ZONING ORDINANCE

FOR THE

TOWN OF LIMA,

SHEBOYGAN COUNTY,

WISCONSIN

Adopted October 7, 1985
Adopted as Amended August 12, 2002
Adopted as Amended 2005
Adopted as Amended December 8, 2008
Adopted as Amended January 13, 2014
Adopted as Amended December 22, 2016

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Section 1. Authority

This Ordinance is adopted under the authority granted by Sections 60.61, 60.62, 61.35, and 62.23 of the Wisconsin Statutes and amendments thereto. The Board of Supervisors of the Town of Lima, Sheboygan County, Wisconsin, does ordain as follows:

Section 2. Title

This Ordinance shall be known as, referred to as, and cited as the "ZONING ORDINANCE FOR THE TOWN OF LIMA, SHEBOYGAN COUNTY, WISCONSIN" and hereinafter referred to as the "Ordinance".

Section 3. Purpose

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Lima.

Section 4. Intent

It is the intent of this Ordinance to:

1. Stabilize and protect property values and the tax base.

2. Recognize the needs of agricultural, forestry, industry, and business in future growth.

3. Further the appropriate use of land and conservation of natural resources.

4. Encourage the wise use, conservation, development, and protection of the Town of Lima's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.

5. Preserve natural growth and cover and promote the natural beauty of the Town of Lima.

6. Prevent overcrowding and avoid undue population concentration and urban sprawl.

7. Facilitate the adequate provision of public facilities and utilities.

8. Lessen congestion and promote the safety and efficiency of streets, highways, and other transportation systems.

9. Provide adequate light, air, sanitation, drainage, and open space.

10. Regulate the use of structures, lands, and waters outside of shoreland areas.

11. Regulate lot coverage, population density and distribution, and the location and size of structures outside of shoreland areas.

12. Prohibit uses or structures incompatible with the natural characteristics, existing development, or intended development within or adjacent to a zoning district.

13. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town of Lima.

Additionally, it is intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

Section 5. Abrogation and Greater Restrictions

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

Section 6. Interpretation

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

Section 7. Severability and Non-Liability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

The Town of Lima does not guarantee, warrant, or represent that any soils listed as being unsuited for specific uses are the only unsuitable soils and hereby that there is no liability on the part of the Board of Supervisors, its agencies, or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.

Section 8. Repeal of Conflicting Ordinances

All other ordinances or parts of ordinances of the Town of Lima inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

Section 9. Adoption and Effective Date

This Ordinance shall be effective after a public hearing and recommendation by the Town of Lima Plan Commission, adoption by the Town Board of Lima, and publication or posting as provided by law.

Section 10. Jurisdiction

The provisions of this Ordinance shall apply to all structures, land, water, and air within the unincorporated areas of the Town of Lima, Sheboygan County, Wisconsin.

Section 11. Compliance

No structure, land , water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations

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

The Town Building Inspector shall accept all applications, issue or deny all Building Permits except new homes or dwelling units (see Section 32), investigate all complaints, give notice of violations, and enforce the provisions of this Ordinance. All violations of this Ordinance shall be reported to the Town Attorney, who shall bring action to enforce the provisions of this Ordinance.

The Building Inspector shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to insure compliance with this Ordinance. If, however, entry be refused after presentation of proper identification, he/she may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.

Section 12. Definitions

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory.

ACCESSORY USE OR STRUCTURE

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

AIRPORT, PUBLIC
Any airport which complies with the definition contained in Section 114.002 (7), Wisconsin Statutes, or any airport which serves or offers to serve any common carriers engaged in air transport.

ALLEY
A special public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

ANIMAL UNITS
One animal unit shall be defined as being the equivalent of the following: one 1,000-pound steer; one dairy cow; four 55-pound swine; four sheep or goats; 100 laying hens; 500 broilers; one horse; 50 turkeys; 4 alpaca; or 2 llamas.

ANTENNA
Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), or any other.

ANTENNA ARRAY
A set of interconnected antennas installed on one tower by one telecommunications provider that receive and/or transmit one type of telecommunications signal.

AREA, NET DEVELOPABLE
Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.

ARTERIAL STREET (see STREETS)

AUTOMOBILE SALVAGE YARD
Any premises on which more than 2 self-propelled vehicles, not in running or operating condition, are stored in the open. (see JUNKYARD)

BASEMENT
A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 ½ feet, which, if used for dwelling, office, or similar purposes, shall be counted as a story.

BOARDER
An individual other than a member of the family occupying the dwelling unit or part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOARDING HOUSE
A dwelling or part thereof, in which lodging is provided by the owner or operator to more than 3 boarders.

BOATHOUSE, PRIVATE
A building designed exclusively for the sheltering of boats or related marine equipment, not below the ordinary high water mark of a navigable body of water nor used for human habitation. (A boathouse with rooms above for lodging is defined as a residence and shall be treated as such in this Ordinance.)

BUILDABLE LOT AREA
The portion of a lot remaining after required yards have been provided.

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

BUILDING, ACCESSORY
A subordinate structure on the same lot as the principal building or use occupied or devoted to a use incidental to the principal use.

BUILDING, PRINCIPAL
A building in which the principal use of the lot on which it is located is conducted.

BUILDING COVERAGE
The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING HEIGHT
The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

BUILDING LINE
A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

BULKHEAD
A retaining wall created along a body of water behind which fill is placed.

BULKHEAD LINE
A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this Ordinance.

BUSINESS
An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

CAR WASH
A structure containing facilities for washing automobiles using a chain conveyor or other method of moving cars along, and automatic or semi-automatic application of cleaner, brushes, rinse water, and heat for drying.

CARPORT
A structure having a roof, with or without supporting walls, posts, or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purposes of this Ordinance, a carport shall be considered to be the equivalent of a garage.

CELLAR
A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 ½ feet.

CHILD CARE CENTER
An establishment enrolling 4 or more children between 2 and 5 years of age and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or otherwise approved to operate as a child care center.

CLINIC
An establishment for the medical examination and treatment of patients, but where patients are not usually lodged overnight. For the purposes of this Ordinance, a doctor's or dentist's office in his/her own home, when it complies with the requirements of this Ordinance relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his/her own home, or the office of 2 or more doctors or dentists whether in a residence or not, shall be considered a clinic.

CLUB
An association of persons organized for some common purpose and usually characterized by membership qualifications, payment of dues, regular meetings, and a constitution and by-laws, but not including groups organized primarily to render a service that is customarily carried on as a business (i.e., racquet clubs operated for profit).

COMMON ELEMENTS
Land amenities, parts of buildings, central services and utilities, and any other facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

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

COMMUNICATION TOWER
Any structure that supports one or more antenna, including self-supporting lattice towers, guyed towers, monopole towers, and alternative tower structures, and further including all bases and supports for the structure of the tower.

COMPREHENSIVE PLAN
A comprehensive long-range plan intended to guide the growth and development of a community or region, and one that includes analysis, recommendations, and proposals for population, housing, agriculture, natural resources, economic development, transportation, utilities and community facilities, land use, and intergovernmental cooperation.

CONDITIONAL USE
A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use, as specified in a zoning ordinance and authorized by the planning body. (Also called “special exception” use.)

CONDOMINIUM
A form of real property ownership under which a declaration of condominium has been recorded pursuant to Chapter 703, Wisconsin Statutes. Typically, a building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONDOMINIUM ASSOCIATION
The community association which administers and maintains the common property and common elements of a condominium.

CONSISTENT WITH AGRICULTURAL USE
Furthers or does not contradict any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; any other use that DATCP, by rule, identifies as an agricultural use.

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

DEVELOPMENT
The division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance, and any use or extension of the use of land.

DWELLING
A structure or portion thereof which is used exclusively for human habitation.

DWELLING, ATTACHED
A one-family dwelling attached to 2 or more one-family dwellings by common vertical walls.

DWELLING, DETACHED
A dwelling which is not attached to any other dwelling by any means.

DWELLING, HIGH-RISE
An apartment building of 8 or more stories.

DWELLING, LOW-RISE
An apartment building containing from 3 to 7 stories.

DWELLING, MULTI-FAMILY
A dwelling containing more than 2 dwelling units.

DWELLING, QUADRUPLEX
Four attached dwellings in one structure in which each unit has 2 open space exposures and shares one or 2 walls with adjoining unit or units.

DWELLING, SEMI-DETACHED
A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

DWELLING, SINGLE-FAMILY
A building containing one dwelling unit.

DWELLING, TOWNHOUSE
A one-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common, fire resistant walls.

DWELLING, TRIPLEX
A dwelling containing 3 dwelling units, each of which has direct access to the outside or to a common wall.

DWELLING, TWO-FAMILY (duplex)
A structure on a single lot containing 2 dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT
One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EGG PRODUCTION, COMMERCIAL
An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 10 or more animal units.

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

FAMILY
One or more individuals occupying a dwelling unit and living as a single household unit.

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

FARMLAND PRESERVATION ZONING (FPZ) DISTRICT
Areas zoned A-1, A-2, A-4, and/or A-PR in the Town of Lima, Sheboygan County, Wisconsin.

FARM RESIDENCE
Any of the following structures that is located on a farm:
A. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

(1) An owner or operator of the farm.
(2) A parent or child of an owner or operator of the farm.
(3) An individual who earns more than 50% of his or her gross income from the farm.

B. A migrant labor camp that is certified under § 103.92.

FEED LOT, COMMERCIAL
An animal confinement facility used or designed for the feeding or holding of 1,000 or more animal units for a period of 30 days or more.

FLOATING ZONE
An unmapped zoning district where all the zone requirements are contained in this Ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

FLOOR AREA, GROSS
The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than 6 feet.

FLOOR AREA, NET
The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO
The gross floor area of all buildings on a lot divided by the lot area.

FRONTAGE
See “Lot Frontage.”

FUR FARM
Any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals. Including those defined in Section 29.01(3)(c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

GARAGE, PRIVATE
An accessory building or accessory portion of a main building or use which is used primarily for the parking and storage of vehicles owned and operated by the residents or visitors of the main use, and which is not necessarily available to the general public.

GARAGE, PUBLIC
Any building or portion thereof, not accessory to a residential building or structure, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE, REPAIR
Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

GRADE
The degree of rise or descent of a sloping surface.

GRADE, FINISHED
The final elevation of the ground surface after development.

GRADE, NATURAL
The elevation of the ground surface in its natural state, prior to any development.

GRADING
Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

GROUND FLOOR
The first floor of a building other than a cellar or basement.

GROUP CARE FACILITY
A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household.

GROUP FAMILY HOUSEHOLD
A group of individuals not related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common management plan providing organization and stability.

HOME OCCUPATION
Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

HOME PROFESSIONAL OFFICE
A home occupation consisting of the office of a practitioner of a recognized, licensed profession.

HOMEOWNERS ASSOCIATION
A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HOTEL
A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

HOUSEHOLD
A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

JOINT EXTRATERRITORIAL ZONING COMMITTEE
Any zoning committee established in accordance with Section 62.23(7)(a) of the Wisconsin Statutes.

JUNKYARD
Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or 2 or more unlicensed motor vehicles, or other type of junk.

KENNEL
An establishment in which more than 4 dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

LOADING AREA
An off-street space or berth used for the loading or unloading of commercial vehicles.

LOT
A parcel of land having frontage on a public road or other officially approved means of access, and sufficient in size to meet the lot width, frontage, area, and yard requirements of the district in which it is zoned.

