

TOWN OF RHINE MUNICIPAL CODE

CHAPTER 4: ZONING (11/12/2024)

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4.01 INTERPRETATION AND PURPOSE

- (1) **PURPOSE.** The purpose of this Chapter is to promote the health, safety, morals and general welfare of the Town of Rhine by regulating and restricting the use and size of buildings and other structures, the size of yards, and other open spaces, the density of population, the location and use of buildings, structures and land for trade, commerce, agriculture, recreation, conservation of natural resources, residence and other purposes, and for the said purposes dividing the Town of Rhine, Sheboygan County, Wisconsin, into districts of such number, shape, and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.
- (2) **INTENT.** It is the general intent of this Chapter to:
- (a) Stabilize and protect property values and the tax base.
 - (b) Recognize the needs of agriculture, forestry, and business in future growth.
 - (c) Further the appropriate use of land and conservation of natural resources.
 - (d) Encourage the wise use, conservation, development, and protection of the Town's water, soil, wetland, woodland, and wildlife resources.
 - (e) Preserve natural growth and cover and promote the natural beauty of the Town.
 - (f) Prevent overcrowding and avoid undue population concentration and urban sprawls.
 - (g) Facilitate the adequate provision of public facilities and utilities.
 - (h) Lessen congestion and promote the safety and efficiency of streets, highways, and other transportation systems.
 - (i) Provide adequate light, air, sanitation, drainage, and open space.
 - (j) Regulate the use of structures, lands, and waters outside of shoreland areas.
 - (k) Regulate lot coverage, population density and distribution, and the location and size of structures.
 - (l) Prohibit uses or structures incompatible with the natural characteristics, existing development, or intended development within or adjacent to a zoning district.
 - (m) Implement those municipal, county, watershed, or regional plans or their components adopted by the Town.

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

- (3) **MINIMUM REQUIREMENTS ESTABLISHED.** The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the Town of Rhine, Sheboygan County, Wisconsin.
- (4) **PRIVATE RESTRICTIONS UNIMPAIRED; MOST STRINGENT REQUIREMENT CONTROLS.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or agreements between parties or with any regulations, rules, or permits previously adopted or issued pursuant to laws; provided, however, that where this Chapter imposes a greater restriction upon the use of building or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations, or permits, or by easements, covenants, or agreements, the provisions of this Chapter shall govern.
- (5) **TITLE.** This Chapter shall be referred to and cited as the "Town of Rhine Zoning Chapter."
- (6) **CAPTIONS.** Captions or titles of Sections, Subsections, Paragraphs, or Subparagraphs of this Chapter are inserted for the convenience of the reader and are not to be deemed a part of this Chapter unless essential to the interpretation of the meaning of any part hereof.
- (7) **Reference Town.** The Town of Rhine, Sheboygan County WI, referenced hereafter as the Town.

4.02 DEFINITIONS

For the purpose of this Chapter, words used in the present tense include the future; the singular includes the plural. *(Rev. 11/12/2024)*

The word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the Wisconsin Statutes and Town building codes. *(Rev. 11/12/2024)*

- (1) **ACCESSORY BUILDING.** A building or portion of a building subordinate to the main building and used for a purpose customarily incident to the permitted use of the main building or the use of the premises.
- (2) **ALLEY (ALLEYWAY).**
 - (a) A Pathway less than twenty-one feet (21') wide and affording only secondary access to abutting property.
 - (b) A narrow passageway or lane located between lot lines on riparian property to allow public access to the body of water. *(Rev. 11/12/2024)*
- (3) **ANIMAL UNIT.** Based on official USDA animal unit definitions. (Animal unit equivalencies are as defined by the U. S. Department of Agriculture. See appendix Animal Unit Calculation Worksheet Form 3400-25A).
- (4) **BASEMENT.** The lowest story of a structure wholly or partially underground used for any purpose. Basements with a portion of the floor within two (2) feet of grade shall be counted as a story for purposes of height measurement. *(Rev. 09/07/04)*

- (5) **BUILDING.** Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (6) **BUILDING HEIGHT.** Vertical distance from the lowest portion of grade surrounding the structure to the highest point of the structure excluding chimneys. Height shall be measured from grade to the highest ridge, parapet, tower, dormer, penthouse, mechanical room, or other structural element attached or placed on or above a roof. *(Rev. 09/07/04)*
- (7) **BUILDING, MAIN.** A non-accessory building in which is conducted a principal use of the lot on which the building is located. *(Rev. 09/05)*
- (8) **BUSINESS.** An activity which generates pedestrian or vehicular traffic abnormal for the surrounding area. *(Rev. 08/02/22)*
- (9) **CENTERLINE.**
(a) Centerline (of the right of way) – The center of the surveyed right of way.
(b) Centerline (of the paved road) – The centerline of the traveled portion of the road.
(Rev. 11/12/2024)
- (10) **CLINIC.** A place for treatment of non-residential patients, or a place where medical professionals share the same facility. *(Rev. 11/12/2024)*
- (11) **CLUBS.** A group of persons organized for a social, literary, athletic, political, or other purpose. *(Rev. 11/12/2024)*
- (12) **DWELLING, ONE FAMILY RESIDENTIAL.** A detached building designed for or occupied exclusively by one (1) family. *(Rev. 11/12/2024)*
- (13) **DWELLING, TWO FAMILY RESIDENTIAL.** A detached or semi-detached building designed for and occupied exclusively by two (2) families. *(Rev. 11/12/2024)*
- (14) **DWELLING, MULTIPLE RESIDENTIAL.** A building or portion thereof designed for and occupied by more than two (2) families including tenement houses, row houses, apartment houses, and apartment hotels. *(Rev. 11/12/2024)*
- (15) **FAMILY.** One or more persons living together in one dwelling unit as a single housekeeping entity sharing common kitchen, living and bathroom facilities. *(Rev. 11/12/2024)*
- (16) **FARMING, GENERAL (FARM).** The activity or business of growing crops and/or maintaining livestock. *(Rev. 11/12/2024)*
- (17) **FARMSTEAD.** The buildings and adjacent service areas of a farm, broadly: a farm with its buildings. *(Rev. 11/12/2024)*
- (18) **FRONTAGE.** All the property abutting on one (1) side of a road or street between two (2) intersecting roads or streets or all of the property abutting on one (1) side of a road or street between an intersecting road or street and the dead end of a road or street.

- (19) **GARAGE, PRIVATE.** An accessory structure for the homeowner's onsite storage of motor vehicles, recreational items, property maintenance equipment, and other personal property. *(Rev. 11/12/2024)*
- (20) **GARAGE, PUBLIC.** Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold, or stored.
- (21) **GARAGE, STORAGE.** Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold. No commercial motor vehicle exceeding two (2) tons capacity shall be stored in any storage garage.
- (22) **HOME OCCUPATION.** An occupation conducted by members of the family within their residence or in a permitted accessory building thereto; provided that no article is bought or sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted nameplate not more than ten (10) square feet is installed and that no person other than a member of the immediate family living on the premises is employed in the occupation. Note: conditional use permit may be required. *(Rev. 08/02/22; 04/07)*
- (23) **JUNCTION.** The point upon which two (2) highway centerlines as herein established or a highway centerline and the centerline of a railway right-of-way meet.
- (24) **LOT.** A parcel of land having a width and depth sufficient to provide the space necessary for one (1) main building and its accessory building, together with the open spaces required by this Chapter and abutting on a public street or officially approved place.
- (25) **LOT, DEPTH OF.** The mean horizontal distance between the front and rear lot lines.
- (26) **LOT LINES.** The lines bounding a lot as defined herein.
- (27) **MOBILE HOME.** A large trailer or transportable prefabricated structure that is situated in one particular place and used as a permanent living accommodation. *(Rev. 11/12/2024)*
- (28) **NON-CONFORMING USE.** A building or premises lawfully used or occupied at the time of the passage of this Chapter or amendments thereto which use or occupancy does not conform to the regulations of this Chapter or amendments thereto. *(Rev. 11/12/2024)*
- (29) **OFF-ROAD VEHICLES.** Any motorized vehicle, which travels off-road for recreational purposes. *(Rev. 03/01/05)*
- (30) **OFF-ROAD VEHICLE PARKS.** Any location improved or not improved for a gathering of people and off-road vehicles. *(Rev. 03/01/05)*
- (31) **OWNER.** Refers to both individual and multiple owners of a property. *(Rev. 11/12/2024)*
- (32) **POND.** A collection of surface water or exposed ground water of any size or depth which is not temporary [it exists more than thirty (30) consecutive days] and which results from any excavation or other artificial movement of minerals. *(Rev. 11/12/2024)*

- (33) **PROFESSIONAL OFFICE.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than twenty-five percent (25%) of the floor area of only one (1) story of a dwelling unit shall be occupied by such office and only one (1) unlighted name plate, not exceeding ten (10) square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
- (34) **RIGHT OF WAY.** An easement or other legal right reserved for roads and utilities. *(Rev. 11/12/2024)*
- (35) **ROADSIDE STAND.** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and there shall be not more than one (1) roadside stand on any one (1) premises.
- (36) **SETBACK.** The minimum horizontal distance between the street or highway right of way or property line and the nearest point of a building or any projection thereof, excluding uncovered steps. *(Rev. 11/12/2024)*
- (37) **SETBACK LINES.** Lines established along highways at specified distances from the edge of the right of way, from which buildings or structures shall be setback of 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.
- (38) **SITE PLAN.** A document showing existing and proposed dimensions of lot, setbacks, driveways, and buildings. Including, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, as requested. *(Rev. 11/12/2024)*
- (39) **STABLE.** Any building or structure used for housing domesticated animals. *(Rev. 11/12/2024)*
- (40) **STREET.** All property dedicated or intended for public or private street purposes or subject to public easements therefore and twenty-one feet (21') or more in width.
- (41) **STORAGE, COLD.** Storage in an uncontrolled temperature environment. *(Rev. 11/12/2024)*
- (42) **STORAGE, CLIMATE-CONTROLLED.** Storage in a temperature-controlled environment (heated or refrigerated). *(Rev. 11/12/2024)*
- (43) **STORAGE, INDOOR, OPEN.** Storage in buildings existing as of 11/12/2024 formerly used for agriculturally related purposes with no individually walled or locked units. *(Rev. 11/12/2024)*
- (44) **STORY.** That portion of a building or structure located between the surface of a floor and the surface of the next floor or roof above it. *(Rev. 09/07/04; 11/12/2024)*
- (45) **STREET LINE.** A dividing line between a lot, tract, or parcel of land and a contiguous street.

