PETITION FOR CHANGE
IN ZONING ORDINANCE

The Town Board of the Town of Herman hereby petitions for amendments to the Zoning Ordinance of the Town of Herman, as follows: (underlining means added; lined out means deleted)

1. Renumber Section 7.12, Jurisdiction, to number 7.11; number 7.13, Compliance, to 7.12; 7.14, Use Regulations, to 7.13.

2. Creating Section 7.14 as follows:

7.14 Harboring Animals.

No premises within a residential district may be used or occupied and no structure erected or maintained for the harboring of wild animals or birds, vicious animals or birds or agricultural animals or birds. Only domestic pets may be kept in a residential district and limited to one (1) per household resident.

3. Amend Section 7.21(1), Zoning Districts, so as to delete R-2; renumber R-3 to R-2, and delete "(sewered or unsewered)"; renumber R-4 to R-3.

4. Amend Section 7.21(8), R-1 as follows:

also rezoned all properties that were R2 to R1

(8) Residence Districts

R-1 SINGLE - FAMILY RESIDENCE DISTRICT (UNSEWERED)

(a) Principal Uses

(1) Single-family detached dwellings on lots not served by public sanitary sewer
(2) Parks and playgrounds

(b) Conditional Uses
See Section 7.22

(c) Area, Height and Yard Requirements

Lot	Area	Minimum 60,000 square feet
	Width	Minimum 150 feet
	Coverage	No more than 40% of the area of the lot shall be occupied by a principal building and its accessory buildings
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 7.23

5. Delete Section 7.21(8), R-2 in its entirety.

6. Amend Section 7.21(8), R-3, and substitute therefor the following:

R-2 TWO-FAMILY RESIDENCE DISTRICT

(a) Principal Uses

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

(b) Conditional Uses
See Section 7.22

(c) ~~Area, Height and Yard Requirements~~

~~Lot (Sewered)~~	~~Area~~	~~Minimum 15,000 square feet~~
	~~Width~~	~~Minimum 100 feet~~
Lot ~~(Unsewered)~~	Area	Minimum 90,000 square feet
	Width	Minimum 150 feet
	Coverage	No more than 60% of the area of the lot shall be occupied by a principal building and its accessory buildings
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street	See Section 7.23

7. Amend Section 7.21(8), R-4, to renumber it to R-3.

8. Create Section 7.22(5), Home Occupations, as follows:

(5) Home Occupations

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

a. No person other than a member of the immediate family occupying such dwelling unit shall be employed, except that for home professional offices one non-resident person may be employed.

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

c. No alteration of the principal building shall be made which changes the character thereof as a dwelling.
d. No more than 25 percent of the area of one story of a single-family dwelling nor more than 20 percent of the area of any other dwelling unit shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
e. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
f. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage accessory thereto.
g. There shall be no outside storage of equipment or materials used in the home occupation.
h. No signs shall be erected unless approved in accordance with Section 7.22.

9. Amend Section 7.25(6) as follows:

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Town of Herman effected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof together with a filing fee of ~~$25.00~~ $100.00. The officer from whom the appeal is taken shall forthwith transmit to the Board fo Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

Dated this _____ day of _____, 1988.

TOWN BOARD, TOWN OF HERMAN

By: _____

By: _____

By: _____

THE TOWN BOARD:

Chairman . . . . . Raymond Karstaedt

Supervisor . . . . . Lloyd Wehmeier

Supervisor . . . . . David Kirsch

THE TOWN PLAN COMMISSION:

Chairman . . . . . Roger Gosse

Member . . . . . Martha Marten

Member . . . . . Margaret Born

Member . . . . . Leslie Roeder

Member . . . . . Fritz Johanning

Member . . . . . Leonard Schwinn

Member . . . . . Edward Moenning

THE TOWN CLERK . . . . . Eugene Raquet

THE TOWN TREASURER. . . . . Roland Franz

THE TOWN ATTORNEY . . . . . Arthur J. Olsen

Adopted Dec. 06, 1978

Posted May 07, 1979

Effective May 08, 1979

Raymond Karstaedt
Town Chairman

Lloyd Wehmeier
Town Supervisor

David Kirsch
Town Supervisor

Countersigned:

Eugene M. Raquet
Town Clerk

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CHAPTER 7
ZONING ORDINANCE - TOWN OF HERMAN

CHAPTER 7

ZONING ORDINANCE - TOWN OF HERMAN

SHEBOYGAN COUNTY, WISCONSIN

7.01 Authority
This Ordinance is adopted under the authority granted by Sections 60.74, 60.75 and 62.23 of the Wisconsin Statutes and amendments thereto. The Board of Supervisors of the Town of Herman, Wisconsin, does ordain as follows:

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

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

7.04 Intent
It is the general intent of this Ordinance to:

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

(2) Recognize the needs of agriculture, forestry, industry and business in future growth.

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

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

(5) Preserve natural growth and cover and promote the natural beauty of the Town of Herman.

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

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

(8) Lessen congestion and promote the safety and efficiency of street, highways and other transportation systems.

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

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

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

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

(13) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the town of Herman.

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

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

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

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

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

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

7.08 Repeal of Conflicting Ordinances
All other ordinances or parts of ordinances of the Town of Herman inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

7.09 Adoption and Effective Date
This Ordinance shall be effective after a public hearing, recommendation by the Planning Commission, adoption by the Town Board of the Town of Herman, and publication or posting as provided by law.