LOT, CORNER
A lot abutting 2 or more streets at their intersection, or upon 2 parts of the same street forming an interior angle of 135 degrees or less.

LOT, INTERIOR
A lot other than a corner lot.

LOT, REVERSE FRONTAGE
A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

LOT, SUBSTANDARD
A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

LOT, THROUGH
A lot which fronts upon 2 substantially parallel streets, or which fronts upon 2 streets which do not intersect at the boundaries of the lot.

LOT COVERAGE
That portion of the lot that is covered by buildings and structures.

LOT DEPTH
The distance measured from the front lot line to the rear lot line.

LOT FRONTAGE
The length of the front lot line measured at the street right-of-way line.

LOT LINE, FRONT
The lot line separating a lot from a street right-of-way.

LOT LINE, REAR
The lot line opposite and most distant from the front lot line; or in the case of triangular or other irregular shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE
Any lot line other than a front or rear lot line.

LOT WIDTH
The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MOBILE HOME (also called "Residential Manufactured Home") A structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. As it relates to all such homes hereafter proposed to be located or relocated in the Town, mobile homes shall also be known as manufactured homes, shall conform with all requirements of the Manufactured Homes Construction and Safety Standards Act of 1974 (U.S. Department of Housing and Urban Development), the American National Standards Institute (ANSI) Code, and the Wisconsin Uniform Dwelling Code.

MOTEL
An establishment providing transient accommodations containing 6 or more rooms, with most typically having direct access to the outside without the necessity of passing through the main lobby of the building.

NONCONFORMING LOT
A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE
A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

NONCONFORMING USE
A use or activity which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

OPEN SPACE
A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining such open space.

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

PARCEL REMNANT
Subsequent to the residential development, rezoning, and/or division of a property, the portion of said property that would remain if the full residential density was attained. (For example, if a landowner split 35 acres off from an 80-acre tract of A-1, leaving 45 acres of A-1, the A-1 remnant would be 10 acres.)

PARK
A tract of land designated and used by the public for active and passive recreation.

PARKING LOT
An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

PARTY DRIVEWAY (also called "Common Passageway")
A single way providing vehicular access to 2 adjoining properties.

PARTY WALL
A common, shared wall between 2 separate structures, buildings, or dwelling units.

PATIO (also called "Terrace")
A level, landscaped, and/or surfaced area directly adjacent to a principal building at or within 3 feet of the finished grade and not covered by a permanent roof.

PERSON
An individual, group of individuals, partnership, firm, corporation, association, state, county, town, city, village, special district, or other government corporation.

PLANNED UNIT DEVELOPMENT
An area of land, controlled by a single owner, corporation, or and other legal entity to be developed as a single entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this Ordinance.

PRINCIPAL USE
The primary or predominant use of any lot.

PRINCIPAL STRUCTURE
The structure on a lot in which is conducted the principal use as permitted on such lot by the regulation of the district in which it is located. The dwelling is the principal structure in the A-2, A-3, A-5, R-1, R-2, R-3, and R-4 Zoning Districts.

PROFESSIONAL OFFICE
The office of a member of recognized profession maintained for the conduct of that profession. (see HOME PROFESSIONAL OFFICE)

PROHIBITED USE
A use that is not permitted in a zoning district.

RECREATION FACILITY
A place, private, public, or commercial, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

RECREATIONAL VEHICLE
A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven, and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RETAIL SERVICES
Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education, social services, museums, and galleries.

RETAIL TRADE
Establishments engaged in selling foods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIDING STABLE
An establishment where horses are boarded and cared for and where instruction in riding and shoeing is offered and the general public may, for a fee, hire horses for riding.

ROADSIDE STAND
A small seasonal structure, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and used solely for the sale of farm products produced in Sheboygan County.

ROOMING HOUSE (see BOARDING HOUSE)

SERVICE STATION
Any building, structure, premises, or other place used or intended to be used for the retail dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a municipal garage used for the repair or storage of motor vehicles.

SETBACKS
The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.

SHORELANDS
Those lands lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lake, ponds, and flowages; 300 feet from the ordinary high water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.

SIGHT TRIANGLE
A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN
Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

STORY
That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above, and including those basements used for the principal use.

STORY, HALF
A space under a sloping roof which has the line of intersection of the roof and wall face not more than 3 feet above the floor level, and in which space the possible floor area with head room of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

STREET
Any vehicular way which (1) is an existing state, county, or local roadway, or (2) is shown upon a plat or survey map approved pursuant to law, or (3) is approved by other official action; and includes the land between the street right-of-way lines, whether improved or unimproved.

STRUCTURAL ALTERATIONS
Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

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

SUBSTANDARD STRUCTURES
Any structure conforming in respect to use but not in respect to the frontage, width, height, lot area, yard, parking, loading, or distance requirements of this Ordinance.

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

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

TURNING LANES
An existing or proposed connecting roadway between 2 arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

USE
The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY
A subordinate use on the same lot which is incidental and customary in connection with the principal use.

USE, PRINCIPAL
The primary or predominant use of any lot.

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

WHOLESALE TRADE
Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD
An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation or as may be specifically provided in this Ordinance. The street and rear yards extend the full width of the lot.

YARD, FRONT
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called street yard. Corner lots shall have 2 such yards.

YARD, REAR
A yard extending across the full width of the lot, the depth of which shall be a minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

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

Section 13. Use Regulation

Only the following uses and their essential services may be allowed in any district.

1. Permitted Uses. Only those uses specified for a district.

2. Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction, except in A-1 and A-PR, which do not have principal structures. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein. Accessory uses include storage and parking facilities; gardens and gardening; servant's, owner's itinerant farm laborer's, and watchman's quarters not for rent; private swimming pools, spas, and hot tubs in the A-1, A-2, A-3, A-5, R-1, and R-2 Districts only; and, private emergency shelters.

3. Conditional Uses and their accessory uses shall be permitted in specified districts after review, public hearing, and approval by the Planning Commission in accordance with procedures and standards established in Section 22 of this Ordinance.

4. Uses Not Specified in this Ordinance may be permitted by the Town Board after the Planning Commission has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.

5. Temporary Uses, such as field offices and shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Building Inspector after the tenure thereof has been approved by the Town Board.

6. Swimming Pools, Spas, Hot Tubs.

a. Certain Types Exempted. Private swimming pools, spas, and hot tubs are not regulated by this Ordinance if such pool, spa, or hot tub is located completely within the principal structure.
b. Accessory Use. Private swimming pools, spas, or hot tubs located outside of the principal structure and that have a maximum depth of forty-eight inches or more or extend above the surrounding grade less than twelve inches are considered a permitted accessory use in the A-1, A-2, A-3, A-5, R-1, and R-2 Districts only. Such pools, spas, and hot tubs shall either be located within a fully enclosed lockable structure or shall be completely surrounded by walls and/or fencing at least five feet in height. Walls, fencing, and gates shall be designed and constructed so as to prevent uncontrolled access by uninvited users. All pools, spas, and hot tubs shall be constructed and maintained in full compliance with all applicable federal, state, and local electrical, building, and other safety codes.
c. Conditional Use. Swimming pools, spas, and hot tubs that do not qualify under (a) or (b) above are subject to Section 22 and shall be allowed only if a conditional use permit is granted.

Section 14. Subdivision Regulations

All existing, undeveloped parcels of land of record in the County Register of Deeds Office, and any new land divisions or subdivisions as defined in the SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, and the TOWN OF LIMA REGULATIONS OF SUBDIVISION AND PLATTING OF LAND, shall conform in full with the provisions of those Regulations and Ordinance. No Building Permit shall be issued for any lot until such compliance is assured.

Section 15. Sanitary Regulations

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No Building Permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a Sanitary Permit is issued.

1. **Mound** The base of the mound must be a minimum of 25 feet from the nearest lot line.

2. **Filter Field** The edge of a filter field must be a minimum of 25 feet from the nearest lot line.

Section 16. General Site Restrictions

No land shall be used or structure erected when the land is held unsuitable for such use or structure by the Planning Commission by reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography; impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and/or general welfare of the Town of Lima. The Planning Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter the Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

1. All lots shall abut or have access to a public street or officially approved private way. Where access is to be provided by a private way, the said way shall have a minimum right-of-way or access easement of 66 feet and shall access a public street or approved private street.

2. All principal structures shall be located on a lot; only one principal structure shall be located, erected, or moved onto a lot except as permitted under planned unit development district: and provisions.

3. No Building Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

4. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district may be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

Section 17. Reduction or Joint Use

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations. No part of any lot, yard, parking area, sanitary sewage

disposal area, or other space required for a structural use shall be used for any other structure or use.

Section 18. Violations

It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this Ordinance. In case of any violation, the Building Inspector, the Town Board, the Planning Commission, or any owner of real estate within the district affected who may be specifically damaged by such violation may institute the appropriate action or proceeding to enjoin a violation of this Ordinance.

Section 19. Penalties

Any person who fails to comply with the provisions of this Ordinance or any order of the Building Inspector issued in accordance with this Ordinance, or resists enforcement, shall, upon conviction thereof, forfeit not more than $500 for each offense, together with the costs of prosecution and, in default of payment of such forfeiture, shall be imprisoned in the County Jail of Sheboygan County until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.

Section 20. Zoning Districts

For the purpose of this Ordinance, the Town of Lima, Sheboygan County, Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following zoning districts, namely:

A-1 Prime Agricultural District

A-2 Prime Agricultural District (Small-Scale)

A-3 Agricultural Transition District

A-4 Agricultural-Related Manufacturing, Warehousing and Marketing District

A-5 Agricultural Living District

A-PR Agricultural Parcel Remnants District

C-1 Lowland Resource Conservation District

P-1 Recreational Park District

P-2 Institutional District

R-1 Single Family Residence District

R-2 Two Family Residence District

R-3 Multiple-Family Residence District

B-1 Local Business District

B-2 Highway Business District

M-1 Industrial District

M-2 Heavy Industrial District

M-3 Mineral Extraction District

The boundaries of these districts are hereby established as shown on a map titled "Zoning Map, Town of Lima, Sheboygan County, Wisconsin." For current version, contact Town Clerk. Boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resource areas as shown by changes in vegetation, slope, and other natural resource base features; unless otherwise noted on the Zoning Map. All notations, references, and other information shown upon the said Zoning Map shall be as much a part of this Ordinance as if the matter and things set forth by said Map were fully described herein.

Farmland Preservation Zoning (FPZ)

1. Purpose. Farmland Preservation Zoning in the Town of Lima includes the A-1, A-2, A-4, and A-PR Districts. The purposes of the FPZ are to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

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

   To determine the potential residential yield for a particular tract of A-1 land, start with the total A-1 acreage of the tract, divide by 35, and subtract 1 for each existing residential footprint (a duplex/two-family counts as 1 footprint). Whenever a new residence and/or a land division is proposed, all or part of any remaining land shall be simultaneously rezoned to A-PR to prevent exceeding the density in the future. (The landowner also has the option of voluntarily making the A-PR larger than required, if desired, to lower the potential density.)