- (46) **STRUCTURE.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (47) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
- (48) **SURVEY (CERTIFIED).** As defined in Chapter 236 of the Wisconsin Statutes. *(Rev. 11/12/2024)*
- (49) **TEMPORARY STRUCTURE.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
- (50) **TO PLACE.** The putting of a building or structure in a particular situation, whether by original construction or erection, or by moving a building structure to the particular site.
- (51) **TOURIST CAMP.** A tract or parcel of land, with or without buildings or other equipment, on which one or more camp cabins are located or where temporary accommodations are provided for two (2) or more automobile trailers or motor homes, open to the public, free, or for a fee.
- (52) **TRAFFIC LANE.** A strip or portion of a roadway intended to accommodate a single line of moving vehicles.
- (53) **VISION CLEARANCE.** An unoccupied triangular space at the street corner or a corner lot which is bounded by the intersecting street lines and a setback line connecting points located on each street line by specified measurement from the corner.
- (54) **YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- (55) **YARD, FRONT.** A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps. For lots abutting Crystal, Elkhart and Little Elkhart lakes, the front yard shall be the area between the main building and the lake. For non-lakefront lots, the front yard shall be considered to be the area between the main building and the road. *(Rev. 11/12/2024)*
- (56) **YARD REAR.** A yard extending the full width of the lot, being the nearest distance between the rear lot line and the nearest part of the main building, excluding uncovered steps.
- (57) **YARD, SIDE.** A yard extending from the front yard to the rear yard, being the nearest distance between the main building and the side lot line.

4.03 DISTRICTS

(1) **DISTRICTS ESTABLISHED.** For the purposes of this Chapter, the Town, is hereby divided into the following districts:

(a) Agricultural Land Districts.

1. A-1 Prime Agricultural Land.
2. A-2 Agricultural – Rural Residential District. *(Rev. 11/12/2024)*
3. A-3 Agricultural Transitional Area.
4. A-4 Farm Consolidation and Agricultural Living District. *(Rev. 10/02/01)*
5. A-5 Small Farming Operations. *(Rev. 11/12/2024)*

(b) Residential Districts.

1. R-1 One- or Two-Family Residence District.
2. R-2 Multi-Family Residence District.

(c) Conservancy Districts.

1. C-1 Lowland Conservancy District.
2. C-2 Upland Conservancy District.

(d) Commercial Districts.

1. B-1 Neighborhood Business.
2. B-2 Commercial Manufacturing and Processing.

(e) Cemetery District:

1. CZ - Cemetery Zone. *(Rev. 11/12/2024)*

(2) **DISTRICT ZONING MAP ADOPTED.** The boundaries of the aforesaid Districts are hereby established as shown on the map entitled "Zoning Map for the Town of Rhine, Sheboygan County, Wisconsin" first established October 3, 1984, and accompanies and is made a part of this Chapter. Referenced hereafter as the Zoning Map. All notations and references shown on the Zoning Map are as much a part of this Chapter as though specifically described herein. Pending revision of the Zoning Map, all certified survey maps approved by the Town Board of the Town since January 1, 1984, are incorporated by reference in the Zoning Map (See Appendix for current zoning map). *(Rev. 11/12/2024)*

- (3) **IDENTIFICATION OF DISTRICT BOUNDARIES.** The following rules shall apply to location and identification of District boundaries on the Zoning Map.
- (a) Road and Street Line Boundaries. The District boundaries are either roads or streets unless otherwise shown, and where the designation on the Zoning Map indicates that the various Districts are approximately bounded by a road or street line such roads or streets shall be construed to be the District boundary line.
 - (b) Lot Line Boundaries. Where the District boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the District boundaries shall be construed to be lot lines, and where the designations on the Zoning Map are approximately bounded by lot lines, said plot line shall be construed to be the boundary of the District.
 - (c) Unsubdivided Property. In unsubdivided property, the District boundary lines shown on the Zoning Map are intended to be section lines and quarter section lines, and where the District boundaries cross the quarter sections, north-south or east-west, the District boundary line shall be the line through the center of the quarter section.
 - (d) Unplatted Smaller Parcels. In unplatted areas less than ten (10) acres in area, the District boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the Zoning Map.

4.04 GENERAL PROVISIONS

- (1) **COMPLIANCE REQUIRED.** Except as otherwise specifically provided in this Chapter, no person shall hereafter use, change, erect, construct, convert, move, enlarge, or structurally alter any building or structure or use or change the use of any land within the Town except in compliance with the regulations established herein for the District in which such building, structure, or land is located.
- (2) **GENERAL LOT AND AREA REQUIREMENTS.** The following apply except as otherwise specifically provided in this Chapter. *(Rev. 10/02/01; 11/12/2024)*
 - (a) Reduction in Lot Area or Increased Density Prohibited. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the District in which a building or premises is located.
 - (b) Overlap of Yards Not Permitted. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or other open space required for another building. If a duplex is to be constructed, the lot area per family as required by the zoning category may be reduced by no more than twenty-five percent (25%) per family unit. *(Rev. 10/02/01)*
 - (c) One Residential Dwelling Per Lot. Every residential dwelling hereafter erected, converted, enlarged, or structurally altered shall be located on a lot and in no case shall there be more than one (1) residential dwelling on one (1) lot. *(Rev. 11/12/2024)*

(d) Accessory Buildings. *(Rev. 09/05)*

1. Permitted. Accessory buildings shall be allowed only if a building permit has been granted for the residential dwelling or if the structure can be shown to be accessory to a permitted or conditional use conducted on the property. *(Rev. 09/05; 11/12/2024)*
2. Timing. A structure accessory to a residential dwelling or to any building shall only be constructed concurrently with or after completion of the residential dwelling or building. A structure accessory to a permitted or conditional use shall not be constructed prior to commencement of the principal use. *(Rev. 11/12/2024)*
3. Size and Setbacks. Accessory buildings which are not attached to or within 10 feet of the residential dwelling shall not occupy more than twenty percent (20%) of the area of the yard (rear yard or side yard) where the building is located, shall not be more than twenty-one feet (21') high and shall not be nearer than three feet (3') to any lot line. When an accessory building is attached to residential dwelling or within ten feet (10') of the residential dwelling, the side yard and rear yard regulations applicable to the residential dwelling shall be applied to the accessory building. Accessory buildings in Agricultural Districts are governed by Section 4.05(2)(c). *(Rev 09/05; 12/06; 11/12/2024)*

- (e) Lot Line Grade Regulations. The finished grade within twelve feet (12') of neighboring properties in R-1 and R-2 zoning cannot be changed without a variance. The finished grade within twenty-five feet (25') of neighboring properties in all other zoning categories cannot be changed without a variance. In the event that a variance is granted, the slope commencing at or near a point along the boundary with a neighboring property shall in no event be greater than a one (1) to three (3) slope as finished grade unless authorized by express reference in an issued variance. *(Ren. 10/04/16; Rev. 07/02/02)*

(3) NONCONFORMING USES, STRUCTURES AND PROPERTY *(Rev. Entire Section 10/04/16)*

- (a) Existing Nonconforming Structures and Uses. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this Chapter or created by amendment hereto may be continued although the use does not conform with the provisions of this Chapter; however:
1. If the use of the property is non-conforming, 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 altered, or the use expanded, except when required to do so by law or order or so as to comply with the provisions of this Chapter.
 2. If the use conforms to the provisions of this Chapter, but a structure is non-conforming, such structure may only be extended, enlarged, reconstructed, substituted, moved or altered so that the size or impact of the non-conformity is not increased or is reduced.

3. Restoration of certain nonconforming structures. The restoration of a nonconforming structure is allowed if the structure is restored to the size (subject to subpar. 4), 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 the nonconforming structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
4. 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.
5. Substitution of new equipment may be permitted by the Board of Appeals if such equipment shall reduce the incompatibility of the nonconforming use with the neighboring uses.
 - a. Abolishment or Replacement. If the nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Chapter.
 - b. Changes and Substitutions. Once a nonconforming use or structure has been changed to conform, it shall not revert to the nonconforming use or structure. Once the Town Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the former use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Town Board and this Chapter.

(4) TRAFFIC AND PARKING REQUIREMENTS.

- (a) Loading Areas to be Provided. In any Commercial District wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot so that the alley shall at all times be free and unobstructed to the passage of traffic.
- (b) Parking Required at Public Gatherings. All theaters, arenas, auditoriums, churches, clubs, or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient space to accommodate at least one (1) car for every four (4) seats provided.