7.10 Introduction
The proper regulation of certain structures, lands, and waters only through the use of the zoning districts contained within this Ordinance is neither feasible nor adequate. Therefore, the following restrictions and regulations which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this Ordinance.

7.11 8/2/89
~~7.12~~ Jurisdiction
The provisions of this Ordinance shall apply to all structures, land, water and air within the unincorporated areas of the Town of Herman, Wisconsin.

7.12 8/2/89
~~7.13~~ Compliance
No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except minor structures, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

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

The Building Inspector shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations of this Ordinance and enforce the provisions of this Ordinance. All violations of this Ordinance shall be reported to the Town Clerk who shall bring action to enforce the provisions of this Ordinance.

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

7.13 8/2/89

~~7.14~~ Use Regulations

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

(1) Principal Uses specified for a district. (Only one (1) principal structure shall be located, erected or moved onto a lot except as permitted under planned unit development districts and provisions.)

(2) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein.

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

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

(5) Temporary Uses such as real estate, sales, field offices, shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Board of Appeals as provided for under Section 7.25 of this Ordinance.

7.14 See attached 8/2/89 (See next page)

7.15 Subdivision Regulations

All existing, undeveloped parcels of land of record in the County Register of Deeds office, and any new land divisions or subdivisions as defined in the LAND DIVISION AND SUBDIVISION ORDINANCE OF SHEBOYGAN COUNTY, WISCONSIN, shall conform in full with the provisions of that Ordinance. No zoning permit shall be issued for any lot until such compliance is assured.

7.16 Sanitary Regulations

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

7.17 General Site Restrictions

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

PETITION FOR CHANGE
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2. Creating Section 7.14 as follows:

7.14 Harboring Animals.

No premises within a residential district may be used or occupied and no structure erected or maintained for the harboring of wild animals or birds, vicious animals or birds or agricultural animals or birds. Only domestic pets may be kept in a residential district and limited to one (1) per household resident.

an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

(1) All Lots shall abut upon a public street or other officially approved way for a frontage of at least fifty (50') feet.

(2) All Principal Structures shall be located on a lot; only one (1) principal structure shall be located, erected, or moved onto a lot except as permitted under planned unit development districts and provisions.

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

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

7.18 Reduction or Joint Use

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

7.19 Violations

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

7.20 Penalties

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

7.21 Zoning Districts

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

A-1 Prime Agricultural Land District
A-2 Agricultural Land District
A-3 Agricultural Land Holding District
A-4 Agricultural - Related Manufacturing. Warehousing, and Market District
B-1 Local Business District
B-2 General Business District
B-3 Highway Business District
B-4 Planned Commercial - Recreation Business District
C-1 Conservancy District
M-1 Industrial District
M-2 Heavy Industrial District
M-3 Mineral Extraction District
M-4 Resource Disposal District
P-1 Recreational Park District
P-2 Institutional Park District
R-1 Single - Family Residence District (unsewered)
~~R-2 Single - Family Residence District (sewered)~~ deleted 8/2/89
8/2/89 R-2 ~~R-3~~ Two - Family Residence District (sewered or unsewered)
R-3 ~~R-4~~ Planned Mobile Home Park Residence District

The boundaries of these districts are hereby established as shown on a map entitled, "ZONING MAP, TOWN OF HERMAN, SHEBOYGAN COUNTY, WISCONSIN", which accompanies and is a part of this Ordinance. All notations and references shown on the Zoning Map are as much a part of this Ordinance as those specifically described herein. Boundaries shall be construed to follow: corporate limits, U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad right-of-ways, or such lines extended; and lines identifying boundaries of natural resource areas as shown by change in vegetation, slope, and other natural resource base features; unless otherwise noted on the Zoning Map. All notations, references, and other information shown upon the said zoning map shall be as much a part of this Ordinance as if the matter and things set forth by the said Map were fully described herein.

(2) Zoning Map
The official copy of the Zoning Map shall be adopted as part of this Ordinance and shall be available to the public in the Office of the Clerk and Building Inspector. The Planning Commission shall, from time to time, update the Zoning Map as is necessary to reflect any changes in zoning district boundaries.

(3) Agricultural District

A-1 PRIME AGRICULTURAL LAND DISTRICT

(a) Purpose

The purposes of the A-1 District are to: (1) preserve productive agricultural land for food and fiber production; (2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered, non-farm uses; (6) pace and shape urban growth; (7) implement the provisions of the County agricultural plan when adopted and periodically revised; and, (8) comply with the provisions of the Farm Preservation Law to permit eligible landowners to receive tax credits under Section 71.09(11), Wisconsin Statutes.

(b) Lands Included

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

As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.

(c) Principal Uses

(1) Apiculture (beekeeping)
(2) Dairying
(3) Equestrian trails
(4) Fish or fur farming
(5) Floriculture (cultivation of ornamental flowering plants)
(6) Forest and game management
(7) Gas and electric utility uses not requiring authorization under Chapter 196.491, Wisconsin Statutes
(8) Grazing
(9) Greenhouses
(10) Livestock raising except commercial feedlots
(11) Natural trails and walks
(12) Orchards
(13) Paddocks
(14) Plant nurseries
(15) Poultry raising except commercial production
(16) Raising of grain, grass, mint, and seed crops

(17) Raising of tree fruits, nuts, and berries
(18) Roadside stands
(19) Sod Farming
(20) Stables
(21) Vegetable raising
(22) Viticulture (grape growing)
(23) One single-family farm dwelling for each resident owner, each resident laborer, each resident son of one legal owner, or each resident daughter of one legal owner, all of whom must be substantially engaged in conducting a principal or approved conditional use.

