



TOWN of SHERMAN
Sheboygan County
State of Wisconsin

Town of Sherman Zoning Ordinance

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Latest up-date September, 2007

TOWN OF SHERMAN LAND USE ZONING ORDINANCE
(REVISIONS THRU 7-2005)

SECTION 1.0 INTRODUCTION

SECTION 1.1 AUTHORITY:

These regulations are adopted under the authority granted by Sections 61.35 and 62.23 (7) in the Wisconsin Statutes and Sherman, Sheboygan County, Wisconsin, on April 7, 1953. Therefore, the Town board of the Town of Sherman, Sheboygan County State of Wisconsin does ordain as follows:

SECTION 1.2 PURPOSE:

Safety, morals, prosperity, aesthetics, and general welfare of this community.

SECTION 1.3 INTENT:

It is the general intent of this ordinance to:

1. Regulate and restrict the use of all structures, lands, and waters.
2. Regulate and restrict the lot coverage, population distribution and density, and the size and location of all structures, so as to:
 - a. Preserve as much prime agricultural land in the town as possible
 - b. To keep existing farms intact
3. To preserve woodlands and wetlands.
4. To concentrate the division of land into small parcels in areas adjacent to present population centers.
5. To promote the building of single family dwellings.
6. To control the building of multiple family dwellings.
7. To preserve open land in rural areas.
8. To encourage the orderly development of:
 - a. Light industry
 - b. Planned recreational areas
 - c. Planned commercial areas
9. Control the development of quasi-ag land, example hobby farms.
10. Establish and promote plans to control access to heavily traveled highways.
11. Provide adequate light, air, sanitation and drainage.
12. Prevent over-crowding.
13. Facilitate the adequate provisions of public facilities and utilities.
14. Stabilize and protect property value.
15. Preserve and promote the beauty of the town.

16. Implement the town's comprehensive plan or plan components.

It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

SECTION 1.4 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, and agreements, ordinances, rules regulations, or permits previously adopted or issued pursuant to laws, however, wherever this ordinance shall govern.

SECTION 1.5 INTERPRETATION:

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

SECTION 1.6 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.

SECTION 1.7 REPEAL:

All other ordinances or parts of ordinances of the town inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

SECTION 1.8 TITLE:

This ordinance shall be known as, referred to, or cited as the “***TOWN OF SHERMAN LAND USE AND ZONING ORDINANCE.***”

SECTION 1.9 EFFECTIVE DATE:

This ordinance shall be effective after a public hearing, adoption by the Town Board, and publication or posting as provided by law.

SECTION 2.0 GENERAL PROVISIONS

SECTION 2.1 JURISDICTION:

The jurisdiction of this ordinance shall include all lands and waters within the corporate limits of the Town of Sherman.

SECTION 2.2 COMPLIANCE:

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

The Duty of the Building Inspector, with the aid of the constable, shall be to investigate all complaints, give notice to violations and to enforce the provisions of this ordinance. The Building Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

SECTION 2.3 BUILDING AND OTHER PERMITS:

Whenever a building or driveway or other permit is requested under the terms of the Construction Code of the Town of Sherman, the Building Inspector shall first determine that the proposed use of the premises as authorized by said permit will comply in every respect with this ordinance.

The Town Board may review any building or other permits issued by the Building Inspector to determine whether the use of the premises under the terms of the permit will comply in every Respect with this Ordinance.

In the event that a Building or other Permit is found by the Town Board to authorize use of the premises which does not comply with this Ordinance, the Building Inspector shall revoke said permit pursuant to the authority granted in paragraph C of Section 1.25 of the Construction Code of the Town of Sherman.

SECTION 2.4 SITE RESTRICTIONS:

All building sites and private sewer and water systems shall be governed by the Sheboygan County Planning Subdivision and Shoreline Zoning Regulations in addition to the Regulations adopted in this ordinance.

All Principal Structures shall be located on a lot and only one principle structure shall be located, erected, or moved onto a lot.

No lot shall be created which abuts a public street dedicated to only a portion of its proposed width and which lot is located on that side of the street from which the required dedication has not been secured.