(5) HEIGHT, AREA, AND YARD EXCEPTIONS. The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions: *(Ren. 09/07/04)*

- (a) Height of Public Buildings. Churches, schools, hospitals, sanatoriums, and other public or quasi-public buildings may be erected to a height not exceeding sixty feet (60') nor five (5) stories, provided the front, side, and rear yards required in the District in which such building is to be located are each increased at least one foot (1') for each foot of additional building height above the height limit otherwise established for the District in which such building is to be located.
 - (b) Grade Exceptions. Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty feet (120') from the line of the higher average established grade.
 - (c) Lakeshore Yards. Homeowners of lots abutting Crystal, Elkhart, and Little Elkhart lakes must consider their rear yards to be the area from the road to the residential dwelling and the front yard to be from the residential dwelling to the lake. *(Rev. 03/04/02; 12/02/08; 11/12/2024)*
 - (d) Density Exceptions. Where a lot has an area less than the minimum number of square feet per family required for the District in which it is located and was of record as such at the time of the passage of this Ordinance (August 12, 1974), such lot may be occupied by one (1) family.
 - (e) Fire Escapes and Fire Towers. Open or enclosed fire escapes and fire towers may project into a required yard not more than five feet (5') provided they be so located as not to obstruct light and ventilation.
 - (f) Lots Abutting District Boundaries. Any side yard, or rear yard, abutting a District boundary line shall have a minimum width and depth in the less restricted District equal to the average of the required minimum widths and depths for such yards in the two (2) Districts which abut the district boundary line. *(Rev. 11/12/2024)*
 - (g) Accessory Structures. The requirement that accessory structures not within ten feet (10') of a residential dwelling be placed in the rear yard shall be waived if the width of the lot at its public road frontage is greater than sixty-six feet (66') and the side and rear setback distances of the accessory structure are greater than twice the minimum. This exception does not apply to the R-1 and R-2 Districts. *(Rev. 03/04/02; 12/02/08; 11/12/2024)*
- (6) **LARGE DEVELOPMENTS - CONDOMINIUMS.** When a housing or development project consisting of a group of two (2) or more buildings containing a total of eight (8) or more dwelling units is to be constructed on a site not divided into customary lots with public street frontages, where a proposed development is or will be subjected to a condominium declaration under Wisconsin Statutes Ch. 703, or where an existing lot and street layout make it impractical to apply the requirements of this Chapter to the individual building units, the Town Plan Commission may approve a development plan, provided it complies with the regulations of this Chapter as applied to the entire site.
- (7) **BUILDING PERMITS REQUIRED.** No building or structure, including decks, porches, or stairways which are not enclosed or roofed shall be erected, structurally altered, or relocated until a building permit has been issued by the Building Inspector of the Town, certifying that such building, as proposed, would be in compliance with the provisions of this Chapter and with the Building Code of the Town.

(8) MUNICIPAL COOPERATION. In order to facilitate roadway shoulder improvement projects in the Town, the Town Board may allow removal of fill from private property without a rezoning or conditional use permit if the following criteria are met:

- (a) Written application shall be made by Sheboygan County to the Town Board at least ten (10) days prior to the regular Town Board meeting. The application shall include a letter describing the scope of the project, a map of the site, and other information as required by this Chapter.
- (b) The area of removal is adjacent to the right-of-way.
- (c) No crushing occurs.
- (d) The neighbors will be notified, in writing by the Town Clerk/Treasurer, of the meeting at which the Town Board will make its decision. *(Rev. 11/12/2024)*
- (e) The area of removal will be less than one (1) acre.
- (f) The area will be reclaimed to agricultural or natural cover.
- (g) The material will not be moved out of the Town.
- (h) The operation will take no more than a month. Extensions can be made by the Town Chairperson.

(9) USES NOT SPECIFIED.

- (a) Uses not specified in this Chapter which are found by the Town Board, upon recommendation of the Town Plan Commission, to be sufficiently similar to specified permitted uses for a District may be allowed by the Town Board. *(Rev. 04/01/05)*
- (b) Uses not specified in this Chapter which are found by the Town Board, upon recommendation of the Town Plan Commission, to be sufficiently similar to specified conditional uses for a District may be allowed by the Town Board following a public hearing and approval in accordance with the procedures set forth in the issuance of a conditional use permit. *(Rev. 04/01/05)*

4.05 AGRICULTURAL LAND DISTRICTS

(1) GENERAL STANDARDS IN AGRICULTURAL DISTRICTS.

- (a) A-1 Prime Agricultural Land District. Lands in this District are characterized as prime agricultural lands which generally consist of, without limitation because of enumeration, soil capability Classes 1, 2, and 3 as established by the National Resources and Conservation Service, USDA. In the A-1 District, thirty-five (35) acres shall be the minimum area on which a residence will be permitted. A-1 land may be less than thirty-five (35) acres without a residence. The only residences that will be allowed as permitted or conditional uses are those that promote preserving the productive capacity of the land demonstrating compliance with the intent of this Section of the Chapter and are occupied by any of the following:

1. An owner or owners of the parcel. *(Rev. 11/12/2024)*
2. A person or family who has at least one (1) adult member of which is principally engaged in conducting the permitted or conditional uses of the parcel.
3. An owner's parent or child who is principally engaged in conducting the permitted or conditional uses on the property.

Permitted and conditional uses in the A-1 District are listed in Subsection (2) of this Section. Refer to Section 4.06(1)(e): R-1 Zone Specifications, or primary building requirements. *(Rev. 11/07/01; 11/12/2024)*

- (b) A-2 Agricultural Rural Residential District. Lands in this District are intended to provide for small farming operations and to keep in agricultural use areas of at least five (5) acres but less than thirty-five (35) acres. Refer to Section 4.06(1)(e) R-1 District for primary building requirements. Principal and conditional uses in the A-2 District shall be the same as in the A-1 District. *(Rev. 11/07/01; 01/20/11; 11/12/2024)*
- (c) A-3 Agricultural Transitional Area. Lands in the A-3 District are lands presently in agricultural use or open areas located next to municipalities or urbanized regions where conversion to non-agricultural uses can be anticipated within the foreseeable future. The Town Plan Commission shall review the Zoning Map at least every five (5) years to determine the need to increase or decrease the area of lands included in the A-3 District to conform with existing circumstances. The minimum parcel size for establishing a farmstead in the A-3 District shall be thirty-five (35) acres. Principal and conditional uses in the A-3 District shall be the same as in the A-1 District. Refer to Section 4.06(1)(e): R-1 District for primary building requirements.
- (d) A-4 Farm Consolidation Agricultural Living District. For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of Section 4.05 of this Chapter (August 12, 1974) may be separated from a larger farm parcel. Parcels of less than thirty-five (35) acres in area shall conform with the restrictions contained in the A-4 Farm Consolidation or Agricultural Living District.

Lands in this District are intended to provide for small farming operations and to keep in agricultural use areas of less than thirty-five (35) acres. Principal or permitted uses in the A-4 District shall be the same as in the A-2 District. Refer to Section 4.06(1)(e): R-1 District for primary building requirements. Conditional uses shall be the same as in the A-2 District but also include the following: *(Rev. 11/12/2024)*

1. Conditional Uses: Two-family dwelling and owner's retirement home or home for hired workers with two (2) acre minimum.
2. Height: Residences hereafter erected or structurally altered shall not exceed thirty-five feet (35') from the first-floor grade elevation, or in the case of an exposed lower-level basement on a parcel of at least five (5) acres, forty-two feet (42') overall from the lowest grade. There shall be no limit on the height of agricultural buildings, except their placement in relation to property lines shall in no case be less than their height. *(Rev. 09/01/09)*

3. Lot Area: Every lot hereafter created shall provide not less than two (2) acres in area.

(e) A-5 Small Farming Operations

The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for residential use. Lands in this district are intended to provide for small farming operations and to keep in agricultural use areas of at least twelve (12) acres, but less than thirty-five (35) acres. Refer to Section 4.06(1)(e) R-1 District for primary building requirements. Permitted and conditional uses in the A-5 District shall be the same as in the A-1 District. (Cr.01/20/11 by Ord. 2011-1) (Rev. 11/12/2024)

- (2) **SPECIFIC USE STANDARDS.** In Agricultural Land Districts A-1, A-2, A-3, A-4 and A-5 the following are permitted and conditional uses: (Rev. 11/12/2024)

(a) Permitted Uses.

1. Farmstead buildings. (Rev. 10/02/01; 11/12/2024)
2. Agriculture.
3. Bee keeping (Apiary). (Rev. 11/12/2024)
4. Composting. (Rev. 11/12/2024)
5. Dairying.
6. Floriculture.
7. Forestry.
8. General farming.
9. Grazing.
10. Greenhouses.
11. Home occupations not involving the conduct of retail business on the premises.
12. Horticulture.
13. Livestock raising (except commercial feed lots). (See Animal Unit Calculation Worksheet Form 3400-25A) (Rev. 11/12/2024)
14. Orchards.
15. Paddocks.
16. Pasturage.

