance.

(b) Side yards shall have a width of 10 feet for principal structures and conditional uses and 5 feet for accessory structures.

(c) Rear yards as required in the Manitowoc County Shoreland/Floodplain Zoning Ordinance.

(5) Lot Area. Lot area as required in Manitowoc County Shoreland/Floodplain Zoning Ordinance.

8.08 A-1 Agricultural Districts. The following regulations shall apply in all A-1 Districts:

(1) Permitted Principal Uses.

(a) Single family dwellings and same permitted uses as C-1 Districts.

(b) One house trailer or mobile home per operating farm.

(c) Farms.

(d) Agricultural warehouses and storage, creameries, and cheese factories

(e) Pea vineries.

(f) Kennels, animal hospitals, veterinarians.

(g) Forestry.

(h) Migrant labor camps.

(i) Saw mills.

(j) Shooting ranges, skeet, and trap shooting.

(k) Recreational camps.

(l) Mobile homes provided that no mobile home shall be closer than one thousand feet (1,000') feet from any Residential District.

(m) The following quasi-public uses including:

1. Churches and similar places of worship.

2. Convents and monasteries.

3. Public schools, parks, playgrounds, and recreational areas.

4. Private elementary and high schools.

5. Fire stations.

6. Public utilities.

7. Customary agricultural operations including a garden, nursery, greenhouse, and usual farm buildings.

(2) Permitted Accessory Uses.

(a) Same as R-2 Districts.

(b) Roadside stands for the sale of farm products.

(c) Signs not to exceed twenty (20) square feet in area displaying the name of the farm, owner, farm organization, or advertising the products produced

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on the premises.

(d) Small wind energy systems.

(3) Conditional Uses. The following uses are permitted on issuance of a conditional use permit:

(a) Same as R-2 Districts.

(b) Public dumping grounds and sanitary land fills.

(c) Automobile wrecking yards, junk yards, and salvage yards.

(d) Airports and landing strips.

(e) Cemeteries.

(f) Sand, gravel, and stone extraction.

(g) Microwave, radio, telecommunication, and television stations and towers.

(h) Directional signs.

(i) Race tracks.

(j) Golf driving ranges, miniature golf courses.

(k) Small businesses not immediately related to farming operations providing a public hearing is conducted by the County Board of Adjustment.

(l) Two family dwellings.

(4) Yard Requirements.

(a) Front yard shall be as required in County Zoning Ordinance--Setbacks.

(b) Side yards shall each have a width of not less than twenty-five (25) feet for Permitted Principal Uses and Conditional Uses and not less than ten (10) feet for Permitted Accessory Uses.

(5) Height and Area Requirements.

(a) No building shall be erected to a height in excess of sixty feet (60').

(b) Lot area shall not be less than one (1) acre

and lot width not less than one hundred fifty feet (150'), except where the State Board of Health Regulations governing subdivisions as defined in the Wisconsin Statutes, permit a lesser or require a larger lot area, such regulations shall govern.

8.09 A-2 Agricultural Districts. The following regulations shall apply in all A-2 Districts:

(1) Permitted Principal Uses.

(a) Single family dwellings.

(b) Farms.

(c) One house trailer or mobile home per operating farm.

(d) Agricultural warehouses and storage, creameries, and cheese factories.

(e) Kennels, animal hospitals, veterinarians.

(f) Forestry.

(2) Permitted Accessory Uses.

(a) Same as R-2 Districts (MCC § 8.06(2)).

(b) Roadside stands for the sale of farm products.

(c) Signs not to exceed twenty (20) square feet in area displaying the name of the farm, owner, farm organization, or advertising the products produced on the premises.

(d) Small wind energy systems.

(3) Conditional Uses. The following uses are permitted on issuance of a conditional use permit:

(a) Same as R-2 Districts (MCC § 8.06(3)).

(b) Public dumping grounds and sanitary land fills.

(c) Recreational camps.

(d) Microwave, radio, telecommunication, and television stations and towers..

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(e) Directional signs.

(f) Golf driving ranges, miniature golf courses.

(g) Mobile homes, provided the dimensional standards and all other requirements of this Ordinance are met.

(4) Yard Requirements.

(a) Front yards shall be as required in County Zoning Ordinance--Setbacks.

(b) Side yards shall each have a width of not less than twenty-five (25) feet for Permitted Principal Uses and Conditional Uses and not less than ten (10) feet for Permitted Accessory Uses.

(5) Height and Area Requirements.

(a) No building shall be erected to a height in excess of sixty feet (60'), except that farm structures or parts thereof not used for human occupancy may be erected to a height exceeding the limitations of this district provided that such structures are located more than two (2) miles from major airports or do not present a hazard to aircraft in or adjacent to the County.

(b) Lot area shall not be less than five (5) acres and lot width not less than three hundred thirty feet (330'), except where the State Board of Health Regulations governing subdivisions as defined in the Wisconsin Statutes require a larger lot area, such regulations shall govern.

8.10 A-3 Agricultural Districts. The primary purposes of this District 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 service cost; maintain a viable agricultural base to support agricultural processing and service industries; and to pace and shape urban growth. All structures and improvements in this district must be consistent with agricultural use.

The following regulations shall apply in all A-3 Districts:

(1) Permitted Principal Uses.

(a) Beekeeping

(b) Dairying

(c) Essential services

(d) Farming

(e) Floriculture

(f) Forest and Game Management

(g) Grazing

(h) Greenhouses

(i) Livestock raising, except feed lots

(j) Orchards

(k) Plant nurseries

(l) Poultry raising, except commercial egg production

(m) Raising of grain, grass, mint, and seed crops

(n) Raising of tree fruits, nuts, and berries

(o) Sod farming

(p) Vegetable raising

(q) Viticulture

(r) Dwellings as follows:

1. Farm homestead.

2. One additional single-family dwelling or mobile home per farm operation over thirty-five (35) acres for occupancy by parents, children, or employees of the farm operator.

3. Existing residences at the time of the adoption of this Ordinance, located in areas subject to this section which do not conform to the requirements may be continued in residential use and shall not be subject to any limitations imposed, such existing residences may be altered, repaired, or rebuilt if destroyed but are subject to setback, width, and other dimensional requirements.