SECTION 2.5 VIOLATIONS:

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this ordinance. In case of any violation, the Town Board, the Building Inspector, the Town Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.

SECTION 2.6 PENALTIES:

Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.0 ZONING DISTRICTS

SECTION 3.1 ESTABLISHMENT:

For the purpose of this ordinance, the Town of Sherman is hereby divided into the following zoning districts:

- A-1 Agricultural Land District
- A-2 Agricultural Land District
- A-3 Agricultural Land Holding District
- A-4 Rural Land District
- A-5 Agricultural Estate Land District
- A-PR Agricultural Remnant District
- B-1 Local Business District
- C-1 Lowland Resource Conservancy District
- M-1 Industrial District
- M-2 Heavy Industry District
- M-3 Mineral Extraction District
- M-4 Sanitary Landfill and Quarrying District
- P-1 Public Recreational Park District
- P-2 Semi-public Institutional Park District
- R-1 Single Family Residence District (Sewered)
- R-2 Single Family Residence District (Un-sewered)
- R-3 Two Family Residence District
- R-4 Multiple Family Residence District

Boundaries of these Districts are hereby established as shown on a map entitled: “***Town of Sherman Zoning Map,***” dated February 7, 1978 and as subsequently amended which accompanies as is a part of this ordinance. Such boundaries shall be construed to follow corporate limits, U.S. Public Land Survey lines, lot or property lines, center lines of streets, highways, alleys, easements, and railroad right-of-way or such lines extended, unless otherwise noted on the zoning Map.

(Note: Map is updated annually in January)

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

SECTION 3.2 ZONING MAP:

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this and shall bear upon its face the attestation of the Town Chairman and Town Clerk and shall be available to the public in the office of the Town Clerk.

Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

TOWN OF SHERMAN ZONING ORDINANCE (3-2007)

SECTION 3.3 A-1 AGRICULTURAL LAND DISTRICT (Soil types 1 – 2 – 3)

PURPOSE: To preserve productive farmland for agricultural operations: preserve woodland and to prevent the encroachment of conflicting uses.

PERMITTED USES:

1. Agricultural
2. Dairying
3. Floriculture
4. Forestry
5. General Farming
6. Grazing
7. Greenhouses
8. Hatcheries
9. Horticulture
10. Livestock Raising
11. Stables
12. Truck Farming
13. Fishing & Hunting
14. Preservation of scenic, historic & scientific places
15. Public Fish Hatcheries
16. Soil & Water Conservation
17. Sustained Yield Forestry
18. Stream Bank & Lake Shore Protection
19. Water Retention
20. Drainage Facilities
21. Parks
22. Wildlife Preserves
23. Dwellings for resident owners and laborers actually engaged in farming
24. To allow the record owners of land as of the adoption and effective date of the original ordinance (Feb. 16, 1978) to construct one retirement home, or home for an immediate family member of the record owner of the property at the time of adoption of the Zoning Ordinance preferably utilizing non-productive or low quality agriculture land and subject to all height, and frontage requirements of Section 3.17, R-2 Single Family) (12-2003)
25. Any building constructed on A-1 land must be built on a site that shall not limit the surrounding land's potential for agricultural use. (10-2000)

NOTE: *This is an attempt to encourage driveways to be built around, rather than through the middle of agricultural land. (10-2000)*

CONDITIONAL USES:

See Sections 5.4 and 5.7 & 5.8

SPACE REQUIREMENTS:

Farm Acreage Area	Minimum 35 contiguous acres
Road Frontage	Minimum 120 feet
Farm Building	Set back from roadway right-of-way: Equal to height of building
Farm Dwellings	Maximum set back 300 feet from road right-of-way, to the rear of dwelling.

TOWN OF SHERMAN ZONING ORDINANCE (3-2007)

SECTION 3.4 A-2 AGRICULTURAL LAND DISTRICT:

PURPOSE: "To encourage smaller farms on less productive farmlands such as horse farms, hobby farms, tree farms, and similar agricultural and recreational pursuits."