17. Plant nurseries.
18. Poultry hatcheries. *(Rev. 11/07/01)*
19. Poultry raising.
20. Production of grain, grass, mint, herb, and seed crops.
21. Single-family or two-family residences.
22. Stables.
23. Tree crops.
24. Truck Farming.
25. Vegetable growing.
26. Viticulture.
27. Vermiculture. *(Rev. 11/12/2024)*

(b) Conditional Uses

1. Beef, hog, dairy, or other animal operations in excess of five hundred (500) animal units in the A-1 District or in excess of one (1) animal unit per acre in A-2, A-3, A-4, or A-5 Districts. (Animal unit equivalencies are as defined by the U. S. Department of Agriculture. See Animal Unit Calculation Worksheet Form 3400-25A). All operations in excess of five hundred (500) animal units shall meet the requirements of Wisconsin Administrative Rule ATCP 51 (Livestock Facility Siting Law). No such facility may be located in Sections 1-9 and 15-22 and 28-35. *(Rev. 11/06; 11/12/2024)*
2. Campground and Recreational Vehicle (RV) parks. *(Rev. 11/01; 11/12/2024)*
3. Commercial stud housing and operation.
4. Commercial raising or boarding of hogs and fur-bearing animals.
5. Fish hatcheries and/or fish farms. *(Rev. 11/01)*
6. Home occupations involving the conduct of business on the premises.
7. Ponds designed for aesthetic or wildlife habitat purposes where removal of material exceeds the limits of Chapter 19.04(2) and does not qualify under Chapter 19.04(3).
8. Public utilities such as regional gas lines, electric transmission lines, and communication towers.
9. Sanitary landfill sites.

10. Section 4.11 of this Chapter shall govern all conditional uses. *(Rev. 02/07; 11/12/2024)*

(c) Height and Yard Requirements

1. Height Restrictions. Dwelling: On a parcel less than five (5) acres thirty-five feet (35') from the lowest grade elevation, or in the case of an exposed lower-level basement on a parcel of at least five (5) acres, forty-two feet (42') overall from the lowest grade. Other Structures: Twenty-one feet (21') if not used primarily for a farm operation or fifty feet (50') if primarily used for a farm operation. *(Rev. 11/07; 09/01/09; 11/12/2024)*
2. Yard Requirements: Dwelling - Rear Yard - minimum: One hundred feet (100'). Side Yard - minimum: Twenty feet (20'). Front Yard - minimum: as set in Section 4.10(4). Other Structures: Rear Yard - minimum: One hundred feet (100'). Side Yard - minimum: Twenty feet (20') if not used for animals or one hundred feet (100') if used for animals. *(Rev 02/02)*

4.06 RESIDENTIAL DISTRICTS

(1) R-1 ONE- OR TWO-FAMILY RESIDENCE DISTRICT

(a) Permitted Uses. The following are permitted uses in the R-1 District:

1. Dwelling Structure for no more than one-family or two-family, with attached or unattached garage; except that any lot within the District on the shoreline of a Town lake is limited to a one-family dwelling with attached or unattached garage. *(Rev. 11/12/2024)*
2. Accessory buildings which are not attached to or within 10 feet (10') of the residential dwelling shall not occupy more than twenty percent (20%) of the area of the yard (rear yard or side yard) where the building is located. *(Rev. 11/12/2024)*
3. Public parks and playgrounds.
4. Home occupations not involving the conduct of a retail business on the premises. *(Rev 11/12/2024)*

(b) Conditional Uses Section 4.11 of this Chapter shall govern all conditional uses. The following are conditional uses in the R-1 District:

1. Home occupations involving the conduct of retail business on the premises. *(Rev. 11/12/2024)*
2. General Farming on a parcel in excess of one (1) acre. *(Rev. 11/12/2024)*

(c) Lot Dimensions.

1. Unsewered parcels. Area - minimum of twenty thousand (20,000) square feet (per family dwelling). Width - minimum of one hundred feet (100'). (Rev. 11/12/2024)
2. Sewered parcels. Area - minimum of eight thousand (8,000) square feet per family dwelling. (Rev. 11/12/2024)

(d) Yard Depths

1. Front - Minimum of thirty-six feet (36') depth from the right of way boundary (property line). Riparian lots: Reference Sheboygan County Shoreland Ordinance (Chapter 72) Adopted October 27, 1970, Amended December 19, 2017. (Rev. 11/12/2024)
2. Side - Sum of widths shall be a minimum of thirty feet (30'); single side yard a minimum of twelve feet (12'). (Rev. 09/04; 11/12/2024)
3. Rear - Minimum of twenty-five feet (25') depth.

(e) Dwelling

1. Area – one thousand two hundred (1,200) square feet minimum.
2. Width – twenty-four feet (24') minimum. (Rev. 11/01; 11/12/2024)
3. Height Restrictions – Dwelling: On a parcel less than five (5) acres thirty-five feet (35') from the lowest grade elevation, or in the case of an exposed lower-level basement on a parcel of at least five (5) acres, forty-two feet (42') overall from the lowest grade. Accessory Buildings: Twenty-one feet (21'). (Rev. 09/04; 09/01/09; 11/12/2024)
4. Setback – Section 4.10 of this Chapter shall apply.
5. Built on an approved permanent foundation. (Rev. 11/01)

- (f) Single Use. No lot abutting or having frontage on the shoreline of Town lakes in this District shall by deed, covenant, easement, or other device or agreement provide for the permitted uses or for the right of access to the lake, by other than the owner or legally resident occupant of the premises and guests, except in the case of a public park or way, public utility easement, patrons of a commercial use, or of a specifically permitted organizational use. (Ren. 10/04/16)

- (g) Uses Restricted. No pyramiding, as hereinafter defined, shall be permitted on any lands fronting on any lake except as may be specifically permitted accessory to a marina or resort and which may be allowed under the terms of a conditional use permit covering said lands. Pyramiding is defined as the act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel back lot development from offshore lots or residences via a narrow parcel of land to provide access to the water. Publicly-owned access points shall not fall within this definition. *(Rev. 10/04/16)*

(2) R-2 MULTI-FAMILY RESIDENCE DISTRICT

- (a) Permitted Uses. The following are permitted uses in the R-2 District:

1. Dwelling Structure for no more than One-family or two-family, with attached or unattached garage; except that any lot within the District on the shoreline of a Town lake is limited to a one-family dwelling with attached or unattached garage. *(Rev. 11/12/2024)*
2. Accessory buildings which are not attached to or within 10 feet of the residential dwelling shall not occupy more than twenty percent (20%) of the area of the yard (rear yard or side yard) where the building is located. *(Rev. 11/12/2024)*
3. Home occupations not involving the conduct of a retail business on the premises. *(Rev. 11/12/2024)*

- (b) Conditional Uses. Section 4.11 of this Chapter shall govern all conditional uses. The following are conditional uses in the R-2 District:

1. Three (3) or more family dwelling units per structure only when central or public sewers are available. The minimum lot area shall be six thousand (6,000) square feet per family. *(Rev. 11/12/2024)*
2. Home occupations involving the conduct of a retail business on the premises. *(Rev. 11/12/2024)*

- (c) Lot Dimensions

1. Unsewered parcels. Area - minimum of twenty thousand (20,000) square feet (per family dwelling). Width - minimum of one hundred feet (100'). *(Rev. 11/12/2024)*
2. Sewered parcels. Area - minimum of eight thousand (8,000) square feet per family dwelling. *(Rev. 11/12/2024)*

(d) Yard Depths

1. Front yard – Minimum depth of thirty-six feet (36') from the right of way boundary (property line). Riparian lots: Reference Sheboygan County Shoreland Ordinance (Chapter 72) Adopted October 27, 1970, Amended December 19, 2017. *(Rev. 11/12/2024)*
2. Side yard - Sum of widths shall be a minimum of thirty feet (30'); single side yard a minimum of twelve feet (12'). *(Rev. 11/12/2024)*
3. Rear yard – Minimum depth of twenty-five feet (25') from property line. *(Rev. 11/12/2024)*

(e) Dwellings Area.

1. Setback – Section 4.10 of this Chapter shall govern.
2. Height – Thirty-five feet (35') maximum.

4.07 CONSERVANCY DISTRICTS**(1) C-1 LOWLAND CONSERVANCY DISTRICT**

- (a) Purpose. The primary purpose of the C-1 District is to preserve, protect, and improve the quality and functions of the lakes, bogs, swamps, marshes, running streams, ponds, and other wetlands in the Town. This District recognizes that it is desirable to preserve areas for fish and wildlife habitat and natural water storage.
- (b) Lands Included. Lands included in the C-1 District are areas of wetlands, swamps, bogs, marshes, shorelands, and other lowlands.
- (c) Permitted Uses. The following uses are permitted in the C-1 District:
 1. Forestry.
 2. Fur skin production.
 3. Hunting, fishing, and game management.
 4. Parks and Recreational areas not including those of off-road vehicles. *(Rev. 11/12/2024)*

(d) Conditional Uses. In the C-1 District, all buildings or structures and any use of a residence for a home occupation will be regarded as conditional uses. All conditional use applications shall follow the procedure detailed in Section 4.11 of this Chapter.

1. General Farming. *(Rev. 11/12/2024)*
2. Single-family residence. Minimum lot area of twelve (12) acres. If wooded, a maximum of forty thousand (40,000) square feet may be cleared for the residence site. Refer to Section 4.06 (1)(d): R-1 District for primary building requirements. Accessory buildings are permitted. All buildings shall meet the setback distances provided in Section 4.10 of this Chapter. *(Rev. 11/12/2024)*

(e) Prohibited Uses. The following uses of land or buildings are prohibited in the C-1 District:

1. Activities which would substantially disturb or alter the natural flora and fauna or topography.
2. Damming of or relocation of any watercourse.
3. Dumping, filling, or draining.
4. Removal of top soil or peat.

(2) C-2 UPLAND CONSERVANCY DISTRICT

(a) Purpose. The purpose of the C-2 District is to preserve, protect, and improve woodlands, scenic areas, sub-marginal farmlands, wildlife habitat, and recreational areas.