(24) One two-family farm dwelling for those resident persons described above.
(NOTE: Such accessory residential uses shall conform with all regulations set forth in this Ordinance, except that no such lot created thereunder shall be less than 60,000 square feet in area.)

(d) Conditional Uses
See Section 7.22

(e) Area, Height and Yard Requirements

Farm Size		Minimum 35 acres
Building Height		
Farm Dwelling		Maximum 35 feet
Other Structures		Maximum 2 times their distance from nearest lot lines
Yard		
Farm Dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 7.23
Other Structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if not used for the housing of animals; 100 feet if used for housing of animals
	Street	See Section 7.23

(f) Existing Substandard Lots
Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date of this Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 7.25 of this Ordinance.

deleted 1998

(g) Farm Consolidation

~~Not withstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in this Ordinance, except that no such lot shall be less than 60,000 square feet in area.~~

A-2 AGRICULTURAL LAND DISTRICT

(a) Purpose

The primary purposes of the A-2 District are to maintain, preserve, and enhance agricultural land historically utilized for crop production but which are not included within the A-1 Prime Agricultural Land District.

(b) Lands Included

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

(c) Principal Uses

All principal uses permitted in the A-1 Prime Agricultural Land District.

(d) Conditional Uses

See Section 7.22

(e) Area, Height, and Yard Requirements

Farm Size	Area	Minimum 5 acres
	Width	Minimum 200 feet
Building Height		Maximum 35 feet
Farm Dwelling		Maximum 2 times their distance from nearest lot lines
Yard		
Farm Dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 7.23
Other Structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals
	Street	See Section 7.23

(f) Existing Substandard Lots
Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date of this Ordinance provided however, that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 7.25 of this Ordinance.

(g) Farm Consolidation
deleted 1998
Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in this Ordinance, except that no such lot shall be less than 60,000 square feet in area.

A-3 AGRICULTURAL LAND HOLDING DISTRICT

(a) Purpose
The primary purposes of the A-3 District are to: (1) provide for the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) insure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the land should be transferred to another zoning district with such review occurring: (a) a minimum of every 5 years, (b) upon completion or revision of a County agricultural preservation plan or municipal land use plan which affects lands in the district, or (c) upon extension of public services such as sewer and water necessary to serve urban development.

(b) Lands Included
The A-3 District is generally intended to apply to land located adjacent to the incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space uses but where conversion to non-agricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar lands are to be included.

(c) Principal Uses
All principal uses permitted in the A-1 Prime Agricultural Land District.

(d) Conditional Uses
See Section 7.22

(e) Area, Height, and Yard Requirements

Farm Size	Minimum 35 acres
Building Height	
Farm Dwelling	Maximum 35 feet
Other Structures	Maximum 2 times their distance from nearest lots lines

Yard		
Farm Dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	See Section 7.23
Other Structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if not used for the housing of animals; 100 feet if used for the housing of animals
	Street	See Section 7.23

(f) Existing Substandard Lots
Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date of this Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Appeals in accordance with Section 7.25 of this Ordinance.

(g) Farm Consolidation deleted 1998
~~Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in this Ordinance, except that no such lot shall be less than 60,000 square feet in area.~~

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

(a) Purpose
The primary purpose of the A-4 District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or are closely allied with the agricultural industry.

(b) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22

(c) Conditional Uses
(1) Blending and preparing of flour
(2) Canning of fruit, vegetable, preserves, jams, and jelly
(3) Canning of specialty foods

(4) Coffee roasting and production of coffee products
(5) Contract sorting, grading, and packaging services for fruit and vegetables
(6) Corn shelling, hay baling, and threshing services
(7) Cotton ginning and depressing
(8) Cottonseed oil milling
(9) Drying and dehydrating fruit and vegetables
(10) Fertilizer production, sales, storage, mixing, and blending
(11) Fluid milk processing
(12) Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation
(13) Grain elevators and bulk storage of feed grain
(14) Grist mill services
(15) Horticultural services
(16) Livestock sales facilities
(17) Malt production
(18) Meat packing
(19) Milling of rice
(20) Milling of soybean oil
(21) Milling of vegetable oil
(22) Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building
(23) Poultry hatchery services
(24) Preparation of cereal
(25) Preparation of feed for animals and fowl
(26) Production of animal and marine fat and oil
(27) Production of chocolate and cocoa products
(28) Production of condensed and evaporated milk
(29) Production of creamery butter
(30) Production of flour and other grain mill products
(31) Production of frozen fruit, fruit juices, vegetables, and other specialties
(32) Production of natural and processed cheese
(33) Production of sausages and other meat products providing that all operations be conducted within an enclosed building
(34) Production of shortening, table oils, and margarine, and other edible fats and oils
(35) Production of wine, brandy, and brandy spirits
(36) Sales of farm implements and related equipment
(37) Sugar processing and production
(38) Transportation related activities primarily serving the basic agricultural industry
(39) Wet milling of corn
(40) See Section 7.22

(d) <u>Area, Height, and Yard Requirements</u>

Farm Size	Minimum, sufficient area for the principal structure and accessory buildings, all required yards, and off-street parking as required by this Ordinance.

