

**TOWN OF SCOTT
2621 JODY DRIVE
NEW FRANKEN, WI 54229**

ZONING ORDINANCE

Adopted:

January 8, 2008

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ARTICLE I - TITLE AND AUTHORITY

A. TITLE

This ordinance shall be known, cited, and referred to as: **THE TOWN OF SCOTT ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.**

B. AUTHORITY

The Town of Scott, pursuant to Section 60.29 (41), 60.18 (12), 60.74, 61.35, 62.23, and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows:

ARTICLE II - INTENT, PURPOSE, AND SEVERABILITY

A. Intent

This ordinance is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the component parts thereof.

When the Town is considering rezonings, conditional uses, or other land use changes regulated by this ordinance it shall first review the recommended direction of the Town's Comprehensive Plan. Whether approving or disapproving the request, the specific goals, objectives, policies, or other Comprehensive Plan concepts that the decisions are based upon shall be noted as part of the official record.

B. Purpose

The Zoning Ordinance of the Town of Scott, Brown County, Wisconsin is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Town; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship among agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.

C. Severability

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.

ARTICLE III – DEFINITIONS

A. General

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.

The word “**shall**” is mandatory.

The word “**may**” is permissive.

The word “**lot**” shall include the words “**piece**”, “**parcel**”, and “**plats**”; the word “**building**” includes all other structures of every kind regardless of similarity to buildings; and the phrase “**used for**” shall include the phrases “**arranged for**”, “**designed for**”, “**intended for**”, “**maintained for**” and “**occupied for**”.

All “**measured distances**” shall be to the nearest “**integral foot**”. If a fraction is one-half foot or less, the next “**integral foot**” below shall be taken.

Any words not herein defined shall be constructed as defined in other respective State, County, and Town codes.

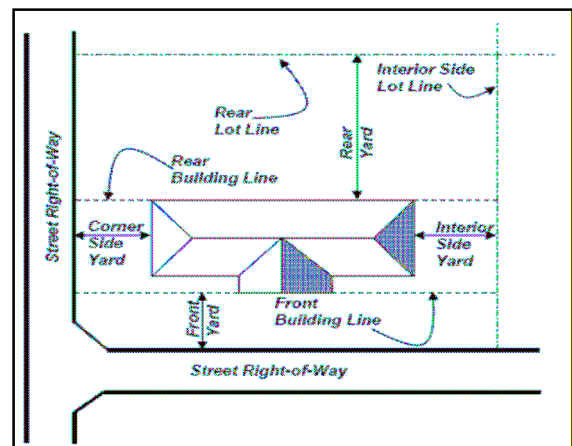
B. Words Defined

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

1. **Accessory Use** - a use subordinated 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 main use of the principal structure.
2. **Accessory Building** - a subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building. An accessory building shall comply in all respects with the requirements of this ordinance applicable to the zoning district in which it is located.

3. **Agriculture** - is the use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activities occurring thereon.
4. **Alley** - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.
5. **Basement** - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.
6. **Boarding House (Lodging House)** - a building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four (4) or more persons not of the keeper's family. Lodging may be provided with or without meals.
7. **Building** - any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by un-pierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building. The words *structure* and *building* shall be considered synonymous.
8. **Building, Detached** - one which is entirely surrounded by open space on the same lot.
9. **Building Height** - the vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the deck line of a mansard roof and to the top of a gable, hip, or gambrel roof.

10. **Building Setback Line** - a line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a building may be erected. (See Illustration)



11. **Building, Temporary** - any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Mobile homes used as residences shall not be classified as temporary buildings.

12. **Canopy** - a roof-like structure projecting from a wall and erected primarily to provide shelter from the weather.
13. **Capacity in Persons of an Establishment or Use** - the maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Building Inspector.
14. **Child Day Care Center** - an establishment for the care and supervision of four or more children under seven years old for less than 24 hours a day, required to be licensed by the Department of Health and Family Services.
15. **Clinic, Medical, or Dental** - an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.
16. **Club** - an association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
17. **Commercial Feedlots** - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot, or slaughter house.
18. **Community Based Residential Facility (CBRF)**: A place where six (6) or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident as described in Section 50.01 Wisconsin Statutes. The establishment of a community based residential facility shall be in conformance with the Federal Fair Housing Act, 42 U.S.C. 3601, as amended.
19. **Community Living Arrangement** - community living arrangement means any of the following facilities licensed or operated or permitted under the authority of the State Department of Health and Family Services (Section 46.03 (22) Wisconsin Statutes): child welfare agencies under Section 48.60 Wisconsin Statutes, group homes for children under Section 48.02 (7) Wisconsin Statutes, and community based residential facilities under Section 50.01 Wisconsin Statutes; but does include day care centers, hospice care, nursing homes, general hospitals, special hospitals, prisons and jails.
20. **Conservation by Design Subdivision** - a housing development that is characterized by compact lots that are surrounded by, or interspersed with, preserved open space, where the natural features of the land are preserved to the greatest extent possible. Such sub-division shall meet the regulations of an adopted Town conservation by design subdivision regulations.

21. **Conditional Use** - A use, either public or private which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such conditional use may or may not be granted, subject to the terms of this ordinance and any conditions attached by the Town Board to the use.
22. **Drive-thru Facility** – Any business establishment which provides window service and/or carry out service for goods or food products to automotive customers.
23. **Dwelling** - a building, or portion thereof, excluding a mobile home, hotel, motel, boarding houses, and trailers designed or used exclusively for residential occupancy.
24. **Dwelling Unit** - one (1) or more rooms which are arranged, designed or used as living quarters. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each “dwelling unit”.
25. **Dwelling Unit, Single-Family** - a building designed for and occupied exclusively by one (1) family.
26. **Dwelling Unit, Two-Family** - a building designed for and occupied exclusively by two (2) families.
27. **Dwelling Unit, Multiple-Family** - a building used or designed as a residence for three (3) or more families including, townhouses, row houses, or apartment houses.
28. **Family** - any member or individual related by blood, adoption, marriage, or group of not more than five (5) persons not so related, living together on the premises as a single house-keeping unit, including any personal assistant.
29. **Farm** - any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and/or dairy products.
30. **Frontage** The dimension of a lot established as the length of the property measured along the right-of-way line between side lot lines.
31. **Garage, Private** – An accessory building which provides for the storage of motor vehicles and other items which are owned by the occupants of the lot on which the building is located. Private garages may either be attached or detached from the primary structure.

32. **Garage, Public and Storage** - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.
33. **Grade** - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
34. **Grandfathered** - to exempt from new regulations, a structure, use, activity or business that legally existed prior to the date of adoption of the Zoning Ordinance or updated provisions thereof.
35. **Gross Floor Area** - the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.
36. **Group Home** - community living arrangements for the care and maintenance of five (5) to eight (8) children under eighteen (18) years of age, which are licensed child welfare agencies, as set forth in Wisconsin State Statutes 48.602(5).
37. **Hard Surfaced** - a driveway or parking lot surfaced with concrete, bituminous paving, solid stone, paving brick, or masonry block.
38. **Home Business** - a business conducted on the same lot as, and in conjunction with, a residence. A home business is a use that does not meet the criteria for home occupation and is not located within a commercial or industrial zoning district. A home business may be located in the residence, garage or accessory building. Such use must receive a conditional use permit, which shall be reviewed annually by the Town for it to continue to be considered a legal home business.
39. **Home Occupation** - any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling, there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not the general practice of his profession. No accessory building shall be used for such home occupation.
40. **Hotel** - a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities.

41. **Industrial Park** - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
42. **Junk (Salvage) Yard** - an open area where waste or scrap material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, bottles, and automobiles.
43. **Kennels, Outdoor** - a lot or parcel on which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.
44. **Kennels, Indoor** - a building in which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board, and/or propagation, training or sales, or other uses, all of which are conducted within the building itself.
45. **Lot** - a parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public street.
46. **Lot of Record** - a lot which is part of a subdivision or created by Certified Survey Map (CSM), the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance.
47. **Lot, Corner** - a lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
48. **Lot, Depth Of** - the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
49. **Lot, Interior** - a lot other than a corner lot.
50. **Lot Lines and Area** - the peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.
51. **Lot, Through** - interior lot having frontage on two (2) non-intersecting streets.

52. **Lot, Width Of** - the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.
53. **Lot, Zoning** – A single track of land located within a single block, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a “zoning lot or lots” may or may not coincide with a lot of record.
54. **Manufactured Home**: A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. For purposes of this ordinance, a manufactured home meeting this definition shall be considered a single-family home and, therefore, may locate in any district permitting such use.
55. **Mobile Home**: A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis, has a permanent hitch and axels, and is designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.
56. **Modular Home** - A factory-built, single family structure that is transportable in one or more sections, and conforms to and is inspected to all state and local building codes. It is not constructed with a permanent trailer frame, hitch or other devise allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. For purposes of this ordinance, a modular home meeting this definition shall be considered a single-family home and, therefore, may locate in any district permitting such use.
57. **Motel** - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.
58. **Motor Vehicle** - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

59. **Non-Conforming Use** - any use of land, building, or structure, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
60. **Outdoor Storage** – The keeping in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.
61. **Parking Space** - a graded and surfaced area of not less than 162 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways or other means of circulation or access.
62. **Parking Lot** – An area not within a building where motor vehicles may be stored for the purpose of temporary daily or overnight off-street parking.
63. **Planned Unit Development** - a tract of land which contains or will contain two or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.
64. **Professional Office** - the office of doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.
65. **Retail** - sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.
66. **Recreational Vehicle** – A motor vehicle designed to be used primarily for temporary living quarters, most notably for recreational purposes, within which there are permanently attached facilities and equipment for cooking, eating, and sleeping.
67. **Restaurant** – A public eating establishment in which the primary function is the preparation and serving of food for sale to patrons. Food may be wholly consumed on the premises or may be taken from the premises or may be consumed in motor vehicles parked on the premises.
68. **Roadside Stand** - a structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of products and produce either grown or produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and limited to 10 feet maximum height, and shall not occupy a parcel in excess of six (6) months.

69. **Right-of-Way (ROW)** – A strip of land occupied, or intended to be occupied, for a public or quasi-public use. Right-of-way intended for streets, trails, crosswalks, water mains, sanitary sewers, stormwater drainage, or any other use involving maintenance by a public agency, shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
70. **Setback** - minimum horizontal distance between the exterior of a buildings foundation, footings, or slab and the property line.
71. **Sign** – See Regulations of Signs, Article XV.
72. **Slaughterhouse** - a building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut or altered.
73. **Stock Farm** - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.
74. **Story** - that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured.
75. **Street** - a public or private right-of-way or access drive which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.
76. **Structure** - anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground. The words *structure* and *building* shall be considered synonymous.
77. **Structural Alteration** - any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
78. **Town** - meaning Town of Scott.
79. **Town Board** - the governing body of the Town of Scott.
80. **Town Zoning Administrator** - administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.

81. **Unnecessary Hardship** - where special conditions affecting a particular property, which were not self-created and are not financial in nature, have made strict conformity with restrictions of governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
82. **Use, Principal** - the main use of land or building as distinguished from a subordinate or accessory use. A “principal use” may be “permitted”, “conditional” or “non- conforming”.
83. **Utility Trailer** – A vehicle without motor power designed to be drawn upon a highway by a motor vehicle and intended to be used for general light cartage purposes.
84. **Variance** - a departure from the terms of this ordinance as applied to a specific building, structure, or parcel of land which the Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district. In no case shall a variance be granted to permit any use not permitted in a particular zone.
85. **Vision Corner**: An established line of sight that does not obstruct or impair the line of sight for motorized or non-motorized vehicles traveling in an established right-of-way.
86. **Yard** - open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation and hard surfaced areas used for driveways and walkways. A “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.
87. **Yard, Front** - a yard extending along the full length of the front lot line between the side lot lines.
88. **Yard, Side** - a yard extending along a side lot line from the front yard to the rear yard.
89. **Yard, Rear** - a yard extending along the full length of the rear lot line between the side lot lines.
90. **Yard, Corner Side** - a yard extending along a side lot line from front yard to rear yard when said side lot line is co-terminus with a street right-of-way line.

ARTICLE IV - GENERAL PROVISION

A. Jurisdiction

The jurisdiction of this ordinance shall include all lands and water within the Town of Scott.

B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Scott or are established by Federal, State, or County laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of the ordinance shall apply.

C. Pre-existing Developments

The following standards shall apply to all pre-existing developments constructed on any parcel which had a primary structure constructed either under the regulations as set forth in the Town's 1961 Zoning Ordinance, or prior. It is the intention of this section to recognize these existing improvements as legal conforming uses provided they were constructed in accordance to the regulations in place at the time of their construction. The land use Zoning Districts as illustrated on the current official Zoning Map shall govern all parcels irregardless of the date of construction.