(b) Lands Included. Lands included in the C-2 District consist of wooded and partially wooded areas, former mineral extraction areas, and other highlands, all of which generally do not fall within the Agricultural Districts.

(c) Permitted or Principal Uses. The following principal uses are permitted in the C-2 District:

1. Forestry and game management.
2. General farming when following Soil Conservation Service standards.
3. Parks and recreational areas not including those of off-road vehicles. *(Rev. 03/05)*
4. Single-family residence. Minimum lot area of twelve (12) acres. If wooded, a maximum of forty thousand (40,000) square feet may be cleared for the residence site. Refer to Section 4.06 (1)(d): R-1 Zone Specifications, for primary building and Accessory Building requirements. *(Rev. 11/01)*. All buildings shall meet the setback distances provided in Section 4.10. *(Rev. 10/01; 11/12/2024)*

5. Home occupations not involving the conduct of retail business on the property.

(d) Conditional Uses.

1. Home occupations involving the conduct of retail business on the property. All conditional use applications shall follow the procedure detailed in Section 4.11 of this Chapter. *(Rev. 11/12/2024)*

(e) Prohibited Uses. The following uses are prohibited in the C-2 District:

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

4.08 COMMERCIAL DISTRICTS

(1) B-1 NEIGHBORHOOD BUSINESS

(a) Purpose. The purpose of the B-1 District is to identify currently existing areas of neighborhood commercial uses and to provide for uses which have traditionally existed in these areas and are compatible with the surrounding and overall goals of this Chapter.

(b) Permitted Uses. The following are permitted uses in the B-1 District: *(Rev. 11/12/2024)*

1. Barber and beauty shops.
2. Business offices.
3. Clinics, medical or animal. *(Rev. 11/12/2024)*
4. Food stores.
5. General retail stores.
6. Greenhouse, nursery.
7. Professional offices.
8. Bed and breakfast operations.

(c) Conditional Uses. Section 4.11 of this Chapter shall apply to all conditional uses. The following uses are conditional uses in the B-1 District:

1. Alcoholic beverage stores.
2. Automotive service.
3. Bars.
4. Cleaning establishments.
5. Clubs.
6. Dining and lunch-rooms.
7. Recreational establishments.
8. Facilities for the generation or operation of public utilities. *(Rev. 10/02/01)*
9. Repair shops. *(Rev. 09/05)*
10. Retail fuel service and dispensing (including propane). *(Rev. 09/05)*
11. A single family dwelling residence in conjunction with any enumerated permitted use or conditional use shall comply with the provisions of R-1 District zoning. *(Rev. 07/06/10; 11/12/2024)*

(d) All buildings shall minimally meet the setback distances as specified in 4.10 of this Chapter. *(Rev. 10/01; Ren. 07/06/10)*

(e) Height Commercial Buildings Exceptions. Chimneys, silos, cooling towers, elevator bulkheads, fire towers, monuments, vent stacks, tanks, water towers, ornamental towers, spires, wireless, television, or broadcasting towers, masts or aerials, telephone, and electric power poles, towers, and lines, microwave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height and area regulations of this Chapter and may be erected in accordance with other regulations or Ordinance of the Town. *(Rev. 11/12/2024)*

(2) B-2 COMMERCIAL MANUFACTURING OR PROCESSING

(a) Purpose. The purpose of the B-2 District is to identify and regulate uses which have traditionally generated noise, smoke, dust, light, odors, heavy traffic, runoff, and other secondary effects which have a high potential to produce complaints from adjoining properties or the general public. Any uses other than permitted uses or any structures require a conditional use permit pursuant to Section 4.11.

(b) Permitted Uses. The following are permitted uses in the B-2 District:

1. Agriculture. Those uses permitted in the Agricultural Land Districts pursuant to Section 4.05(2)(a), except that no structures may be built without first obtaining a conditional use permit pursuant to Section 4.11. *(Rev. 04/06)*
2. Passive Outdoor Recreation. Passive, outdoor, recreational land uses such as arboretums, natural areas, wildlife, areas, hiking trails, bicycle trails, cross-country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas, and similar land uses. *(Rev. 04/06)*

(c) Conditional Uses. The following conditional uses may be authorized in the B-2 District pursuant to the provisions of Section 4.11 of this Chapter: *(Ren. 04/06)*

1. Fabrication of consumer or commercial commodities.
2. Mining and ore processing.
3. Off-road vehicle parks
4. Quarrying: Gravel, sand, rock, and soil removal and processing.
5. Salvage yards for wood, metals, papers, and clothing.
6. Stockyards.

4.09 CEMETERY DISTRICTS

- (1) **CZ- Cemetery Zone:** The designation "CZ" will apply to any lands within the Town operating as a legally recognized cemetery (recognized and operated as a cemetery pursuant to Chapter 157 of the Wisconsin Statutes and used for the laying to rest of human remains or cremains.) *(Rev. 11/12/2024)*
- (2) Any structures on said properties will be limited to those constructed for housing equipment dedicated to the maintenance of said property. Any such maintenance buildings will be limited to four hundred (400) square feet, with a maximum of twenty-one foot (21') height, and not to be placed closer than three feet (3') to the property line. *(Rev. 11/12/2024)*

4.10 HIGHWAY SETBACK LINES

(1) **SETBACK LINES ESTABLISHED.** In order to promote and enhance the public safety, general welfare, and convenience, it is necessary that highway setback lines be established in the Town, outside the limits of incorporated cities and villages; along all public highways, at the intersections of highways with highways and highways with railroads as hereafter provided. If a highway in the future is located on a City, Village, or County boundary, this Section is not intended to be effective on the side within the City or Village nor on the side within another County. *(Rev. 11/12/2024)*

(2) **CLASSES OF HIGHWAYS AND CENTERLINES.** Highways are classified and the position of the centerline shall be determined as follows:

(a) Class A Highways

State trunk highways that have been improved according to surveys and plans of the Wisconsin Department of Transportation or plans accepted by Sheboygan County. Centerline (of the paved road) – The centerline of the traveled portion of the road. *(Rev. 11/12/2024)*

(b) Class B Highways

County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board, or their agent, the County Transportation Committee. Centerline (of the right of way) - The center of the surveyed right of way. *(Rev. 11/12/2024)*

(c) Class C Highways

1. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. Centerline (of the right of way) - The center of the surveyed right of way. *(Rev. 11/12/2024)*
2. Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. Centerline (of the right of way) - The center of the surveyed right of way. *(Rev. 11/12/2024)*
3. Roads and streets in platted subdivisions not otherwise classified. The centerline is at the midpoint between the right of way lines as shown on the recorded plat.

(3) STRUCTURES PERMITTED WITHIN SETBACK LINES.

- (a) Buildings and Structures to Comply. No new building or other new structure or part thereof shall be placed between the setback lines established by this Chapter and the highway except as provided by this Chapter, and no building, sign, or structure or part thereof existing within such setback lines on the effective date of this Chapter shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof or be reconstructed in its original existing location after having been destroyed by fire, storm, or other catastrophe to the extent of fifty percent (50%) or more of its last assessed value. *(Rev. 12/06)*
- (b) Trees and Shrubbery Excepted. 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 sectors at the intersection shall be obstructed.
- (c) Permitted Structures. The following kinds of structures may be placed between the setback line and the highway:
1. Telephone, cable, and underground utilities, 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 an agreement in writing to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this Chapter at owner's expense when necessary for the improvement of the highway. Permits are required. *(Rev. 11/12/2024)*
 2. Underground structures not capable of being used as foundations for future prohibited over ground structures.
 3. Access or service highways constructed according to plans as approved by the County Transportation Committee shall give due consideration to highway safety and maximum sight distances.
 4. Signs are subject to the provisions of Chapter 18 of this Municipal Code. *(Rev. 04/07)*

(4) SETBACK DISTANCES. *(Rev. 10/04/16)*

Except as otherwise provided, the distance from the centerline to the setback line applicable to the various classifications of highways as defined by Subsection (2) of this Section, shall be provided by the following paragraphs of this Subsection, respectively. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this Chapter prior to such improvement, the setback distance shall be that applicable to the later classification. In cases where the provisions of this Section may be interpreted to provide for different setback distances, the greater setback distance shall prevail. *(Rev. 11/12/2024)*

(a) **Along Highways Generally.** The minimum setback distances for the respective classes of highways shall be as follows: (Rev. 10/04/16)

1. General Setbacks

1. General Setbacks:	Minimum Setback from the centerline of the Right of Way (ROW)	Minimum Setback from the right-of-way boundary (property line)
Class A (State Hwy)	100.00' (one hundred feet)	67.00' (sixty-seven feet)
Class B (County Road)	75.00' (seventy-five feet)	42.00' (forty-two feet)
Class C (Town Road)	60.00' (sixty feet)	36.00' (thirty-six feet)
Class C (Town Road) -- platted subdivision	None	36.00' (thirty-six feet)

2. Highways with Reduced Speed Limits. For Class B and C Highways located in residential areas with a posted speed limit of not more than 25 MPH, structures must be set back a minimum of twenty-five feet (25') from the edge of the hardened road surface. (Rev 10/04/16)