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(2) Permitted Accessory Uses.

(a) Private garage.

(b) Home occupation or professional offices which qualify as a home occupation.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(d) Roadside stands for the sale of farm products which qualify as a family farm business.

(e) Signs not to exceed twenty (20) square feet in area displaying the name of the farm, owner, farm organization, or advertising the products produced on the premises.

(f) Temporary signs (e.g. real estate, for rent, bazaar, garage sale, political, etc.)

(g) Small wind energy systems.

(3) Conditional Use. The county may issue permits in A-3 (exclusive agriculture) districts only for the following uses, provided that the actual use is consistent with agricultural use and is necessary in light of the alternative locations available for such use:

(a) One additional single-family dwelling or mobile home per farm operation over thirty-five (35) acres for occupancy by parents or children of the farm operator.

(b) Sand and gravel extraction provided the land be reclaimed for agricultural use.

(c) [REPEALED]

(d) [REPEALED]

(e) Saw mills.

(f) Fur farms.

(g) Riding stables provided that they qualify as a farm family business..

(h) Equestrian trails.

(I) Fish farms.

(j) Governmental uses such as fire stations, highway storage garages, solid waste disposal and sewage treatment plants, excavation or extraction, schools, parks and campgrounds, airports, landing strips.

(k) Religious uses such as churches, schools, and cemeteries.

(l) The sale and service of machinery used in agricultural production.

(m) Facilities used for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.

(n) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.

(o) Facilities used to provide veterinarian services for livestock.

(oj) Large Wind Energy Systems.

(or) Microwave, radio, telecommunication, and television stations and towers.

(p) Other agricultural-related, religious, utility, industrial, or governmental uses similar to those listed above which are compatible with the purposes of this district, which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.

(q) Directional signs.

(3g) The Board shall consider the following factors in determining whether to grant a conditional use permit and in setting the conditions of the permit:

(a) the need for the proposed use in an agricultural area;

(b) the potential for conflict with any surrounding agricultural use;

(c) the minimum amount of productive agricultural land necessary for the proposed use;

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(d) the productivity of the land to be used;

(e) the availability of alternate locations for the proposed use; and

(f) the effect of the proposed use on air quality, groundwater, surface water, soil erosion, and rare or irreplaceable natural resources.

(3m) The Code Administrator shall notify the Department of Agriculture, Trade and Consumer Protection of the issuance of a conditional use permit under this section.

(4) Yard Requirements.

(a) Front yard shall be as required in County Zoning Ordinance--Setbacks.

(b) Side yards shall each have a width of not less than twenty-five feet (25').

(5) Height and Area Requirements.

(a) No building shall be erected in excess of sixty feet (60'), except that farm structures or parts thereof not used for human occupancy may be erected to heights exceeding the limitations of this district provided that such structures conform to the regulations of the Manitowoc County Airport Height Limitation Zoning Ordinance and does not present a hazard to aircraft in or adjacent to the County.

(b) Lot area shall not be less than thirty-five (35) acres.

8.103 PA Principal Agriculture Districts. The following shall apply in all PA Districts:

(1) Permitted Principals Uses.

(a) Farming.

(b) Farm homesteads.

(c) Single family residences.

(d) Roadside stands for the sale of farm products.

(e) Forestry.

(em) Large Wind Energy Systems

(f) Tree/shrub nurseries.

(2) Permitted Accessory Uses. The following accessory uses are permitted if located on the same parcel with the permitted use:

(a) Private garage.

(b) Customary home occupations or professional offices conducted by the resident only, provided there is no external evidence of such use except an announcement or professional sign not over 3 square feet in area.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(d) Small wind energy systems.

(3) Conditional Uses.

(a) Public buildings and institutions.

(b) Farm implement sales and services.

(c) Churches or similar place of worship.

(d) Cemeteries.

(e) Commercial riding stable.

(f) Microwave, radio, telecommunication, and television stations and towers..

(g) Saw mills.

(h) Governmental uses such as fire stations, highway storage garages, parks, schools, and treatment plants.

(i) Religious uses such as cemeteries, churches, and schools.

(j) Fertilizer plants, storage of seed, feed and fertilizer, and facilities for bulk storage of agriculture products.

(k) Kennels and veterinary clinics.

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(l) Airstrip and landing fields.

(4) Yard Requirements.

(a) Front yard as required in Manitowoc County Setbacks Ordinance.

(b) Side yards shall have a width of 25 feet for principal structures and conditional uses and 15 feet for accessory structures.

(c) Rear yards shall have a width of 25 feet for principal structures and conditional uses and 15 feet for accessory structures.

(5) Lot Area.

(a) Lot widths shall not be less than 500 feet.

(b) Lot area shall not be less than 20 acres.

8.107 GA General Agriculture Districts. The following shall apply in all GA districts:

(1) Permitted Principal Uses.

(a) General agriculture.

(b) Single family residence.

(c) Public utilities.

(d) Kennels and veterinary clinics.

(e) Tree/shrub nurseries.

(2) Permitted Accessory Uses. The following accessory uses are permitted if located on the same parcel with the permitted use:

(a) Private garage.

(b) Customary home occupations or professional offices conducted by the resident only, provided there is no external evidence of such use except an announcement or professional sign not over 3 square feet in area.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(d) Small wind energy systems.

(3) Conditional Uses.

(a) Governmental uses such as fire stations, highway storage garages, parks, schools, and treatment plants.

(b) Religious uses such as cemeteries, churches, and schools.

(c) Fertilizer plants, storage of seed, feed and fertilizer, and facilities for bulk storage of agriculture products.

(d) Nonmetallic mining.

(e) Salvage yards.

(f) Trade or contractor storage and establishments.

(g) Commercial warehouses and mini-storage.

(h) Auto and truck repair.

(i) Fruit/vegetable/cheese processing plants.

(j) Two family residences.

(k) Telecommunication towers.

(4) Yard Requirements.

(a) Front yard as required in Manitowoc County Setbacks Ordinance.

(b) Side yards shall have a width of 25 feet for principal structures and conditional uses and 15 feet for accessory structures.

(c) Rear yards shall have a width of 25 feet for principal structures and conditional uses and 15 feet for accessory structures.