CONDITIONAL USES:

See Section 5.4, Section 5.7 and Section 5.8

SPACE REQUIREMENTS AREA – HEIGHT – YARD

Farm acreage-lot size	Area	Minimum 3.00 contiguous acres (3-2002) – 5.99 maximum acres
Road Frontage	Width	Minimum 120 feet
Building	Height	-----
Farm Dwellings (3-2007)		Maximum set back 300 feet from road right-of-way, to the rear of dwelling.

SECTION 3.5 A-3 AGRICULTURAL LAND HOLDING DISTRICT (3-2007)

PURPOSE: "To provide for the orderly transition of agricultural land adjacent to population centers into other uses in areas planned for eventually urban expansion; and to defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost.

CONDITIONAL USES:

See Section 5.4, Section 5.7 and Section 5.8

SPACE REQUIREMENTS AREA – HEIGHT – YARD

Lot size	Area	1-acre minimum
Road Frontage	Width	Minimum 120 feet
Buildings	Height	-----
Farm Dwellings		Maximum set back 300 feet from road right-of-way, to the rear of dwelling. (3-07)

TOWN OF SHERMAN ZONING ORDINANCE (3-7000)

SECTION 3.6 A-4 RURAL LAND DISTRICT (2-2-95)

PURPOSE: The primary purpose of this district is to maintain, preserve and enhance lands which are situated in a rural area, contain no buildings and abuts agricultural land areas. These lands may be related activity. Upon recommendation of the Town Plan Commission and approved by the Town Board, only one residence may be constructed and property may not be split unless recommended by the Town Plan Commission and the approval of the Town Board. **NOTE:** The intent of the A-4 district is to handle only existing parcels and not to create any new parcels with an A-4 classification.

A. Principle Uses: All principal uses permitted in the A-1 Prime Agricultural Land District but limited to conditions described above.

B. Conditional Uses: All conditional uses permitted in the A-1 Prime Agricultural District.

C. Area and Height Requirements: Lot (farm size) Area 3-35 acres depending upon size of parcel at the time of creation

Building Height	Maximum 35 feet
Farm Dwelling	300 foot setback from road right-of-way (3-07)
Other Structures:	Maximum height, 2 times their distance from nearest lot line
Yard Requirements:	Dwelling. . . rear & side. . .minimum 20 feet
Road Frontage:	Existing or 120 feet

TOWN OF SHERMAN ZONING ORDINANCE (1-93)

SECTION 3.7 A-5 AGRICULTURAL ESTATE LAND DISTRICT

PURPOSE: To maintain, preserve and enhance agricultural lands and farm dwellings which were in existence at the time of the original adoption date of this ordinance and are on land generally best suited for smaller farm units including truck farming, horse farming, hobby farming, orchards and other similar ag related farming activity. *This A-5 district is related strictly to farm structures remaining after farm consolidation.* Buildings may be separated from the farm lot provided that the parcel created conforms to all regulations set forth in this ordinance.

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

CONDITIONAL USES: All conditional uses permitted in the A-1 Prime Agricultural Land District.

REQUIREMENTS: Area. . .Minimum over 3, up to 35 acres depending upon size of parcel at time of creation:

There is to be no subsequent division of parcel without recommendation of the Town Plan Commission and approval of the Town Board.

Farm Buildings	Maximum height 35 feet
Other Structures	Maximum height 2 times their distance from nearest lot line if not being used for housing animals
Farm dwelling	300 foot setback from road right-of-way (3-2007)
Side yard set back	Minimum 20 feet if structure is not used for housing animals
Frontage width	Existing at time of zoning change or 120 feet minimum
Existing substandard lots	See Section 5.1

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.8 A-1-PR PRIME AGRICULTURAL PARCEL REMNANTS DISTRICT

1. **PURPOSE:** Purposes of the A-1-PR district are:

- a. To accommodate the necessary, often unavoidable creation of parcel remnants less than 35 acres in size, yet worthy of A-1 type preservation resulting from farm consolidation or other sales or exchanges:
2. To preclude any residential development whatsoever on such A-1-PR zoned parcels.
3. **LANDS INCLUDED:** Those lands included in the A-1 Prime Agricultural District and A-3 Agricultural Transition District, but by virtue of legal and logical distribution, layout, or parcel creation, can not meet the 35 acre minimum farm size. Such parcels would technically be existing non-conforming parcels or would result from the un-permitted creation of non-conforming parcels.
4. **PRINCIPAL USES:** All principal uses permitted in the A-1 Prime Agricultural District, except that no residential development whatsoever, shall be permitted on A-1-PR zoned farmlands.
5. **CONDITIONAL USES:** See Section 5, except that no residential development whatsoever shall be conditionally permitted on A-1-PR zoned farmlands.
6. **AREA, HEIGHT, AND YARD REQUIREMENTS:**

Lot (Farm Size)	Area Width	No Limits No Limits
Building Other Structures	Dwelling Height	None Permitted Maximum 2 times their distance from the nearest lot line
Dwelling		None Permitted
Other Structures	Rear Yard	Minimum 100 feet
	Side Yard	Minimum 20 feet, if structure is not to be used housing of animals
	Side Yard	100 feet if structure is to be used for the housing of animals

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.9 B-1 LOCAL BUSINESS DISTRICT

PURPOSE: This district is intended to include businesses typical to rural population centers.

PERMITTED USES:

1. Retail Business.
2. Banks.
3. Personal Service Establishments.
4. Professional offices.
5. Places of Entertainment.
6. Residence shall be allowed only as an accessory use.

CONDITIONAL USES: See Section 5.5

Lot	Area	1 acre
Road Frontage	Width	120 feet minimum
Side Yard	Width	20 feet minimum
Rear	Width	20 feet minimum
Building	Height	45 feet maximum
Set Back	From roadway right-of-way equal to the height of building	
Off Street Parking	Each user shall provide sufficient parking for employees and customers to prevent congestion of adjoining roadways	

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.10 C-1 LOWLAND RESOURCE CONSERVATION DISTRICT

PURPOSE: To preserve lakes, streams, wet lands and flood plains, improve water quality, minimize potential property damage by flooding, protect wildlife habitat, and provide recreational opportunities.

PERMITTED USES: **CONDITIONAL USES:** See Section 5.9

CONDITIONAL USES: All accessory structures, utilities, wild crop harvesting, hunting and fishing Clubs.

PROHIBITED ACTIVITIES:

1. Dumping or filling
2. Removal of any mineral, soil, or peat
3. Any use which would disturb the natural flora, fauna, watercourses, water region or topography

SPACE REQUIREMENTS AREA – HEIGHT – YARD

Lot	Area	To be determined by terms of a conditional use permit
Road Frontage	Width	To be determined by terms of a conditional use permit
Building	Height	No specifications

Set Back No closer than 75 feet of the 100 year high water mark of any body of water

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.11 M-1 LIGHT INDUSTRIAL DISTRICT

PURPOSE: To coincide with existing areas of light industry adjacent to population centers and provide areas for the establishment and expansion of such industries suitable for rural areas and compatible with adjacent lands.

PERMITTED USES:

1. Repair shops
2. Cleaners
3. Bakeries
4. Green houses
5. Feed Mills
6. Farm Machinery Sales & Service
7. Locker Plants
8. Warehouses
9. Machine Shops
10. Bottling Plants
11. Printing
12. Light Manufacturing

CONDITIONAL USES: See Section 5.3, Section 5.7

SPACE REQUIREMENTS AREA – HEIGHT – YARD

Lot	Area	Sufficient area for the principle structure and its accessory buildings, all required yards and off street parking and loading
Road Frontage	Width	Minimum 200 feet
Set back	Street Yard	Minimum 100 feet
Set back	Side Yard	Minimum 50 feet
Set back	Rear Yard	Minimum 50 feet
Building	Height	Maximum 60 feet

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.12 M-2 HEAVY INDUSTRY DISTRICT

PURPOSE: To coincide with existing areas of heavy industry adjacent to population centers and to provide areas for the establishment and growth of heavy industry compatible with adjacent lands.

PERMITTED USES: All M-1 uses, and all industrial uses not allowed in the M-1 District.