Building Height		Maximum 60 feet
Yard	Rear	Minimum 75 feet
	Side	Minimum 75 feet
	Street	See Section 7.23

(4) Business Districts

B-1 LOCAL BUSINESS DISTRICT

(a) Principal Uses
None; all uses in this district are conditional uses and must be approved in accordance with the procedures in Section 7.22

(b) Conditional Uses
(1) Arts, crafts, antique, and hobby shops
(2) Bakeries
(3) Barbershops
(4) Beauty Shops
(5) Book and stationery stores
(6) Business offices
(7) Clinics
(8) Clothing and apparel stores
(9) Clothing repair shops
(10) Clubs and lodges
(11) Confectioneries
(12) Dancing schools
(13) Drug stores
(14) Florists
(15) Gift stores
(16) Grocery stores (retail, delicatessen, meat and fish market and fruit and vegetable market)
(17) Hardware stores
(18) Ice cream stores, soda fountain, soft drink stands
(19) Music stores
(20) Optical stores
(21) Packaged beverage stores
(22) Personal service establishments
(23) Photographic supply stores
(24) Professional offices
(25) Restaurants
(26) Second-hand stores
(27) Self service and pick up laundry and dry cleaning establishments
(28) Shoe stores
(29) Sporting goods stores
(30) Tobacco stores

(c) Residential Dwelling:

(1) Residential dwelling units not to exceed one per principal use when attached to the principal structure.

B-2 GENERAL BUSINESS DISTRICT

(a) Principal Uses
None; all uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 7.22

(b) Conditional Uses
(1) All conditional uses permitted in the B-1 Local Business District
(2) Appliance stores
(3) Caterers
(4) Churches
(5) Department stores
(6) Electrical supply stores
(7) Financial institutions
(8) Food lockers
(9) Furniture stores
(10) Furniture upholstery shops
(11) Heating supply
(12) Hotels and motels
(13) Laundry and dry cleaning establishments employing not more than 7 persons
(14) Liquor stores, bars, taverns, cocktail lounges
(15) Newspaper offices and press rooms
(16) Night clubs and dance halls
(17) Office supply stores
(18) Pawn shops
(19) Pet shops
(20) Plumbing supply stores
(21) Printing shops
(22) Private schools
(23) Publishing offices
(24) Radio broadcasting studios
(25) Sign studios
(26) Television broadcasting studios
(27) Trade and contractor offices
(28) Upholsterers shops
(29) Variety stores
(30) Wholesale establishments confined to indoor storage

(c) Residential Dwelling

(1) Residential dwelling units not to exceed one per principal use when attached to the principal structure.

B-3 HIGHWAY BUSINESS DISTRICT

(a) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22.

(b) Conditional Uses

(1) All conditional uses permitted in the B-2 General Business District
(2) Automobile and truck retail services
(3) Automobile repair services
(4) Gasoline service stations
(5) Sales, service, and installation of tires, batteries, and accessories
(6) Residential dwelling units not to exceed one per principal use when attached to the principal structure.

B-4 PLANNED COMMERCIAL RECREATION BUSINESS DISTRICT

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

(b) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22.

(c) Conditional Uses

(1) Airports and airfields
(2) Amusement parks and miniature golf courses
(3) Boat liveries and marinas
(4) Campgrounds
(5) Dance halls
(6) Drive-in movies
(7) Dude ranches
(8) Fairgrounds
(9) Go-cart tracks
(10) Golf courses and related facilities
(11) Health and recreation resorts, including the following uses which may be permitted as a part of the resort complex, provided that either in combination or individually they do not occupy more than 25 percent of the total floor area of the principal resort building:

(i) Retail sales
1. Antiques
2. Books
3. Camera and photographic supplies
4. Candy, nut, and confectionery
5. China, glassware, and metalware
6. Cigars, cigarettes, and tobacco
7. Drugs
8. Flowers
9. Fur apparel

10. Gifts, novelties, and souvenirs
11. Jewelry
12. Men's and women's clothing and furnishings
13. Music supplies
14. Newspapers and magazines
15. Shoes
16. Sporting goods
17. Stationery
18. Toys

(ii) Personal services

1. Artists' services
2. Barber services
3. Beauty services
4. Custom tailoring
5. Dry cleaning
6. Laundry
7. Photographic studios
8. Shoe repair and cleaning services
9. Travel bureaus

(12) Hotels and motels
(13) Penny arcades
(14) Race tracks
(15) Restaurants, taverns, bars, and night clubs
(16) Riding stables
(17) Roller skating rinks
(18) Skeet, trap, and rifle ranges
(19) Skiing and tobogganing
(20) Snowmobile trails
(21) Swimming beaches
(22) Single family attached and multiple family dwelling units when located on the same site with health or recreational resorts provided, however, that the transfer of ownership of any dwelling units may only include therewith a fractional interest in the site on which the dwelling unit is located, and such transfers shall not result in a subdivision or land division as defined under the LAND DIVISION AND SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. Any permitted dwelling units may be used either for the accommodation of transient guests or exclusively for living quarters for one family.

(5) Conservancy District

C-1 CONSERVANCY DISTRICT

(a) Purpose

The primary purpose of the Conservancy District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the Town of Herman. The proper regulation of these areas will serve to maintain and improve ground water and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources

of the Town of Herman. This District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land: water interface.