- (b) Variance. Where structures are to be erected between buildings existing at the time of the adoption of this Chapter which are located not more than one hundred fifty feet (150') 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 save the Town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided that no such variation will permit a setback less than the average setback of the adjacent buildings.
- (c) At Ordinary Highway Intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class B Highways or Class A Highways, there shall be setback lines which shall be straight lines across all sectors connecting points on the setback lines along the intersecting highways, which points are located fifty feet (50') from the intersections of the projections of the setback lines along the highway.
- (d) At Railroad Grade Crossings. The setback lines shall be straight lines across all sectors, connecting points located on the railroad right-of-way lines and the highway setback line, respectively, each; one hundred feet (100') from the intersection of the highway setback lines and the railway right-of-way line

4.11 CONDITIONAL USES (Rev. 11/12/2024)

- (1) **APPLICATION.** Applications for conditional use permits shall be made to the Town Clerk/Treasurer and shall include the following information where applicable and necessary for proper review:
- (a) Names and addresses of the applicant and owner of the site (if not the applicant).
 - (b) Description of property: address, tax parcel, and current zoning district in which the subject site lies.
 - (c) Proposed business or other use:
 - 1. Description of operations.
 - 2. Hours of operation.
 - 3. Number of employees.
 - 4. Traffic (number and type of vehicles entering and leaving; loading).
 - 5. Drainage/Sewage/Water System.
 - 6. Security (fencing, lighting, planting screens).
 - 7. Signage (location, size and number).
 - 8. Environment impact (noise generated from operation, waste disposal, air pollution, and surface drainage).
 - (d) Site plan showing existing: dimensions of lot, setbacks, driveways, parking areas, highway access, and buildings.
 - (e) Site plan showing proposed: dimensions of lot, setbacks, driveways, parking areas, highway access, and buildings (please attach architectural designs or plans).
 - (f) Any current permits pertaining to parcel (town, county, or state).
 - (g) List of names and addresses and current zoning of all parties within five hundred (500') feet of subject property.
 - (h) Additional information as may be required by the Plan Commission or Town Board.
 - (i) Payment to the Town Clerk/Treasurer of an application fee (See Fee Schedule, Table 21.04) In the event, however, that for any reason it is necessary for the Plan Commission to hold additional meetings in regard to the application for a conditional use permit, then the applicant, shall pay to the Town Clerk/Treasurer an additional fee (See Fee Schedule, Table 21.04) for each such public hearing or appearance. In addition, applicants are subject to the fees for development services pursuant to Section 4.16.
 - (j) Extensions. Any conditional use permit requiring an extension will require an application fee (See Fee Schedule, Table 21.04). Applicant must submit the extension application to the Town Clerk/Treasurer ninety (90) days prior to the time of renewal.

- (2) **REVIEW AND RECOMMENDATION OF THE TOWN PLAN COMMISSION.** The Town Plan Commission shall review the site, existing and proposed structures, architectural designs or plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.
- (a) **Conditions.** Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, location, size and number of signs, hours of operations, improved traffic circulation, higher performance standards, deed restrictions, highway access restrictions, street dedication, certified survey maps, or increased yards or parking areas may be required by the Town Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
 - (b) **Compliance.** Compliance with all other provisions of this Chapter, such as lot dimensions, yards, height, parking, loading, traffic, highway access, and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in Section 4.12(3).
 - (c) Applicants are responsible for determining what other town, county, state and/or federal regulations (ex: building codes, shoreland zoning, county sanitary or subdivision requirements) might apply to a proposed use or developments, and for obtaining any necessary approvals or permits.
 - (d) **Public Hearings.** A public hearing shall be held by the Town Plan Commission on each application for a conditional use permit and may be required for a conditional use permit extension.
 - 1. A Class 2 notice under Wisconsin Statutes Ch. 985 of the public hearing shall be given in a newspaper of general circulation in the Town. The Town Clerk/Treasurer shall also mail copies of such notice, by first class mail, to the owners of abutting property within five hundred feet (500') of the boundaries of the site on which the proposed conditional use will be located whose names and addresses are known or can be obtained with reasonable diligence. (Rev. 4/12/22; 11/12/2024)
 - (e) When receiving a permit to remove and/or process gravel, sand, or rock, the Town Plan Commission shall consider the following:
 - 1. The number of pits closed and not reclaimed.
 - 2. The number of pits operating.
 - 3. The acreage of pits operating.
 - 4. Material available in operating pits.
 - 5. Need for proposed operation.
 - 6. Credibility of prospective operator.
 - 7. Material available in proposed operation.

8. Duration of proposed operation.
 9. On-site or off-site mitigation.
- (3) **HEARING.** The hearing on the conditional use application shall be conducted in accordance with Wis. Stat. § 68.11(2).
 - (4) **RECOMMENDATION OF THE TOWN PLAN COMMISSION.** The Town Plan Commission shall make such written findings and determinations as it deems appropriate based upon the information submitted to it and presented at the public hearing and shall make a written recommendation to the Town Board. In making its determinations and recommendations, the Commission shall be guided by the purposes, goals, and intent set forth in or necessarily implied from Section 4.01 and any other applicable Sections of this Chapter.
 - (5) **TOWN BOARD REVIEW AND ACTION.** The Town Board shall review the findings and recommendations of the Town Plan Commission and make the ultimate determination of whether to grant the conditional use and the conditions upon which such grant is made. If the Town Board determines that all considerations have not been appropriately reviewed, it may refer the matter back to the Town Plan Commission or it may schedule its own additional hearing.
 - (6) **VIOLATION OF CONDITION.** Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered in violation of this Chapter.
 - (7) **LAPSE OF PERMIT.** Unless an extension is applied for, and granted, conditional use permits will expire on the date noted in the original conditional use permit document, or sooner, if the terms and conditions of the permit are not met during the permit period.

4.12 ADMINISTRATION (Rev. 11/12/2024)

- (1) **GENERAL PROVISIONS.** The administration of this Chapter is vested as set forth below:
 - (a) Building Inspector.
 - (b) Town Clerk/Treasurer.
 - (c) Board of Appeals.
 - (d) Town Plan Commission.
 - (e) Town Board.
- (2) **BUILDING INSPECTOR or TOWN CLERK/TREASURER.**
 - (a) Permit Approval. Approve and issue all zoning and occupancy permits or certificates and make and maintain records thereof. Building Inspector.
 - (b) Inspections. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this Chapter. Building Inspector.

- (c) Assist Other Officials and Bodies. Provide such clerical, technical, and consultative assistance as may be required by the Board of Appeals, the Town Plan Commission, the Extraterritorial Zoning Committee, if any, and other Town officials in the exercise of their duties relative to this Chapter. Building Inspector.
- (d) Maintain Records. Maintain permanent and current records of the Zoning Ordinance, including but not limited to all maps, amendments, special exceptions, variances, appeals, and applications therefore and records of hearings thereon. Town Clerk/Treasurer.
- (e) Annual Update. Have available online and/or in book, pamphlet, or map form, on or before July 1 of each year: Town Clerk/Treasurer.
 - 1. The compiled text of the Town of Rhine Zoning Ordinance, this Chapter, and amendments thereto, including amendments adopted throughout the preceding Town Board year.
 - 2. A current updated copy of the Town of Rhine Zoning District Map showing the zoning districts, divisions, and classifications in effect in the Town, including any areas of the Town subject to an extraterritorial zoning ordinance of any City or Village at the close of the preceding Town Board year.
 - 3. If no amendments to the Town Zoning Ordinance have been adopted during the preceding Town Board year, then no supplements need be printed for such year. If no changes in the zoning districts, divisions, and classifications in effect in the Town or portions located in an extraterritorial jurisdiction area have been made during the preceding Town Board year, then no zoning map need be printed for such year.
- (f) Distribute Map and this Chapter. Maintain for distribution to the public a supply of copies of the zoning map, the compiled text of this Chapter, the rules of the Board of Appeals, and the Extraterritorial Zoning Committee, if any. A fee for each copy shall be charged to defray the cost of printing. (See Fee Schedule, Table 21.04). Town Clerk/Treasurer.
- (g) File Appeal Records. Receive, file, and forward to the Board of Appeals for action all appeals for variances and the records in all appeals. Town Clerk/Treasurer.

(3) BOARD OF APPEALS (Rev. 11/12/2024)

- (a) Establishment. There shall be established a Board of Appeals known as the "The Town of Rhine Board of Appeals."
- (b) Membership.
 - 1. The Board of Appeals shall consist of five (5) members appointed by the Town Chairperson, subject to confirmation by the Town Board, for three (3) year staggered terms.
 - 2. The members shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.

3. The Town Chairperson shall designate one (1) member Chairperson.
4. The Town Chairperson shall appoint two alternates, Alternate One and Alternate Two, for terms of three (3) years, who shall act with full power only when a member of the Board of Appeals refuses to vote because of interest or is unavailable.
5. Vacancies shall be filled for the unexpired term of the member who resigned or was removed.
6. Not more than one (1) member of the Town Board may be a member of the Board of Appeals.
7. A record of Board of Appeals members and their respective terms will be kept up to date by the Town Clerk/Treasurer.

(c) Role of Town Officers

1. The Town Clerk/Treasurer (or his/her designee) shall act as recording secretary for the Board of Appeals to: prepare its correspondence; receive and file all referrals, applications, papers, and records; prepare, publish, and mail all required notices; and prepare and keep minutes of its proceedings.
2. The Board of Appeals may request the Building Inspector, Town Attorney, or other Town staff or agents to attend meetings to provide technical assistance.

(d) Rules and Meetings.

1. The Board of Appeals shall adopt rules for its governance and procedure.
2. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine.
3. The Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
4. All meetings shall be open to the public.

(e) Record of Proceedings.

1. The Town Clerk/Treasurer shall keep minutes of proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be timely filed in the office of the Town Clerk/Treasurer and shall be a public record.