1. All structures whether primary or accessory shall maintain a front yard setback in conformance with the following standards.
 - New construction of any structure shall be setback 25 feet from the Right-of-way line
 - When construction of an accessory structure or an addition to an existing primary structure is proposed on a parcel where the existing primary structure is less than 25 feet from the ROW line then the setback shall be determined by 'averaging'. The 'average' setback back is determined by subtracting the actual setback of the primary structure from the 25 foot setback and dividing the result in half. The required setback may be reduced by that number, for the proposed accessory structure or addition to the existing primary structure.
 - Any structure with a setback of less than 25 feet shall sign a Waiver of Damages with the Town.
2. Accessory Buildings proposed for construction on a parcel which had a

primary structure constructed either under the regulations as set forth in the Town's 1961 Zoning Ordinance, or prior, shall conform to the following standards. Accessory Buildings:

- Shall not be more than 15 feet in height
- Shall not be nearer than 3 feet to any side lot line
- Shall have a rear yard set back of not less than 12 feet

All other uses and regulations identified in this ordinance shall be enforced for all pre-existing developments in all zoning districts.

C Accessory Buildings and Accessory Uses

Accessory buildings shall be compatible with the principal use. The principal use must be compatible with the land use zoning district.

D. Building and Uses

1. Uses not listed as either permitted or conditional uses in this ordinance shall be considered as not allowable, except that the Town Board may allow land uses (permitted or conditional), which, though not contained by name in a zoning district list of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses.
2. The use of building hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used only for purposes as specified in this Ordinance, furthermore land and building uses shall be in compliance with the regulations as established herein for each district.
3. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
4. Permitted uses, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.

Accessory buildings which are not a part of the main building:

- shall not occupy more than 30 percent of the area of the required rear yard,
- shall not be more than 25 feet high or the height of the principal building whichever is less,
- Accessory building setbacks shall conform to the regulations of the Zoning District where the property is located, except that where an accessory building has an entrance on an alley, such entrance shall be located not

less than 15 feet from the nearest alley line.

- The above height and area regulations shall not apply to accessory buildings designated as farm structures.
 - Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory building.
 - Where an accessory building is detached from the main building it shall be located a minimum of ten (10) feet from the principal structure.
 - No accessory building shall be constructed on a lot without a primary structure. All accessory structures shall be constructed either in conjunction with the primary structure or at any time after the primary structure is completed, provided that the construction of the accessory building is in conformance to all necessary Town Permits and Ordinances.
5. If a non-conforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
 6. When a building containing a non-conforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than 60% of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations in any non-conforming use shall not during its life exceed 60% of the local assessed value of the building at the time of its becoming a non-conforming use unless permanently changed to a conforming use.
 7. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this ordinance. If the lot area is less than the minimum number of square feet required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied if it meets the requirements of the Brown County Sanitary Ordinance and pre-existing setback requirements.
 8. Where the Town has issued a Building Permit pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is underway within six (6) months of the date of the issuance of such permit by the Town and with the exterior of the structure completed within two (2) years of issuance of the building permit.
 9. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and

provided that construction is begun with six (6) months of such effective date and prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designed.

E. Area Regulations

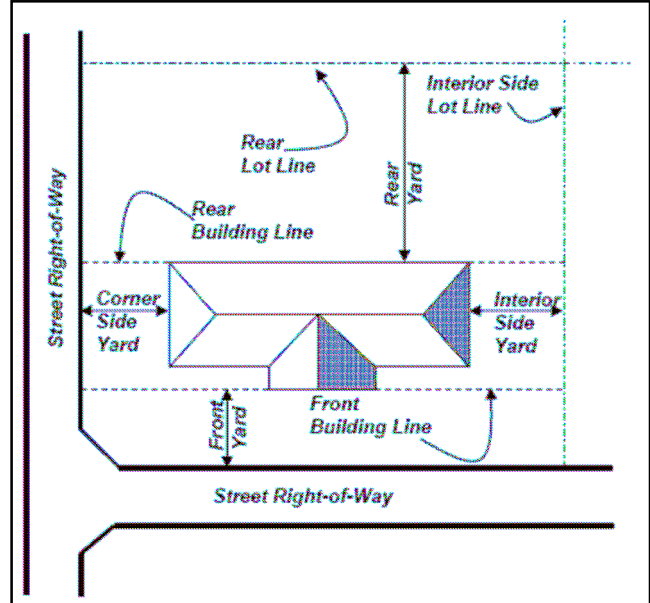
1. Lot size shall comply with the required regulations of the established district.
2. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

F. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, tanks, water towers, spires, wireless television or broadcasting towers, masts or aerials, public water towers, telephone, power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this ordinance.
3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side and rear yards required in the district in which the building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
4. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

G. Front, Side, and Rear Yard Regulations

- 1 No front yard shall be used for storage of boats, vehicles, or any other equipment except for vehicular parking on driveways. All outdoor storage areas shall be landscaped.
2. No part of a yard or other open space provided around any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.



3. Buildings on through lots and extending from street to street shall conform to the setback requirements on both streets; and no accessory building shall extend within the setback line on either street.
4. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building meets the district requirements.
5. **Permitted Obstructions in Required Yards.** Structures are permitted to be located in required yards in accordance with the following table:

Structures	Front Yards	Side Yards	Rear Yards
Air conditioning equipment		X	X
Antennas, Radio, Television, Satellite Dishes		X	X
Arbors and Trellises, not to exceed 6 feet	X	X	X
Awnings and Canopies	X	X	X
Bay Windows, but not projecting more than 3 feet into the yard.	X	X	X
Chimneys, without a foundation or footing, attached to the main building, but not projecting more than 3 feet into the yard.	X	X	X
Dog houses and kennels, but no closer than 6 feet from a lot line		X	X
Flag poles	X	X	X

Open, accessory, off-street parking spaces	X	X	X
Ornamental light poles and standards	X	X	X
Patios & terraces	X	X	X
Porches & Decks, providing it is not more 3 feet tall in the front yard, 5 feet tall in the rear yard, measured at the surrounding grade, nor is covered.	X		X
Recreational Equipment			X
Retaining Walls	X	X	X
Signs	X	X	X
Sills, cornices, and ornamental features of the principal building projecting not more than eighteen (18) inches into a yard	X	X	X
Steps	X		X
Trees, flowers, and shrubs	X	X	X

H. Fences, Walls, and Hedges

1. All fences, walls, hedges, or shrubbery heights stipulated in this chapter shall be measured from the average ground level, not to include any berming of the screening site.
2. A fence or wall, may be erected, placed, or maintained, along a lot line to a height not exceeding seven (7) feet above the ground level.
3. No fence, wall, hedge, or shrubbery which is located in a required front yard shall exceed a height of three (3) feet.
4. All fences, walls, hedges, and shrubbery location and heights, proposed for a commercially or industrially zoned parcel shall be reviewed by the Plan Commission. (See Site Plan Review Criteria)
5. All fences and walls shall have the decorative side of the fence facing the public right-of-way or adjoining property.
6. In any district, no fences, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade, nearest thereto within 25 feet of the roadway of any street lines or street lines projected, or to any height of less than three (3) feet if it is determined by the Zoning Administrator that such a height interferes with safe, clear visual distance along any roadway. (See Vision Corner)

I. Parking Standards

1. Parking areas may be located in any yard space for commercially zoned districts and in any yard but the front yard for all other zoning districts, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within (5) feet of a property line in a side yard.
2. Each parking space shall not be less than 162 square feet exclusive of the space required for ingress and egress. Minimum width of the parking space shall be nine (9) feet.
3. Where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are accessory.
4. All required off-street parking areas shall be graded and hard surfaced so as to be dust free and properly drained, and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
6. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least 50 percent of any existing deficiency in parking or loading facilities.

J. Off-Street Loading

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

None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in

which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

K. Home Occupations

In all districts where single family dwellings are a permitted by right it shall also be permitted to conduct and maintain a Home Occupation (See Definitions Section). Any Home Occupation which exceeds the definition of Home Occupations shall be reviewed under the criteria defined as a Home Business. Agricultural operation carried out within a residential dwelling shall be exempt from this section.

L. Home Business

In all districts where single family dwellings are a permitted by right it may also be permitted to conduct and maintain a Home Business (See Definitions Section).

1. Any such Home Business wishing to operate within a district where single family dwellings are permitted shall first submit a request for a conditional use permit to the Town. Permit information and the required fees shall be paid to the Town prior to review and consideration.
2. The permit request shall first be reviewed by the Plan Commission prior to being reviewed and considered by the Town Board as a Conditional Use.
 - a. The Plan Commission shall review the permit request based on both the negative and positive effects that the business may have on the surrounding residents. Such effects may include but are not limited to; increases in traffic, parking, noise, odors, hours of operations, number of employees, storage, environmental concerns, sewer and water usage, and any other use of the property by the business which is outside of normal residential property usage.
 - b. The Plan Commission may require any and all of the Site Plan Review criteria when reviewing the request for a Home Business.
 - c. Any applicant which receives a Home Business permit is allowed one (1) sign which may be affixed to the façade of the residents or freestanding on the property. The sign shall not be illuminated nor exceed eight (8) square feet in total message area (4 square feet per side if 2-sided). All other sign requirements shall be followed.
 - d. The permitted business shall be reviewed annually on the anniversary from which it was granted. A new application and fee shall be paid annually. Each review shall be viewed as a new application and all appropriate criteria described above may be considered.

3. Any Home Business which exceeds the definition of Home Business or which is denied a permit shall be prohibited from operating in a district where single family dwellings are permitted by right.
4. Agricultural operation carried out within a residential dwelling shall be exempt from this section.
5. Any home based business which was in existence at the time of passing of this ordinance shall be grandfathered. Any expansion of a home based business shall be required to meet the standards set-forth in this section and shall be reviewed under the Conditional Use criteria as described above.

M. Plan Commission - Site Plan Review Requirements

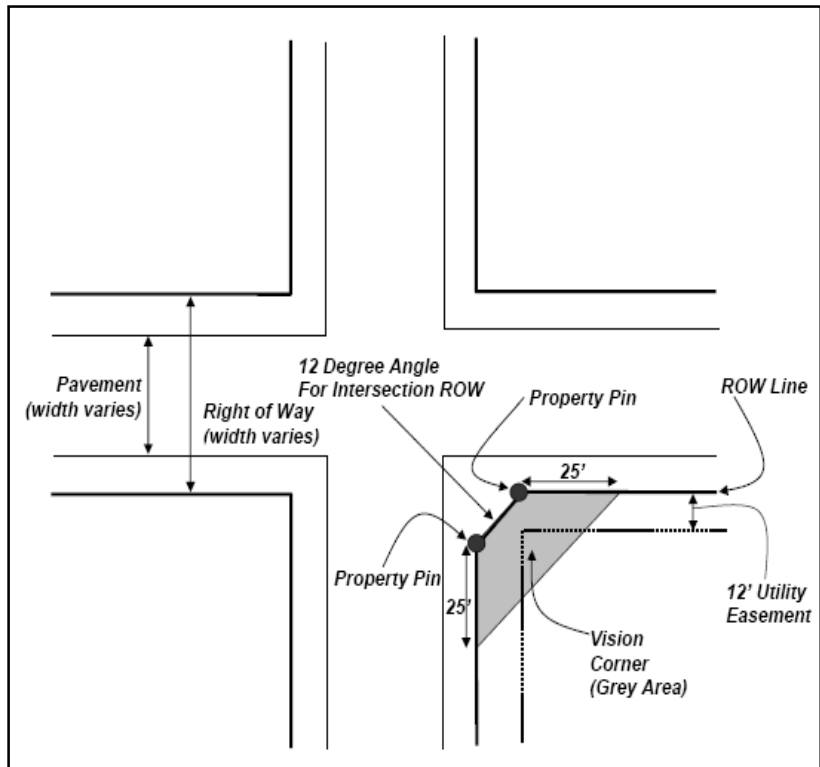
No off-street parking or loading facility shall be established or constructed or existing facility or area expanded or altered without first having secured an approved site plan for the entire site as provided for in this Chapter and as prescribed in the regulations in this Section.

In accordance with the procedures outlined in this Chapter, the Plan Commission may adopt design criteria to secure compliance with the construction and maintenance standards established in this Section and in accordance with the Town of Scott’s construction specifications manual.

N. Vision Corner

No man-made structure or natural vegetation shall be allowed to obstruct the clear view of an intersection within the Vision Corner. All solid man-made structures and natural vegetation shall be less than 3 feet in height or more than 10 feet in height.

Natural vegetation such as shrubs and hedges shall be maintained below three feet in height and trees shall be pruned above 10 feet in height.



ARTICLE V - ESTABLISHMENT OF ZONES

A. Zone District

For the purpose of this ordinance, the Town of Scott, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-1	Residential
R-R	Rural Residential
A-1	Agricultural
A-2	Exclusive Agriculture
B-1	Community Business District
B-2	General Business
I-1	Limited Industrial District
P-R	Planned Residential Development
C-1	Conservancy District

B. Zoning Map

The location and boundaries of the districts established by this ordinance are set forth on the zoning map entitled "Zoning District Map for the Town of Scott, Brown County, Wisconsin, dated January 8, 2008", which is incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

C. Zone Boundaries

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

1. District boundary lines are the center lines of the Right of Way for highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended unless otherwise indicated.
2. In areas not subdivided into lots and blocks; wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of a Right of Way, unless otherwise indicated.
3. New Zoning District boundary lines or requests for changes of boundary lines shall, when not following lot lines or right-of-way centerlines shall be delineated by a licensed surveyor. Such "Zoning Lot" shall be prepared and

presented to the Plan Commission with a written description, graphic representation, and field survey stakes. Such information shall be in a format comparable to a Certified Survey Map (CSM).