(5) Lot Area.

(a) Lot widths shall not be less than 450 feet.

(b) Lot area shall not be less than 10 acres.

8.11 B-1 Business Districts. The following

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regulations shall apply in all B-1 Districts.

(1) Permitted Uses.

(a) All uses permitted in R-3 and A-1 Districts.

(b) Stores and shops for conducting retail, service, or wholesale business.

(c) Business and professional offices and services.

(d) Taverns and restaurants, excepting drive-ins.

(e) Motels and hotels.

(f) Printing and duplicating.

(g) Radio and television broadcasting studio, tower and mast or microwave relay structure.

(h) Signs, billboards, and sign shops.

(i) Animal hospital.

(j) Theaters, excepting outdoor theaters.

(k) Dairies.

(l) Parking lot.

(m) Private clubs and lodges.

(n) Public buildings and institutions.

(o) Public utilities.

(p) Small wind energy systems.

(2) Conditional Uses. The following uses are permitted on issuance of a conditional use permit:

(a) Same as R-3 and A-1 Districts(secs. 8.07 and 8.08).

(b) Gasoline filling station and garage.

(c) Bowling alleys.

(d) Dance halls.

(e) Outdoor theaters.

(f) Tumbling center.

(g) Shopping center.

(h) Drive-in eating and drinking establishments.

(3) Yard Requirements.

(a) Front yard shall be as required in County Zoning Ordinance--Setbacks.

(b) No side yard shall be required except where adjoining another district, in which case the side yard shall be the same as required in the adjoining district.

(c) Rear yard shall be not less than twenty-five feet (25').

(4) Height and Area Requirements.

(a) No building shall be erected to a height in excess of thirty-five feet (35').

(b) Lot area shall not be less than ten thousand (10,000) square feet.

8.12 B-2 Highway Commercial. The following regulations shall apply in all B-2 Districts:

(1) Permitted Uses.

(a) Auto showrooms, sales and service.

(b) Auto repair, parts and service excluding auto junk yards.

(c) Building supplies, electrical, plumbing, and heating.

(d) Cabinet making, woodworking.

(e) Car wash.

(f) Discount house.

(g) Drive-in restaurants, ice cream and soft drink stands.

(h) Farm implement and equipment sales.

(i) Food lockers.

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- (j) Fruit and vegetable stands.
- (k) Furniture sales, upholstery and repair.
- (l) Hardware stores.
- (m) Lumber yards.
- (n) Mobile home, sales and service.
- (o) Monument works and sales.
- (p) Motels.
- (q) Motorcycle, sales and service.
- (r) Repair service.
- (s) Self-service laundromats.
- (t) Signs.
- (u) Souvenir and curio shops.
- (v) Trailer and truck rentals.
- (w) Small wind energy systems.

(2) Conditional Uses. The following uses are permitted on issuance of a conditional use permit:

- (a) Bowling alleys, skating rinks, and amusement establishments.
- (b) Contractor's storage.
- (c) Drive-in theater.
- (d) Shopping centers.
- (e) Sports arenas.
- (f) Taverns and night clubs.
- (g) Transportation terminals, car, bus, and truck.

(3) Yard Requirements.

- (a) Front yard shall not be less than one hundred fifty feet (150') in depth.
- (b) No side yard shall be required except where

adjoining another district, in which case the minimum side yard shall be twenty-five feet (25').

(c) Rear yard shall not be less than fifty feet (50').

(4) Area Requirements.

(a) Lot area shall not be less than 20,000 square feet.

(5) Access Requirements.

(a) New direct accesses to any road on the State or County Trunk Highway System shall not be less than 1,300 feet apart, unless approved by the State Highway Commission and the County Highway Commission.

8.13 I-1 Industrial Districts. This district is intended to provide for any manufacturing or industrial operation, which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors; and to subject industrial operations to such regulatory controls as will reasonably insure compatibility in this respect.

(1) Permitted Uses. The following uses are permitted in the I1 Industrial zone provided a site plan is submitted pursuant to MCC § 8.13(5) are met and the standards of MCC § 8.13(6) are met.

(a) Food and kindred products.

(b) Agricultural implements and equipment manufacture, sales, and service.

(c) Contractor or construction shops including building, cement, electrical, refrigeration, air conditioning, masonry, painting, plumbing, roofing, heating, and ventilating.

(d) Apparel and other finished products made from fabrics and similar materials.

(e) Garage for storage, sale, service or repair of automobiles, trucks, tractors, and accessory equipment.

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- (f) Furniture and fixtures.
- (g) Laboratory, research and development.
- (h) Printing, publishing, and allied products.
- (i) Stone, clay, glass, and concrete products.
- (j) Fabricated metal, wood, or plastic products except machinery and transportation equipment.
- (k) Electrical and electronic machinery, equipment.
- (l) Secondhand household equipment, store fixtures, and office furniture, storage, reconditioning, and sale.
- (m) Sign painting studio and billboard manufacture.
- (n) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.
- (o) Research facilities.
- (p) Substation for electrical power and light.
- (q) Television and radio towers, attendant offices, and transmission facilities.
- (r) Computer and office equipment.
- (s) Coating, engraving, and allied services.
- (t) Municipal and public facilities.
- (u) Warehousing.
- (v) Signs identifying the name and business of the person or firms occupying the premises.
- (vm) Small wind energy systems.
- (w) Other uses not specifically listed above but which are deemed to be similar to the above permitted uses by the Manitowoc County Planning and Park Commission.

Buildings and uses accessory to the specific uses permitted shall also be permitted provided a site plan

is submitted pursuant to MCC § 8.13(5) and approved by the Manitowoc County Planning and Park Commission and further that the use meets the standards of MCC § 8.13(6).