(f) Procedure; Applications.

1. General.

- a. Applications must be accompanied by the applicable fee and 8 complete sets of plans, drawings, attachments, photos, and/or maps by the application deadline date.
- b. Notice shall be given by publication of a Class 2 notice under Wisconsin Statutes Ch. 985 in a newspaper of general circulation in the Town and provided to the Building Inspector, applicant/appellant and all parties having filed a request therefore a notice of the time, date, and place of the hearing.
- c. Should it be necessary for the Board of Appeals to hold additional public hearings or meetings concerning any matter, the applicant/appellant shall pay to the Town Clerk/Treasurer an additional fee for each such public hearing or appearance. (See Fee Schedule, Table 21.04).
- d. Decisions of the Board of Appeals shall be in writing and shall include written findings and conclusions.

2. Variances.

- a. Variances may be requested by filing with the Town Clerk/Treasurer at least forty-five (45) days prior to a Board of Appeals meeting the appropriate application and paying the applicable fee. (See Fee Schedule, Table 21.04).

3. Appeals.

- a. Appeals may be requested by filing with the Town Clerk/Treasurer a notice of appeal and paying the applicable fee. (See Fee Schedule, Table 21.04). The Building Inspector shall transmit to the Board of Appeals all the papers constituting the record upon which the appealed action was taken. The Board of Appeals shall decide appeals within a reasonable time after a hearing, not to exceed twenty (20) days.

4. Special Exceptions/Permits.

- a. Special permits described in Section 4.12(3)(g)(2) may be requested by filing with the Town Clerk/Treasurer at least forty-five (45) days prior to a Board of Appeals meeting the appropriate application supplied by the Town, the information required for a conditional use permit under Section 4.11 and such other information as the Board of Appeals shall from time to time by rule require, and paying the applicable fee. (See Fee Schedule, Table 21.04)

(g) Powers. The Board of Appeals shall have the following specific powers:

1. Appeals.

To hear and decide appeals by any person aggrieved, or by any officer, Department or Board of the Town affected, where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector or other administrating official in the enforcement of this Chapter. Such appeals shall be taken within sixty (60) days of the order, requirement, decision or determination.

2. Variances.

To authorize, upon appeal in specific cases, such variance from the terms of this Chapter, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done, provided in every case where a variance from these regulations has been granted by the Board of Appeals. The Board of Appeals decision form shall affirmatively show that a "practical difficulty" or "unnecessary hardship" exists, and the records of the Board of Appeals shall clearly show in what particular and specific respects a "practical difficulty" or an "unnecessary hardship" is created.

3. Special Exceptions Enumerated. In addition to the foregoing, the Board of Appeals shall have the following specific powers:

- a. Grant a permit for a temporary structure for commerce or industry in a Residential District which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.
- b. Grant a permit for the extension of a District boundary for a distance of not more than twenty-five feet (25') only where the boundary of a District divides a lot in a single ownership at the time of adoption of this Chapter, November 12, 2024. *(Rev. 11/12/2024)*
- c. By special exception permit, after due notice and public hearing, authorize the location of any of the following buildings or uses in any district from which they are excluded by this Chapter, provided that such buildings or use shall comply with all other regulations in the district in which it is proposed to be relocated:
 - 1) Private clubs and lodges, except those the chief activity of which is a service customarily carried on as a business; but no such use shall be authorized or permitted in the Commercial District or in the A-1 District.

- 2) Hospitals.
 - 3) Institutions of an educational, philanthropic, or charitable nature.
 - 4) Multi-family residential development project; but no such use shall be authorized or permitted in the A-1 District.
 - 5) Sewage disposal plant.
 - 6) Mobile home parks which comply with the Ordinance passed April 10, 1973, but no such use shall be authorized or permitted in the Agricultural Districts.
- d. Orders; Voting Requirements. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made and to that end shall have all the powers of the Building Inspector. The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Chapter.
- (h) Duties and Responsibilities. In exercising the powers enumerated under Section 4.12(3)(g), the Board of Appeals shall be subject to the following specific requirements:
1. Official Assistance. The Board shall call on any other Town Official for assistance in the performance of its duties, and it shall be the duty of such other Officials to render such assistance as may be reasonably required.
 2. No Variances. Except as specifically authorized in this Chapter, the Board of Appeals shall not permit and its decisions shall not be interpreted to have the effect of permitting in any District uses prohibited in such District.
 3. Impose Conditions. In exercising its powers, the Board of Appeals shall, in appropriate cases, establish suitable conditions and safeguards in harmony with the general purpose and intent of this Chapter.

(4) TOWN PLAN COMMISSION

- (a) Establishment. There shall be established a Town Plan Commission known as "The Town of Rhine Plan Commission."
- (b) Membership.
1. The Town Plan Commission shall consist of five (5) members of recognized experience and qualifications appointed by the Town Board Chairperson and subject to confirmation by the Town Board. Two alternates shall be appointed.

2. At least 1 member shall be a Town Board supervisor. No more than two (2) members may be Town Board Supervisors. Other members may or may not be other Town officials (an elected or appointed position of the Town). *(Rev. 11/12/2024)*
3. Members shall be appointed in April after qualification of any new Town Supervisor, for staggered three (3) year terms commencing May 1 and ending April 30. However, Town officials shall serve for the period of such elected or appointed term, pursuant to Wis. Stat. § 66.0501(2).
4. Members may be re-appointed to serve additional terms.
5. Vacancies shall be filled in the same manner as appointments for a full term.
6. The Town Board Chairperson shall designate the Town Plan Commission's Chairperson.
7. A record of committee members and their respective terms will be kept up to date by the Town Clerk/Treasurer. *(Rev. 11/12/2024)*

(c) Role of Town Officers *(Rev. 11/12/2024)*

1. The Town Clerk/Treasurer (or his/her designee) shall act as recording secretary for the Town Plan Commission to: prepare its correspondence; receive and file all referrals, applications, papers, and records; prepare, publish, and mail all required notices; and prepare and keep minutes of its proceedings.
2. The Town Plan Commission may request the Building Inspector, Town Attorney, or other Town staff or agents to attend meetings to provide technical assistance.

(d) Meetings. *(Rev. 11/12/2024)*

1. The Town Plan Commission shall meet at least annually, and more often as needed.
2. Special meetings may be called by the Town Plan Commission Chairperson or upon the written request of three (3) members to the Town Clerk/Treasurer. Notice of special meetings shall be provided to all Commission members at least twenty-four (24) hours prior to the special meeting.
3. The Town Clerk/Treasurer (or his/her designee) shall keep minutes of the proceedings and a record of all actions showing the vote of each member upon each question, the reasons for the Town Plan Commission's determination, and its findings.

(e) Jurisdiction; Duties; Powers. The Town Plan Commission shall have the following jurisdiction, duties and powers, in addition to those contained in Wis. Stat. § 62.23 and Wisconsin Statutes Ch. 236. *(Rev. 11/12/2024)*

1. To propose or review and recommend text and map amendments to the Town Zoning Code for consideration and final action by the Town Board.
2. To review conditional use permit applications and recommend their denial, approval, or conditional approval to the Town Board.
3. Such others as determined from time-to-time by the Town Board.

4.13 CHANGES AND AMENDMENTS (Rev. 11/12/2024)

(1) **TOWN PLAN COMMISSION REVIEW.** Whenever the public necessity, 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 Chapter in accordance with the provisions of the Wisconsin Statutes. Such change or amendment shall require a prior review by the Town Plan Commission which shall make a recommendation in writing to the Town Board within sixty (60) days after receiving a request to review a proposed change. *(Rev. 04/12/2022; 11/12/2024)*

(2) **INITIATION.** A change or amendment to the Zoning Ordinance may be initiated by petition of any property owner in the area to be affected by the change or amendment or by the Town Board or the Town Plan Commission. Such petition shall include: *(Rev. 11/12/2024)*

- (a) Petitioner's and owner's (if not Petitioner) name, address, phone number, and interest in property.
- (b) Subject Property: address, tax parcel, and current zoning district in which the subject site lies.
- (c) Legal Description of existing subject property to be rezoned. (section, lot, block, and recorded subdivision or by proper measurements)
- (d) Request
 1. Acres to be rezoned.
 2. Existing zoning.
 3. Proposed zoning.
- (e) Detailed description of proposed subject property use.
- (f) Site plan showing existing: dimensions of lot, setbacks, driveways, and buildings.
- (g) Site plan showing proposed: existing dimensions of lot, setbacks, driveways, and buildings (please attach architectural designs or plans).
- (h) Identification of wetlands and shorelands (if any).
- (i) Identification of easements (if any).
- (j) Current covenants pertaining to the subject property (if any).