POTENTIAL RESIDENTIAL YIELD OF VARIOUS A-1 TRACTS			
SIZE / TYPE OF A-1 TRACT	**EXAMPLE A**	**EXAMPLE B**	**EXAMPLE C**
70 contiguous acres with an existing residence	No division = 1 residence	Divide into 15-acre **A-2** with existing residence, 35-acre **A-1** and 20-acre **A-PR** = 1-2 residences	Divide into 35-acre **A-1** with existing residence, and 35-acre **A-1** = 1-2 residences
Vacant, contiguous 70 acres	No division = 0-1 residence	Divide into 35-acre **A-1**, 5-acre **A-2** and 30-acre **A-PR** = 0-2 residences	Divide into two 10-acre **A-2**, and 50-acre **A-PR** = 0-2 residences
Vacant, contiguous 148 acres	No division = 0-1 residence	Divide into four 35-acre **A-1** and 8-acre **A-PR** = 0-4 residences	Divide into two 10-acre **A-2**, 70-acre **A-1**, and 58-acre **A-PR** = 0-4 residences

Note 1: New farm residences are only allowed as conditional uses, following a super-majority vote of approval by the Town Board. (New non-farm residences are not allowed in the FPZ.)

Note 2: Although one farm residence can be built on a vacant A-2 lot, a lot can remain undeveloped. Nevertheless, once an A-2 lot is created, one residence is subtracted from the yield calculation.

Note 3: The table above does not show all possible options.

3. Reporting. By March 1st of each year, the Town shall report to DATCP and Sheboygan County the total acres rezoned out of the Town's Farmland Preservation Zoning during the preceding year and a map that clearly shows the location of those acres.

A-1 PRIME AGRICULTURAL DISTRICT

1. Purpose

The purposes of the A-1 District are to (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered, nonfarm uses; (6) pace and shape urban growth; (7) implement the policies of the Sheboygan County Farmland Preservation Plan; and, (8) comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wisconsin Statutes.

2. Lands Included

The A-1 District is generally intended to apply to lands in productive farm operations including: (1) lands historically exhibiting high crop yield or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; (3) other lands which are integral parts of such farm operations; and (4) lands used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables. As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.

3. Permitted Uses – Conditional Use Permit required for retail service or retail trade involved with any use.

a. Accessory uses, meaning any of the following land uses on a farm:

(1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

(2) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

(3) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, and that meets the definition of a home occupation in Section 21.

(4) Greenhouses

(5) Paddocks and stables

(6) Roadside stands

b. Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:

(1) Apiculture (beekeeping)
(2) Dairying
(3) Enrolling land in a federal agricultural commodity program or a federal or state agricultural conservation payment program.
(4) Fish or fur farming
(5) Floriculture (cultivation of ornamental flowering plants)
(6) Forest and game management
(7) Grazing
(8) Livestock raising except commercial feedlots
(9) Orchards
(10) Plant nurseries
(11) Poultry raising except commercial production
(12) Raising of grain, grass, mint, and seed crops
(13) Raising of tree fruits, nuts, and berries
(14) Sod farming
(15) Vegetable raising
(16) Viticulture (grape growing)

c. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

d. Gas and electric utility uses not requiring authorization under Chapter 196.491, Wisconsin Statutes.

e. Undeveloped natural resource and open space areas, including equestrian trails, and nature trails and walks.

f. Any residence existing prior to January 1, 2014, regardless of occupancy. (Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt as a permitted use, provided that the rebuilt residence occupies the same general footprint or an alternate site that does not impair agricultural uses to any greater degree than the original residence.)

4. Conditional Uses

See Section 22 for application, review and approval procedures for conditional uses. The following conditional uses, along with those specified in subsection 4.a. of Section 22 of this Ordinance, are governed by § 91.46, Wisconsin Statutes.

a. Agriculture related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

b. A farm residence, as defined in Section 12, and if approved by a super-majority vote of the Lima Town Board, constrained by the following:

(1) One single-family farm residence for each resident owner, each resident laborer, or each resident child of one legal owner.

(2) One two-family farm residence for those resident persons described above in sub. (1).

(3) Separate parcels of land smaller than 35 acres for accessory residential uses for those resident persons described above in sub. (1) may be divided from the farm unit if approved by a super-majority vote of the Town Board; such parcels shall conform with all regulations set forth in the A-2 District.

(4) The residence must be located as to conform to the intent of preserving productive farmland.

(5) Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without the renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.

c. Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46(4), Wisconsin Statutes.

d. Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46(1)(f), Wisconsin Statutes, that qualify under § 91.46(5), Wisconsin Statutes.

e. Nonmetallic mineral extraction that qualifies under § 91.46(6), Wisconsin Statutes.

f. Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subch. II of Ch. 295.

5. Area, Height, and Yard Requirements.

Lot (farm size)	Area	Minimum 35 acres

Buildings		
Farm residence	Height	Maximum 35 feet
Other structures	Height	Maximum 2 times their distance from the nearest lot lines
Yards		
Farm residence	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 29
Other structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if structure is not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals
	Street	See Section 29

6. Existing Substandard Lots

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance provided, however, that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 30 of this Ordinance.

7. Rezoning from A-1 to A-2, A-4, or A-PR

a. A-2: Rezoning land from A-1 to A-2 is allowed following the approval of the Town Board by a super-majority vote, as long as all other requirements of this ordinance are met. Any A-1 remnant must simultaneously be rezoned to A-4 or A-PR, or a combination thereof.

b. A-4: Rezoning land from A-1 to A-4 is allowed at any time, as long as all other requirements of this ordinance are met.

c. A-PR: Rezoning land from A-1 to A-PR is allowed at any time, as long as the part rezoned to A-PR does not contain a residence, and all other requirements of this ordinance are met.

8. Rezoning A-1 Land out of Farmland Preservation Zoning (FPZ)

a. The Town may not rezone A-1 land out of FPZ except by a super-majority vote of approval by the Town Board, and unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

(1) The rezoned land is better suited for a use not allowed in FPZ.

(2) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.

(3) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

A-2 PRIME AGRICULTURAL LAND DISTRICT (SMALL-SCALE)

1. Purpose

The primary purposes of the A-2 District are to maintain, preserve, and enhance agricultural lands historically utilized for crop production but are too small to be included within the A-1 District. The A-2 District aims to implement the policies of the Sheboygan County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

2. Lands Included

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

3. Permitted Uses

All permitted uses allowed in the A-1 District. Conditional Use Permit required for retail service or retail trade involved with any use.

4. Conditional Uses

See Section 22 for application, review and approval procedures for conditional uses. The following conditional uses, along with those specified in subsection 4.a. of Section 22 of this Ordinance, are governed by § 91.46, Wisconsin Statutes.

a. Agriculture related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

b. A farm residence, as defined in Section 12, and if approved by a super-majority vote of the Lima Town Board, constrained by the following:

(1) One single-family farm residence for each resident owner, each resident laborer, or each resident child of one legal owner.

(2) One two-family farm residence for those resident persons described above in sub. (1).

(3) Separate parcels of land smaller than 35 acres for accessory residential uses for those residents persons described above in sub. (1) may be divided from the farm unit if approved by a super-majority vote of the

Town Board; such parcels shall conform with all regulations set forth in the A-2 District.

(4) The residence must be located as to conform to the intent of preserving productive farmland.

(5) Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without the renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.

c. Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46(4), Wisconsin Statutes.

d. Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46(1)(f), Wisconsin Statutes, that qualify under § 91.46(5), Wisconsin Statutes.

e. Nonmetallic mineral extraction that qualifies under § 91.46(6), Wisconsin Statutes.

f. Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subch. II of Ch. 295.

5. Animal Units (see definition in Section 12)

First 10 acres, one animal unit per acre; from 10.01 to 35 acres, 2 animal units per acre. Landowners wishing to exceed these limits must apply for a conditional use permit from the Town. Approval of said permit will be based on the potential impact of the increase in animal units to the surrounding properties.

6. Area, Height, and Yard Requirements

Lot (farm size)	Area	Minimum 5 acres Maximum 34.99 acres
Buildings		
Residence	Height	Maximum 35 feet
Other structures	Height	Maximum 2 times their distance from the nearest lot lines
Yards		
Residence	Rear	Minimum 25 feet
	Side	Minimum 20 feet

	Street	See Section 29
Other structures	Rear And Side	Minimum 25 feet if structure is to be used for housing no more than one animal unit; Minimum 100 feet if structure is to be used for housing more than one animal unit.
	Street	See Section 29

7. Existing Substandard Lots

a. Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance provided, however, that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 30 of this Ordinance.

b. Any parcel or lot smaller than 5 acres existing prior to the amendment of this Ordinance on December 22, 2016 and rezoned to A-2 as part of said amendment, shall be considered a conforming lot or parcel.

c. Any lot 10 acres or larger in the Town of Lima Farmland Preservation Area adopted on October 18, 2016 and zoned A-2 prior to the amendment of this Ordinance on December 22, 2016 that had the development capacity for more than one residence shall retain that capacity and shall not be subject to subsection 8. a.

8. Development of A-2 Lots

a. Only one residence is allowed on an A-2 lot, and an A-2 lot may not be divided unless a rezoning to A-4 or A-PR occurs.

b. To facilitate the preservation of continuous areas of protected farmland, the Town encourages the clustering of residences.

c. Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces. (Lots within Sheboygan County's shoreland zoning jurisdiction may be under additional limits.)

9. Rezoning from A-2 to A-4 or A-PR

a. A-4: Rezoning land from A-2 to A-4 is allowed at any time, as long as all other requirements of this ordinance are met.

b. A-PR: Rezoning land from A-2 to A-PR is allowed at any time, as long as the part rezoned to A-PR does not contain a residence, and all other requirements of this ordinance are met.

10. Rezoning A-2 Land out of Farmland Preservation Zoning (FPZ)

a. The Town may not rezone A-2 land out of FPZ except by a super-majority vote of the Town Board, and unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

(1) The rezoned land is better suited for a use not allowed in FPZ.

(2) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.

(3) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

A-3 AGRICULTURAL TRANSITION DISTRICT

1. Purpose

The primary purposes of the A-3 District are to: (1) provide for the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion, if so desired by the landowner; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) insure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the land should be transferred to another zoning district.

2. Lands Included

The A-3 District is generally intended to apply to land located adjacent to the incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space uses but where conversion to nonagricultural use is expected to occur in the foreseeable future.

3. Permitted Uses

All permitted uses allowed in the A-1 District, with the addition of a single-family or two-family residence, regardless of when constructed.

4. Conditional Uses

See Section 22.

5. Area, Height, and Yard Requirements

Lot (farm size)	Area	Minimum 35 acres
	Width	Minimum 250 feet
Building		
Farm dwelling	Height	Maximum 35 feet
Other structures	Height	Maximum 2 times their distance from the nearest lot lines
Yards		
Farm dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 29
Other structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if structure is not to

		be used for the housing of animals; 100 feet if structure is to be used for the housing of animals
	Street	See Section 29

6. Existing Substandard Lots

See A-1 District, Section 6.

A-4 AGRICULTURAL-RELATED MANUFACTURING, WAREHOUSING AND MARKETING DISTRICT

1. Purpose

The primary purpose of the A-4 District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or are closely allied with the agricultural industry. The A-4 District aims to implement the policies of the Sheboygan County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

2. Lands Included

Lands included are those generally best suited for businesses and activities that directly support agriculture and the agricultural industry.