CONDITIONAL USES: see Section 5.3, Section 5.7

SPACE REQUIREMENTS AREA – HEIGHT – YARD

Lot	Area	Sufficient area for the principle structure and its accessory buildings, all required yards and off street parking and loading
Road Frontage	Width	Minimum 200 feet
Set back	Street Yard	Minimum 100 feet
Set back	Side Yard	Minimum 50 feet
Set back	Rear Yard	Minimum 50 feet
Building	Height	Maximum Height 60 feet

SECTION 3.13 M-3 MINERAL EXTRACTION DISTRICT

PURPOSE: To provide for and regulate future gravel and other mineral extraction sites.

PERMITTED USES: All uses are conditional and require a conditional use permit.

CONDITIONAL USES: See Section 5.3, Section 5.8

SPACE REQUIREMENTS AREA – HEIGHT – YARD

Lot	Area	To be determined by terms of a conditional use permit
Yard	Width	To be determined by terms of a conditional use permit
Fencing		The perimeter of any extraction operation must be completely fenced.
Set Back		From roadway right-of-way equal to the height building

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.14 M-4 SANITARY LANDFILL DISTRICT

PURPOSE: To provide sites for total solid waste disposal needs, in compatibility with adjacent use districts

PERMITTED USES: All uses are conditional and require a conditional use permit.

CONDITIONAL USES: See Section 5.2. In addition, a detailed operation and restoration plan is required and must be in compliance with the Wisconsin Administrative Code.

SPACE REQUIREMENTS

Lot	Area	To be determined by terms of a conditional use permit
Yard	Width	To be determined by terms of a conditional use permit
Building	Height	To be determined by terms of a conditional use permit

SECTION 3.15 P-1 RECREATIONAL PARK DISTRICT

PURPOSE: To preserve recreational lands in either a developed or natural state for recreational uses.

PERMITTED USES:

1. Parks
2. Arboretum
3. Playgrounds
4. Fishing
5. Wading
6. Swimming Beaches
7. Skating
8. Sledding

STRUCTURES: All structures shall require a condition use permit. See Section 5.2 & 5.9

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.16 INSTITUTIONAL PARK DISTRICT

PURPOSE: To preserve recreational lands in either a developed or natural state for institutional uses.

PERMITTED USES:

1. Churches
2. Schools
3. Hospitals
4. Nursing homes
5. Retirement Homes
6. Fraternal Organizations
7. Governmental buildings

SPACE REQUIREMENTS AREA – HEIGHT = YARD

Lot	Area	Sufficient area for the principle structure and its accessory buildings, all required yards and off street parking and loading
Street Frontage	Width	Minimum 200 feet
Set Back	Street yard	Minimum 100 feet
	Side yard	Minimum 50 feet
	Rear yard	Minimum 50 feet
Building	Height	Maximum 50 feet

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.17 R-1 SINGLE FAMILY RESIDENCE DISTRICT (public sewers)

PURPOSE: To designate areas for single family dwelling subdivisions with public sewers adjacent to areas having public sewers

PERMITTED USES: Single family residences and accessory buildings

CONDITIONAL USES: See Section 5.5 and Section 5.9

SPACE REQUIREMENTS AREA – HEIGHT = YARD

Lot	Area	Minimum 30,000 square feet
Frontage	Width	Minimum 60 feet
Set back	Street yard	40 feet from right-of-way
Set back	Side yard	Minimum 10 feet
Set back	Rear yard	Minimum 10 feet
Building	Height	Maximum 2 stories

SECTION 3.18 R-2 SINGLE FAMILY RESIDENCE DISTRICT (private sewers)

PURPOSE: To designate areas for single family dwellings on substandard land without public sewers.

PERMITTED USES: Single family residence and accessory buildings
Restricted to household pets only

CONDITIONAL USES: See Section 5.5 and Section 5.9

SPACE REQUIREMENTS AREA – HEIGHT = YARD

Lot	Area	Minimum 1 acre
Frontage	Width	Minimum 120 feet
Street yard	Set back	75 feet from center of road
Side yard	Set back	Minimum 10 feet
Rear yard	Set back	Minimum 10 feet
Building	Height	Maximum 35 feet

In Subdivisions: (2-2-95)
Street yard area. 30 feet from the right of way.