(2) Conditional Uses. The following uses are permitted on issuance of a conditional use permit:

- (a) Textile mill products.
- (b) Leather and leather products.
- (c) Dwelling units only to accommodate watchmen or caretakers of the premises.
- (d) Lumber and wood products.
- (e) Paper and allied products.
- (f) Incinerators, public or private.
- (g) Junk yard or shop for the storage, salvage, sale, handling, baling, reclaiming, or remaking of scrap iron or other metals, bottles, rags, rubber, or other second-hand materials.
- (h) Petroleum or other inflammable liquids, production, refining, or bulk storage.
- (i) Chemical and allied products.
- (j) Rubber and miscellaneous plastic product.
- (k) Stone mill or quarry, sand, gravel crushed stone mining, washing, grading, or manufacture subject to the provisions of MCC § 8.15(2)(e).
- (l) Machinery manufacturing.
- (m) Transportation equipment and parts.
- (n) Trucking dispatching, transfer, distribution, and loan assembly depot.
- (o) Solid waste facilities/transfer stations.
- (p) Mini-warehousing.

Buildings and uses accessory to the specific uses allowed may also be permitted if the preceding conditional use requirements including site plan approval and standards are met.

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(3) Yard Requirements.

(a) Front yard shall be as required in the County Zoning Ordinance - Setbacks.

(b) Side yards shall have a width of not less than twenty five feet (25').

(4) Height and Area Requirements.

(a) No building shall be erected to a height in excess of thirty-five feet (35').

(b) Lot area shall be not less than one (1) acre.

(c) The maximum lot coverage permitted in this district shall be seventy-five percent (75%).

(5) Site Plan Approval. No new construction, additions, or alterations, etc. in the I1 Industrial district, shall be commenced or permitted unless a site plan is submitted and approved. The site plan shall be submitted to the Manitowoc County Planning and Park Commission for review and approval in conformance with MCC § 8.18(3). No permit shall be issued for such new construction or additions unless the site plan has been approved by the Commission.

(6) Development Standards. The industrial development standards contained in this section shall be the minimum standards to be met and maintained by all industrial uses established after the effective date of this amendment.

(a) All existing industrial uses which conform to the use regulations of the zoning ordinance but which do not comply with the development standards, may continue to operate. Such uses shall not be added to, extended, expanded, or altered, to exceed the size, amount, or magnitude of nonconformity to the development standards which existed at the time of the adoption of this ordinance or subsequent amendments of such ordinance.

(b) All additions, alterations, expansions, or changes in process must conform with the applicable development standards.

(c) All permitted business, servicing, manufacturing, or processing of materials, goods, or products shall be conducted within completely

enclosed buildings in the industrial district. Storage may be permitted outdoors but shall be effectively screened by a wall, fence, or plantings so that such materials will not be visible from a public road.

(d) All roads, drives, and parking areas must be maintained in a durable and dustless condition. Owners and their agencies shall be responsible for providing, protecting, and maintaining all landscaping as required by site plan approval in a healthy and growing condition, replacing it when necessary, and keeping it free of refuse and debris.

(e) Parking - The minimum number of off-street parking spaces accessory to designated uses in the Industrial District shall be two (2) spaces for each three (3) employees, based on estimated maximum daily or maximum eight (8) hour shift requirements in a twenty-four (24) hour period. All parking lots shall be adequately screened from view.

(f) Off-street Loading - There shall be provided adequate space for standing, loading, and unloading motor vehicles in order to avoid undue interference with the public use of roadways. Such space, unless otherwise adequately and specifically provided for, shall include a twelve by sixty-five foot (12' x 65') loading space with fifteen feet (15') height clearance, and one such space shall be provided for each twenty thousand (20,000) square feet or fraction thereof of floor area or lot area used for other than incidental purposes. No portion of the vehicle shall project into a public roadway.

(g) Lighting - Any lighting used to illuminate any portion of the site shall be so arranged as to reflect the light away from abutting properties.

(h) Fencing or Screening - Required fencing or screening shall be by a fence of acceptable design, wall, or compact hedge. Such a fence, wall, or hedge shall not be less than four feet (4') feet in height and shall be maintained in good condition.

(i) Noise - The volume of sound inherently or recurrently generated shall not exceed seventy (70) decibels at the zoning district boundary line.

(j) Vibrations - The ground vibration inherently or recurrently generated shall not be perceptible, without instruments at any point of the boundary line of the lot on which the use is located.

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(k) Odor - Odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond lot lines, measured either at ground level or habitable elevation.

Odor Threshold - The concentration in air of a gas or vapor which will just evoke a response in the human olfactory system. More precisely it is defined as the concentration at which an odor can be detected by a panel of healthy observers (unaffected by background odors such as tobacco or food).

(l) Other - The use shall not emit an obnoxious, dangerous degree of heat, glare, radiation, or fumes beyond any boundary line of the lot on which the use is located.

(m) A storm water drainage plan shall be submitted.

8.14 C-1 Conservancy Districts. The following regulations shall apply in all C-1 Districts:

(1) Permitted Uses.

(a) Grazing and the raising of crops.

(b) Harvesting of wild crops.

(c) Hunting, fishing, and trapping.

(d) Forestry.

(e) Non-residential buildings and structures used for the raising of wildlife and fish and the practice of forestry.

(f) Boat launching areas and boat liveryes.

(g) Sale of bait.

(h) Public parks and recreational areas.

(i) Sportsmen's clubs and clubhouses.

(j) Seasonal cottages.

(k) Accessory buildings used for purposes customarily incidental to the permitted principal use providing that the combined lot coverage of the principal and accessory buildings do not exceed twenty (20) percent of the total lot area.

(2) Conditional Uses. The following uses are permitted on issuance of a conditional use permit:

(a) Filling of marsh lands or low lands.

(b) Removal of top soil, sand, gravel, and stone.

(c) Camps and campgrounds.

(d) Commercial, recreational areas, and customary accessory uses.

(3) Yard Requirements.

(a) Front yard shall be as required in County Zoning Ordinance - Setbacks.

(b) Side yards shall each have a width of not less than twenty-five feet (25').

8.145 NA Natural Areas Districts. The following shall apply in all NA Districts:

(1) Permitted Principal Uses.

(a) Single family residences.

(b) General agriculture.

(c) Tree/shrub nurseries.

(d) Hunting, fishing, and trapping.

(e) Non-residential buildings and structures used for raising of wildlife and fish and the practice of forestry.

(f) Forestry.

(g) Parks, playgrounds, and recreational areas.

(h) Sportsman's clubs and clubhouses.

(i) Public utilities.

(2) Permitted Accessory Uses. The following accessory uses are permitted if located on the same parcel with the permitted use:

(a) Private garage.