3. Permitted Uses

a. Veterinarian services that primarily service livestock

4. Conditional Uses

See Section 22 for application, review and approval procedures for conditional uses. The following conditional uses, along with those specified in subsection 4.a. of Section 22 of this Ordinance, are governed by § 91.46, Wisconsin Statutes.

a. Agricultural related uses
   (1) Animal slaughtering and/or butchering establishments
   (2) Ethanol plants, bio-diesel plants, communal manure digesters, pelletizing plants, or other facilities that process raw agricultural commodities, agricultural by-products, or agricultural wastes (received directly from farms) to produce fuel or other products
   (3) Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms
   (4) Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment
   (5) Facilities primarily engaged in providing agronomic or veterinary services to farms
   (6) Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms

(7) Mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms
(8) Food processing plants that process and/or package raw agricultural commodities received from farms
(9) Sawmills or other facilities that process wood or other forest products received directly from farms
(10) Horticultural services
(11) Livestock sales facilities

b. Accessory uses (if the requirements of 91.01(1) are met)
(1) Animal riding academies
(2) Corn shelling, hay baling, and threshing services

5. Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 25, sewer and water systems, and all required yards
Buildings	Height	Maximum 35 feet
Yards		
	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 29

6. Rezoning from A-4 to A-1, A-2, or A-PR.

a. A-1: Rezoning land from A-4 to A-1 is allowed at any time, as long as all other requirements of this ordinance are met.

b. A-2: Rezoning land from A-4 to A-2 is allowed at any time, as long as the A-4 lot is at least 35 acres and all other requirements of this ordinance are met.

c. A-PR: Rezoning land from A-4 to A-PR is allowed at any time, as long as the part rezoned to A-PR does not contain a principal structure and all other requirements of this ordinance are met.

7. Rezoning A-4 land out of Farmland Preservation Zoning (FPZ).

a. Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

(1) The rezoned land is better suited for a use not allowed in FPZ.

(2) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.

(3) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

A-5 AGRICULTURAL LIVING DISTRICT

1. Purpose

The primary purpose of the A-5 District is to 1) provide opportunities for country living on small lots, and (2) provide housing for agricultural workers and their families.

2. Lands Included

Lands included are those 1) within the "Ourtown Development District" identified on the Town of Lima's 20-Year Potential Land Use Map that generally remain best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural related farming activities, and 2) those relatively small lots scattered throughout the open, rural areas of the Town that were created as a result of "farmland consolidations," and 3) other small, non-agricultural residential lots within or near Hingham and Gibbsville.

3. Permitted Uses

All permitted uses allowed in the A-1 District, with the addition of a single-family or two-family residence, regardless of when constructed.

4. Animal Units

First 10 acres, one livestock unit per acre; from 10.01 to 35 acres, 2 livestock units per acre.

5. Conditional Uses

See Section 22.

6. Lot Divisions

No subsequent divisions of lot permitted unless the lot which is proposed to be divided is located within a Town Sanitary District and is serviceable by municipal sanitary sewer, and the subsequent lot is at least two and one-half (2-1/2) acres. The minimum width of any divided lot shall be two hundred and fifty (250) feet.

7. Area, Height, and Yard Requirements

Lot (farm size)	Area	Minimum 40,000 sq. feet
	Width	Minimum 250 feet
Building		
Dwelling	Height	Maximum 35 feet
Other structures	Height	Maximum 2 times their

		distance from the nearest lot line
Yards		
Dwelling	Rear	Minimum 25 feet
	Side	Minimum 20 feet
	Street	See Section 29
Other structures	Rear and Side	Minimum 25 feet if structure is to be used for housing no more than one animal unit; Minimum 100 feet if structure is to be used for housing more than one animal unit.
	Street	See Section 29

8. Existing Substandard Lots

See A-1 District, Section 6.

A-PR AGRICULTURAL PARCEL REMNANTS

1. Purpose

To accommodate parcel remnants that remain worthy of farmland or open space preservation. Lands in this district are not intended to be rezoned for development, except in rare cases. The A-PR District aims to implement the policies of the Sheboygan County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

2. Lands Included

Lands included are parcel remnants that remain worthy of farmland or open space preservation.

a. Permitted Uses. All uses permitted in the A-1 and A-4 Districts, except that no residences are allowed on A-PR zoned land; further, no buildings are allowed as permitted uses on A-PR land, except for 1) accessory buildings that are part of an agricultural use or 2) accessory buildings existing prior to the development or land division that creates the A-PR land.

b. Conditional Uses. All conditional uses allowed in the A-1 and A-4 Districts, except that no residences or principal structures shall be allowed on A-PR zoned land. New non-agricultural accessory buildings are only allowed if constructed after the issuance of a conditional use permit approved by a super-majority vote of the Town Board. See Section 22 for application, review and approval procedures for conditional uses.

3. Area, Height, and Yard Requirements

Lot	Area	No minimum
Buildings		
Non-principal structures	Height	Maximum 2 times their distance from the nearest lot lines
Yards		
Non-principal structures	Rear and Side	Minimum 25 feet if structure is to be used for housing no more than one animal unit; Minimum 100

		feet if structure is to be used for housing more than one animal unit.
	Street	See Section 29

4. Delineating A-PR Land on a Property

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

b. Subject to the restrictions of this Ordinance, the landowner reserves the right to relocate the boundary of any A-PR on the landowner's A-1 and/or A-2 property at any time by submitting an application and fee payment for rezoning with the Town Clerk. The Town Plan Commission may require a plat of survey to accurately locate the revised district boundary on the Town Zoning Map.

5. Rezoning A-PR Land: Super-Majority Vote of Approval Required

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

6. Rezoning A-PR Land out of Farmland Preservation Zoning (FPZ)

a. Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

(1) The rezoned land is better suited for a use not allowed in FPZ.

(2) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.

(3) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

(5) The rezoning meets the requirements of sub. 5.a.

OURTOWN DEVELOPMENT DISTRICT

In addition to the foregoing regulations applicable within the various zoning districts, no development shall be permitted in the Ourtown Development District (as defined by the Comprehensive Plan adopted by the Town Board in 2009 together with any further amendments thereto) unless the parcel is zoned A-3 or A-5 and consists of at least five acres, or a variance is granted.

HINGHAM AND GIBBSVILLE DEVELOPMENT DISTRICTS

The purpose of the Hingham and Gibbsville Development Districts is to encourage moderate density growth in areas of the Town within or near a sanitary district boundary. Such growth should be planned, as much as reasonably possible, so that infrastructure such as roadways and sewer lines can be constructed cost-effectively.

In addition to the other applicable regulations of this Ordinance, development within tracts zoned A-3 in the Hingham and Gibbsville Development Districts (as defined by the Comprehensive Plan adopted by the Town Board in 2009 together with any further amendments thereto) is subject to the following standards:

1. Tracts zoned A-3 shall have a 35-acre residential density. A landowner with at least 35 acres of vacant, contiguous A-3 land may construct one single-family or two-family residence without a rezoning or land division.

a. Any proposed residential development that exceeds the 35-acre density must be on a non-A-3 lot created by certified survey map and rezoned appropriately. Such new lot shall not be larger than 2 acres, unless the Town Plan Commission agrees that the presence of wetland, floodplain, steep slopes, or similar characteristic necessitate a larger lot size.

b. An owner of A-3 land who lacks 35 acres but wishes to construct a residence must locate such residence on a new lot created by certified survey map and rezoned appropriately. Such new lot shall not be larger than 2 acres, unless the Town Plan Commission agrees that the presence of wetland, floodplain, steep slopes, or similar characteristic necessitate a larger lot size.

2. Any proposed uses other than those allowed in A-3 shall require a land division by certified survey map and the appropriate rezoning. Such new lot shall not be larger than 2 acres unless the Town Plan Commission agrees that the presence of wetland, floodplain, steep slopes, or similar characteristic necessitate a larger lot size.

3. The minimum lot size in A-3 shall be 1 acre.

C-1 LOWLAND RESOURCE CONSERVATION DISTRICT

1. Purpose

The primary purpose of the C-1 District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the Town of Lima. The proper regulation of these areas will serve to maintain and improve groundwater and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on soils that are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of Sheboygan County. This District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land-water interface.

2. Lands Included

The C-1 District shall include minimally all areas delineated as swamps, marshes, bogs, and other wetlands on the "Shoreland Zoning Map, Sheboygan County, Wisconsin" as described in the SHORELAND—FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, as well as those shoreland and wetland areas identified as being of local concern.

3. Permitted Uses

The following uses are permitted in the C-1 District provided that such uses are conducted in accordance with sound conservation practices and do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography:

a. Dugout ponds and level ditches
b. Flood overflow and movement of water
c. Forestry and game management
d. Hiking trails
e. Hunting, fishing, wildlife preserves, and other historic/scientific areas
f. Navigation
g. Nonresidential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops
h. Park and recreation areas not including the location or erection of buildings or structures
i. Wild crop harvesting including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds

4. Conditional Uses

The following uses may be conditionally permitted except that issuance of a "Conditional Use Shoreland Zoning permit" (pursuant to the SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN) and/or Department of Natural Resources permits (pursuant to Sections 30.11, 30.12, 30.19, 30.195, and 31.05, Wisconsin Statutes) may be required:

a. Cranberry bogs
b. Piers and docks
c. Removal of peat or topsoil
d. Special crop farming
e. Utilities such as telephone, telegraph, gas lines, and transmission lines
f. See Section 22

5. Area, Height, and Yard Requirements: None; no buildings or structures permitted except as provided under (3)(g) above, special exception.

P-1 RECREATIONAL PARK DISTRICT

1. Permitted Uses

a. Forest reserves
b. Parks, general recreation
c. Parks, leisure and ornamental
d. Picnic grounds
e. Play lots and tot lots
f. Playfields and athletic fields
g. Playgrounds

2. Conditional Uses

a. Boat rentals and boat access sites
b. Golf courses and country clubs
c. Gymnasiums and athletic clubs
d. Ice skating rinks

3. Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 25, sewer and water systems, and all required yards
Building	Height	Maximum 35 feet
Yard	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 29

P-2 INSTITUTIONAL DISTRICT

1. Permitted Uses

a. Church, synagogues, and temples
b. Rectories
c. Public right-of-way
d. Public utility facility

2. Conditional Uses (See Section 22)

a. College dormitories
b. Hospitals
c. Lodges and fraternal buildings
d. Monasteries
e. Nursery schools and day care centers
f. Nursing homes
g. Orphanages
h. Retirement homes
i. Universities and colleges

3. Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section 25, sewer and water systems, and all required yards
Building	Height	Maximum 35 feet
Yard	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street	See Section 29

R-1 SINGLE–FAMILY RESIDENCE DISTRICT

1. Permitted Uses

a. Single-family detached dwellings

2. Conditional Uses (See Section 22)

a. Accessory apartments, in the principal dwelling or pre-existing accessory building, but shall be limited to, or at, owner-occupied homes, shall occupy no more than 25 percent of the principal dwelling, and shall comply with the off-street parking requirements of Section 25
b. Parks and playgrounds
c. Churches and similar places of worship

d. Public or private elementary, middle, and high schools (in sanitary districts only)
e. Fire stations (satellite)
f. Public utilities

3. Area, Height, and Yard Requirements

Lot	Area	Minimum of 37,500 square feet for lots served by municipal sanitary sewers, and 40,000 square feet for lots served by on-site sewage disposal systems or other county and state approved off-site cluster or common sewage disposal systems. (NOTE: Reductions of minimum lot area, pursuant to Chapters 65.03 (4) Wisconsin Administrative Code and 71.22 County Subdivision Ordinance, shall be expressly approved by the Planning Commission.)
Width		Minimum of 150 feet for lots served by a municipal sanitary sewer. Minimum of 100 feet for unsewered lots.
Depth		Minimum of 250 feet for lots served by a municipal sanitary sewer.
Coverage		No more than 40 percent of the area of a lot shall be occupied by a principal building and its accessory buildings.
Building	Height	Maximum 35 feet
Dwelling Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 29
Accessory Building	Size	Maximum 192 square feet if there is a garage attached to the principal dwelling.
	Height	Maximum 12 feet at roof peak. No cars or trucks can be parked inside.
Yards	Rear	Minimum 10 feet
	Side	Minimum 10 feet
	Street	See Section 29

Detached Garage	Size	Maximum 24 feet by 30 feet if there is no garage attached to the principal dwelling. Maximum height not to exceed the height of the principal dwelling.