(b) Lands Included

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

(c) Principal Uses

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

(1) Dugout ponds and level ditches
(2) Flood overflow and movement of water
(3) Forestry and game management
(4) Hiking trails
(5) Hunting, fishing, wildlife preserves, and other historic/scientific areas
(6) Navigation
(7) Non-residential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops
(8) Park and recreation areas, not including the location or erection of buildings or structures
(9) Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds

(d) Conditional Uses

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

(1) Cranberry bogs
(2) Piers and docks
(3) Removal of peat or topsoil
(4) Special crop farming
(5) Utilities, such as telephone, telegraph, gas lines, and transmission lines

TOWN OF HERMAN

adopted 3-11-03

An Ordinance Amending the Town Zoning Ordinances

ORDINANCE NO. 2003-1

Amending Chapter 7 – Zoning Ordinance, Town of Herman to add the "C-2 Land Conservation District" to Section 7.21(1) and Section 7.21(5).

WHEREAS, a public hearing was held on February 25th, 2003 before the Town of Herman Plan and Zoning Commission; and

WHEREAS, the Town of Herman Plan and Zoning Commission recommends the amendment of the town Zoning Ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Herman hereby ordains that Chapter 7 – Zoning Ordinance, Town of Herman, Section 7.21 Zoning Districts, is amended as follows:

1. Section 7.21(1) is amended to add "C-2 Land Conservation District" to the list of zoning districts; and
2. Section 7.21(5), "Conservancy District" is amended and renumbered as "Section 7.21(5)(a) Conservancy District;" and
3. Section 7.21(5)(b) "Land Conservation District" is created with the following verbiage:

"(1) Principal Uses

(a) Single-family detached dwellings on lots not served by public sanitary sewer
(b) Parks and playgrounds

(2) Conditional Uses

See Section 7.22

(3) Area, Height and Yard Requirements

Lot	Area	Minimum 3 acres
Building		Height Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 7.23

(4) Subdivision Restrictions

All parcels shall be and remain a single parcel and shall not be subject to further subdivision."

BE IT FURTHER RESOLVED, that this ordinance shall take effect upon passage and posting.

(6) Industrial Districts

M-1 INDUSTRIAL DISTRICT

(a) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22

(b) Conditional Uses

(1) Automotive body repairs
(2) Automotive upholstery shops
(3) Building material sales and storage
(4) Business offices
(5) Cleaning, pressing, and dyeing
(6) Commercial bakeries
(7) Commercial greenhouses
(8) Contractors and construction offices, shops, and yards
(9) Distributors
(10) Farm machinery plants
(11) Food lockers
(12) Machinery sales
(13) Manufacture and bottling of non-alcoholic beverages
(14) Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances, food, except fish and fish products, meat and meat products, cabbage, vegetables, and pea vining; instruments; jewelry; pharmaceuticals; tobacco; and toiletries
(15) Manufacturing and/or assembling from substances such as wood, cork, glass, leather, fur, plastic, felt, ceramics, precious metals, and other textiles
(16) Manufacturing of electronic products and components
(17) Painting studios
(18) Printing, publishing, and binding plants
(19) Radio and television broadcasting stations and electric equipment
(20) Research laboratories
(21) Warehouses and storage yards (not including scrap or junk yards)
(22) Wholesale outlets

(c) Living Quarters

(1) Living quarters for watchman or caretaker

M-2 HEAVY INDUSTRIAL DISTRICT

(a) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22

(b) Conditional Uses

(1) All principal uses permitted in the M-1 Industrial District
(2) Breweries, winneries, and distilleries
(3) Canning and preserving factories
(4) Crematories
(5) Food product plants
(6) Freight yards, terminals, and trans shipment depots
(7) Machine shops and metal products manufacture
(8) Tool and die shops
(9) Electrical power generation + distribution facilities. (1998)

(c) Living Quarters

(1) Living Quarters for watchman or caretaker

M-3 MINERAL EXTRACTION DISTRICT

(a) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22

(b) Conditional Uses

(1) Aggregate or ready-mixed plant
(2) Clay, ceramic, and refractor mineral mining
(3) Crushed and broken stone quarrying
(4) Mixing of asphalt
(5) Non-metallic mining services
(6) Processing of topsoil
(7) Sand and gravel quarrying
(8) Washing, refining, or processing of rock, slate, gravel, sand, or minerals
(9) Extension of any existing uses as listed above
(10) See Sections

(c) Yard Requirements
All excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line.

~~M-4 RESOURCE DISPOSAL DISTRICT~~

~~(a) Principal Uses~~
~~None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22~~

See next page

19A

PETITION FOR CHANGE
IN ZONING ORDINANCE

The Town Board of the Town of Herman hereby petitions for amendments to the Zoning Ordinance of the Town of Herman, as follows: (underlining means added; lined out means deleted)

1. To amend M-4, Resource Disposal District, to read as follows:

M-4 RESOURCE DISPOSAL DISTRICT

(a) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22.

(b) Conditional Uses
(1) Incinerators
(2) Resource recovery plants
(3) Sanitary landfill operations
(4) Other resource landfill operations
~~(5) See Sections~~ Solid waste separation and recycling collection facilities

(c) Yard Requirements
All operations shall be at least 200 feet from the right-of-way of any public or approved private street or property line, except that solid waste separation and recycling collection facilities shall comply with Section 7.23(5).

Dated this 2nd day of August, 1989.