(b) Customary home occupations or professional

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offices conducted by the resident only, provided there be no external evidence of such use except an announcement or professional sign not over three (3) square feet in area.

(c) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

(d) Small wind energy systems.

(3) Conditional Uses.

(a) Sawmills.

(b) Camps and campgrounds.

(c) Public buildings and institutions.

(d) Commercial recreational areas.

(4) Yard Requirements.

(a) Front yard shall be as required in Manitowoc County Ordinance - Setbacks.

(b) Side yards shall have a width of 25 feet for principal structures and conditional uses and 15 feet for accessory structures.

(c) Rear yards shall have a width of 25 feet for principal structures and conditional uses and 15 feet for accessory structures.

(5) Lot Area.

(a) Lot width shall not be less than 500 feet.

(b) Lot area shall not be less than 20 acres.

8.15 Standards for Conditional Use Permits.

(1) General Provisions.

(a) Purpose. In order to accomplish the general purposes of this Ordinance, it is deemed necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such development cannot definitely be foreseen. They

must be specially considered and placed into the development pattern which exists at the time of their arrival. They are not permitted automatically, but are subject to compliance with the regulations herein and with the conditions imposed at the time of application for approval.

(b) Application. An application for a conditional use permit must be submitted to the Code Administrator, and the Code Administrator will forward the application to the Board.

(c) Standards Applicable To All Conditional Uses.

1. Required Plan. A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this Ordinance.

2. Expiration. A conditional use permit only authorizes the conditional use described in the permit, and the conditional use permit expires if the conditional use is not commenced within 12 months from the date of the permit or if the conditional use is discontinued for more than 12 months.

3. Standards. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature, and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

4. Operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing lights, than would be the operations of any permitted use.

(2) Specific Provisions. A conditional use permit may not be issued for the following uses unless the specific conditions listed for that use are

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met:

(a) Public buildings, institutions, hospitals, sanitariums, nursing homes, convalescent homes, and utilities.

1. The site proposed shall be one which does not tend to prevent the development and use of the surrounding land in the principal uses of the district.

2. Side yards and rear yards of not less than fifty feet (50') shall be provided.

3. Adequate planting and landscaping shall be provided to screen off the conditional use from adjacent uses.

4. A sufficient number of off-street parking stalls shall be provided to assure that employees, visitors, or users need not park on the public rights-of-way during normal periods of activity.

(b) Public and private dumping grounds, sanitary land fills, automobile wrecking yards, salvage yards, or junk yards:

1. Shall be adequately fenced and/or shall be screened with a dense shrub growth to prevent blowing of materials and to prevent unsightliness.

2. Side yards and rear yards shall not be less than fifty feet (50').

3. The location of the proposed site shall be one which will not prevent the proper development of the surrounding area.

4. The Board shall take into consideration the temporary nature of dumping and sanitary land fill operations and the public necessity for waste disposal in considering the application for a conditional use permit.

(c) Airports and Landing Strips. 1. The area shall be sufficient and the site otherwise adequate to provide for the safe operation of the facility for users and to prevent hazards to surrounding land uses.

2. The site proposed shall not interfere with the development of thoroughfares in the area.

(d) Cemeteries.

1. All burial lots or structures shall be set back a minimum of one hundred feet (100') from any street right-of-way line.

2. The site proposed shall not interfere with the development of thoroughfares in the area.

(e) Sand, Gravel, and Rock Excavation.

1. Purpose. In addition to the purposes described in MCC § 8.15(1)(a), these special provisions relating to sand, gravel, and rock extraction operations are intended to insure that such extraction operations are properly controlled, while at the same time assuring the maximum amount of flexibility in dealing with such mineral deposits whose locations are not precisely described in the County.

2. Application. An application for a sand, gravel, and rock extraction conditional use permit shall be accompanied by information as follows:

a. All information and plans required by MCC §§ 8.15(1)(b) and (c)1, as well as MCC § 8.18 (2)(b)1, shall be provided by the applicant.

b. In addition, a map and/or aerial photograph and accompanying materials shall be submitted, which shall indicate the following:

i. Boundaries of the affected land and abutting properties, including names of the owners of subject property and abutting property owners.

ii. Surface drainage of the affected land.

iii. Location and names of all streams, roads, railroads, utility lines, and pipelines on and/or immediately adjacent to the area.

iv. Location of all structures within one thousand feet (1,000') of the outer perimeter of the area; present owners and occupants of such structures and purposes for which each structure is used.

v. Proposed location, extent, and depth of intended sand, gravel, and rock excavation including sets.

vi. Proposed location of the waste dumps,

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ponds, sediment basins, stock-piles, including setbacks.

vii. Estimated depth to groundwater.

c. Additional information, which shall be provided by the applicant includes the following:

i. A description of the excavation and processing equipment to be used.

ii. A description of measures to be taken to control noise and vibrations from the operation.

iii. A description of the anticipated hours of operation.

iv. A description of measures to be taken to screen the operation from view (of existing abutting residences)

v. Proposed primary travel routes to be used to transport the excavated material to and from the property.

vi. A description of the plans for (existing) top soil storage.

d. A reclamation plan (in text or map form) shall be submitted and shall include:

i. A map indicating existing topography with contour intervals sufficient to determine the excavation's conformance with this Ordinance.

ii. Plan of proposed reclamation including grading, final slopes, slope stabilization and vegetation where applicable, erosion control, and alternative future land uses.

iii. Description of topsoil replacement.

iv. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property.

v. Description of plans for the disposition of surface structures, roads, and related facilities after cessation of the (final) excavation operation.

vi. An estimation of the cost of reclamation for the total project.

vii. A statement in writing to indicate the duration of the lease, if applicable; a timetable of the commencement, duration, and cessation of operations and such other information as may be necessary to determine the nature of the operations, its conformance with this Ordinance, and the effect of the operation on surrounding properties.