R-2 TWO-FAMILY RESIDENCE DISTRICT

1. Development

a. In areas served by municipal sanitary sewers only

2. Permitted Uses

a. Any use permitted in the R-1 District
b. Two-family dwellings (duplex)
c. Accessory apartments, in the principal dwelling or pre-existing accessory building, but shall be limited to, or at, owner occupied homes, shall occupy no more than 25 percent of the principal dwelling, and shall comply with the off-street parking requirements of Section 25.

3. Conditional Uses See Section 22

4. Area, Height, and Yard Requirements

Lot	Area	Minimum 43,750 square feet
	Width	Minimum 175 feet
	Depth	Minimum 250 feet
	Coverage	No more than 40 percent of area of the lot shall be occupied by a principal building and its accessory buildings
Building	Height	Maximum 35 feet
Dwelling Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 29
Accessory Building		
Yards	Rear	Minimum 10 feet
	Side	Minimum 10 feet
	Street	See Section 29

R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT

1. Development

a. In areas served by municipal sanitary sewers only

2. Permitted Uses

a. Any use permitted in the R-1 and R-2 Districts

3. Conditional Uses

a. Multiple-family dwellings
b. Professional offices
c. Planned Unit Developments (PUD).
   (1) All planned unit developments (i.e., cluster subdivisions, condominiums, cooperatives) shall conform with Section 71.24, SHEBOYGAN COUNTY SUBDIVISION ORDINANCE, AND THE TOWN OF LIMA REGULATIONS OF SUBDIVISON AND PLATTING OF LAND, in its entirety, and the said Section is hereby adopted by reference and made a part of this Ordinance as if fully set forth herein.
   (2) Uses considered for approval as part of a conditional use permit include any use allowed in the R-3 District; any use allowed in the B-1 District, provided that such uses shall not occupy more than 15% of the total net development area.
d. See Section 22.

4. Area, Height, and Yard Requirements

Lot	Area	Minimum of 15,000 sq. feet, plus 5,000 sq. feet of unoccupied land for each additional dwelling unit, except where county or state regulations require more. (NOTE: Reductions of minimum lot area, pursuant to Chapters H 65.03 (4), Wisc. Admin. Code and 71.22, County Subdivision Ord., shall be expressly approved by the Planning Commission.)
	Width	Minimum 100 feet
	Coverage	No more than 50% of an interior lot and 60% of a corner lot shall be occupied by a residential building (40% and 50% for other permitted buildings) and its accessory buildings.
Building	Height	35 feet or a height equal or greater than the number of feet from the nearest lot line, whichever is more

Dwelling Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 29
Accessory Building		
Yards	Rear	Minimum 10 feet
	Side	Minimum 10 feet
	Street	See Section 29

NOTE: In the R-2 and R-3 Districts; for projects involving condominium or other such common ownership, under which no new lots are created, the overall density that would have been required using individual lots shall be maintained. Therefore, the total number of dwelling units should be determined by dividing the net residential acreage of the project by the minimum lot sizes set for the district.

B-1 LOCAL BUSINESS DISTRICT

1. Permitted Uses

a. Warehouses 10,000 square feet or less.

2. Conditional Uses

a. Arts, crafts, antique, and hobby shops
b. Bakeries
c. Barbershops
d. Beauty shops
e. Book and stationery stores
f. Business offices
g. Clinics
h. Clothing and apparel stores
i. Clothing repair shops
j. Clubs and lodges
k. Confectioneries
l. Dancing schools
m. Drugstores
n. Florists
o. Gift stores
p. Grocery stores (retail, delicatessen, meat and fish market, and fruit and vegetable market)
q. Hardware stores
r. Ice cream stores, soda fountains, soft drink stands
s. Music stores

t. Optical stores
u. Packaged beverage stores
v. Personal service establishments
w. Photographic supply stores
x. Professional offices
y. Public parking lots
z. Radio and television studios
aa. Residential dwelling units not to exceed one per principal use when attached to the principal structure
bb. Restaurants (excluding drive-in establishments serving to outside consumption)
cc. Secondhand stores
dd. Self-service and pick up laundry and dry cleaning establishments
ee. Shoe stores
ff. Sporting goods stores
gg. Taverns
hh. Taxi stands
ii. Theaters, excepting outdoor theaters
jj. Tobacco stores
kk. Mini-storage facilities
ll. Warehouses more than 10,000 square feet
mm. See Section 22

3. Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Section25, all required yards, and all private or public utilities
Building	Height	Maximum 35 feet
Yard	Rear	Minimum 30 feet
	Side	Minimum 30 feet
	Street	See Section 29

B-2 HIGHWAY BUSINESS DISTRICT

1. Permitted Uses

None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 22.

2. Conditional Uses

a. All conditional uses in the B-1 District
b. Automobile and light truck retail sales and services

c. Automobile repair services
d. Gasoline service stations
e. Vehicle washing facilities
f. Gifts, novelty, and souvenir sales
g. Sales, service, and installation of tires, batteries, and accessories
h. See Section 22

3. Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by Section 25, all required yards, and all private or public utilities
Building	Height	Maximum 35 feet
Yard	Rear	Minimum 30 feet
	Side	Minimum 30 feet
	Street	See Section 29

M-1 INDUSTRIAL DISTRICT

1. Permitted Uses

None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 22.

2. Conditional Uses

a. Automotive body repairs
b. Automotive upholstery shops
c. Building material sales and storage
d. Business offices
e. Cleaning, pressing, and dyeing
f. Commercial bakeries
g. Commercial greenhouses
h. Contractors and construction offices, shops, and yards
i. Distributors
j. Farm machinery plants
k. Food lockers
l. Machinery sales
m. Manufacture and bottling of nonalcoholic beverages
n. Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; food, except fish and fish products, meat and meat products, cabbage, vegetables, and pea vining; instruments; jewelry; pharmaceuticals; tobacco; and toiletries

o. Manufacturing and/or assembling from substances such as wood, cork, glass, leather, fur, plastic, felt, ceramics, precious metals, and other textiles
p. Manufacturing of electronic products and components
q. Painting studios
r. Printing, publishing, and binding plants
s. Radio and television broadcasting stations and electric equipment
t. Research laboratories
u. Warehouses and storage yards (not including scrap or junk yards)
v. Wholesale outlets
w. Living quarters for watchman or caretaker
x. See Section 22

3. Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by Section 25, all required yards, and all private and public utilities
Building	Height	Maximum 45 feet
Yard	Rear	Minimum 30 feet, except 50 feet when abutting a residential district
	Side	Minimum 30 feet, except 50 feet when abutting a residential district
	Street	See Section 29

M-2 HEAVY INDUSTRIAL DISTRICT

1. Permitted Uses

None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 22.

2. Conditional Uses

a. All principal uses permitted in the M-1 District
b. Breweries, wineries, and distilleries
c. Canning and preserving factories
d. Crematories
e. Food product plants
f. Freight yards, terminals, and trans shipment depots
g. Machine shops and metal products manufacture
h. Tool and die shops

i. Bag cleaning
j. Bleacheries
k. Canneries
l. Cold storage warehouses
m. Electric and steam generating plants
n. Electroplating
o. Enameling
p. Forges
q. Foundries
r. Garbage
s. Incinerators
t. Lacquering
u. Lithographing
v. Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, coke, cordage, dextrin, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, matches, meat, paint, paper, peas, perfume, pickle, plaster of Paris, plastics, poison, rubber, sausage, shoddy, size, starch, textiles, varnish, and vinyl products.
w. Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast
x. Offal, rubbish, or animal reduction
y. Oil, coal, and bone distillation
z. Refineries
aa. Road test facilities
bb. Slaughterhouses
cc. Smelting
dd. Stockyards
ee. Tanneries
ff. Weaving
gg. Living quarters for watchman or caretaker
hh. See Section 22

3. Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by Section 25, all required yards, and all private or public utilities
Building	Height	Maximum 60 feet
Yard	Rear	Minimum 30 feet, except 50 feet when abutting a residential district

Side	Minimum 30 feet, except 50 feet when abutting a residential district
Street	See Section 29

M-3 MINERAL EXTRACTION DISTRICT

1. Permitted Uses

None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 22.

2. Conditional Uses

a. Aggregate or ready-mixed plant
b. Clay, ceramic, and refractor mineral mining
c. Crushed and broken stone quarrying
d. Mixing of asphalt
e. Nonmetallic mining services
f. Processing of topsoil
g. Sand and gravel quarrying
h. Washing, refining, or processing of rock, slate, gravel, sand, or minerals
i. Extension of any existing uses as listed above
i. See Section 22

3. Regulations

All uses listed are subject to the following regulations and such other requirements as the Town Board and Town Planning Commission may deem appropriate to protect the health, safety, and general welfare:

a. Plat of Survey, showing topographic data (minimum contour interval of 5 feet), existing natural resource base date, the location of existing and proposed excavations.
b. Operations Plan, including a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
c. Restoration Plan, including at least proposed contours (minimum contour interval of 5 feet), type of fill, depth of restored topsoil, planting or reforestation, and timing and completion data.
d. Sureties to enable the Town to carry out the restoration plan in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by or for the Town, and the amount, form, and type of sureties shall be approved by the Town Board.
e. All excavations shall be at least 200 feet from the right-of-way of any public or private street or property line. All accessories such as office,

parking areas, and stockpiles shall be at least 100 feet from any right-of-way or property line.

Section 21. Home Occupations

1. No home occupation, as defined in Section 12, shall hereafter be established, altered, or enlarged unless it complies with all of the standards applicable to the district in which it is located and the following standards:

a. No person other than a member of the immediate family occupying such dwelling unit shall be employed, except that for home professional offices one non-resident person may be employed. Any additional employees are only allowed if a conditional use permit is granted, except that in the A-1 and A-2 Districts no more than 4 full-time employees shall be employed annually. See Section 22 for application, review, and approval procedures for conditional uses.

b. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.

c. No alteration to the principal building shall be made that changes the character thereof as a dwelling.

d. No more than 25 percent of the area of one story of a single-family dwelling nor more than 20 percent of the area of any other dwelling unit shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.

e. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.

f. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage accessory thereto.

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

h. No signs shall be permitted other than those permitted by the applicable regulations in Section 26.

i. Any home occupations in the A-1 or A-2 Districts shall not impair or limit the current or future agricultural use of the farm or of other protected farmland.

Section 22. Conditional Uses

1. Application

Application for Conditional Use Permits shall be made to the Planning Commission on forms furnished by the Town Clerk or Building Inspector and shall include the following where pertinent and necessary for proper review.

a. Name and addresses of the applicant, owner of the site, architect, planner, engineer, contractor, and all opposite and abutting property owners of record.

b. Description of the subject site by lot, block, and recorded subdivision or by meets and bounds; address of the subject site; type of structures; proposed operation.

c. Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Planning Commission showing the location, property boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; floodplain and high water lines, on or within 40 feet of the subject premises, and existing and proposed landscaping.

d. For proposed lots and residences within the Farmland Preservation Zoning District, and for proposed buildings within the A-PR District:

(1) Color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use.