Side Yard Set Back Minimum 10 feet

Rear Yard Set Back Minimum 10 feet

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 3.19 R-3 TWO FAMILY RESIDENCE DISTRICT

PURPOSE: To designate areas adjacent to population centers

PERMITTED USES: Single and two family residence and accessory buildings

CONDITIONAL USES: See Section 5.4 and Section 5.8

SPACE REQUIREMENTS AREA – HEIGHT = YARD

Lot	Area	Minimum 1 acre
Street Frontage	Width	Minimum 120 feet
Street yard	Set back	75 feet from center of road
Side yard	Set back	Minimum 20 feet
Rear yard	Set back	Minimum 20 feet

SECTION 3.20 R-4 MULTIPLE FAMILY RESIDENCE DISTRICT

PURPOSE: To provide for conventional multiple family dwelling projects adjacent to population centers, and areas for Planned Unit Developments.

PERMITTED USES: All R-1, R-2, and R-3 uses. . . Not to exceed four (4) units per dwelling

CONDITIONAL USES: See Section 5.5 for Planned Unit Developments or any multiple family dwelling not serviced by public sewer but relying on on-site sewage disposal.

SPACE REQUIREMENTS:

Lot	Area	Minimum 1 acre – Must be adequate to accommodate two (2) parking spaces per dwelling unit
Street Frontage	Width	Minimum 120 feet
Street yard	Set back	75 feet from center of road
Side yard	Set back	Minimum 20 feet
Rear yard	Set back	Minimum 20 feet
Building	Height	Maximum 45 feet

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 4.0 DRIVEWAYS (8-2007)

SECTION 4.1 PURPOSE

There is hereby established standards for driveways that will provide for better and Safe provisions for adequate access from private development to a public right of way, with the intent of maintaining the safety and welfare of those involved in providing services while in the operation of fire protection and emergency equipment.

SECTION 4.2 DEFINITIONS

Driveway/access: Any area where travel occurs from a public road over land, whether by easement or ownership, not considered to be a part of the public road for the purpose of gaining access to land or improvements.

SECTION 4.3 MINIMUM REQUIREMENTS

All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to an inspection fee as established by the Town Building Inspector to be paid to the town prior to the start of any construction on a new driveway and prior to the issuance of a building permit.

An approved driveway permit shall be in place before a building permit can be issued.

1. The applicant who may be the owner agent, or contractor shall submit a location construction plan showing specifications including grade, slope, width and length of the driveway and erosion control procedures.
2. The evidence of an existing driveway is either
 - a. The clear indication of a driveway being in place on the 1990 aerial photo or
 - b. Statement from the town that an approved driveway is in place
3. If there is a dispute on the adequacy of an alleged existing driveway the decision of the town board will be the deciding factor.

SECTION 4.4 AUTHORIZATION

Authorization for a driveway is subject to the approval of the Building Inspector

SECTION 4.5 SPECIFICATIONS (2006-207)

1. Dwelling>>>>Maximum Set Back – 300 feet from Road Right of Way, to rear of dwelling
2. Minimum Driveway side set back from side lot line.....10 (Ten) feet
3. Minimum road surface width.....12 (Twelve) feet
4. Minimum **width** clearance free of trees, wires, etc.....24 (Twenty Four) feet
5. Minimum **height** clearance free of trees, wires, etc.....14 (Fourteen) feet
6. Minimum Culvert size.....15 (Fifteen) inches
7. Maximum grade.....10% (Ten percent)
8. The driveway within the are of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.

9. An adequate road bed base of suitable material to support the projected traffic
10. At the dead end of all new driveways, a turn around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided determined by the Town Inspector.
11. The adequate culvert size to be installed shall be determined by the Building Inspector. Illegal culverts will be removed at landowners expense.
12. If in separate ownership, all district requirements shall be complied with in-so-far as practical.

All driveways shall be constructed in accordance with the above requirements and other specifications as may be set forth by the Town Board.

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 5.0 CONDITIONAL USE PERMITS

SECTION 5.1 CONDITIONAL USE PERMITS:

The Town Board upon recommendation of the Town Planning Commission and a public hearing, may authorize the issuance of a conditional use permit for conditional uses, provided that such conditional uses and structures are in accordance with the purpose and intent of this otherwise, adverse to the environment or the value of the neighborhood or the county.