D. Exempted Uses

The following uses are exempted by this ordinance and permitted in any zone district: Public highway rights-of-way and public improvement projects, poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; and electric power, gas, water, and sewer line, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation agency rules and regulations, and other authorities having jurisdiction. However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the Residential District (R-1).

ARTICLE VI - R-1 RESIDENTIAL

The following regulations shall apply in R-1 Districts:

A. Permitted Uses

1. Single-family dwellings.
2. Public open space including customary neighborhood parks and playgrounds.
3. Stormwater management ponds, provided that they are designed and approved as part of a subdivision plat.
4. Transmission lines, substations, telephone and cable television lines and public utility installments.
5. Community living arrangements having a capacity for eight (8) or fewer persons being served by the program, licensed and operated under the authority of the Department of Health and Family Services in accordance Wisconsin Statutes.

B. Permitted Accessory Structures

1. Private garages, carports and driveways.
2. Tool houses, sheds and other similar buildings used for the storage of common supplies.
3. Conservatories and greenhouses for plants, provided such activity is not designed for wholesale or retail trade.
4. Accessory structures shall conform to district requirements and those set forth in Article IV, Subsection D, Buildings and Uses.

C. Permitted Accessory Uses

1. Home occupations.

D. Conditional Uses

1. Home Business.
2. Multi-family dwellings.
3. Planned unit developments.

4. The following institutional uses; provided any building shall be located 25 feet or more from any other lot in a Residential District:
 - a. Schools; public, denominational, or private, elementary junior high, and senior high, including playgrounds, athletic fields, and other accessory uses required for operations.
 - b. Public open space including customary park, playground and athletic field activities and functions.
 - c. Public libraries, museums, community centers, or other public recreational buildings and grounds.
5. Religious institutions in the form of convents, seminaries, and monasteries. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses provided the buildings are located 25 feet or more from any other lot in a Residential District.
6. Cemeteries.
7. Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
8. Temporary buildings, construction trailers and equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.
9. Duplexes
10. Two-family dwellings.
11. Day care centers.
12. Bed and breakfast establishments. Any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
 - a. All facilities shall be licensed by the Department of Health and Family Services and shall meet all requirements of the State of Wisconsin for bed and breakfast establishments.
 - b. Parking requirements as Stated in Article XVI of the Town of Scott Zoning Ordinance must be met, including two spaces required for the single family dwelling, one off-street space for each rental room, plus one parking space for every three employees.

- c. One sign shall be allowed to advertise the bed and breakfast establishment provided it meets the requirements as stated in the Sign Section of the Town of Scott Zoning Ordinance and the sign does not exceed eight (8) square feet per side.
13. Community living arrangements having a capacity for nine (9) to fifteen (15) persons being served by the program licensed and operated under the Authority of the Department of Health and Family Services in accordance with Wisconsin Statutes.
14. Community living arrangements having a capacity for sixteen (16) or more persons being served by the program licensed and operated under the Authority of the Department of Health and Family Services in accordance with Wisconsin Statutes.

E. Lot Requirements

1. **Single Family Area** - 15,000 square feet minimum, frontage - 100 feet minimum.
 - a. The minimum lot width and square footage requirements identified above is not applicable to lots located within conservation by design subdivisions, or Planned Development Districts (PDD), adopted by the Town and recorded in the Brown County Register of Deeds office. Such lots shall meet the requirements of Conservation by Design Subdivision or PDD regulations as adopted by the Town of Scott.
2. **Two-Family Area** - 20,000 square feet minimum, frontage - 150 feet minimum.
 - a. The minimum lot width and square footage requirements identified above is not applicable to lots located within conservation by design subdivisions, or Planned Development Districts (PDD), adopted by the Town and recorded in the Brown County Register of Deeds office. Such lots shall meet the requirements of conservation by design subdivision or PDD regulations as adopted by the Town of Scott.
3. Residential lots shall not be less than 100 feet wide measured at the right-of-way line; such minimum lot width may be measured at the building setback line if said lot is located on the outer radius of a curved street such as a cul-de-sac. In no case shall lot width measured at the right-of-way line of a cul-de-sac be less than 70 feet.
 - a. The minimum lot width and square footage requirements identified above is not applicable to lots located within conservation by design subdivisions, or Planned Development Districts (PDD), adopted by the Town and

recorded in the Brown County Register of Deeds office. Such lots shall meet the requirements of conservation by design subdivision or PDD regulations as adopted by the Town of Scott.

E. Height Regulations

All structures - 35 feet maximum, except as provided by Article IV Subsection E, Height Regulations. Building height is measured from the highest point of the adjacent road.

F. Building Setbacks

	Principal Structure	Accessory Structure
Front Yard	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way
Side Yard	1 story – 12 feet minimum each side 2 story – 15 feet minimum each side	12 feet minimum
Rear Yard	25 feet minimum	12 feet minimum
Corner Side	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way

G. Building Size

Minimum ground floor area per dwelling shall be not less than 1,000 square feet for a one story dwelling and not less than 750 square feet for dwellings having more than one story.

H. Accessory Structures

- a. Total accessory space of all attached and detached structures shall not exceed 2,000 square feet.
- b. Accessory structures shall conform to district requirements and those set forth in Article IV, Subsection D, Building and Uses.

I. Parking

Parking shall conform to the requirements as set forth by the Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth by the Sign Regulations.

K. Regulations for Multi-Family Dwellings

1. **Building Height:**
Not to exceed two and one-half (2½) stories or thirty-five (35) feet above street grade.
2. **Lot Area:**
Fourteen thousand (14,000) square feet for three (3) or four (4) family unit and an additional one thousand (1,000) square feet for each additional family unit, to a maximum of eight (8) units.
3. **Frontage:**
Minimum one hundred (100) feet, may be measured at the building setback line if lot is located on the outer radius of a street such as a cul-de-sac. In no case shall the frontage measured at the right-of-way be less than seventy (70) feet.
4. **Building Area:**
One (1) bedroom - eight hundred (800) square feet plus one hundred (100) square feet for each additional bedroom.
5. **Drainage:**
The drainage plan must conform to the Town's Stormwater Management Standards and must be submitted to the Town Engineer for review and approval. All plans and review fees will be at the developers expense.
6. **Fencing/Landscaping:**
A six (6) foot privacy fence is required between multi-family and R-1 except where a street or a garage affords privacy.
7. **Garbage/Storage:**
Any storage of trash or garbage shall be completely enclosed by walls.
8. **Accessory Structures:**
Accessory structures shall conform to district requirements and other applicable requirements in this ordinance.
9. **Yard:**
The total area above grade occupied by the building, accessory buildings, and car stalls or parking places and driveway shall not exceed fifty percent (50%) of total area of the lot.
10. **Parking:**
One and one-half (1½) spaces, including garage, for each dwelling unit plus one (1) guest parking space for every two (2) units.
11. **Site Plan:**
For multi-family developments, a site plan shall be submitted to the Plan

Commission for review and approval. Site plans shall show building locations, parking areas and number of spaces, setbacks, landscaping, fencing location and materials, dumpster locations with appropriate enclosures, proposed schedule of completion, and any other information required by the Plan Commission.

ARTICLE VII - RURAL RESIDENTIAL (R-R)

The following regulations shall apply to R-R Districts:

A. Permitted Uses

1. Single family dwellings.
2. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, riding academies and stables, and truck farming.
3. Public open space including regional Parks, recreational sites and golf courses.
4. Transmission lines, substations, telephone and cable television lines, public utility installation, radio and television stations and towers, railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding.
5. Community living arrangements having a capacity for eight (8) or fewer persons being served by the program, licensed and operated under the authority of the Department of Health and Family Services in accordance with Wisconsin Statutes.

B. Permitted Accessory Structures

1. Private garages and carports.
2. Tool houses, sheds and other similar buildings used for the storage of common supplies.
3. Roadside stands provided the structure does not cover more than 300 square feet in ground area, do not exceed 10 feet in height, and provided that it conforms to all setback requirements.
4. Additional structures necessary for the continuation of the farming operation.

C. Permitted Accessory Uses

1. Home occupations.

D. Conditional Use

1. Artificial lakes and ponds.
2. Home Business.

3. The following institutional uses:
 - a. Schools, colleges, and universities; public, denominational, or private, elementary, junior high, senior high, colleges and universities, including playgrounds, athletic fields, and other accessory uses required for operations.
 - b. Public open space including customary park, playground and athletic field activities and functions.
 - c. Public libraries, museums, community centers, or other public recreational buildings and grounds.
4. Religious institutions in the form of convents, seminaries, and monasteries. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
5. Mobile homes and dwellings in conjunction with an operating farm in conformance with Article VII, Subsection K, Item 1, to be solely occupied by resident owner or laborer actively engaged in the farming operation.
6. Cemeteries.
7. Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
8. Temporary buildings, construction trailers and equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.
9. Day care centers.
10. Bed and breakfast establishments. Any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
 - a. All facilities shall be licensed by the Department of Health and Family Services and shall meet all requirements of the State of Wisconsin for bed and breakfast establishments including Chapter HSS 197, Wisconsin Administrative Code.
 - b. Parking requirements as Stated in Article XVI of the Town of Scott Zoning Ordinance must be met, including two spaces required for the single family dwelling, one off-street space for each rental room, plus one

parking space for every three employees.

- c. One sign shall be allowed to advertise the bed and breakfast establishment provided it meets the requirements as Stated in Article XV, Section C of the Town of Scott Zoning Ordinance and the sign does not exceed eight (8) square feet per side.

11. Micro-wave relay towers.

12. Two-family dwellings.

13. Community living arrangements having a capacity for nine (9) to fifteen (15) persons being served by the program licensed and operated under the Authority of the Department of Health and Family Services in accordance with Section 62.23 (7) (l) Wisconsin Statutes.

14. Community living arrangements having a capacity for sixteen (16) or more persons being served by the program licensed and operated under the Authority of the Department of Health and Family Services in accordance with Section 62.23 (7) (l) Wisconsin Statutes.

E. Lot Requirement

- 1. Area - 1½ acres minimum.
- 2. Parcel and/or Zoning Lot frontage - 125 feet minimum.

F. Height Regulations

- 1. Residential dwellings - 35 feet maximum.
- 2. Farm structures - 60 feet maximum.
Farm structures and buildings may be erected to a height of 60 feet, provided that the required setbacks for the front, side and rear yards are each increased at least one (1) foot for each foot of additional building height above 35 feet.
- 3. Building height is measured from the highest point of the adjacent road.

G. Building Setbacks

	Principal Structure	Accessory Structure
Front Yard	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way
Side Yard	15 feet minimum	15 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way

H. Building Size

Minimum size of a residential dwelling shall be 1,000 square feet ground floor area for a one story dwelling and 750 square feet minimum ground floor area for dwellings having more than one story. Except as provided in Article IV, Subsection E, Height Regulations.

I. Accessory Structures

- a. Total accessory space of all attached and detached structures shall not exceed 3,000 square feet.
- b. Each zoning lot is permitted to have 2 accessory structures in addition to an attached garage.
- c. Accessory structures shall conform to district requirements and those set forth in Article IV, Subsection D, Building and Uses.

J. Parking

Parking shall conform to the requirements as set forth in Article XV, Off-Street Parking Requirements

K. Signs

Signs shall be regulated as set forth in Article XIV, Sign Regulations.

ARTICLE VIII - A-1 AGRICULTURE

The following regulations shall apply in A-1 Districts:

A. Permitted Uses

1. Agriculture, dairying, floriculture, viticulture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries, and game preserves.
2. Agricultural warehouses.
3. Commercial feed lots and stock farms.
4. Parks, recreational sites and golf courses.
5. Single-family dwellings.
6. Transmission lines, substations, telephone and cable lines, public utility installation, radio and television stations and towers, railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding.
7. Quarries, sand and gravel pits, if incidental to the farming operation and in conformance with the Town's Quarrying Ordinance and Fill/Excavation Ordinance.

B. Permitted Accessory Structure

1. Private garages, carports and driveways.
2. Tool houses, sheds and other similar buildings used for the storage of common supplies.
3. Roadside stands provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height, and provided that it conforms to all setback requirements..
4. Additional structures necessary for the continuance of the farming operation.

C. Permitted Accessory Uses

1. Home occupations.

D. Conditional Use

1. Artificial lakes and ponds.

2. Home Businesses.
3. The following institutional uses:
 - a. Schools, colleges, and universities; public, denominational, or private, elementary, junior high, and senior high, including playgrounds, athletic fields, and other accessory uses required for operations.
 - b. Public open space including customary park, playground and athletic field activities and functions.
 - c. Public libraries, museums, community centers, or other public recreational buildings and grounds.
3. Religious institutions in the form of convents, seminaries, and monasteries. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- 4 Airfields and heliports.
- 5 Cemeteries.
- 6 Commercial feedlots and stock farms.
- 7 Quarries, sand and gravel pits.
- 8 Micro-wave relay towers.
- 9 Bed and Breakfast Establishments. Any lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and which the only meal served to guests is breakfast.
 - a. All facilities shall be licensed by the Department of Health and Family Services and shall meet all requirements of the State of Wisconsin for Bed and Breakfast establishments including Chapter HS 197, Wisconsin Administrative Code.
 - b. Parking requirements as Stated in Article XVI of the Town of Scott Zoning Ordinance must be met including two spaces required for the single family dwelling, one off-street space for each rental room plus one parking space for every three employees.
 - c. One sign shall be allowed to advertise the Bed and Breakfast Establishment provided it meets the requirements as Stated in Article XV, Section C of the Town of Scott Zoning Ordinance and the sign does not exceed eight (8)

square feet per side.