- (k) Any current permits pertaining to parcel (town, county, or state).
 - (l) List of names and addresses and current zoning of all parties within five-hundred (500') feet of subject property.
 - (m) Additional information as may be required by the Town Plan Commission or Town Board.
 - (n) Payment to the Town Clerk/Treasurer of an application fee (See Fee Schedule, Table 21.04). In the event that it is necessary for the Town Plan Commission to hold additional public hearings in regard to the application, then the applicant shall pay an additional fee (See Fee Schedule, Table 21.04) for each such public hearing. Additional charges may be required to defray legal or technical assistance as outlined in Section 4.15.
- (3) A Certified Survey Map (CSM) may be required after the Town Board of Supervisors approval for the Town Board Chairperson to sign. *(Rev. 11/12/2024)*
- (4) **HEARING.** The Town Board shall hold a hearing upon each petition or proposed zoning change or amendment listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least ten (10) days' prior written notice to the Town Clerk/Treasurer of any municipality within five hundred feet (500') of any land to be affected by the proposed change or amendment. *(Rev. 11/12/2024)*
- (5) **BOARD ACTION.** Following such hearing, and after careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed changes or amendments. A negative recommendation of the Town Plan Commission shall only be overruled by majority vote of the full Town Board. If a rezoning is granted contingent on receiving a Certified Survey Map, that map shall be presented to the Town Board within ninety (90) days of the rezoning action of the Board shall be automatically vacated. Reasonable extensions may be requested.
- (6) **PROTEST.** In the event of a protest against such change or amendment duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the land included in such change or by the owners of twenty percent (20%) or more of the land immediately adjacent extended five hundred feet (500') there from or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending five hundred feet (500') there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending five hundred feet (500') from the street frontage of such opposite land, such change or amendments shall not become effective except by the favorable vote of 75% or more of the members of the Town Board voting on the proposed change. Protest Petitions were eliminated by Wisconsin State Legislature effective 1/1/2025. *(Rev. 11/12/2024)*

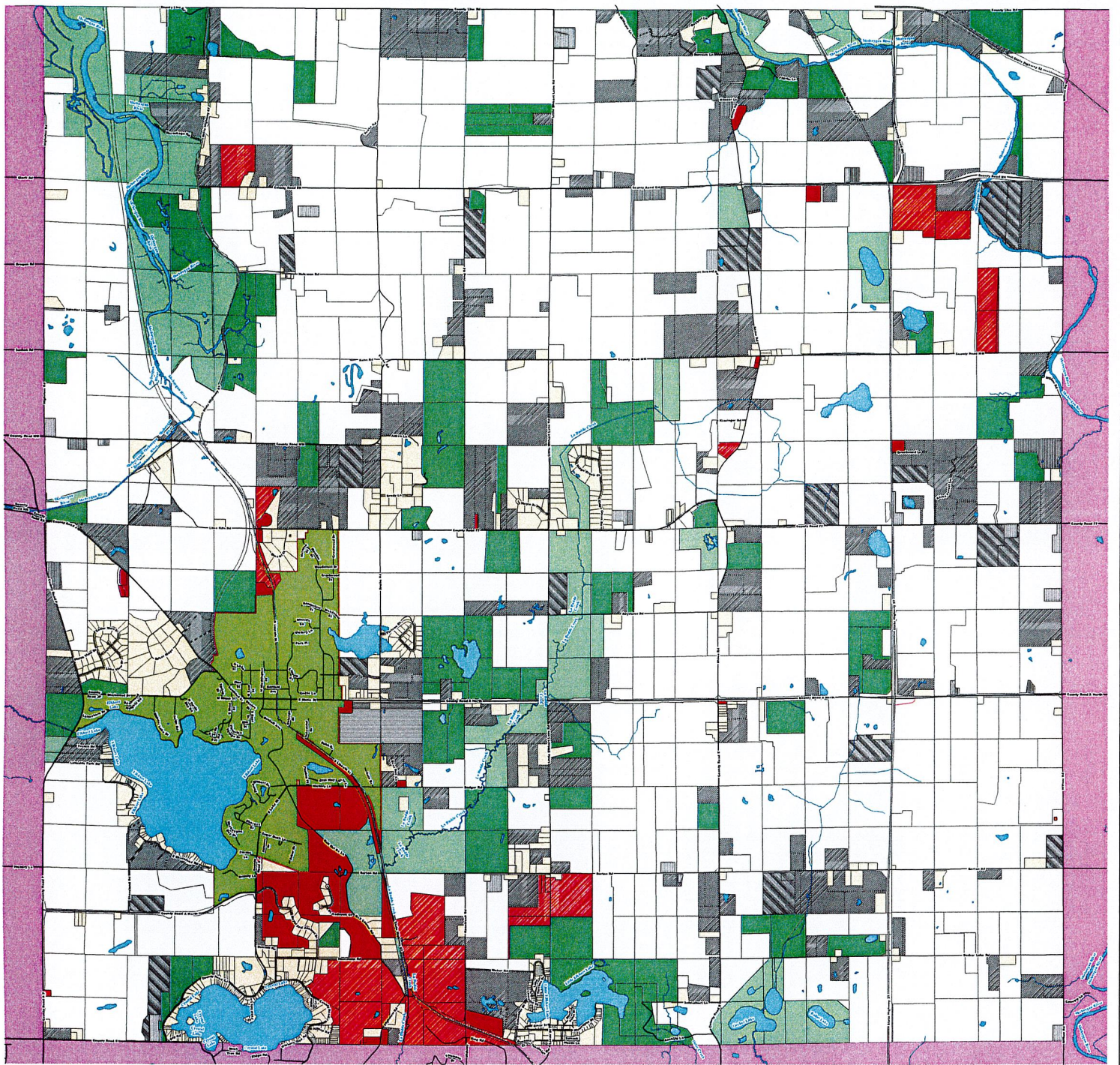
4.14 VIOLATIONS AND PENALTIES

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter, shall upon conviction, thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) together with applicable penalty assessment under the Wisconsin Statutes and costs of prosecution. Each day a violation of this Chapter occurs or continues shall constitute a separate offense, as determined by the Town Board. (Rev 08/07/01; 11/12/2024)

4.15 CHARGES FOR DEVELOPMENT SERVICES

- (1) **FEES CHARGED.** All persons proposing an action that requires the issuance of a building permit, conditional use permit, special land use permit, map approval, plat approval, or rezoning approval by the Town or any of its Commissions, Committees, officers, or other agents shall pay such reasonable and necessary charges for professional or technical services incurred by the Town for the review, administration, investigation, and processing of the application. "Professional services" - may include, but is not limited to planning, engineering, legal, and related services. Such charges shall be in addition to any other filing, permit, publication, or meeting fees, charges, or costs otherwise owed by the applicant. A decision by the Town Board, Committee, or commission which is unfavorable to the applicant shall not excuse the applicant from the obligations under this Section.
- (2) **APPEAL OF FEES.** The applicant has the right to challenge the amount of fees levied under this Section by an appeal to the Town Board. Based upon the relevant records and the testimony presented, the Board shall make a determination to decrease, affirm, or increase the fees concerned.

Chapter 4: Zoning Appendix

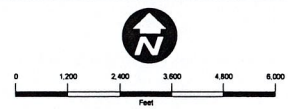


2021 Zoning Map for the Town of Rhine, Sheboygan County, Wisconsin

T16N R21E

Legend

- | | | |
|--|---|--|
| A-1 - Prime Agricultural Land | A-5 - Small Farming Operation #2 | C-2 - Upland Conservancy District |
| A-2 - Small farming Operations | B-1 - Neighborhood Business | R-1 - One or Two Family Residence District |
| A-3 - Agricultural Transitional Area | B-2 - Commerical Manufacturing & Processing | R-2 - Multi Family Residence District |
| A-4 - Farm Consolidatin & Agricultural Living District | C-1 - Lowland Conservancy District | Village of Elkhart Lake |



Zoning boundaries were prepared from information provided by Sheboygan County to local planning boards. Sheboygan County does not warrant the accuracy of the zoning map and assumes no liability for any errors or omissions. Sheboygan County is not responsible for any errors or omissions on the map.



The Current Animal Unit Calculation Worksheet must be filled out separately for the "main" site and each site which are owned or operated by your farm for the purposes of housing animals associated with your operation. The site name, for which you are filling this worksheet out, must be provided below and correlate with Form 3400-025 Site Information (Section II).

Current Animal Unit Calculation Numbers							
Name of Site:							
Animal Type	I. Mixed Animal Units			II. Non-mixed Animal Units			
	b. Equiv. factor	c. Current Number	d. No. of AUs	e. Equiv. factor	f. Current Number	g. No. of AUs	
<i>Example - Broilers (non-liquid manure):</i>	<i>0.005 x</i>	<i>150,000</i>	<i>= 750</i>	<i>0.008 x</i>	<i>150,000</i>	<i>= 1200</i>	
Dairy/Beef Calves (under 400 lbs)	0.20 x		=	<i>Fed. numbers in this column comply with 40 CFR s. 122.23</i>			
Dairy Cattle	Milking & Dry Cows		=	1.43 x		=	
	Heifers (800 lbs to 1200 lbs)		=				
	Heifers (400 lbs to 800 lbs)		=	1.00 x		=	
Beef	Steers or Cows (400 lbs to market)		=				
	Bulls (each)		=	1.00 x		=	
Veal Calves			=	1.00 x		=	
Swine	Pigs (up to 55 lbs)		=	0.10 x		=	
	Pigs (55 lbs to market)		=				
	Sows (each)		=				
	Boars (each)		=	0.40 x		=	
Chickens	Layers (each) -non-liquid manure system		=	0.0123 x		=	
	Broilers/Pullets (each) -non-liquid manure system		=	0.008 x		=	
	Per Bird -liquid manure system		=	0.0333 x		=	
Ducks	Ducks (each) -liquid manure system		=	0.2 x		=	
	Ducks (each) -non-liquid manure system		=	0.0333 x		=	
Turkeys (each)			=	0.018 x		=	
Sheep (each)			=	0.1 x		=	
Horses (each)			=	2 x		=	
Total Animal Units:		Total Mixed Animal Units = (add all rows above)			Total Non-Mixed Animal Units = (Enter the single highest number from any row above; DO NOT add the totals)		

Check here if there are no proposed increases in animal numbers at this site within the next five years.