(2) Brief written statement describing how the proposed lot and/or residence will not convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a lot or residence; and will not significantly impair or limit the current or future agricultural use of other protected farmland.

e. Additional information as may be required by the Planning Commission, such as ground surface elevations, basement and first floor elevations, utility elevations, flood-proofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to its effects on flood flows.

f. Fee receipt from the Town Treasurer, Clerk, or Building Inspector in the amount established by the Town Board.

2. Review and Approval of Conditional Uses

The Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the Proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty, wildlife habitat, and the impact on agriculture, and shall hold a public hearing, publishing a Class II notice thereof under Chapter 985, Wisconsin Statutes. Before such hearing, written notice shall be given to the appellant and any parties in interest and to all surrounding or adjoining landowners within 200 feet of the applicant's land at least 10 days before the hearing, and the published notice may be supplemented by such additional form of notice as the Planning Commission may require by its rules. The notice of hearing shall contain the date, time, and place of hearing, the street address or common description of the property involved, and a brief statement of Conditional Use applied for.

The Planning Commission, after review and public hearing, shall make recommendation in writing to the Town Board.

The Town Board may authorize the issuance of a Conditional Use Permit provided that such conditional uses and structures are in accordance with the purposes and intent of the Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, productive agricultural lands, or property values in the Town and Sheboygan County. Further, any issuance of a Conditional Use Permit for a proposed lot and/or residence in the Farmland Preservation Zoning District, or for a proposed building in the A-PR District, must be by a super-majority vote of approval.

Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood-proofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or

additional parking may be required by the Planning Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted by the Board of Appeals as provided in Section 30.

3. Appeals

An appeal of conditions imposed or of refusal to allow a conditional use under the provisions of this Ordinance may be filed with the Board of Appeals, pursuant to Section 30.

4. Conditional Uses by Category

Except where specifically allowed as permitted uses, the following uses shall be conditional use: and may be allowed as specified. In approving or disapproving the location of a conditional use, the Planning Commission shall familiarize itself with the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance and upon the particular land use problems related to development of the site or sites as proposed.

a. Agricultural and Related Uses

(1) Housing for migratory or seasonal farm workers in the A-1, A-2, and A-3 Districts

(2) Commercial feed lots in the A-1 District

(3) Livestock sales facilities in the A-1, A-2, A-3, and A-4 Districts

(4) Animal hospitals and shelters for farm livestock in the A-1, A-2, A-3, and A-4 Districts and the B-1 and B-2 Districts provided that the lot area is not less than 5 acres and further provided that if animals are to be housed outside, there is a minimum building separation of 1,000 feet from the nearest off-site residential structure existing at the time of the issuance of a Building Permit

(5) Small animal veterinarian services in the A-3, A-5, B-1, and B-2 Districts; veterinarian services that serve primarily livestock in A-1 and A-2

(6) Commercial raising, propogation, or boarding of animals such as mink, rabbit, foxes, goats, pigs, fowl, and beef in the A-1, A-2, A-3, and A-PR Districts

(7) Commercial egg production in the A-1, A-2, A-3, and A-PR Districts

b. Commercial and Related Uses

(1) Drive-in banks in the B-1 and B-2 Districts

(2) Drive-in establishments serving food or beverages for consumption outside the structure in the B-2 District

(3) Drive-in theaters in the B-2 District provided that a planting screen at least 25 feet wide and comprised largely of spruce or other evergreen trees is created along any side abutting a residential district

(4) Motels, hotels, and tourist courts in the B-2 District

c. Industrial and Related Uses

(1) Commercial service facilities such as restaurants and fueling stations in the M-1 and M-2 Districts, provided that all such services are physically and otherwise oriented toward industrial district users and employees and other users are only incidental customers

(2) Outside storage and manufacturing areas in the M-2 District. Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential, recreational, institutional, and conservancy districts. Any Conditional Use Permit issued for a wrecking, junk, demolition, salvage, or scrap yard shall be subject to annual renewal.

(3) Wastewater treatment plants and facilities in all districts, subject to 91.46(4), Wisconsin Statutes, for the A-1, A-2, A-4, and A-PR Districts

d. Public and Semi-Public Uses

(1) Airports, airstrips, heliports, and landing fields in the A-1, A-2, A-4, B-2, M-1, and M-2 Districts, provided that the site is not less than 20 acres; subject to 91.46(4), Wisconsin Statutes, for the A-1, A-2, and A-4 Districts

(2) Colleges; universities; hospitals; sanitariums; religious, charitable, penal, and correctional institutions; cemeteries and crematories in the P-2 and B-2 Districts, provided all principal structures and uses are not less than 50 feet from any lot line

(3) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks,

playgrounds, and museums, in all districts, subject to 91.46(4), Wisconsin Statutes, for the A-1, A-2, A-4, and A-PR Districts

(4) Public, parochial, and private elementary and secondary schools and churches in all residential, business, and park districts, provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line

(5) Public passenger transportation terminals such as bus, rail, and trucking depots—except airports, airstrips, heliports, and landing fields—in the B-2, M-1, and M-2 Districts, provided all principal structures and uses are not less than 100 feet from any residential district boundary

(6) Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential district lot line, and subject to 91.46(4), Wisconsin Statutes, for the A-1, A-2, A-4, and A-PR Districts

(7) Municipal solid waste processing and disposal and wastewater treatment plants and facilities in all agricultural, industrial, and park districts, providing that all principal structures and excavations are not less than 500 feet from any residential district, and subject to 91.46(4), Wisconsin Statutes, for the A-1, A-2, A-4, and A-PR Districts

e. Recreational and Related Uses

(1) Amusement activities such as arcades, fair grounds, roller skating rinks, go-cart tracks, race tracks, paintball facilities, and recreation centers in the P-1 and B-2 Districts

(2) Archery ranges, golf driving ranges, firearm ranges, sports fields, and skating rinks in the P-1 and B-2 Districts

(3) Commercial recreation facilities such as bowling alleys, clubs, dance halls, gymnasiums, lodges, miniature golf, pool and billiard halls, saunas and Turkish baths, skating rinks, and theaters in the business districts

(4) Cultural centers such as aquariums, art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planetaria, and zoos in the P-1, P-2, B-1, and B-2 Districts

(5) Golf courses and country clubs in all residential, conservation, recreational, institutional, and business districts

(6) Hunting and fishing clubs in the C-1 and P-1 Districts

(7) Public assembly uses such as amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music

halls, legitimate theaters, motion picture theaters, and stadiums in the P-1, P-2, B-1, and B-2 Districts

(8) Public or private campgrounds and recreational camps in the P-1, P-2, C-1, B-1, and B-2 Districts

f. Residential and Related Uses

(1) Fraternities, sororities, lodges, and meeting structures of a non-commercial nature in the R-2, R-3, P-2, and all business districts, provided all principal structures and permitted uses are not less than 25 feet from any lot line.

(2) Home occupations and professional offices in all residential districts (see standards in Section 21)

(3) Planned residential developments in the R-1 and R-2 Districts, provided that no planned development shall be approved that includes residential uses not allowed as a permitted use in the given district. The district regulations may be varied, provided that adequate open space shall be set aside to ensure the average intensity and density of land use shall be no greater than that allowed for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design shall be assured by a written developer's agreement. All common structures, facilities, utilities, access, and open space shall also be assured by said developer's agreement. The development shall otherwise conform to the provisions of the R-3 District.

(4) Residential dwelling units not to exceed one per principal use when attached to the principal structure in the B-1 and B-2 Districts.

(5) Rest homes, nursing homes, clinics, and children's nurseries or day care centers in the R-2, R-3, P-2, and all business districts, provided all principal structures and permitted uses are not less than 50 feet away from any lot line.

Section 23. Modifications

1. Height

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

a. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
b. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
c. Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.
d. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height 3 times their distance from the nearest lot line.
e. Agricultural structures such as barns, silos, tanks, and windmills shall not exceed in height 2 times their distance from the nearest lot line.
f. Public or semi-public facilities, multiple-family structures, and commercial and industrial structures may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structures exceed the district's maximum height restriction.
g. Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

2. Yards

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

a. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may extend into any yard, but not to exceed 6 feet and not closer than 10 feet to any lot line.
b. Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may extend into any required yard but such extension shall not exceed 3 feet.
c. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the street yard, and shall not be closer than one foot to any existing public right-of-way.
d. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height

and shall be an open type similar to woven wire or wrought iron fencing.

e. Accessory uses and detached accessory structures are permitted in the rear yard of all lots only. They shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than 5 percent of the minimum lot size (1,000 square feet), and shall not be closer than 10 feet to any lot line.

f. Off-street parking is permitted in rear yards in all districts and in front and side yards in the business and industrial districts but shall not be closer than 25 feet to any public right-of-way.

g. Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

3. **Average Street Yards**

The required street yards for new structures or additions may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in any residential district or 5 feet in any business district.

Section 24. Nonconforming Uses, Structures, and Lots

1. Existing Nonconforming Uses

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

a. If the use of a property is nonconforming, only that portion of a structure, land, or water in actual use may be so continued; structures may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered, or the use expanded, except when required to do so by law or order so as to comply with the provisions of this Ordinance.

b. Restoration of certain nonconforming structures:

(1) The restoration of a nonconforming structure is allowed if the structure is restored to the size, subject to par. (2), location, and use that it had immediately before the damage or destruction occurred. There are no limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

i. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

ii. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(2) Structures restored pursuant to the preceding paragraph may be increased in size from what they were immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

c. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

d. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.

2. Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, setback, parking and loading, and access provisions of this Ordinance; however:

a. Additions and enlargements to, or the moving of, existing nonconforming structures are permitted and shall conform with all established building setback lines and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to additions or enlargements are applicable only if the lot or parcel conforms to the requirements of the County Sanitary Ordinance or is serviced by a public sanitary sewer.

b. When a nonconforming structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except so as to comply with the structure provisions of this Ordinance.

3. Changes and Substitutions

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

4. Existing Vacant Nonconforming Lots

In any residential or A-5 district a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance, and Ordinance No. 1 of 1977, dated January 7, 1977.

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

Lot	Width	Minimum 50 feet (public or acceptable off-site Sewerage); 80 feet (on-site sewage disposal system)
	Area	Minimum 10,000 square feet (public or acceptable off-site sewerage); 20,000 square feet (on-site sewage disposal system)

5. Nonconforming Accessory Uses

With the exception of the A-1 and A-PR districts, no nonconforming accessory use shall continue after the principal use to which it is accessory has been abolished.