TOWN BOARD, TOWN OF HERMAN

By: Roger Kaiser

By: Jeffrey R. Sept

By: [illegible] Maeuser

(b) Conditional Uses

(1) Incinerators
(2) Resource recovery plants
(3) Sanitary landfill operations
(4) Other resource landfill operations
(5) See Sections

(c) Yard Requirements
All operations shall be at least 200 feet from the right-of-way of any public or approved private street or property line.

(7) Park Districts

P-1 RECREATIONAL PARK DISTRICT

(a) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22.

(b) Conditional Uses

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

P-2 INSTITUTIONAL PARK DISTRICT

(a) Principal Uses
None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22.

(b) Conditional Uses

(1) Churches, synagogues, and temples
(2) Rectories and convents
(3) College dormitories
(4) Hospitals
(5) Junior colleges
(6) Monasteries
(7) Nurses homes

(8) Nursing homes
(9) Nursery schools
(10) Orphanages
(11) Retirement homes
(12) Universities and colleges
(13) Lodges and fraternal buildings

(8) Residence Districts

R-1 SINGLE - FAMILY RESIDENCE DISTRICT (UNSEWERED) See next page

(a) Principal Uses

(1) Single-family detached dwellings on lots not served by public sanitary sewer
(2) Parks and playgrounds

(b) Conditional Uses
See Section 7.22

(c) Area, Height and Yard Requirements

Lot	Area	Minimum 60,000 square feet
	Width	Minimum 150 feet
	Coverage	See attached 8/2/89
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 7.23

deleted by T Bd. 8-2-89

R-2 SINGLE - FAMILY RESIDENCE DISTRICT (SEWERED)

(a) Principal Uses

(1) Single-family detached dwellings on lots served by public sanitary sewers
(2) Parks and playgrounds

(b) Conditional Uses
See Section 7.22

(c) Area, Height and Yard Requirements

Lot	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street	See Section 7.23

~~R-3~~ TWO-FAMILY RESIDENCE DISTRICT

R-2

(a) Principal Uses

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

3. Amend Section 7.21(1), Zoning Districts, so as to delete R-2; renumber R-3 to R-2, and delete "(sewered or unsewered)"; renumber R-4 to R-3.

4. Amend Section 7.21(8), R-1 as follows:

(8) Residence Districts

R-1 SINGLE - FAMILY RESIDENCE DISTRICT (UNSEWERED)

(a) Principal Uses

(1) Single-family detached dwellings on lots not served by public sanitary sewer
(2) Parks and playgrounds

(b) Conditional Uses
See Section 7.22

(c) Area, Height and Yard Requirements

Lot	Area	Minimum 60,000 square feet
	Width	Minimum 150 feet
	Coverage	No more than 40% of the area of the lot shall be occupied by a principal building and its accessory buildings
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	See Section 7.23

5. Delete Section 7.21(8), R-2 in its entirety.

(c) ~~Area, Height and Yard Requirements~~

~~Lot (Sewered)~~	~~Area~~	~~Minimum 15,000 square feet~~
	~~Width~~	~~Minimum 100 feet~~
Lot ~~(Unsewered)~~	Area	Minimum 90,000 square feet
	Width	Minimum 150 feet
	Coverage	No more than 60% of the area of the lot shall be occupied by a principal building and its accessory buildings
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street	See Section 7.23

7. Amend Section 7.21(8), R-4, to renumber it to R-3.

(b) Conditional Uses
See Section 7.22

amended 8-2-89

(c) Area, Height and Yard Requirements

Lot (Sewered)	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Lot (Unsewered)	Area	Minimum 90,000 square feet
	Width	Minimum 150 feet
Building	Height	Maximum 35 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street	See Section 7.23

R3 ~~R-4~~ PLANNED MOBILE HOME PARK RESIDENCE DISTRICT

(a) Principal Uses
All Uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 7.22.

(b) Conditional Uses

(1) Single-family detached dwellings
(2) Mobile and modular homes
(3) Accessory buildings for the purpose of providing laundry and recreational facilities and for the sale of convenience food and related items primarily for and to mobile home park residents.

(4) See Section 5.03, Ordinances of the Town of Herman, for minimum standards.

R-4 next page

7.22 Conditional Uses

(1) Application.
Application for conditional use permits ahall be made in duplicate to the Planning Commission and shall include the following where pertinent and necessary for proper review.

Name and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure of site; number of employees; and the zoning district within which the subject site lies.

Plat of Survey prepared by land surveyor registered in Wisconsin or other map drawn to scale and approved by the County Zoning Administrator, showing the location, property boundaries,

adopted 3-11-03

TOWN OF HERMAN

An Ordinance Amending the Town Zoning Ordinances

ORDINANCE NO. 2003-2

Amending Chapter 7 – Zoning Ordinance, Town of Herman to add the "R-4 Village Residence District" to Section 7.21(1) and Section 7.21(8).