10. Day care centers.
11. Two-family dwellings.
12. Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
13. Temporary buildings, construction trailers and equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.
14. Community living arrangements having a capacity for nine (9) to fifteen (15) persons being served by the program licensed and operated under the Authority of the Department of Health and Family Services in accordance with Section 62.23 (7) (I) Wisconsin Statutes.
15. Community living arrangements having a capacity for sixteen (16) or more persons being served by the program licensed and operated under the Authority of the Department of Health and Family Services in accordance with Section 62.23 (7) (I) Wisconsin Statutes.

E. Lot requirement

1. Area - 1½ acres minimum.
2. Zoning lot frontage - 125 feet minimum.

F. Height Regulations

1. Residential dwellings - 35 feet maximum.
2. Farm structures - 60 feet maximum.
Farm structures and buildings may be erected to a height of 60 feet, provided that the required setbacks for the front, side and rear yards are each increased at least one (1) foot for each foot of additional building height above 35 feet.
3. Building height is measured from the highest point of the adjacent road.

G. Building Setbacks

	Principal Structure	Accessory Structure
Front Yard	40 feet minimum from Right-of-Way	40 feet minimum from Right-of-Way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	40 feet minimum from Right-of-Way	40 feet minimum from Right-of-Way

H. Building Size

Minimum size of a residential dwelling shall be 1,000 square feet ground floor area for a one-story dwelling and 750 square feet minimum ground floor area for dwellings with more than one story.

I. Accessory Structures

- a. Total accessory space of all attached and detached structures shall not exceed 3,000 square feet if the zoning lot is at the minimum allowable size of 1 ½ acres. An additional 1,000 square feet of accessory space is permissible for each additional acre of land up to 5,000 square feet of total accessory space, or an increment thereof.
- b. All additional land necessary to accommodate the accessory space in addition to the 3,000 square feet, shall be maintained with the parent parcel. Any lot split or reduction in lot area which would reduce the total lot area below the requirement will require an appropriate amount of accessory space to be removed.
- c. Each zoning lot is permitted to have 2 accessory structures in addition to an attached garage.
- d. Accessory structures shall conform to district requirements and those set forth in Article IV, Subsection D, Buildings and Uses.

J. Parking

Parking shall conform to the requirements as set forth by the Off-Street Parking Regulations.

K. Signs

Signs shall be regulated as set forth the Sign Regulations.

L. Other Requirements

Other structures or buildings allowed within the A-1 District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE IX - A-2 EXCLUSIVE AGRICULTURE

The following regulations shall apply in A-2 Districts:

A. Permitted Uses

1. Agriculture, dairying, floriculture, viticulture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries, and game preserves.
2. Commercial feedlots and stock farms.
3. Single-family dwellings for the farm operator, a parent or child of the farm operator, or worker who earns a substantial part of his/her livelihood from farm operations on the parcel.
4. Transmission lines, substations, telephone and cable television lines, public utility installation, radio and television stations and towers, public streets, street rights-of-way, and street improvements.
5. Agricultural warehouses.
6. Quarries, sand and gravel pits, if incidental to the farming operation and in conformance with the Town's Quarrying Ordinance and Fill/Excavation Ordinance.

B. Permitted Accessory Structures

1. Private garages, carports and driveways.
2. Tool houses, sheds and other similar buildings used for the storage of common supplies.
3. Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height, and provided that it conforms to all setback requirements.
4. Additional structures necessary for the continuance of the farming operation.

C. Permitted Accessory Uses

1. Home occupations.

D. Conditional Use

1. Artificial lakes and ponds.

2. Airfields, and heliports.
3. Cemeteries.
4. Home Businesses.
5. Microwave relay towers.

E. Lot Requirement

1. Area - 35 acre minimum.
2. Lot frontage - 125 feet minimum.

F. Height Regulations

1. Residential dwellings - 35 feet maximum.
2. Farm structures - 60 feet maximum.
 Farm structures and buildings may be erected to a height of 60 feet, provided that the required setbacks for the front, side and rear yards are each increased at least one (1) foot for each foot of additional building height above 35 feet.
3. Building height is measured from the highest point of the adjacent road.

G. Building Setbacks

	Principal Structure	Accessory Structure
Front Yard	40 feet minimum from Right-of-Way	40 feet minimum from Right-of-Way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	40 feet minimum from Right-of-Way	40 feet minimum from Right-of-Way

H. Building Size

Minimum size of a residential dwelling shall be 1,000 square feet ground floor area for a one-story dwelling and 750 square feet minimum ground floor area for dwellings with more than one story.

I. Accessory Structures

Accessory structures shall conform to district requirements and those set forth in Article IV, Subsection D, Buildings and Uses. Except as provided by the Height

Regulations.

J. Parking

Parking shall conform to the requirements as set forth by the Off-Street Parking Requirements.

K. Signs

Signs shall be regulated as set forth by the Sign Regulations.

L. Other Requirements

1. Existing nonconforming residences located in the Exclusive Agriculture District at the time of passage of this ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Section 59.97 (10) of the Wisconsin Statutes.
2. Other structures or buildings allowed within the Exclusive Agriculture District shall meet the requirements of the district and remaining articles of the Zoning Ordinance as determined by the Town Zoning Administrator.

ARTICLE X - B-1 COMMUNITY BUSINESS DISTRICT

The Community Business District is intended to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional consumer needs. The following regulations shall apply in the B-1 Districts:

A. Permitted Uses

The following uses are permitted in the B-1 District:

1. Single-Family Dwellings
2. Antique shops.
3. Art and school supply stores.
4. Art shops or galleries, but not including auction rooms.
5. Automobile accessory stores.
6. Banks and financial institutions.
7. Barber shops.
8. Beauty parlors.
9. Bicycle sales, rental, and repair stores.
10. Business machine sales and service.
11. Camera and photographic supply stores.
12. Candy and ice cream stores.
13. Carpet and rug stores, retail sales only.
14. China and glassware stores.
15. Clothing and costume rental stores.
16. Clubs and lodges, nonprofit and fraternal.
17. Coin and philatelic stores.
18. Custom dressmaking.
19. Department stores.

20. Drug stores.
21. Dry cleaning establishments not engaged in wholesale processing.
22. Dry goods stores.
23. Electrical and household appliance stores, including radio and television sales.
24. Employment agencies.
25. Florist shops.
26. Food stores, grocery stores, meat markets, bakeries and delicatessens.
27. Frozen food stores, including locker rental in conjunction therewith.
28. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
29. Furrier shops, including the incidental storage and conditioning of furs.
30. Garden supply, tool, and seed stores.
31. Gift shops.
32. Hardware stores.
33. Hobby shops, for retail of items to be assembled or used away from the premises.
34. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
35. Jewelry stores, including watch repair.
36. Launderettes.
37. Leather goods and luggage stores.
38. Liquor stores, packaged goods.
39. Locksmith shops.
40. Medical and dental clinics.

41. Meeting halls.
42. Millinery shops.
43. Musical instrument sales and repair.
44. Newspaper distribution agencies.
45. Office machine sales and servicing.
46. Offices, business and professional.
47. Office supply stores.
48. Optician sales, retail.
49. Orthopedic and medical appliance stores.
50. Paint and wallpaper stores.
51. Phonograph record and sheet music stores.
52. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
53. Picture framing, when conducted for retail trade on the premises only.
54. Post offices.
55. Radio and television stations and studios, including towers not exceeding 75 feet in height.
56. Sewing machine sales and services—household appliances only.
57. Shoe, clothing, and hat repair stores.
58. Shoe stores.
59. Sporting goods stores.
60. Tailor shops.
61. Ticket agencies, amusement.
62. Tobacco shops.
63. Toy shops.

64. Travel bureaus and transportation ticket offices.
65. Wearing apparel shops.
66. Variety stores.
67. Accessory uses, incidental to, and on the same parcel as the principal use.

B. Conditional Uses

The following conditional uses may be allowed in the B-1 District:

1. Automobile service stations.
2. Garages for storage, repair and servicing of motor vehicles.
3. Parking lots, garages, or structures, other than accessory for the storage of private passenger automobiles only.
4. Planned development, business.
5. Motor vehicle sales (in enclosed building).
6. Public utility and service uses.
7. Recreation buildings and community centers.
8. Schools—music, dance, and business.
9. Drive thru establishments
10. Theaters, indoor.
11. Taverns
12. Restaurants—including the serving of alcoholic beverages if incidental to the serving of food as the principal activity.
13. Day care centers.

C. Lot Requirements

With public sewer: Area – 15,000 square feet minimum
Lot frontage – 100 feet minimum

Without public sewer: Area – 1½ acres minimum

Lot frontage – 125 feet minimum

D. Height Regulations

All structures – 35 feet maximum, except as provided by the Height Regulations.

E. Building Setbacks

	Principal Structure	Accessory Structure
Front Yard	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way
Side Yard	15 feet minimum	15 feet minimum
Rear Yard	15 feet minimum	15 feet minimum
Corner Side	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way

1. Transitional Yards.

- a. If the lot abuts an R-1 zone at any point along the side or rear lot line, it must maintain the same side or rear yard as required in the abutting zone if more restrictive and shall contain landscaping and planting to provide an effective screen. Required landscaping shall be in conformance with the Plan Commission’s Site Plan Review Criteria.

2. Exceptions.

- a. Bases for light standards (i.e. parking lot lights) may be located at the lot line provided that no part of the base or light extends into the public right-of-way, and that no light be cast directly onto the adjoining property or onto the public right-of-way.
- b. Seasonal displays of merchandise may be displayed outside of the primary or accessory structures and may be displayed within the required setback, provided that a permit for outdoor displays is first obtained.

F. Building Size

Minimum of 725 square feet.

G. Maximum Lot Coverage by Building

25 percent of total lot area.

H. Accessory Structures

All accessory structures hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, Subsection D, Buildings and Uses.

I. Parking

Parking shall conform to the requirements as set forth by the Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth by the Sign Regulations.

K. Other Requirements

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the zoning ordinance as determined by the Town Zoning Administrator.

1. All business, service, repair, or storage, shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
2. No more than five (5) persons in addition to a single owner or manager shall be engaged at any time in fabricating, repairing, or processing of goods in any establishment.
3. Outside trash bins shall be screened from view by use of solid screening, fencing materials, or natural landscape screening. All landscape plans shall conform to the Town's Site Plan Review Criteria and shall be approved by the Plan Commission.

L. Uses permitted in the B-1 District are subject to the following conditions:

1. All business establishments shall be retail or service establishments
2. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this Section shall be limited to vehicles of not over 1½ tons capacity when located within 75 feet of a Residential District boundary line.

ARTICLE XI - B-2 GENERAL COMMERCIAL DISTRICT

The B-2 General Commercial District is designed primarily to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in the B-1 District; and whose service area is not confined to any one neighborhood or community. The following regulations shall apply in the B-2 Districts.

A. Permitted Uses

Any use permitted in the B-1 District shall be permitted in the B-2 District, and, in addition, the following uses shall be permitted.

1. Amusement establishments, including: bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, and skating rinks.
2. Apartment hotels.
3. Auction rooms.
4. Automobile service stations.
5. Bakeries – room or rooms containing the baking process shall not exceed a total of 2,400 square feet in area.
6. Blueprinting and photocopying establishments.
7. Boat showrooms.
8. Catering establishments.
9. Car washes.
10. Electrical showrooms and shops.
11. Exterminating shops.
12. Fuel and ice sales.
13. Garages – for storage, repair, and servicing of motor vehicles including body repair, painting, and engine rebuilding.
14. Feed and seed stores.
15. Greenhouses and nurseries.
16. Hotels – motels.

17. Laboratories – medical, dental, and optical.
18. Laundries – room or rooms containing the laundering process (washing, drying, ironing, and wrapping) shall not exceed a total of 2,400 square feet in area.
19. Motor vehicle sales.
20. Parking lots, garages, or structures.
21. Pawn shops.
22. Pet shops.
23. Plumbing showrooms and shops.
24. Schools – music, dance, and business.
25. Schools – commercial and trade.
26. Second-hand stores and rummage shops.
27. Taverns.
28. Restaurants—including the serving of alcoholic beverages if incidental to the serving of food as the principal activity.
29. Taxidermists
30. Theaters, indoors.
31. Trailer sales and rental – for use with private passenger motor vehicles.
32. Undertaking establishments and funeral parlors.

B. Conditional Uses

Any use allowed as a conditional use in the B-1 District shall be allowed in the B-2 District (unless already permitted in Section A above):

1. Amusement establishments, including: archery ranges, shooting galleries, and other similar amusement facilities.
2. Amusement parks, including: permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses, other similar outdoor amusement facilities.
3. Animal hospitals and kennels.

4. Building material and products sales.
5. Car washes
6. Cartage and express facilities.
7. Contractor or construction offices, shops, and yards.
8. House trailer sales.
9. Machinery sales.
10. Mail order houses.
11. Model homes and garage displays.
12. Printing and publishing.
13. Riding academics and commercial stables.
14. Stadiums, auditoriums, and arenas – open and enclosed.
15. Theaters.
16. Warehousing and wholesale establishments, and storage other than accessory to permitted retail uses.
17. Day care center.
18. Any size Community Living Arrangement, licensed and operated under the authority of the Department of Health and Family Services.