6. Lots Impacted by Public Right-of-Way Purchase(s)

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

Section 25. Off-Street Parking and Loading

1. Parking Requirements

In all districts and in connection with every use, there shall be provided at the time any use of building is erected, enlarged, extended, or increased, off-street parking spaces based upon anticipated parking demand as follows, or as may hereafter be designated for specific uses or situations:

Single-family dwellings	2 spaces per dwelling unit
Multiple-family dwellings	2 spaces per dwelling unit
Commercial lodging (hotels, motels, tourist homes, etc.)	1 space for every guest room, plus 1 space for each 3 employees

Elementary and middle schools	2 spaces for each classroom or auditorium requirement, whichever is greater
Junior and senior high schools	1 space for each 3 students or auditorium requirement, whichever is greater
Colleges, universities, vocational or other adult schools	1 space for each 3 students of maximum capacity
Churches, auditoriums, theaters, community centers, and other places of public assembly	1 space for each 5 seats
Hospitals	1 space for each 2 beds, plus 1 space for each 3 employees
Medical and dental clinics	4 spaces for each practitioner on the staff
Nursing, convalescent, rest, and old age homes	1 space for each 6 beds, plus 1 space for each 3 employees
Restaurants, taverns, clubs, lodges, etc.	1 space for each 50 square feet of primary floor area
Automobile service stations	4 spaces, plus 1 space for each employee
Funeral homes	1 space for each 4 seats, plus 1 space for each funeral vehicle maintained on the premises
Bowling alleys	5 spaces for each alley
Industrial uses (including laboratories and warehouses)	2 spaces for each employee
Retail stores	1 space for each 150 square feet of primary floor area
Commercial office building, business, governmental, and professional offices	1 space for each 300 square feet of primary floor area
Commercial indoor recreation (other than theaters)	1 space for each 50 square feet of primary floor area
Planned shopping centers	1 space for each 50 square feet of primary floor area

a. Uses not listed, the provision for a use which is similar shall apply.

b. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

c. Adequate access to a public or approved private street or drive shall be provided for each parking space.

d. Size of each parking space shall not be less than 9 feet wide and 20 feet long, exclusive of access drives or aisles, ramps, columns, or work areas, and shall have a vertical clearance of at least 9 feet.

e. Surfacing. Any off-street parking area, other than that provided for a residence, having a capacity for more than 4 vehicles shall be hard surfaced and maintained in a reasonably dust-free condition.

f. Location of all parking spaces shall be on the same lot as the principal use or within 400 feet from a main entrance of the principal use, provided that no off-street parking for a business or industrial use shall be located in a residential district, except as allowed as a permitted or conditional use.

g. Lighting provided in any parking area shall be hooded or beamed so as not to create undesirable glare or interference of any adjacent residential property or public roadways.

h. Screening. Any off-street parking area, other than that provided for a residence, which abuts or faces a residential district shall provide a planting screen, landscaped fence, or landscaped berm, at least 4 feet high along the side abutting or fronting on a residential district.

i. Offset. In any off-street parking area, other than that provided for a residence, which abuts a residential district, no vehicle shall be allowed to park closer than 10 feet to the abutting residential lot line.

j. Setback. In any off-street parking area, no vehicle shall be allowed to park closer than 5 feet to the street line.

k. Application to existing uses. The off-street parking provisions shall not be required for legally existing uses as of the date of this Ordinance, but shall be required for any expansion of such use by the addition of new primary floor area or other expansion of building or use generating new parking demand.

l. Employee parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

2. Loading Requirements

In any commercial or industrial district, adequate off-street loading and unloading areas shall be provided (in addition to required off-street parking) and located so

that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.

The size or number of such loading spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Planning Commission upon submittal of site and operational plans.

Section 26. Signs

1. Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit, except those signs excepted in (2) below, and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of any building codes.

2. Signs Permitted in All Districts Without a Building Permit

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

a. Signs over shop windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.
b. Agricultural signs pertaining to the production or sale of agricultural products on a farm shall not exceed 30 square feet in area for any one farm.
c. Real estate signs not to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
d. Name, occupation, and warning signs not to exceed 8 square feet located on the premises, and not closer than 50 feet between signs.
e. Bulletin boards of public, charitable, or religious institutions located on the premises.
f. Memorial signs, tablets, names of buildings, and date of erection.
g. Official signs, such as traffic control, parking restrictions, information, and notices.
h. Temporary signs or banners, such as at construction sites or special sales, when authorized by the Building Inspector.
i. Directory signs indicating the direction and distance to a specific cottage, residence, or recreation facility not to exceed 5 square feet in display area.

3. Signs Permitted in All Business and Industrial Districts

The following signs are permitted in the business and industrial districts and are subject to the following regulations:

a. Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height.
b. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises; shall not extend more than 6 feet in any required yard; shall not be less than 10 feet from all lot lines; shall not exceed a height of 20 feet; and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or an alley.
c. Ground signs limited to one sign for each individual business premises which advertise the business names, services offered, or products sold on the premises shall not exceed: 20 feet in height; shall meet all yard requirements for the district in which they are located; shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises. In addition to the above regulations, ground signs which advertise a business name, service offered, or products sold at a location other than the premises on which the sign is located shall conform to the setback requirements of Section 29.
d. Roof signs shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for any one premises.
e. Window signs shall be placed only on the inside of commercial buildings.
f. Combinations of any of the above signs shall meet all the requirements for the individual sign.

4. Location Limited

No sign except those permitted in (2) above shall be permitted to face a residential, conservation, or park district within 500 feet of such district boundary.

5. Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be placed or be lighted in such a way as to cause glare or impair driver visibility upon public ways.

6. Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform to the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 24 shall apply.

Section 27. Communication Towers and Antennas

1. Applicability

This Section applies to all "communication towers" and "antennas" as defined in Section 12 of this Zoning Code, except for:

a. Any device that does not exceed in height the lesser of 35 feet, or such other height limitation that may apply to the zoning classification in which the device will be sited;
b. Any device not exceeding 70 feet in height for reception of television signals or owned and operated pursuant to a license granted by the FCC;
c. Pre-existing towers and antennas.

2. Purpose

The purpose of this section is to:

a. Protect safety by such methods as prohibiting the siting of antennas and towers in or near residential areas, and providing height and setback restrictions;
b. Promote aesthetics by minimizing the number of towers in the Town, requiring towers to be sited and configured in ways that minimize their adverse visual impact, and by encouraging the utilization of alternative tower structures rather than free-standing towers whenever feasible; and
c. Encourage commerce by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.

3. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control,

even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

4. **Inventory of Existing Sites**
   Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are within the jurisdiction of the governing authority, or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the governing authority is not by sharing such information in any way representing or warranting that such sites are available or suitable.

5. **Aesthetics and Lighting**
   a. If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish, or be painted to a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
   b. At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and pre-existing improvements.
   c. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of neutral colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
   d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives, and shall approve the design that would cause the least disturbance to surrounding areas.
   e. Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the

owner's name be shown on the tower or antenna, it shall be posted no more than 6 feet above the ground on a placard no larger than 1½ square feet, or as required by the FCC.

6. Federal and State Requirements

All communication towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.

7. Building Codes and Safety Standards

The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the administrative agency of the State of Wisconsin with jurisdiction.

8. Setbacks

All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height including antennas. If an application for a Conditional Use Permit is required, this one-to-one setback requirement may be increased or decreased on a site-by-site basis by the applicable governing authority in its sole discretion.

9. Conditional Use Permits

All antennas and communication towers subject to this Section shall require a Conditional Use Permit except as identified in Section 20. Applications for Conditional Use Permits shall be made in accordance with the procedures of Section 22 and the following.

a. Information Required in Writing. Each applicant requesting a Conditional Use Permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, and other documentation, signed and sealed by appropriate licensed professional, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

b. Factors. The governing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby:
    1. Height of the proposed tower;
    2. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment;
    3. Proximity of the tower to residential structures and residential district boundaries within 1,000 feet of the tower;
    4. List of nature of uses on all adjacent parcels and all other parcels within 1,000 feet of the tower;
    5. Surrounding topography within 1,000 feet of the tower;
    6. Surrounding tree coverage and foliage within 500 feet of the tower;
    7. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
    8. Proposed ingress and egress;
    9. Availability of the suitable existing towers and other structure as discussed below.

c. Availability of Existing Towers or Structures. No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
        1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
        2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
        3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

d. Landscaping. The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least 4 feet in width surrounding the tower and structures that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view from nearby parcels. The governing authority may impose greater requirements or may reduce these requirements for a particular site.

10. Removal of Abandoned Towers and Antennas

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

11. Special Assessments

Pursuant to the Town's police power and pursuant to authority granted by sec. 66.60, WI Stats., any costs incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this Section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within 30 days of billing shall accrue interest at 1.5% per month compounded monthly. Any amounts not paid within 90 days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) upon which the tower and/or antenna are located.

Section 28. Performance Standards

1. Compliance

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

2. Air Pollution

No activity shall emit any fly ash, fumes, vapors, mists, or gases in such quantities as to cause danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718; except for no more than 4 minutes during any 6 hour periods each stack or chimney in an industrial district may emit smoke of Ringlemann No. 3. No activity shall emit more than 10 smoke units per hour per stack or chimney except that once during any 6 hour period each stack or chimney in an industrial district may emit up to 20 smoke units when blowing soot or cleaning fires. No activity shall violate DNR air pollution regulations and standards.

3. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials into any water, public sewer, public highway, or drainage

ditch of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life, or overload the existing municipal utilities.

In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR 102, Wisconsin Administrative Code.

4. Fire and Explosive Hazards

All activities involving the manufacture, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices that are standard in the industry.

All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings that have incombustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

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

5. Glare and Heat

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

Section 29. Highway Setback Lines

4. Setback Lines Established

a. In order to promote and enhance the public safety, general welfare and convenience, highway setback lines are hereby established in the Town of Lima, Sheboygan County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways, and highways with railways as hereafter provided.

b. If a highway in the future is located on a city or village boundary, this Section is not intended to be effective on the side within the city or village; nor on the side within another town where the highway is located on a town boundary.

5. Definitions

As used in this Section and for its purposes, the following words mean:

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

JUNCTION
The point upon which 2 highway center lines, as herein established, or a highway center line and the center line of a railway right-of-way, meet.

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

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

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

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

6. **Classes of Highways and Center Lines.** Highways are classified and the position of the center line shall be determined as follows:

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

   b. Class B Highways
   County trunk highways that have not been improved according to engineering surveys or plans accepted by the county board or its agent, the county highway committee: the center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
   County trunk highways that have been improved according to engineering surveys and plans accepted by the county board, or its agent, the county highway committee: the center line is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

   c. Class A Highways
   State trunk highways that have been improved according to the surveys and plans of the state highway commission or plans accepted by the county board. The center line is the center of the pavement or surfacing, or if there be none, the center of the graded roadbed, or the center of the directional separator if the highway is to be paved as a double-divided road.

7. Structures Permitted Within Setback Lines

a. No new building, new sign, or other new structure or part thereof shall be placed between the setback lines established by this Ordinance and the highway except as provided by this Ordinance, and no building, sign, or structure or part thereof existing within such setback lines on the effective date of this Ordinance, shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm, or other catastrophe to the extent of 50 percent or more of its last equalized value.

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

(1) Open fences and temporary signs not over 18 square feet advertising the production or sale of farm products produced on the premises.

(2) Telephone, telegraph, and power transmission poles and lines, and microwave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner will file with the Town of Lima an agreement in writing to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this Ordinance at his expense, when necessary for the improvement of the highway.

(3) Underground structures not capable of being used as foundations for future prohibited over-ground structures.

(4) Access or service highways constructed according to plans as approved by the county highway committee. In giving such approval, the county highway committee shall give due consideration to highway safety and maximum sight distances.

(5) New signs, other than in (b) (1) above, where authorized as a conditional use under the provisions of Section 22.

c. This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery, or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained, or permitted to grow so that the view across the Clear Sight Triangle, as provided by subsection (5) (f) below, shall be obstructed.

8. Setback Distances

a. Except as otherwise provided, the distance from the center line to the setback line applicable to the various classifications of highways as defined in this Section, shall be as provided by the following paragraphs of this subsection, respectively.
b. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this Ordinance prior to such improvement, the setback distance shall be that applicable to the later classification.
c. In cases where the provisions of this Section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
d. Along Highways Generally. The setback distances from the center line, at any point, for the respective classes of highways shall be as follows:

   Class C Highways, setback distance, 60 feet except in platted subdivisions, where the setback distance shall be 27 feet from the right-of-way lines, as shown on the recorded plat.