3. Requirements.

a. All sand, gravel, and rock excavation operations shall meet the requirements of MCC § 10.06 of the Manitowoc County Zoning Ordinance-Setbacks in addition to the requirements specified herein.

b. Rock extraction shall be setback at least two hundred feet (200') from all right-of-way lines and at least one hundred feet (100') shall be provided from the face of rock extraction excavation to all property lines. The excavation shall be at least one thousand feet (1,000') from any existing residence. A variance from these minimum distances may be granted where:

i. An adjacent property contains an existing excavation, or

ii. Where the Board of Adjustment determines that it is in the public interest to permit an excavation at a distance that is less than one thousand feet (1,000') from an existing residence.

c. All excavation access roads shall be provided with a dustless surface and a stop sign shall be located where it intersects a public road.

d. All equipment used for the production of rock and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which are injurious or adversely affects persons living in the vicinity.

e. The Board of Adjustment may require fencing and restrict the hours of operation if warranted by existing conditions.

f. Any part of an excavation in which water collects to a depth of two feet (2') or more for thirty (30) or more consecutive days shall be drained or filled to prevent such collection of water unless

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approval is given by the Board of Adjustment on a plan for the creation of an artificial pond or lake.

g. Any water to be disposed of must be done so in a manner that will not adversely affect any surrounding property owners.

h. All blasting shall be done by state licensed and certified blasters who must provide a certificate of liability.

i. All temporary structures, equipment, rubble, or other debris shall be removed from the site within ninety (90) days of final extraction activities.

j. When backfilling, for reclamation, the material used or method of fill shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished grade of the restored area except for rock fences, outcroppings, water bodies, or areas of proposed building, shall be of sufficient depth of earth to support plant growth, if topsoil existed prior to the original excavation. This must be completed within one (1) year of final extraction activities.

k. A bond written by a licensed surety company, a certified check, or other financial guarantee satisfactory to Manitowoc County, in an amount sufficient in the opinion of the extractor's engineers and Manitowoc County to secure the performance of restoration and to meet the required conditions of approval.

i. Such agreement and financial guarantee shall be in a form approved by the Manitowoc County Corporation Counsel.

ii. In the event of the extractor's failure to fulfill the conditions of approval or to perform the required restoration such bond, check, or other financial guarantee shall be deemed forfeit for the purpose of enabling Manitowoc County to fulfill the conditions of approval or to perform the restoration.

(f) Conservation, Sportsmen's Clubs, or Shooting Ranges.

1. The proposed site shall not be located so that a nuisance or danger will result from the use of firearms.

2. Such accessory uses as dining facilities, bar, a kitchen, storage sheds when incidental to the operation of the club may be permitted.

(g) Signs.

1. Prohibited Signs. The following signs are prohibited:

a. Signs advertising activities that are illegal under federal, state, or county laws or regulations that are in effect at the location of those signs or at the location of those activities.

b. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official sign, signal, or device or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

c. Signs which are erected or are maintained upon trees, or painted or drawn upon rocks, or other natural features.

d. Obsolete signs

e. Signs which are structurally unsafe or in disrepair.

f. Signs which move or have any animated or moving parts.

g. Signs that are located in rest areas, parklands, or scenic areas.

2. Dimensional Requirements. No sign shall exceed a maximum area of one hundred fifty (150) square feet. No sign shall exceed a maximum height of twenty feet (20') and no sign shall exceed a maximum length of twenty feet (20'). All dimensions shall include border and trim, but exclude supports.

3. Lighting. Signs may be illuminated, subject to the following:

a. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, are prohibited.

b. Signs which are not effectively shielded, so as to prevent beams or rays of light from being directed at any portion of the travelway of a

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controlled highway, or which are of such intensity or brilliance as to cause glare, or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle are prohibited.

c. No sign may be so illuminated as to interfere with the effectiveness of, or obscure an official traffic sign, device, or signal.

4. Spacing.

a. Each location of a directional sign must be approved by the County after submission of an application for a permit.

b. No directional sign may be located within two thousand feet (2000) of an interchange or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.)

c. No directional sign may be located within two thousand feet (2000') of a rest area, parkland, or scenic area.

d. No two (2) directional signs, facing the same direction of travel, shall be spaced less than one (1) mile apart. In addition, no more than three (3) directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity and signs located adjacent to the interstate system shall be within seventy-five (75) air miles of the activity advertised.

5. Message Content. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity, or its environs are prohibited.

6. Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena, scenic attractions, historic, educational, cultural, scientific, and religious sites and outdoor recreational areas. To be

eligible, privately owned attractions or activities must be nationally or regionally known and of outstanding interest to the traveling public.

7. No sign on a non-freeway federal aid primary highway, outside of cities and villages may be adjacent to or within three hundred feet (300') of an interchange, intersection at grade, safety rest area, or wayside. Said three hundred feet (300') shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way of the primary highway.

8. Permitted directional signs may be changed in size, lighting, shape, color scheme, or copy subject to compliance with the following criteria:

a. No change shall result in signing which violates Wis. Stat. § 84.30, or these rules. Any sign which is found to be in noncompliance will be required to be altered to conform or removed at the expense of the owner thereof.

b. Any proposal to change the location of any permitted directional sign must be approved by the County in advance of the physical accomplishment of the change. To propose a change of this kind, the applicant shall submit a zoning permit application.

9. All directional signs shall be designed and constructed to withstand wind pressure applied to the projected exposed area, allowing for wind in any direction of seventeen (17) pounds per square foot for solid signs and twenty-three (23) pounds per square foot of wind pressure for open signs. (Signs in which the projected area exposed to wind consists of seventy percent (70%) or more of the gross area as determined by the overall dimensions shall be classed as solid signs. Those in which the projected, exposed area is derived from open letter, figures, stripes, and structural framing numbers, the aggregate total area of which is less than seventy percent (70%) of the gross, so determined, shall be classed as open signs.)

10. Directional signs shall be placed along fence lines or in locations that will not affect agricultural operations.

11. Directional signs shall be so constructed so as to provide not less than ten feet (10') of

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unobstructed space (excluding supports or posts) between the existing grade and the bottom of the main body of the sign.

8.16 Parking. Minimum parking space requirements shall be provided in the following amounts:

(1) Living quarters/Dwelling (All types): One (1) for each dwelling unit.

(2) Hotel and Motel: One (1) for each lodging unit.

(3) Places of Public Assembly (Auditorium, Church, Theater): One (1) for each six (6) seats (Based on maximum seating capacity).