C. Lot Requirements

With public sewer: Area – 15,000 square feet minimum.
 Lot frontage – 100 feet minimum.

Without public sewer: Area – 1½ acre minimum.
 Lot frontage – 125 feet minimum.

D. Height Regulations

All structures – 35 feet maximum, except as provided by the, Height Regulations.

E. Building Setbacks

	Principal Structure	Accessory Structure
Front Yard	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way
Side Yard	15 feet minimum	15 feet minimum
Rear Yard	15 feet minimum	15 feet minimum
Corner Side	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way

1. Transitional Yards.

If the lot abuts an R-1 zone at any point along the side or rear lot line, it must maintain the same side or rear yard as required in the abutting zone if more restrictive and shall contain landscaping and planting to provide an effective screen. Required landscaping shall be in conformance with the Town's Site Plan Review criteria and shall be approved by the Plan Commission.

2. Exceptions.

- a. Bases for light standards (i.e. parking lot lights) may be located at the lot line provided that no part of the base or light extends into the public right-of-way, and that no light be cast directly onto the adjoining property or onto the public right-of-way.
- b. Seasonal displays of merchandise may be displayed outside of the primary or accessory structures and may be displayed within the required setback, provided that a permit for outdoor displays is first obtained.

F. Building Size

Minimum of 725 square feet.

G. Maximum Lot Coverage by Building

25 percent of total lot area.

H. Accessory Structure

All accessory structures hereinafter constructed in the B-2 District shall meet the district requirements and those identified in Article IV, General Provisions, Subsection D, Buildings and Uses.

I. Parking

Parking shall conform to the requirements as set forth by the Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth by the Sign Regulations.

K. Other Requirements

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the zoning ordinance as determined by the Town Zoning Administrator.

1. All business, service, repair, storage, and merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
2. No more than five (5) persons in addition to a single owner or manager shall be engaged at any time in fabricating, repairing, or processing of goods in any establishment.
3. Outside trash bins shall be screened from view by use of solid screening, fencing materials, or natural landscape screening. All landscape plans shall conform to the Town's Site Plan Review Criteria and shall be approved by the Plan Commission.

L. Uses permitted in the B-2 District are subject to the following conditions:

1. All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions: establishments of the "drive-thru" type offering goods or services directly to customers waiting in parked motor vehicles, display of merchandise for sale to the public, and off-street parking and loading.
2. The enclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this Section, shall be limited to vehicles of not over 1½ tons capacity when located within 75 feet of a Residential District boundary line.

ARTICLE XII - I-1 GENERAL INDUSTRIAL DISTRICT

The I-1 General Industrial district is designed to accommodate those industrial activities which by their character should be relatively remote from residential and business development and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat.

A. Permitted Uses

Uses permitted in the I-1 District are subject to the following conditions:

1. Dwelling units and lodging rooms – other than custodian’s quarters – are not permitted.
2. All business, servicing, or processing, within 300 feet of a Residential or Business District shall be conducted within completely enclosed buildings.
3. All storage within 300 feet of a Residence District or Business District – except of motor vehicles in operable condition – shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.

The following uses are permitted in the I-1 District:

1. Accessory uses, incidental to, and on, the same lot as the principal use.
2. Abrasive manufacture.
3. Bakeries.
4. Bedding manufacturing.
5. Boot and shoe manufacturing.
6. Bottling companies.
7. Brick and structural clay products manufacture.
8. Building materials sales and storage.
9. Carpet manufacturing.
10. Cartage facilities.
11. Cloth products manufacturing.

12. Contractors offices, shops, and yards.
13. Cosmetic production.
14. Dairy products.
15. Electronic and scientific precision instrument manufacturing.
16. Electroplating.
17. Feed and seed sales.
18. Food manufacture, packaging, and processing.
19. Freight terminals.
20. Glass products production and sales.
21. Grain storage and processing.
22. Graphite products manufacture.
23. Greenhouses-wholesale.
24. Heavy machinery production.
25. Laboratories – research and testing.
26. Laundries.
27. Light machinery products – appliances, business machines, etc.
28. Lithographing.
29. Lodges and offices of labor organizations.
30. Machine shop.
31. Mail order house.
32. Metal stamping.
33. Musical instruments manufacture.
34. Orthopedic, and medical appliance manufacture.

35. Paint products manufacture.
36. Paper products manufacture.
37. Parking lots, other than accessory, and subject to the provision of the Off-Street Parking Ordinance.
38. Petroleum products storage or processing.
39. Plastics manufacture.
40. Printing and publishing establishments.
41. Public utility and service uses.
42. Radio and television stations and towers.
43. Rope, cord, and twine manufacture.
44. Rubber processing and manufacture.
45. Sign manufacture.
46. Sporting goods manufacture.
47. Steel manufacture.
48. Trade schools.
49. Wastewater treatment plants-municipal.
50. Wearing apparel manufacture.
51. Woodworking and wood products.

B. Conditional Uses

The following conditional uses may be allowed in the I-1 District:

1. Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities.
2. Warehousing, storage, and distributing facilities.
3. Sexually oriented adult entertainment establishments.

C. Lot Requirements

With public sewer: Area – 40,000 square feet minimum.
Lot frontage – 100 feet minimum.

Without public sewer: Area – 1½ acre minimum.
Lot frontage – 125 feet minimum.

D. Height Regulations

Principal structures – 60 feet maximum, except as provided by the Height Regulations.

E. Building Setbacks

	Principal Structure	Accessory Structure
Front Yard	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way
Side Yard	15 feet minimum	15 feet minimum
Rear Yard	20 feet minimum	20 feet minimum
Corner Side	30 feet minimum from Right-of-Way	30 feet minimum from Right-of-Way

1. Transitional Yards.

If the lot abuts an R-1 zone at any point along the side or rear lot line, it must maintain the same side or rear yard as required in the abutting zone if more restrictive and shall contain landscaping and planting to provide an effective screen. Required landscaping shall be in conformance with the Town’s Site Plan Review criteria and shall be approved by the Plan Commission.

F. Maximum Lot Coverage

35 percent of total lot area may contain building coverage.

G. Accessory Structure

All accessory structures hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Article IV. General Provisions, Subsection D, Building and Uses.

H. Parking

Parking shall conform to requirements as set forth by the Off-Street Parking Requirements.

I. Signs

Signs shall be regulated as set forth by the Sign Regulations.

J. Other Requirements

No use shall be established, maintained, or conducted in any I-1 District that causes any of the following:

1. Dissemination of excessive noise, vibration, odor, dust, smoke, observation of gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
2. Hazard of fire or explosion or other physical hazard to any person, building, or vegetation.
3. A harmful discharge of waste material.
4. Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.

ARTICLE XIII - PLANNED DEVELOPMENT OVERLAY DISTRICT

A. Application to Existing Use Districts

This section shall operate as a conditional use and as an alternative to the permitted uses and regulations applicable to existing districts, except the Exclusive Agriculture District. Basic underlying zoning requirements for lands over-zoned as a Planned Development District shall continue in full force and effect.

B. Purpose

The purpose of the Planned Development District and the regulations applicable to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well balanced, aesthetically satisfying Town and economically desirable development of building sites within a Planned Development District. The permitted uses include single and multiple-family homes, cluster developments, garden apartments, row housing, apartment houses, group housing, mixed use village-style developments, multi-tenant business developments, and business/industrial parks.

C. Procedure

The procedure for the approval of a Planned Development Project shall consist of the following:

1. A person desiring to develop a particular site as a Planned Development District shall apply to the Town and shall pay appropriate review fees with such written application. The application shall contain the names, mailing addresses and telephone numbers of the owners and developers and a description of the development site.
2. The application or petition shall also include the following:
 - a. Street design, number and general location of dwelling units, common structures and facilities, utilities and other information that the Town may require to make a decision.
 - b. The proper preservation, care and maintenance by the original and all subsequent owners, of exterior design common structures, utilities, access and open space shall be assured by deed restrictions enforceable by the Town or other measures deemed appropriate by the Town.
 - c. All designs shall conform to the Town's Standard Construction Specifications Manual and Stormwater Management Ordinance.

- d. Approved sanitary sewers shall be provided.
 - e. Fresh water supply tested and approved shall be provided at each dwelling unit.
 - f. Utilities shall be provided at each dwelling unit.
 - g. Parking areas shall meet the requirements of the Off-Street Parking Requirements.
 - h. A detailed landscaping plan illustrating the type, size, and quantity of all proposed landscape materials, in conformance with the Town Site Plan Review Criteria.
 - i. Any other requirement deemed necessary by the Town.
3. After receipt of a petition and the filing of the required data, the Planning Commission shall recommend to the Town Board that the petition shall be either approved, disapproved, or approved with conditions. The Town Board shall then hold a Class (1) public hearing. The Town Board shall then consider whether or not to give final approval of the proposed project.
 4. No construction shall be commenced on the building site until the Board has granted final approval, except such construction as shall be in compliance with both the requirements of the underlying zone and proposed planned development as submitted for final approval.
 5. No subsequent change or addition to the planned development after final approval shall be allowed or permitted until approved by the Town Board after hearings and the recommendation of the Planning Committee, as herein above provided.

ARTICLE XIV - C-1 CONSERVANCY DISTRICT

The purpose of the Conservancy District is to provide adequate natural areas for the drainage of surface and storm waters, and to protect and promote the general health, safety, and welfare of the community, and to protect natural resource areas containing swamps, wildlife habitat, natural water or drainage courses, and historically or archeologically significant areas.

Lands designated in the Conservancy District are those areas deemed by the Town to be of significant importance to the Town and which may not have otherwise been protected by State or County regulations.

Lands given the Conservancy District designation may also be lands owned and or protected by conservation organizations such as the Department of Natural Resources or the Northeast Wisconsin Lands Trust.

No building or structure is permitted within the Conservancy District except when used to increase the public's education and awareness of the site on which it is located.

Natural, historical, and archeologically significant features of a site may be restored and improved including but not limited to improving the site with walking or biking trails, ski trails or outdoor interpretive centers, and other uses provided that they do not impede or diminish the unique features of the site.

Other non-related recreational features may be associated with the preserved land within the district provided that they do not diminish the significance of the site. These uses may be, but are not limited to such things as playgrounds, athletic fields, or open manicured grassy areas.

All lands within the Conservancy Districts shall file a preservation plan annually with the Town. Said permit will be reviewed by the Town Board and granted by the Board provided that the plan as submitted shall preserve the integrity of the site.

ARTICLE XV - REGULATION OF SIGNS

A. Purpose of Sign Regulation

The purpose of this ordinance is to promote and protect the public safety, morals, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Scott, Brown County, Wisconsin.

B. Definitions

1. **Animated Signs** - A sign with action or motion, flashing, color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, revolving or changeable message signs.
2. **Architectural Projection** - Shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.
3. **Area of Copy** - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration.
4. **Area of Sign** - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign-face surface.
5. **Background Area of Sign** - The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.
6. **Billboard - See "Off-Premise Sign"**
7. **Building Facade** - That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
8. **Building Facade Facing** - A resurfacing of an existing facade with approved material illuminated or non-illuminated.
9. **Building Identification Sign** - Any sign which promotes the name and type of business only on the premises where it is located.

10. **Canopy/Awning Sign** - Any sign attached to or constructed in, on, or under a canopy, or awning. For the purpose of this Ordinance, canopy/awning signs shall be controlled by the rules governing projecting signs.
11. **Changeable Message Sign** - A sign, such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.
12. **Directional Signs** - On premise incidental signs designed to guide or direct pedestrians or vehicular traffic.
13. **Double Faced Sign** - A sign with copy on two (2) faces that are more or less back to back, facing in opposite directions.
14. **Free Standing Signs** - A sign which is supported by one or more columns, uprights or braces, in or upon the ground and not attached to any building.
15. **Grade** - The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
16. **Monument Pedestal Sign** – A freestanding sign, one or two sided, which is generally longer horizontally than vertically and is affixed to a foundation or base which is approximately the same size and scale as the sign face.
17. **Height of Sign** - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
18. **Illuminated Signs** - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.
19. **Legal Nonconforming Sign** - A nonconforming sign that did meet code regulations when it was originally installed.
20. **Marquee** - Marquee is a permanent roofed structure attached to and supported by the building.
21. **Marquee Sign** - Any sign attached to or constructed in a marquee.
22. **Multiple Copy Sign** - A sign which advertises other than the name of the business and the principal product or service.
23. **Nameplate** - A sign which states the name of the occupant of the premise at which the nameplate is posted.
24. **Nonconforming Sign** - A sign that does not meet code regulations.