   Class B Highways, setback distance, 75 feet.

   Class A Highways, setback distance, 110 feet.

e. Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point on the boundary line of the highway be less than the following:

   Class C Highways, 27 feet.

   Class B Highways, 42 feet.

   Class A Highways, 67 feet.

   Except that where structures are to be erected between buildings existing at the time of the adoption of this Ordinance which are located not more than 250 feet apart and having setback lines less than are established by this Section, the Board of Appeals may vary this regulation, provided that the Board of Appeals shall establish such conditions as will hold the Town harmless from additional improvement damages that might accrue when and if the highway is improved, and provided further that no such variation will permit a setback less than the average setback of the adjacent buildings.

f. Clear Sight Triangle Established. The Clear Sight Triangle is a triangle formed by the right-of-way lines of 2 intersecting roadways or railways and a third straight line. The third straight line shall connect with said right-of-way lines at points as follows:
   (1) At Ordinary Highway Intersection. At grade intersections of highways with highways, except those roads and streets in platted subdivisions that do not intersect Class B Highways or Class A Highways, there shall be setback lines at points located 50 feet from the intersections of the projections of the setback lines along the highways.
   (2) At Railroad Grade Crossings. At railroad grade crossings there shall be setback lines at points located 100 feet from the intersections of the projections of the setback lines along the highways and the railway right-of-way line.

Section 30. Board of Appeals

1. Establishment

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

2. **Membership**

a. The Board of Appeals shall consist of 5 members appointed by the Town Chairman and confirmed by the Town Board.
b. Terms shall be for staggered three-year periods.
c. The Board of Appeals shall elect a Chairman and Secretary.
d. Two alternate members may be appointed by the Town Chairman and confirmed by the Town Board, for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
e. The Building Inspector may be required to attend the meetings for the purpose of providing technical assistance when requested by the Board.
f. Official oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statues within 10 days of receiving notice of their appointment.
g. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

3. **Organization**
   a. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
   b. Meetings shall be held at the call of the chairman and shall be open to the public.
   c. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
   d. A 4/5ths vote of the Board of Appeals shall be necessary to correct an error; grant a variance; make an interpretation; and permit a substituted use.

4. Powers

The Board of Appeals shall have the following powers:

   a. Errors

      To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector with respect to the interpretation or application of this Ordinance.

   b. Variances

      To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, or that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

      In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a "practical difficulty" or "unnecessary hardship" exists and the records of the Board shall clearly show in what particular and specific respects a "practical difficulty" or an "unnecessary hardship" is created.

   c. Substitutions

      To hear and grant applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Planning Commission has made a review and recommendation. Whenever the Board

permits such a substitution, the use may not thereafter be changed without application.

d. Zoning Map

To interpret the provisions of this Ordinance in such a way as to carry out the intent and purposes of the plan as shown on the Zoning Map accompanying and made a part of this Ordinance.

e. Permits

The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

f. Assistance

The Board may request assistance from other Town officers, departments, commissions, and boards.

g. Oaths

The Chairman may administer oaths and compel the attendance of witnesses.

5. Procedure for Appeals

a. Time

The Board shall prescribe the time for taking appeals by general rule. Appeals shall be taken within the prescribed time by filing a notice of appeal with the Town Clerk and payment of a fee in the amount established by the Town Board. The notice of appeal shall specify the grounds for the appeal. Upon receipt of a notice of appeal, the Town Clerk shall forthwith transmit to the Board all of the papers constituting the record upon which the appeal is based.

b. Stay Legal Proceedings

An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board, or by a court of record on application, on notice to the Building Inspector and on due cause shown.

c. Hearing

The Board shall fix a reasonable time and place for the hearing. A Class II notice shall be published in the official paper of the Town of Lima in accordance with Wisconsin Statutes, Chapter 985.07 before such hearing. Written notice shall be given to the appellant

and any parties in interest and to all surrounding or adjoining landowners within 200 feet of the applicant's land at least 10 days before the hearing, and the published notice may be supplemented by such additional form of notice as the Board may require by its rules. The notice of hearing shall contain the date, time, and place of the hearing, the street address or common description of the property involved, and a brief statement of the relief sought.

6. Decision

a. Errors

The Board may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

b. Variances

The Board of Appeals may authorize upon appeal such variances from the terms of this Ordinance as will not be contrary to the public interest. Variances may be authorized only in the specific instances enumerated in this Section, and then only when the Board has made findings of fact, based upon the standards set out in subsection (2) below that owing to special conditions a literal enforcement of the provisions of this Ordinance will result in practical difficulties or unnecessary hardship for the owner, lessee, or occupant of land, buildings, or structures.

(1) Authorized Variances

Variances from the regulations of this Ordinance shall be granted by the Board only in accordance with the standards set out in subsection (2) below, and may be granted only in the following instances and in no other:

(a) To vary the applicable lot size requirements, including lot area, lot width, and density requirements.

(b) To vary the applicable building bulk limitations, including height, lot coverage, floor area ratio, and yard requirements.

(c) To vary the applicable off-street parking and off-street loading requirements.

(d) To vary the applicable sign regulations.

(e) To vary the regulations and restrictions applicable to nonconformities.

(2) Standards of Variances

The Board shall not vary the regulations of this Ordinance unless it shall, in each specific case, make findings of fact based upon the evidence presented to it that support a conclusion that the spirit of the Ordinance will be observed, the public safety and welfare will be secured, substantial justice will be done, and where applicable, that:

(a) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of the Ordinance were literally enforced.

(b) The conditions upon which the appeal for a variance is based are unique and would not be generally applicable to other property within the same zoning classification.

(c) The appeal for a variance is not based exclusively upon a desire of the owner, lessee, or occupant to make more money out of the property.

(d) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

(e) The granting of the variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(f) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board may impose such conditions, safeguards, and restrictions upon the premise benefited by a variance as may be necessary to comply with the standards set out in this Section to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.

7. Expiration

Variances, substitutions, or permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to

such grant, or unless an extension is expressly granted by the Board at the applicant's request in advance of the expiration.

8. Review by Court of Record

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

Section 31. Changes and Amendments

1. Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend or supplement the regulations established by this Ordinance in accordance with the provisions of the Wisconsin Statutes. Such change or amendment shall require the review and recommendation of the Planning Commission in writing to the Town Board.

2. Initiation

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the Town Board, or by the Planning Commission.

3. Petition

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

a. Petitioner's name, address, phone number, and interest in property (owner, broker, etc.);
b. Existing and proposed zoning district;
c. Proposed use (a statement of the type, extent, area, etc., of any development project);
d. Owners names and addresses for all properties lying within 200 feet of the area proposed to be rezoned;
e. Compatibility with adjacent lands (a statement of land uses and impact of zoning change);

f. Legal description of property to be rezoned;
g. Plot plans or survey plat of the property to be rezoned (show location, dimensions, zoning of adjacent properties, existing uses, and buildings of adjacent properties, all drawn to scale);
h. Additional information that may be required by the Planning Commission;
i. Fee receipt from the Town Clerk, Treasurer, or Building Inspector in the amount established by the Town Board.

4. Planning Commission Hearing

The Town Planning Commission shall hold a public hearing to help gather relevant facts from the petitioner and the surrounding neighbors. A Class II notice shall be published in the official paper of the Town of Lima in accordance with Wisconsin Statutes, Chapter 985.07 before such hearing. Written notice shall be given to the appellant and any parties in interest and to all surrounding or adjoining landowners within 200 feet of the applicant's land at least 10 days before the hearing, and the published notice may be supplemented by such additional form of notice as the Commission may require by its rules.

5. Town Board Notice

The Town Board shall give at least 10 days prior written notice to the clerk of any municipality having extraterritorial jurisdiction of any land to be affected by the proposed change or amendment.

6. Board Action

Following such hearing and after careful consideration of the Planning Commission recommendations, the Town Board shall vote on the passage of the proposed changes or amendments.

7. Protest

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

8. Effective Date

The amending ordinance shall become effective immediately after adoption by the Town Board, and publication or posting as provided by law.

Section 32. Administration

1. **Duties of the Building Inspector.** The Building Inspector, or his duly designated and acting deputy, shall administer, supervise, and enforce the provisions of this Ordinance, including the following:
   a. Record all permits issued, inspections made, work approved, and other official actions, including but not limited to map amendments, conditional uses, variances, appeals, and applications therefor and records of hearings thereon;
   b. Inspect all structures, lands, and waters as often as necessary to reasonably assure compliance with this Ordinance;
   c. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, and give notice of all violations of this Ordinance to the owner, resident agent, or occupant of the premises, and report uncorrected violations to the Town Attorney in a manner specified by him;
   d. Assist the Town Attorney in the prosecution of Ordinance violations.

2. Powers

The Building Inspector shall have all the powers necessary to enforce the provisions of this Ordinance without limitations by reason of enumeration, including the following:

   a. Issue Building Permits upon application for the erection or use of a structure, land, or water where such erection or use complies with all the provisions of this Ordinance;
   b. Access premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Ordinance; if however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with Section 66.122, Wisconsin Statutes, except in cases of emergency when he/she shall have the right of immediate entry.
   c. Prohibit the use or erection of any structure, land, or water until he/she has inspected and approved such use or erection.

d. Recommend to the Planning Commission any additional use regulations as he/she shall deem necessary.

3. Building Permit

Applications for one- and two-family dwellings shall be made in compliance with ORDINANCE NO.1 OF 1980, AN ORDINANCE TO ESTABLISH A ONE- AND TWO-FAMILY DWELLING BUILDING CODE OF THE TOWN OF LIMA OF SHEBOYGAN COUNTY, WISCONSIN. Applications for other Building Permits shall be made in duplicate to the Building Inspector on forms furnished by the Inspector and shall include the following where pertinent and necessary for proper review:

a. Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
b. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site, type of structure; existing and proposed operation or use of the structure of site; number of employees; and the zoning district within which the subject site lies.
c. Plat of survey prepared by a land surveyor registered in the state of Wisconsin or other map drawn to scale and approved by the Building Inspector showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, floodplain/floodway, and shoreland boundaries; and existing and proposed street, side, and rear yards.
d. Fee receipt from the Town Clerk, Treasurer, or Building Inspector in the amount established by the Town Board.
e. Additional information as may be required by the Planning Commission or the Building Inspector.
f. Building Permit shall be granted or denied in writing by the Building Inspector within 30 days of application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within 6 months unless substantial work is commenced, and the applicant shall reapply for a Building Permit before commencing work on the structure. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

4. **Double Fee**
   A double fee may be charged by the Building Inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
   Fee for public hearings shall be determined by the Town Board.

5. **Remedial Action**
   Whenever an order of the Building Inspector has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, Building Inspector, or the Town Attorney may institute appropriate legal action for proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

6. **Building Permit**
   No building permit pertaining to the use of land, buildings, or other structures shall be issued by any employee of the Town of Lima unless the application for such permit has been examined by the Building Inspector, or his duly authorized deputy, certifying that the proposed use, building, or other structure complies with all the provisions of this Ordinance. Any building permit issued in conflict with the provisions of this Ordinance shall be null and void.

7. **Building Permit (new dwellings)**
   Building permits for new dwellings must be reviewed and approved by the Town Planning Commission and the Town Board before a Building Permit can be issued.