(4) Bowling Alley: Five (5) for each alley.

(5) Dance Hall, Skating Rink, or Private Club: One (1) for each one hundred (100) square feet of floor area used for dancing or assembly.

(6) Industrial or Manufacturing: One (1) for each five (5) employees based on maximum of eight (8) hour shift.

(7) Retail or Wholesale, Tavern, Restaurant, Retail Stores, or Offices: One (1) for each two hundred (200) square feet of floor space.

(8) Wholesale: One (1) for each three (3) employees.

(9) Unspecified: The Board shall determine the number of off-street parking spaces required for any other use.

8.17 Non-Conforming Uses and Buildings.

The lawful use of any building or land at the time of the enactment of this Ordinance or any amendment thereto may be continued although such use or building does not conform with the provisions of this Ordinance. However, a non-conforming use or building shall be subject to the following regulations:

(1) Non-conforming use may be extended throughout the building, provided no structural alterations or changes are made therein, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to

secure the continued use of the building during its natural lifetime.

(2) A non-conforming use may be changed to another non-conforming use of the same or greater restriction, but shall not thereafter be changed again to another non-conforming use.

(3) No non-conforming use of a building may be moved to any other part of a parcel of land upon which same was conducted at the time of adoption of this Ordinance.

(4) No non-conforming building shall be enlarged or structurally altered to more than fifty percent (50%) of the existing structure except to make it a conforming building or to comply with requirements of health and safety laws or ordinances.

(5) Any non-conforming building which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of sixty percent (60%) or more of its existing replacement cost at the time such damage occurred shall thereafter be made to conform with the provisions of this Ordinance.

(6) Any non-conforming use of land or building which has ceased by discontinuance or abandonment for a period of twelve (12) months shall thereafter conform to the provisions of this Ordinance.

8.18 Administration. (1) The County Board shall appoint a Code Administrator to perform the duties required by this section. The Code Administrator may also be employed by the County in another capacity.

(2) The Code Administrator shall have the following duties:

(a) The Code Administrator shall report any violation of the terms of a special permit for a conditional use, any violation of the terms of a variance, and any other violation of this ordinance to the Board.

(b) 1. No building or structure shall hereafter be erected, moved, established, located, or structurally altered until a zoning permit shall first have been applied for and issued. Such application shall be made to the Code Administrator on forms provided

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by him. All applications shall be accompanied by plans in duplicate drawn to scale, showing the location, actual shape, and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and/or intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the centerline of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this Ordinance.

2. If the Code Administrator finds that the proposed building or structure will not be in violation of any of the terms of this Ordinance, he shall issue a zoning permit, retain one copy, and return the other with his approval otherwise he or she shall reject the application and inform the applicant of the reasons, in writing. Such permit shall be issued or the application be denied within ten (10) days after the receipt of the application.

3. Such zoning permit shall be posted on the premises so as to be visible from the highway at all times until such construction has been completed. There shall be no charge for such zoning permit. Statements made in the application shall be as if made under oath, and any willfully false statement in the application shall subject the person making it to the penalties of this Ordinance.

4. No zoning permit shall be required for farm buildings and structures having a ground area of not more than two hundred forty (240) square feet, not permanently fixed to the ground and readily removable in their entirety. This exemption, however, shall not apply to roadside stands used for the sale of farm products or other goods or services.

(c) Certificate of Occupancy.

1. No vacant land shall be occupied or used and no building hereafter erected, altered, or moved shall be occupied until a certificate of occupancy shall have been issued by the Code Administrator.

2. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance.

3. Such permit shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this Ordinance.

4. Under such rules and regulations as may be established by the County Board of Supervisors, the Code Administrator may issue a temporary certificate of occupancy for part of a building.

5. Upon written request from the owner, the Code Administrator shall issue a certificate of occupancy for any building or premises existing at the time of the adoption of this Ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

(3) Site Plan - Site Plan Review Information and Fee Requirements - On all site plans submitted to the Manitowoc County Planning and Park Commission for review and approval a one hundred dollar (\$100.00) review fee shall accompany the site plan and the following information shall be provided as part of the site plan review:

(a) Identification. 1. Name, address, and phone number of the property owner.

2. Name, address, and phone number of the architect, engineer, or designer.

(b) Graphic Presentation. Ten (10) copies of site plan, at a scale no smaller than one hundred feet (100') to the inch, shall be submitted to the Commission for review and approval prior to requesting a permit. Site plans shall be prepared by a registered surveyor, civil engineer, architect, or by a practicing land planner. The site plan shall be done in accordance with the following minimum standards of information.

1. Location and dimensions of all buildings on the property, both existing and proposed.

2. Dimensions of the property, area of the property and existing easements.

3. Dimensions showing all setbacks of all existing or proposed buildings on the property.

4. Proposed grade of proposed structure(s) with existing topographical information at contour

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intervals not to exceed one (1) foot and showing the location of all existing trees, shrubs, hedges, or other major physical features.

5. Grades of roads, drives, etc. after construction is complete.

6. Existing water courses or drainage ditches and structures.

(c) Site Plan Information.

1. Gross building area.

2. Date, north arrows, and graphic scale.

3. Location of all existing streets, Official Map streets, easements, utilities as well as proposed drainage structures and culverts, and proposed streets, driveways, utility connections, and general lot layout.

4. All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, and structures and the dimensions of all property lines, easements, required setbacks, and open spaces.

5. Number and dimensions of off-street parking spaces.

6. Proposed final grading at contour intervals not to exceed one (1) foot showing proposed surface drainage.

8.19 Board of Adjustment. (1) Powers. The Board has the following powers, except that no action of the Board will have the effect of permitting in any district a use that is prohibited in that district:

(a) To hear and decide upon each application for a conditional use permit and, upon receipt of a report from the Code Administrator that the terms of a conditional use permit have been violated, to conduct a hearing and decide whether a violation has occurred. If the Board determines that a violation has occurred, it may add to or modify the conditions contained in the conditional use permit or it may revoke the conditional use permit.