25. **Off-Premise Sign** - A sign which advertises goods, products, facilities or services not on the premises where the sign is located, or directs persons to a different location from where the sign is located.
26. **On-Premise Sign** - Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.
27. **Pedestal, Pole, or Pylon Sign** - A freestanding sign, one or two sided, which with its pedestals, or support columns is taller vertically than horizontally. The actual sign face may be any shape and may promote multiple tenants on the site (see also, Freestanding Sign).
28. **Printed Bulletin** - Any sign printed on material which is to be attached to a permanent sign structure.
29. **Projecting Sign** - A sign, normally double faced, which is attached to and projects from a structure or building facade.
30. **Revolving Sign** - A sign which revolves three hundred sixty (360) degrees but does not exceed eight (8) rpm.
31. **Roof Sign** - A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.
32. **Sign** - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.
33. **Sign Structure** - Any structure which supports or is capable of supporting any sign, as devised in this code. A sign structure may be a single pole or may or may not be an integral part of the building.
34. **Temporary Sign** - A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.
35. **Swinging Sign** - A sign installed on an arm or mast or spar that is permanently fastened to an adjacent wall or upright pole.
36. **Wall Sign** - A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and is not, above the eaves, or facade of the

building on which it is located or a sign which is painted on any exterior wall.

37. **Window Sign** - A sign installed on a window for purposes of viewing from outside the premises.

C. General Requirements

1. **Scope** - This ordinance pertains to and regulates all billboards and signs in the Town of Scott.
2. **Animated Signs in Residential District** - No animated signs shall be erected or maintained in any residential land use district. No animated signs shall be erected or maintained closer than two hundred (200) feet from any residential zoning district.
3. **Marquee Signs** - Marquee signs may be placed on, attached to or be constructed in a marquee. Marquee signs shall be limited to the size of the marquee.
4. **Building Facade Signs** - Copy area of a building facade facing shall not exceed (40) percent of the background facing to which it is applied.
5. **Wall Signs** - Background area on wall signs shall not exceed thirty (30) percent of the building facade or four (4) square feet per lineal foot of the elevation upon which they are placed, whichever is greater.
6. **Monument Sign** - Monument signs shall be located within the property lines.
 - a. Such signs shall be located back of the property line a distance equal to, and not less than the height of the sign.
7. **Pedestal Sign**, any part of which is located in the building setback of the right-of-way shall have a minimum vertical distance of (10) feet between the bottom of the sign and the grade at the right-of-way line.
 - a. Such signs shall be located back of the property line a distance equal to, and not less than the height of the sign.
 - b. Only one freestanding sign shall be allowed in the front building setback.
 - c. A free standing or projecting sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall be not more than three (3) feet in height.

8. **Maximum Area of Signs** - The maximum area of signs shall be the sum of the area of all signs located on a lot. The maximum area of signs may differ according to the zoning classification of a lot.
9. **Roof Signs Prohibited** - Roof signs are prohibited in all districts of the Town of Scott.
10. **Stability** - Signs shall be constructed so that they will withstand a wind pressure of at least thirty (30) pounds per square foot surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported that they will not be a menace to persons or property. No sign shall be suspended by chains or other devices that will allow the sign to swing, due to wind action.
11. **Illumination** - All electrical signs shall conform to State electrical requirements. Illumination shall be directed entirely on the sign.
12. **Maintenance of Signs** - All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.
13. **Removal of Obsolete, Non-maintained, or Abandoned Signs** - All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed by the business or property owner within ninety (90) days after the receipt of removal notice, or, upon failure of such removal, the Town shall remove such signs at the expense of the property owner.
14. **Location** - All free standing, ground, and portable signs shall be located within the property lines.
15. **Signs Facing a Residential District** - No sign facing a Residential District shall be closer than twenty-five (25) feet to that district line.
16. **Vision Corner** - Signs shall conform to all Vision Corner Requirements (See General Provisions).

D. Permits Required

1. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Scott without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this ordinance. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
2. **Application for a Permit** - Application for a permit shall be filed with the Town upon forms provided by the Town. The applicant shall provide all information

required on the application for the permit.

3. **Permit Fees** - Application for permit shall be filed with the Town, together with a permit fee for each sign in accordance with the Town's fee schedule
4. In all districts, where land is being, or has been subdivided for a new development, two (2) thirty two (32) square foot signs are permitted per development. Permits shall be for up to 12 months and may be renewed provided the property being advertised is still available. All such signs shall be removed within 30 days of the property being taken off of the market.

E. Signs Not Requiring A Permit

1. **Construction Signs** - Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
2. **Directional and Instructional Non-Electric Signs** - Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances and exits.
3. **Non-Illuminated Emblems** - Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.
4. **Government Signs** - Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
5. **House Numbers and Name Plates** - House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.
6. **Interior Signs** - Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from structural, electrical, or material specifications of this ordinance.
7. **Memorial Signs and Plaques** - Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.

8. **No Trespassing or No Dumping Signs** - No trespassing and no dumping signs not to exceed one and one half (1½) square feet in area per sign.
9. **Public Notices** - Official notices posted by public officers or employers in the performance of their duties.
10. **Public Signs** - Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.
11. **Political and Campaign Signs** - Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - a. Said signs may be erected not earlier than thirty (30) days prior to the primary election and shall be removed within the time limits specified by the State Elections Board.
 - b. Each sign, except billboards, shall not exceed sixteen (16) square feet in non- residential zoning districts and eight (8) square feet in residential zoning districts.
 - c. No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection, nor over the right-of-way.
 - d. No signs allowed in public right-of-way or public owned property.
12. **Real Estate Signs** - One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not illuminated.
 - a. In residential districts, such signs shall not exceed eight (8) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - b. In all other districts, such signs shall not exceed thirty two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
13. **Temporary Window Signs** - In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed fifty (50) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.
- 14 **On Premise Symbols or Insignia** - Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

- 15 **On-Premise Temporary Signs** - Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within five (5) days after the event.
- 16 **Vehicular Signs** - Truck, bus, trailer, or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
- 17 **Neighborhood Identification Signs** - In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.
- 18 **Awnings/Canopy** – Awnings/canopy with signs consisting of one (1) line of copy upon the border of the awnings.

F. Specific Zoning District Sign Requirements

1. **All Residential Districts and Agricultural Districts** - In the Residential Districts and Agricultural Districts, all signs are prohibited, except for the following non-flashing, non-illuminated, signs under the conditions specified. A permit is not required.
 - a. **Real Estate Signs** - Real estate signs, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight (8) square feet in area. Corner lots shall be permitted two (2) such signs, one facing each street.
 - b. **Nameplate Signs** - Nameplate signs, not to exceed two (2) square feet, located on the premises. Corner lots shall be permitted two (2) such signs, one (1) facing each street.
 - c. **Agricultural signs** - Agricultural signs, pertaining to the products of the agricultural premises not to exceed thirty two (32) square feet in area for one (1) farm. Height of this respective sign shall not exceed eight (8) feet. Two (2) such signs shall be permitted per farm.
 - d. **Bulletin Boards** - Bulletin boards or similar devices for churches and religious institutions shall not exceed thirty two (32) square feet in area and only one such sign shall be located on the premises.
 - e. **Memorial Signs** - Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.

- f. **Official Signs** - Official signs, such as traffic control, parking restrictions, information and notices.

2. **All Business District and Industrial Districts**

- a. **Projection** - In these Districts, where limitations are imposed by this ordinance on the projection of signs, from the face of the wall of any building or structure, such limitations shall not apply to identification, canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.
- b. **Safety Standards** - All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the Town shall be relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.
- c. **Mounting** - All signs shall be mounted in one of the following manners:
 - 1. Flat against a building or wall.
 - 2. Back to back in pairs, so that back of the sign will be screened from public view.
 - 3. In clusters in an arrangement which will screen the back of the signs from public view.
 - 4. Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with the surrounding environment.

3. **Business Districts (General Commercial and Community Business) and Industrial Districts** - In the Business Districts and Industrial District, business signs and advertising devices are permitted, subject to the following conditions:

- a. **Area, On-Premise Sign.** The gross area in square feet of all on premise signage shall not exceed seven hundred (700) square feet
- b. **Maximum Size of Free Standing Signs** - free standing on premise

signs shall not exceed one hundred fifty (150) square feet per side, three hundred (300) square feet in area of all sides combined.

- c. **Content** - Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as "Men's Clothing", "Drugs", "Jeweler", and the like, and the year the business was established, and the street number thereof.
- d. **Height** - No sign shall exceed a height of thirty (30) feet, as measured from the highest point of the adjacent road.
- e. **Number of Free Standing Signs** - One (1) free standing sign shall be allowed per lot. Such free standing signs shall advertise only name and location of such business or individual use and the name and type of business of each occupant of the center. **EXCEPTION:** lots with more than 200 feet of frontage receive an additional ½ square feet of signage for each foot of frontage over 200 feet. This additional square footage may be used to create a second free standing sign, however such second sign may be located no closer than 200 feet to the first sign. If so desired, the size of the first sign may be reduced in order to shift square footage to the second sign. Such second sign shall be limited in size in accordance with Section f, below. If extra square footage is not applied to a second sign, it may be applied to a wall sign.
- f. **All Free Standing Signs** - All ground and free standing signs located adjacent to a street right-of-way shall meet the requirements of Article XV, C8.

G. Off-Premise Signs

All off-premise signs are prohibited in the Town of Scott regardless of the nature, size and location,

H. Alteration - Relocation

No sign or billboard in the Town of Scott shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this Chapter. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity shall not be deemed to be alterations within the meaning of this ordinance.

I. Nonconforming Signs

- 1. **Notification of Nonconformity** - The Town shall survey the Town for signs which do not conform to the requirements of this section. Upon determination that a sign is a nonconforming sign, the Town shall use reasonable efforts to

notify, either personally or in writing, the user or owner of the property on which the sign is located.

2. **Nonconforming Signs** - Any sign located within the Town limits on the date of adoption of this section or located in an area annexed to the Town thereafter, which does not conform with these provisions, is eligible for characterization as a “nonconforming” sign and is permitted, provided it also meets the following requirements:
 - a. The sign was covered by a sign permit, or a permit was issued prior to the date of adoption of this section if one was required.
 - b. If no sign permit was required for the sign in question and the sign was in all respects in compliance with applicable law on the date of construction or installation.
3. **Continuation of Nonconforming Status** - A nonconforming sign shall maintain its nonconforming designation provided:
 - a. No structural modification of a nonconforming sign is permitted, except where such modification will result in having the effect of bringing such sign more in compliance with the requirements of this section, except for changing of copy and normal maintenance, or
 - b. The sign is not relocated, or
 - c. The sign is not replaced.
 - d. The total structural repairs or alterations to such a nonconforming sign shall not, during its life, exceed fifty (50) percent of the assessed value of said sign existing at the time it became nonconforming.
4. **Loss of Nonconforming Status** - Any changes, except provided in Article XV l.3 a, b, c, and d, shall result in the loss of nonconforming status.

J. Abandoned Signs and Deteriorated or Dilapidated Signs

- a. All signs or sign message shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted or when rental or compensation is no longer provided if said sign is of the off-premise type. If the owner or leasee fails to remove it, the Town shall give the owner sixty (60) days written notice to remove it. Upon failure to comply with this notice, the Town, or his duly authorized representative, may remove the sign at cost to the sign owner.
- b. The Town shall cause to be removed any deteriorated or dilapidated

signs under the provisions of Wisconsin Statutes 66.05.

K. Penalty

The remedies in this section for violations, or for failure to comply with the provisions of this code, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

1. **Remedies** - Violation or failure to comply with the provisions of this section is unlawful.
 - a. Any sign erected without a permit shall be removed at the owner's expense, or brought into compliance within thirty (30) days of written notification of the Zoning Administrator. In the event that the owner does not remove, or bring into compliance, the Town may order removal at the owner's expense.
 - b. This section shall not preclude the Town from taking any appropriate action to prevent or remove a violation of this section.

ARTICLE XVI - OFF-STREET PARKING REQUIREMENTS

The following regulations shall apply to all zone districts within the Town of Scott.

A. General

1. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall conform to the requirements herein.
2. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provisions of the parking spaces under this ordinance shall conform to the requirements as set forth herein.
3. Required residential vehicular parking spaces shall be of gravel or hard surfaced and shall conform to the standards set forth in the Town's Site Plan Review Criteria.

B. Size

1. Each required off-street parking space shall be at least nine feet in width and at least eighteen feet in length, exclusive of access drives or aisles.
2. All angle parking shall conform to the requirements as set forth.

Angle in Degrees	Stall Depth (length)	Width of Aisles (1-way)	Width of Aisles (2-way)
0 (Parallel)	24	16	22
30	18	14	22
45	18	14	22
60	18	18	24
90	18	21	27

3. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or an alley in a manner which will least interfere with traffic movement.
4. All off-street parking facilities are required to provide handicap accessible parking spaces in conformance with the American's with Disabilities Act (ADA) and Wisconsin State Statutes.

C. Plans

1. Except for residential uses, the design of parking lots shall be subject to the

approval of the Town Plan Commission in accordance with standards herein required.

D. Parking Standards

1. Single-Family Dwellings - two spaces for each dwelling unit.
2. Two-Family Dwellings - two spaces for each dwelling unit.
3. Multi-Family Dwellings - one and one half spaces for each dwelling unit.
4. Motels - one space for each guest room plus one stall for each three employees.
5. Hotels - one space for each two guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.
6. Lodging, Rooming, and Boarding Houses - one space for each two beds plus one stall for each three employees.
7. Churches and Places of Worship - one space for each five seats.
8. Hospitals - one space for each two hospital beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
9. Medical and Dental Clinics - three parking spaces shall be provided for each doctor.
10. Sanitariums, Rest Homes, Convalescent Homes, and Nursing Homes - one parking space for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
11. Elementary Schools - one parking space for each employee.
12. Junior High Schools - one parking space for each employee.
13. Senior High Schools - one space for each employee, plus one space for each ten students in the school.
14. Colleges and Universities - one space for each employee, plus one space for each six students.
15. Public Libraries, Art Galleries, Museums - one space for every 500 square feet of gross floor space.