WHEREAS, a public hearing was held on February 25th, 2003 before the Town of Herman Plan and Zoning Commission; and

WHEREAS, the Town of Herman Plan and Zoning Commission recommends by Resolution 2003-02 the amendment of the town Zoning Ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Herman hereby ordains that Chapter 7 – Zoning Ordinance, Town of Herman, Section 7.21 Zoning Districts, is amended as follows:

1. Section 7.21(1) is amended to add "R-4 Village Residence District" to the list of zoning districts; and

2. Section 7.21(8), "Residence Districts" is amended and "R-4 Village Residence District" is created with the following verbiage:

"(a) Principal Uses

(1) Residential dwellings on lots served by public sewer or holding tanks
(2) Parks and playgrounds

(b) Conditional Uses

See Section 7.22

(c) Area, Height and Yard Requirements

Lot	Area	Minimum 10,000 square feet
	Width	Minimum 50 feet
Principle Structure	Width	Minimum 20 feet
	Height	Maximum 35 feet
Yards	Rear	Minimum 20 feet
	Side	Minimum 5 feet
	Street	See Section 7.23"

BE IT FURTHER RESOLVED, that this ordinance shall take effect upon passage and posting.

dimensions, elevations, uses, and size of the following; subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition the plot of survey shall show the location, elevation and use of any abutting lands and their structures within forty (40) feet of the subject site; soil lapping unit lines; mean and historic highwater lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping.

Additional Information as may be required by the Commission, or County Sanitary Inspector, such as ground surface elevations, basement and first floor elevations, utility elevations, historic and probable future floodwater elevations, areas subject to inundation by floodwaters, depths of inundation, floodproofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure of its affects on flood flows.

(2) Review and Approval of Conditional Uses.
The Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and shall hold a public hearing after publishing a Class 2 notice thereof under Chapter 985, Wisconsin Statutes.

The Planning Commission may authorize a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the county and its communities.

Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the Planning Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided herein.

Existing Uses. All uses existing at the effective date of this Ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this Ordinance, are hereby declared to be conforming conditional uses to the extent of the existing operation only. Any addition, alteration, extension, or other proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew. Campgrounds; salvage, wrecking, junk, demolition, and scrap yards; mineral extraction and related uses; and sanitary landfill uses shall be, unless a waiver is granted, additionally subject to the registration regulations set forth herein.

(3) Earth and Water Movements.
Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, dredging, lagooning, or the installation of soil and water conservation structures, are conditional uses and may be permitted in any zoning district. The Planning Commission may request a review of each such earth or water movements by the Wisconsin Department of Natural Resources, the U. S. Soil Conservation Service, or other appropriate agency, and await their recommendations before taking final action, but not to exceed sixty (60) days.

(4) Agricultural and Related Uses.
Except where specifically permitted as a principal use, the following agricultural and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Planning Commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance and upon the particular land use problems related to development of the site or sites as proposed.

Single Family Dwelling exceeding limits in A-1, A-2, and A-3 Districts, if conditional use approval is granted for one or more additional dwellings, such dwellings may be placed on parcels separated from the farm lot provided, however, that any parcel so created conforms with all regulations set forth herein except that no such parcel shall be less than 60,000 square feet in area.

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

Commercial Feed Lots in the A-1, A-2, and A-3 Districts.

Livestock Sales Barns in the A-1, A-3, and A-4 Districts.

Animal Hospitals, Shelters, and Kennels in all the Agricultural and Conservancy Districts and the B-2, B-4 and B-5 Business Districts provided that the lot area is not less than five (5) acres and further provided that, if animals are to be housed outside, there is a minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.

Veterinarian Services in the A-2 and A-4 Districts.

8. Create Section 7.22(5), Home Occupations, as follows:

(5) Home Occupations

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

a. No person other than a member of the immediate family occupying such dwelling unit shall be employed, except that for home professional offices one non-resident person may be employed.

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

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

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

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

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

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

h. No signs shall be erected unless approved in accordance with Section 7.22.

Commercial Raising, propagation, or boarding of animals, such as dogs, mink, rabbit, foxes, goats, pigs, fowl, and beef in the A-1, A-2, and A-3 Districts.

Commercial Egg Production in the A-1, A-2, and A-3 Districts.

Land Restoration in all agricultural and conservancy Districts when conducted in accordance with the County Conservation Standards.

7.22(5) See attached 8/2/89

7.23 Highway Setback Lines

(1) Setback Lines Established

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

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

(2) Definitions:

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

(a) Center Line. A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

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

(c) To Place. The putting of a building or structure in a particular situation, whether by original construction or erection or by moving a building or structure to the particular site.

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

(e) Surveys and Plans. Surveys and plans as referred to hereinafter shall be considered as accepted by the county or town board if county or town funds have been used in the improvement carried out with such plans.

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

(3) Classes of Highways and Center Lines

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

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

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

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

(4) Structures Permitted Within Setback Lines:

(a) No new building, new sign or other new structures or part thereof shall be placed between the setback lines established by this ordinance and the highway except as provided by this ordinance and no building, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance, shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of sixty (60%) per cent or more of its last equalized value.

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

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

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

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

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

(c) This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections, as provided by subsection (5), paragraph (b), (c), (d) and (e), shall be obstructed.

(5) Setback Distances.

(a) Except as otherwise provided, the distance from the center line to the setback line applicable to the various classifications of highways as defined by sub-section (3) of this Section, shall be as provided by the following paragraphs of this subsection, respectively.

(b) Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the later classification.

(c) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

(1) Along Highways Generally. The setback distances from the center line, at any point, for the respective classes of highways shall be as follows:

Class C. Highways, setback distances 60 feet except in platted subdivisions where the setback distance shall be 30 feet from the right-of-way lines, as shown on the recorded plat.
Class B. Highways, setback distance, 75 feet.
Class A. Highways, setback distance, 100 feet.