(b) To hear and decide appeals where it is

alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of Wis. Stat. § 59.69 or of any ordinance enacted pursuant thereto. In exercising the powers under this section, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(c) To authorize upon appeal in specific cases variances from the terms of this ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

(d) To grant variances for renewable energy resource systems. If the Board denies an application for a special exception or variance for such a system, the Board shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource system" means a solar energy system, a waste conversion energy system, a wind energy system, or any other energy system which relies on a renewable energy resource.

(2) Appeals to Board. Any person aggrieved by a decision of an administrative official and any officer, department, board, or bureau of the county affected by a decision of an administrative official may appeal the decision to the Board. The appeal must be taken within a reasonable time, as provided by the rules of the Board, by filing a notice specifying the grounds for appeal with the officer from whom the appeal is taken and with the Board. The officer from whom the appeal is taken shall promptly transmit the record upon which the action appealed from was taken to the Board. The chairperson shall fix a reasonable time for hearing the appeal and give notice of the hearing to the parties in interest and the public. The Board shall decide upon the appeal within a reasonable time.

(3) In every case where a variance is granted, the minutes of the Board must show the recommendation of the town board of the town in which the property is located.

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8.20 Amendments and Changes. (1) The County Board may from time to time amend, supplement, or repeal the regulations or change the district boundaries of this Ordinance in accordance with the procedure provided in the Wisconsin Statutes.

(2) The county may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:

(a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time;

(b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them; and

(c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

(3) The Wisconsin Land and Water Conservation Board (LWCB) must certify any comprehensive ordinance revision before landowners in A-3 (exclusive agriculture) districts may qualify for tax credits under the revised ordinance.

(4) The county must notify the LWCB whenever the county rezones land into or out of an A-3 (exclusive agriculture) district.

8.205 Enforcement. (1) The Code Administrator may issue a citation for any violation of this ordinance.

(2) The Board or the Code Administrator may refer a violation of this ordinance to Corporation Counsel requesting the commencement of a legal action seeking a forfeiture, inspection warrant, injunction, restraining order, or other order as may be deemed appropriate.

(3) The county is not required to issue a citation or to prosecute a forfeiture action before taking any other legal action.

(4) Nothing in this section may be construed to prevent the county from using any other lawful means to enforce this ordinance.

8.21 Violations. (1) It is unlawful for a person to violate any provision of this ordinance or the terms or conditions of any permit issued pursuant to this ordinance.

(2) It is unlawful for any person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this ordinance.

(3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist any order issued pursuant to this ordinance.

(4) A separate offense is deemed committed on each day that a violation occurs or continues.

(5) The failure of any employee, officer, or official of the County to perform any official duty imposed by this code will not subject the employee, officer, or official to the penalty imposed for violation of this code unless a penalty is specifically provided.

8.215 Penalties. (1) A person will, upon conviction for any violation of this ordinance, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution for each violation.

(2) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.

(3) A person must, within 30 days of conviction, finding of default, or stipulation of a violation of this ordinance, remove or discontinue the use of any building, structure, or part of a building or structure that violates any provision of this ordinance or the

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terms or conditions of any permit issued pursuant to this ordinance. If a person fails to remove such a building, structure, or part of a building or structure, the county may remove or cause the removal of the building, structure, or part of the building or structure. The cost of removal will become a lien upon the property and may be collected in the same manner as property taxes.

(4) The failure of any employee, official, or officer of the County to perform any official duty imposed by this code will not subject the employee, official, or officer to the penalty imposed for violation of this code unless a penalty is specifically provided.

8.22 Severability. The provisions of this Ordinance are severable, and if for any reason, a clause, sentence, paragraph, section, or part of this Ordinance should be decided by a court of competent jurisdiction to be invalid, such invalidity shall not affect the Ordinance as a whole other than the part so declared invalid.

8.23 Effective Date. This Ordinance upon passage shall be in effect in any town in Manitowoc County when approved by the town board in the manner provided by Wis. Stat. § 59.69(2). All zoning ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

HISTORY

04/21/65: Adopted.

10/21/80: Amended.

09/15/81: Amended.

03/16/82: Amended.

04/26/1988: Codified by Ord. No. 88/89-19 effective May 9, 1988.

11/16/99: Secs. 8.05(4)(b), 8.06(4)(b), 8.08(4)(b), and 8.09(4)(b) amended by Ord. No. 1999/2000-112 effective 11/29/99.

8/20/02: Sec. 8.13(2)(p) amended by Ord. No. 2002/2003-54 effective August 30, 2002.

7/15/03: Sec. 8.10(1)(i) amended by Ord. No. 2003/2004-46 effective July 24, 2003.

12/21/04: Secs. 8.08(3)(g), 8.09(3)(d), 8.103(3)(f) amended and secs. 8.10(3)(oj) and (or) created by Ord.

No. 2004/2005-119 effective December 31, 2004.

11/15/05: Sec. 8.21 repealed and recreated by Ord. No. 2005/2006-115 effective January 1, 2006.

4/12/06: Secs. 8.10 (3)(c) and (d) repealed by Ord. No. 2005/2006-191 effective April 19, 2006.

10/16/2007: Secs. 8.02(7m), 8.02(10g), 8.02(11m), 8.10(3g), 8.10(3m), 8.205, and 8.215 created; secs. 8.05(3), 8.06(3), 8.07(3), 8.08(3), 8.09(3), 8.10(3), 8.11(2), 8.12(2), 8.13(2), 8.14(2), 8.15, 8.15(1)(b), 8.15(1)(c)1, 8.15(1)(c)2, 8.15(2), 8.15(2)(b)4, 8.15(2)(e)2, 8.16(9), 8.18(1), 8.18(2), 8.18(2)(a), and 8.21 amended; sec. 8.10(3)(r) repealed; and sec. 8.19 repealed and recreated by Ord. No. 2007/2008-74 effective October 25, 2007.

10/17/2008: Secs. 8.073(2)(d), 8.076(2)(d), 8.078(3)(e), 8.08(2)(d), 8.09(2)(d), 8.10(2)(g), 8.103(2)(d), 8.107(2)(d), 8.11(1)(p), 8.12(1)(w), 8.13(1)(vm), and 8.145(2)(d) created by Ord. No. 2008/2009-79 effective October 15, 2008.

11/18/2008: Sec. 8.078(3)(e) repealed by Ord. No. 2008/2009-88 effective December 1, 2008.