16. Fraternities, Sororities, and Dormitories - one space for each three residents, plus one space for the manager.
17. Restaurants - parking space equal to 50 percent capacity in persons, plus one space for each three employees.
18. Taverns - parking spaces equal in number to 60 percent of the capacity in persons.
19. Bowling Alleys - six parking spaces shall be provided for each alley, plus additional spaces as required by this Ordinance for any associated use (bars, restaurants, etc.).
20. Swimming Pools and Skating Rinks - parking spaces shall be provided equal in number to 30 percent of the design capacity.
21. Amusement Establishments Not Listed and Amusement Parks - parking spaces shall be provided in adequate number as determined by the Town Zoning Committee, to serve persons employed, as well as the visiting public.
22. Stadiums, Ball Parks, and Outdoor Arenas - parking space shall be provided at the rate of 30 percent of the maximum capacity of persons using and/or observing activities at these facilities during a 24-hour period.
23. Golf Courses - one parking space shall be provided for each four (4) persons using the course at maximum capacity. (Bars, restaurants, and related uses shall require additional spaces.)
24. Driving Ranges - two parking spaces shall be provided for each tee.
25. Private Clubs - one parking space shall be provided for each lodging room, plus parking spaces equal in number to 30 percent of the maximum capacity in persons of such clubs.
26. Recreational Buildings and Community Centers - Non-Commercial - parking spaces equal in number to 30 percent of the capacity in persons shall be provided.
27. Convents, Seminaries, Monasteries, Rectories, Parsonages, Parish House, and Religious Retreats - one parking space shall be provided for each two employees, plus additional parking spaces equal in number to 5 percent of the maximum capacity of professional persons residing on the premises at any one time.
28. Riding Academies and Commercial Stables - one parking space shall be provided for each employee, plus spaces adequate in number, as determined

by the Town Zoning Committee, to serve the visiting public.

29. Shopping Centers - eight parking spaces for each 1,000 square feet of gross floor area in the center.
30. Warehousing and Wholesaling Establishments - one parking space for each two employees.
31. Junk Yards, Salvage Yards and Auto Grave Yards - one space shall be provided for each two employees, plus one space for each 5,000 square feet of lot area.
32. Animal Hospitals and Kennels - three parking spaces shall be provided for each employee.
33. Automobile and Truck Service Stations - one parking space for each employee, based on the maximum number of employees working the same shift, as well as one additional space shall be furnished for each inside service bay.
34. Car Washes - one space for each two employees, plus one space for manager, and additional reserve parking spaces equal to five times the capacity of the automobile laundry, for those automobile awaiting entrance to the facility. Maximum capacity in this instance shall mean the greatest number possible of automobiles undergoing some phase of laundering and drying at the same time.
35. Building Material Sales - one space shall be provided for each two employees, plus additional space equal to one space for each 300 square feet of gross floor area in excess of 2,000 square feet.
36. Cartage and Express Facilities - one parking space be provided for each vehicle maintained on the premises, plus one space for each two employees.
37. Contractor or Construction Offices, Shops, and Yards - one space shall be provided for each employee plus additional customer space shall be furnished at the rate of one additional space for each five employees.
38. Food Store, Grocery Stores, Meat Markets, Bakeries, Delicatessens, Supermarkets, and Department Stores - one space shall be provided for each 150 square feet of gross floor area for the first 6,000 square feet, and one additional space shall be furnished for each 200 square feet of gross floor area in excess of 6,000 square feet.
39. Motor Vehicle Sales - three parking spaces shall be provided for each employee, plus additional spaces as deemed necessary by the Town Planning Committee to store those cars waiting to be serviced or sold.

40. Offices, Business, and Professionals - one parking space shall be provided for each 300 square feet of gross floor area.
41. Public Utility and Service Uses - one parking space for each 300 square feet of gross floor area in excess of 4,000 square feet or one space for each two employees, whichever provides the greater amount.
42. Radio, Television Stations and Studios - one space shall be provided for each two employees, plus one space for each 300 square feet of gross floor area in excess of 6,000 square feet.
43. Post Offices - one space be provided for each two employees, plus one space for each 2,000 square feet of gross floor area in excess of 3,000 square feet.
44. Undertaking Establishments - one parking space shall be provided for each four seats provided in each chapel or parlor.

Parking standards for uses not listed in this section will be established on an individual use-by-use basis by the Town Plan Commission.

ARTICLE XVII - ARTIFICIAL LAKES & FARM PONDS

The following regulations shall apply to all artificial lakes and farm ponds hereinafter constructed or developed within the Town of Scott.

A. Location

Artificial lakes and farm ponds shall be allowed as conditional uses in the Rural Residential, A-1 Agricultural, and A-2 Exclusive Agricultural Zoning Districts.

B. Permit

1. The property owner, developer, or assigned agent shall make application for a conditional use permit to the Town Plan Commission. The Town Plan Commission shall submit a written recommendation to the Town Board. The Town Board shall reach a decision on the application within ninety (90) days from the filing of the completed application form.
2. The Town Plan Commission shall review and approve the site plan after the Town Board has issued the conditional use permit, but, before the Town issues the excavation permit.

C. Site Plans

1. A map drawn at a minimum scale of 1 inch = 200 feet showing the proposed lake or pond size, and the adjoining property within 500 feet of the site.
2. The site plan shall be signed by a certified engineer.
3. A scaled section view of the lake with slopes, depths, high and low water levels.
4. Layout of proposed residential lots and other buildings, if applicable.
5. The type of sanitary facilities to be installed, if residential development is to take place.
6. Source of water supply for residential dwellings.
7. Indicate how the water level in the lake is to be maintained.
8. Indicate how excess water is to be handled.
9. Surface drainage sources and topography.
10. Proposed roadways.

D. Design Standards

1. All lakes and ponds shall be designed within the scope of this ordinance. Where no minimum water level is to be maintained, the slope of the pond bottom may not exceed 3:1. In all cases where a portion of the lake will have a slope greater than 3:1, the Town's engineer shall review and approve of the plan.
2. All lakes and ponds shall have an outflow to maintain the maximum normal water level, the size of this outflow shall be determined by design and shall be reviewed by the Town's engineer. Calculations shall be provided with the permit application. Outflows shall not flow directly onto adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3:1 or less shall be established and maintained from the normal high water level. This area shall be no less than three (3) feet measured inland from the water's edge.

E. Other Requirements

1. The constructed lake shall meet the requirements of the Brown County Water Law Codes.
2. Artificial lakes and ponds constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.
3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The groundwater table in the surrounding area and adjacent to the lake shall be protected from contamination or excessive water usage.
5. State permits shall be required if high capacity wells are drilled on the site.
6. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A Performance Bond shall be filed with the Town Board, as specified by the Town Board, prior to the start of construction. Amount of bond shall be based on the construction cost of the pond, plus engineering and administrative costs.

ARTICLE XVIII - FILL AND EARTH EXCAVATIONS

The following regulations shall apply to all future excavations and fill operations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Scott. It shall regulate all existing gravel pits, sand pits, and stone quarries within the Town of Scott.

A. General

1. All excavations and fill operations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials including but not limited to sand pits, gravel pits, and rock quarries shall come under the jurisdiction of this ordinance.
2. All existing sites of excavation and fill operations shall comply with this ordinance prior to any additional expansions or alterations of the existing site.

B. Exemptions

The following uses shall be exempt from the provisions of this ordinance.

1. Excavation and removal and fill operations of less than 100 cubic yards over a period of one year from any single parcel of land recorded in the Brown County Register of Deeds Office.
2. Necessary foundation and trench excavation only in connection with work on premises for which a building permit has been issued.
3. Nonmetallic mining operations that are subject to and in compliance with Chapter 4 of the Town of Scott Municipal Code of Ordinances regulating nonmetallic mining.

C. Permit

1. Application for a permit to fill, excavate or remove earth material shall be made to the Town of Scott Plan Commission by the property owner or his assigned agent. The Plan Commission shall inspect the site prior to issuing the permit. Forms shall be provided by the Town of Scott.
2. The application shall contain the required information as specified in Article XX, of this ordinance prior to the issuance of an excavation/fill permit.
3. Following submittal and approval of the excavation/fill plan, the Town shall issue the permit. The permit shall be valid for one (1) year upon issuance.
4. Upon expiration of the permit, the Town Planning Commission shall inspect the site before reissuing the permit. If the regulations have been complied with, the permit shall be reissued.

D. Site Plans

The following information shall be required on a site plan prior to issuing a fill/excavation permit.

1. A map showing the location of the premises and the adjoining properties within 500 feet. The map shall be drawn at a scale not smaller than 1 inch equals 200 feet.
2. Contour intervals of the proposed site at intervals of 20 feet when available.
3. Existing and proposed drainage patterns of the site.
4. Proposed re-grading and re-vegetation of the site after completion of the excavation operation.
5. Proposed truck and machinery access to the site.
6. Types and location of temporary or permanent structures to be erected on the site.
7. Approximate amount of earth material to be excavated or removed or brought to fill the site.
8. Approximate number of trucks and other types of machinery to be used at the site.
9. Designated hours of operation.

E. Trucks and Machinery

1. No fixed machinery shall be erected or maintained within 200 feet of any property or street line.
2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

F. Material Handling

1. No excavation or filling operation shall take place within 50 feet of any property line or street line, if below the established grade of the street.
2. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises, unless it is located more than 500 feet from a residential dwelling.

G. Fill/Excavation Sites

The excavation or filling of earth materials shall be allowed as Conditional Uses in the A-1 Agriculture Zone, and as Conditional Uses in Exclusive Agriculture if the excavation is a public (governmental) operation or if it is incidental to the farm operation.

H. Other Requirements

1. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
2. The premises shall be filled or excavated and graded in conformity with the plan, as approved. Any deviation from the plan shall be cause for the Town Zoning Administrator to revoke the permit upon the recommendation of the Town Plan Commission.
3. When fill operations or excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated/filled area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated/filled area, except exposed rock surfaces to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.
4. If the excavation/fill site shall fall within a County floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.
5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.
6. Any violation of this Article shall be subject to the regulations of the Administration and Enforcement Section of the ordinance.
7. A Performance Bond shall be filed with the Town Board, as specified by the Town Board, prior to the start of construction. Amount of bond shall be based on the construction cost of the pond, plus engineering and administrative costs.
8. The Plan Commission may require a review by the Town Engineer of any fill/excavation permit. Fees associated with this review shall be at the developer's expense.

ARTICLE XIX - NON-CONFORMING USES

The purpose and intent of this Article is to provide for the regulation of non-conforming buildings, structures, land, and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land, and uses shall be permitted to continue.

A. General

Any non-conforming building, structure, land, or other use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, land, or other use which existed lawfully at the time of the adoption of this ordinance shall be subject to the regulations which follow.

1. If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the building, structure, land, or other use shall thereafter conform to the provisions of this ordinance.
2. When a non-conforming structure is damaged by fire, explosion, flood, the public enemy, act of God, or other calamity to 60 percent or more of its current local assessed value, it shall not be restored except as to comply with the use provisions of this ordinance.
3. Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.
4. Repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size.
5. No non-conforming building or structure shall be moved in whole or in part to any other location on the same lot or any other lot unless every portion of such building or structure which is moved, shall conform to the zone district requirements.

ARTICLE XX - ADMINISTRATION AND ENFORCEMENT

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

A. General

1. This ordinance shall provide for the position of Zoning Administrator, Building Inspector, Zoning Board of Appeals, and Town Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of building permits and occupation permits, variances, appeals, amendments, conditional uses, fees, and penalties.

B. Zoning Administrator

The Town Board of Scott shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this ordinance with the assistance of such other persons as the Town Board may direct. The Town of Scott Zoning Administrator shall have the following responsibilities and duties.

1. Issue all re-zoning certificates and make and maintain records thereof.
2. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
3. Forward to the Town of Scott Plan Commission all applications for Conditional Uses and for amendments to this ordinance that are initially filed with the Office of the Zoning Administrator.
4. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this ordinance.
5. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
6. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.
7. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, the administrator shall consult with the Town Board and only with its advice and consent, shall thereafter notify in writing the person responsible for such violation and order the action necessary to correct it.

C. Building Inspector

1. Issue all building permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.
3. Conduct inspection of buildings, structures and use of land to determine compliance with the terms of this ordinance.
4. Issue certificates of occupancy and maintain records thereof.
5. Provide records of buildings to assessor as needed.

D. Zoning Board of Appeals

The Zoning Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23.

1. Jurisdiction

The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:

- a. Hear and decide appeals from any order, requirements, decision, or determination made under the provisions of this ordinance.
- b. Hear and pass upon the application for variance from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
- c. Hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Chapter 62.23 of the Wisconsin State Statutes.

2. Meetings and Rules

- a. All meetings of the Zoning Board of Appeals shall be held at the call of the Chair of the Zoning Board, and at such times as the Zoning Board of Appeals may determine.
- b. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.
- c. The Chair, or in the Chair's absence the Acting Chair, may administer

oaths and compel the attendance of witnesses.