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

Class C. Highways, 42 feet.
Class B. Highways, 67 feet.
Class A. Highways, 75 feet.

Except that where structures are to be erected between buildings existing at the time of the adoption of this ordinance which are located not more than 150 feet apart and having setback lines less than are established by this section, the Board of Appeals may vary this regulation, provided that the Board of Appeals shall establish such conditions as will save the Town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation will permit a setback less than the average setback of the adjacent buildings.

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

(f) At Railroad Grade Crossings. At railroad grade crossings the setback lines shall be straight lines across all sectors, connecting points located on the railway right-of-way lines and the highway setback lines, respectively, each 100 feet from the intersection of the highway setback lines and the railway right-of-way line.

7.24 Existing Vacant Substandard Lots

In any residential, conservancy, or agricultural district a one-family detached dwelling and its accessory structures may be erected on any vacant lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance, provided such lot or parcel is at least 60,000 square feet and meets all minimum requirements hereunder and further provided that all requirements of the County Sanitary Ordinances are met.

7.25 Board of Appeals

(1) A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman subject to confirmation by the Town Board, for three (3) years, except that of those first appointed one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The members shall receive a perdiem equal to that of the Town Board member and shall be removable by the Town Chairman for cause upon written charges and after public hearing. The Town Chairman shall designate one of the members chairman. The Town Chairman shall appoint an alternate member for a term of three (3) years, who shall act with full power, only when a member of the Board of Appeals refuses to vote because of interest.

(2) Vacancies shall be filled for the unexpired terms of members whose terms become vacated.

(3) Not more than one (1) member of the Town Board may be a member of the Board of Appeals.

(4) The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(5) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failure to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed inthe office of the Town Clerk and shall be a public record.

(6) Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Town of Herman effected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof together with a filing fee of $25.00. The officer from whom the appeal

amended 8-2-89 see next page

9. Amend Section 7.25(6) as follows:

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Town of Herman effected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof together with a filing fee of ~~$25.00~~ $100.00. The officer from whom the appeal is taken shall forthwith transmit to the Board fo Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

(7) Power of the Board of Appeals:

The Board of Appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administering official in the enforcement of this Ordinance.

(b) To hear and decide special exceptions to the terms of this Ordinance upon which the Board of Appeals is required to pass.

(c) To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done.

(d) In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a "practical difficulty" or an "unnecessary hardship" is created.

(e) Permit the erection and use of a building or premises in any location, subject to appropriate conditions and safeguards in harmony with the general purposes of this Ordinance, for such public utility purposes which are reasonably necessary for public convenience and welfare.

(f) The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Town Board. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Ordinance.

(g) In addition to the foregoing, the Board of Appeals shall have the following specific powers:

(1) Grant a permit for a temporary building which is incidental to proper development, such permit to be issued for a period of not more than one (1) year.

(2) Grant a permit for the extension of a district boundary for a distance of not more than 25 feet only where the boundary of a district divides a lot in a single ownership at the time of the adoption of this Ordinance.

(3) By special permit, after due notice and public hearing, authorize the location of any of the following buildings or uses in any district from which they are excluded by this Ordinance, provided that such building or use shall comply with all other regulations in the district in which it is proposed to be relocated.

(a) Private clubs and lodges excepting those the chief activity of which is a service customarily carried on as a business; but no such use shall be authorized or permitted in the Industrial District.

(b) Hospitals and clinics but no such use shall be authorized or permitted in the Industrial District.

(c) Institutions of an educational, philanthropic or charitable nature, but no such use shall be authorized or permitted in the Industrial District.

(d) Cemeteries

(e) Storage garage or parking area in connection with a housing development project.

(f) Sewage disposal plant.

(4) Interpret the provision of this ordinance in such a way as to carry out the intent and purpose of the plan as shown on the Zoning Map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.

(5) The Board of Appeals shall have the power to call on any other town department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

(h) Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

(i) In exercising the foregoing powers the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this Ordinance.

7.26 Use Permits.
Any person, firm or corporation who desires to build or remodel to a different use any building on any property in the Town of Herman shall first obtain a permit from the Building Inspector. He shall in writing apply for said permit, explaining the use he intends to make of the property involved, describing the property and otherwise clearly establishing the nature of the building he intends to construct or remodel. The Building Inspector may issue said permit without action by the Town Board unless the use requested contravenes the provisions of this Ordinance and in that event, he shall refer the application to the Town Board at its next meeting for consideration. In the event the Town Board shall establish the position of building inspector, the said building inspector shall be authorized to issue permits hereunder as though he were the Town Clerk and the Town Clerk shall then be pre-empted from so acting.

7.27 Changes and Amendments.
The Town Board may from time to time on its own motion or petition amend, supplement or change the district boundaries or the regulations herein or subsequently established upon giving at least ten (10) days notice, by publication in the official paper at least two (2) times in such ten (10) days, or posting five (5) notices in public places, of the proposed amendment, supplement or change and of hearing thereon, and opportunity to any person interested to be heard.

In case of protest against such change duly signed and acknowledged by the owners of twenty (20%) percent or more either of the areas of land included in such proposed amendment, supplement or change, or by the owners of twenty (20%) percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change, shall not become effective except by the favorable vote of the Town Board.

10. Amend Section 7.27, 3., c. as follows:

A fee of ~~$100.00~~ $150.00 in form acceptable to the Town Clerk.

Dated this 2nd day of August, 1989.