- d. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- e. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
- f. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

3. Decisions

All decisions and findings of the Zoning Board of Appeals on appeals or upon application for a variance shall be by the concurring vote of the majority of the Board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

4. Board Membership

- a. The Zoning Board of Appeals shall consist of five (5) members appointed by the Scott Town Chair and subject to confirmation by the Scott Town Board
- b. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) for two (2) years; and two (2) for three (3) years. The Zoning Board of Appeals shall determine one of its members to be Chair effective January 1 of each calendar year. The Town Chair may appoint, for staggered terms of three (3) years, two alternate members of such board in addition to the five members. Annually, the Town Chair shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act with full power only when a member of the board refuses to vote because of interest or when a member is absent. The second alternate shall act only when the first alternate so refuses or is absent or when more than one of the board so refused or is absent.
- c. The members and alternates shall be removable by the Town Board for a cause upon written charges and after public hearing.
- d. Vacancies shall be filled for the unexpired terms of members. The Town Chair shall appoint personnel to fill the vacancies, subject to

approval by the Town Board of Scott.

E. Town Plan Commission

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin State Statutes.

1. Jurisdiction

The Scott Plan Commission shall carry out the following duties under this ordinance.

- a. Review all applications for Conditional Uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and Conditional Uses.
- b. Receive from the Zoning Administrator, staff recommendations as related to the effectiveness of this ordinance and report the staff's conclusion and recommendations to the Scott Town Board.
- c. Hear and decide matters upon which it is required to pass under this ordinance.

2. Meetings

- a. All meetings of the Town Plan Commission shall be held at the call of the Chair of the Commission and at such times as the Commission may determine.
- b. The Commission shall keep minutes of its proceedings, showing the vote of the members upon each question, or if absent, or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

3. Decisions

All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

4. Membership

- a. The Town Plan Commission shall consist of seven (7) members appointed by the Scott Town Chair and subject to confirmation by the Scott Town Board.

- b. Town Plan Commission members shall consist of not more than one (1) member of the Zoning Board of Appeals; and not more than two (2) members of the Scott Town Board. The remaining Plan Commission members shall be citizens at large of the Town of Scott.
- c. The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.
- d. The Town Plan Commission members shall be removable by the Town Board of Scott for cause upon written charges.
- e. Vacancies shall be filled for the unexpired terms of members. The Town Chair shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Scott.

F. Building Permit

- 1. No building, or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a building permit has been issued by the Town Building Inspector. No change in a use shall be made until a building permit has been issued by the Town Building Inspector. Every building permit shall State that the use complies with the provisions of this ordinance.
- 2. Application for said building permit shall be made in writing to the Town of Scott's Building Inspector by the land owner or an authorized agent.
- 3. Application for a building permit shall be deemed to be an application for an occupancy certificate as well.
- 4. Each building permit shall be accompanied by a plat in accordance with requirements as specified in Article XX, Section H, Plats.
- 5. Each building permit applied for shall be granted or denied within 10 business days from the date of application. Reason for denial of a building permit shall be forwarded in writing by the Town Building Inspector to the applicant.

G. Occupancy Certificates

- 1. No occupancy certificate for a building, or portion hereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based.

2. The occupancy certificate shall be issued or a written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than seven (7) days after the Building Inspector is notified in writing that the premises or building is ready for occupancy.
3. All occupancy permits shall be issued by the Town of Scott Building Inspector.

H. Plats

1. All applicants for building permits for business, residential, and industrial uses shall be accompanied by the following:
 - a. A copy of the plat or Certified Survey Map (CSM) of the proposed building site.
 - b. A plat in duplicate, drawn at a minimum scale of one inch to 100 feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Town Plan Commission, Building Inspector and Zoning Administrator for the proper enforcement of this ordinance.
2. When submitting a plat for a business or industrial use said plat material shall be submitted to the Town Plan Commission. Required plat material shall be submitted in conjunction with an application for a building permit.

I. Variances

1. Application

Application for a variance shall be filed with the Zoning Board of Appeals. The application shall contain such information as the Board of Appeals by rule may require.

Notice of the time and place of public hearing shall be published as provided in the State law on planning and zoning and applicable to the Town of Scott.

An application for a variance shall be filed with the Zoning Administrator. The application shall contain such information as the Board of Appeals by rule may require.

2. Standards of Variances

The Zoning Board of Appeals shall not vary the regulations as set forth in I-1 above unless it shall make findings based upon the evidence presented to it in each specific case.

- (a) Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- (b) Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
- (c) Alleged difficulty or hardship is caused by this ordinance and has not been caused by any person presently having an interest in the property.
- (d) Granting of the variation shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (e) Proposed variation shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.
- (f) The owner realizing a higher financial return, is not sufficient grounds for granting a variance.

J. Appeals

1. Scope of Appeals

- a. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Plan Commission or Zoning Administrator.
- b. Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the ground thereof.
- c. The Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

2. Findings of Appeals

- a. An appeal shall terminate all further proceedings on action unless the

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

- b. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties as provided in the State law on planning and zoning and applicable to the Town of Scott.
- c. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- d. The Zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirements, decisions, or determination, that in its opinion ought to be done – and to that end, shall have all the powers of the office to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

K. Amendments

1. Authority

The Scott Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts and amend district boundary lines, provided that in all mandatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Article II of this ordinance.

2. Initiation

Amendments may be proposed by a governmental body, interested person, or organization.

3. Application

An application for an amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon, to the Town Board.

4. Hearing Notices

The Town Board shall hold a public hearing on each application for an amendment. Time, place, and purpose of the hearing shall be submitted and provided subject to the State law on planning and zoning and applicable to the Town of Scott.

5. Finding and Recommendations

- a. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
- b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters.
 - Existing uses or property within the general area of the property in question.
 - Zoning classification of property within the general area of the property in question.
 - Suitability of the property in question to the uses permitted under the existing zoning classification.
 - Trend of development, if any, in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.
 - The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

6. Town Board Action

- a. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.
- b. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this ordinance, be duly signed and acknowledged by the owners of 20 percent or more either 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

there from, or by the owners of 21 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.

- c. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board it shall be deemed to have been denied.

L. Conditional Uses

1. Purpose

To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

2. Initiation

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the Conditional Uses provided for in this ordinance in the zoning district in which the land is located.

3. Application

The application for a conditional use shall be filed with the Town of Scott Plan Commission on a form so prescribed by the Town of Scott. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed Conditional Use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted there on to the Town Board.

4. Hearing on Application

Upon receipt in proper form of the written recommendation referred to in Section L-3, the Town Board shall hold at least one (1) public hearing on the proposed Conditional Use.

5. Authorization

For each application for a Conditional Use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be

complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed Conditional Use is not acted upon within 90 days of the date upon which such application is received by the Town of Scott Town Board, it shall be deemed to have been denied.

An applicant shall have 12 months from the date of being granted a conditional use to apply for a building permit. If a building permit is not issued within 12 months the Conditional Use Permit shall be considered expired. If an applicant wishes to re-apply for a Conditional Use Permit than all application fees and procedures shall be followed as if it were a new application.

6. Conditions and Guarantees

Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Conditional Use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this ordinance. In all cases in which Conditional Uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

M. Fees

Any application for an amendment or Conditional Use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee. The schedule of all fees are set and maintained at the direction of the Town Board.

N. Penalties

Any building or structure hereinafter erected, moved or structurally altered or any use hereafter established in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or their agent shall be deemed an unlawful structure or use.

The Building Inspector shall report all such violations to the Town Attorney, who shall bring action to enjoin the erection, moving, or structural alteration of such building or the establishment of such use or to cause such building, structure, or use to be vacated or removed.

Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance shall upon conviction thereof pay fees and penalties as set by the Town's fee schedule. In addition to the cost, said person shall also be imprisoned in the County jail until payment of said forfeiture

and cost of prosecution are made. Confinement to the County jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

This section shall not preclude the Town of Scott from taking any appropriate action to prevent or remove a violation of this section.

The Town Clerk shall properly post or publish this Ordinance as required under §60.80 Wis. Stats.

Adopted this 8th day of January, 2008.

Mike VanLanen, Chairman

Cyril VanLaanen, Supervisor

Kenneth Jacobs, Supervisor

Colleen Harris, Supervisor

Thomas DePas, Supervisor

ATTEST:

Donald L. Gibson, Clerk/Treasurer

PLAN COMMISSION SITE PLAN REVIEW CRITERIA

(The Plan Commission's Site Plan Review criteria are attached for reference purposes only. It is the Plan Commission's policy to review all commercial and industrial site plans based on the following materials.)

PLAN COMMISSION - Plan Submittal Criteria

All projects under the jurisdiction of the Town of Scott must present a completed Planning Application, appropriate fee and set of architectural and site design materials for review prior to Plan Commission review of the proposal. No final recommendation will be made on any project prior to review of these materials which may occur concurrently with the necessary zoning review. Failure to submit a complete set of materials for design review will be an appropriate cause for delay of final Plan Commission and Board action.

The materials listed below are required as a minimum for completion of the site design review process. Other materials may be requested under special circumstances as identified by the Town in discussions with the applicant. Materials must be submitted to the Town Hall by the 2nd Wednesday of the month for consideration by the Plan Commission. The Plan Commission regularly meets at 6:00 P.M. on the last Thursday of the month.

Site plans shall be submitted to scale, preferably at a one (1) inch equals ten (10) foot scale. Larger projects may be submitted at a scale of one (1) inch equals fifty (50) feet at the discretion of the Town. The Town's site plan review checklist including the elements in Item 4 below must be completed and accompany the submittal.

The plan submittal is a package of materials which shall include the following elements. It may also consist of multiple reports or drawings; including:

- i. Name of the development and developer.
- ii. Name, address and telephone number of the applicant.
- iii. Name of person or firm preparing the plans.
- iv. Date of preparation, scale, graphic scale, north arrow, quarter-section and lot or parcels numbers. NOTE: A legal description is necessary if the development is not contained on an established lot or parcel.
- v. A small orientation drawing of the location of the parcel within the quarter-section oriented in the same direction as the site plan.
- vi. All paved areas including, but not limited to, parking areas, driveways, walks, malls, etc. shall be clearly identified on the site plan.
- vii. The location, size, shape, height and use of all buildings and other structures on the site shall be clearly shown on the site plan. This includes the location, height, type and materials of all building facades, walls and fences. Wood fences to be constructed of a board on board style and to be stained and sealed. Chain-link

- fences to be vinyl-coated and privacy slats may be required.
- viii. The site plan should clearly show all plantings areas, open space and other green areas. Plant species (common names), quantities and sizes must be shown on the plan in a detailed plantings schedule, including cost of materials and installation. Mulch beds to be framed with grass or other acceptable ground cover.
 - ix. Applicants shall make every attempt to preserve natural features such as trees, rock outcroppings, water features, etc.
 - x. An exterior lighting plan shall be presented showing types and locations of all fixtures as well as the coverage and level of lighting on the subject property and neighboring properties. House-side shields, recessed or full cut-off fixtures are recommended.
 - xi. The site plan shall delineate all parking stalls and show the location of wheel stops and bumper guards. Poured curbs are required where a parking area abuts public right-of-way. Wood timbers (walls, edging, wheel stops) are not allowed.
 - xii. The site plan shall clearly show exterior facilities for the handicapped including ramps, oversized parking stalls and path of travel from public right of way and parking facilities to the building entrance.
 - xiii. The site plan shall clearly show the location, type, size of enclosure and screening treatment for refuse collection. Refuse areas shall be enclosed on four sides and include a secondary personnel door. A detail of the screen type should be provided.
 - xiv. The site plan shall clearly show how snow removal will be handled on the site, the location and size of snow storage areas, and the effect on parking space totals.
 - xv. The site plan shall clearly show vehicular and pedestrian circulation patterns on the site. This shall include all building entrances, access points to the site for vehicles and pedestrians, curbing and driveway openings.
 - xvi. The site plan shall show the direction of water flow and the location of catch basins in parking areas. It shall also delineate all other utility services to and through the site. For new paved areas over a half acre storm water and surface water run off shall be managed on-site with an appropriately sized and located stormwater management pond, in accordance with the Town of Scott's Stormwater Management Plan.
 - xvii. The site plan shall show existing topography on the site, or existing and finished grades as well as structures and lot corners.
 - xviii. The site plan package shall include elevations showing the precise design and materials of all signs and other graphics on the site.
 - xix. The site plan package shall include a statistical inventory of the square footage of the site devoted to building(s), parking, other paving, parks and open space, landscaping and other improvements.
 - xx. The site plan package shall include a detailed floor plan of the

building, or addition, and a schedule showing the number of parking spaces required per ordinance. The square footage of the floor plan shall be determined by a measurement from the outside of all exterior walls.

- xxi. Architectural elevations are required if exterior modifications / improvements are proposed. The plans shall indicate the precise design, materials and colors of all proposed exterior improvements.

The applicant shall submit an estimated cost of landscaping and screening being submitted to the Town for approval.

The applicant shall provide ten (10) copies of all plans (site, landscaping, screening, architectural elevations and/or renderings) in an 11x17 inch format, two (2) copies in a 24x36 inch format (or other format as determined to be acceptable by the Town); and an electronic “.pdf” file.