SECTION 5.2 APPLICATIONS (10-95)

1. Names and Addresses of the applicant
2. Owner of the site
3. Architect
4. Professional engineer
5. Contractor
6. All opposite and abutting property owners of record
7. Description of the Subject Site by lot, block, and Recorded subdivision or by metes and bounds
8. Addresses of the subject site
9. Type of structure
10. Proposed operation or use of the structure or site
11. Number of employees
12. Zoning district within which the subject site lies
13. Plat of survey prepared by a registered land surveyor showing all of the information required under Sec 2.3 for a zoning Permit and, in addition the following mean and historic water lines on or within 40 (forty) feet of the subject premises and existing and proposed landscaping with the consent of the Town Plan Commission, and applicant may substitute for the plat of survey a drawing meeting the requirements of Section 2.3, including the additional information specified above.
14. Additional Information as may be required by the Town Planning Commission or the Sherman Town Board.
15. Fee Receipt from the Town Treasurer in the amount of One hundred seventy five dollars (\$175.00) to defray meeting and advertising costs (11-2002)
16. Costs of any legal, engineering or other professional fees incurred by the Town regarding the Conditional Use Application should be paid to the Town by the applicant before issuance of the Conditional Use Permit. (3-04)

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 5.3 REVIEW and APPROVAL

The Town Board and the Town Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and the proposed operation. (3-2004)

Procedures regarding public hearings, recommendations of the Planning Commission and notice to land owners of adjacent properties as set forth in Section 7.6 shall be applicable to the review and approval of any Conditional Use Permit. (3-2004)

SECTION 5.4 CONDITIONS:

The Town Board and the Town Planning may impose certain conditions for the issuance of a conditional use permit as are necessary to fulfill the purpose and intent of this ordinance. Examples of such conditions are landscaping, design, dates of construction, lighting, hours of operation, parking, parking, highway access, and similar requirements

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 in Section 7.0.

SECTION 5.5 PUBLIC AND SEMIPUBLIC USES:

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

1. Airports, air strips, and landing fields in the Industrial Districts, Agricultural districts, Public and Semi-public Districts provided the cited area is not less than twenty (20) acres.
2. Governmental and Cultural Uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all residential and business districts, industrial districts and public and semi-public districts.
3. Utilities in all districts provided all principle structures and uses are not less than fifty (50) feet from any residential district lot line.
4. Public Passenger Transportation Terminals, such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in all Business Districts and Industrial Districts provided all principle structures and uses are not less than one hundred (100) feet from any residential district boundary.
5. Public, Parochial, and Private elementary and secondary schools and churches in the Residential Districts and Public Recreational Park and Semi-public Institutional park District provided the lot area is not less than two (2) acres and all principle structure and uses are not less than fifty (50) feet from any lot line.
6. Colleges, Universities, Hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories in the Agricultural district and Public Recreational Park and Semi-public Institutional Park District provided all principle structures and uses are not less than fifty (50) feet from any lot line.

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 5.6 HIGHWAY ORIENTED USES:

The following commercial uses shall be conditional uses and may be permitted as specified:

1. Drive-In Theaters in the Business District provided that a planting screen at least twenty-five (25) feet wide is created along any side abutting a residential district and no access is permitted to or within one thousand (1000) feet of an arterial street.
2. Drive-In Establishments serving food or beverages for consumption outside the structure in the Business District.
3. Motels in the Business District.
4. Funeral Homes in the Business Districts provided all principle structures and uses are not less than twenty-five (25) feet from any lot line Drive-In Banks in the Business District.
5. Tourist Homes in the Business Districts provided such district is located on a state trunk or U.S. Numbered Highway.
6. Vehicle sales, service, washing and repair stations, garages, taxi stands, and public parking lots in all Business districts provided all gas pumps are not less than thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line.

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 5.7 INDUSTRIAL and AGRICULTURAL USES

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

Animal Hospitals, in the Agricultural, and Industrial Districts provided the lot are is not less than three (3) acres, and all principle structures and uses are not less than one hundred (100) feet from any residential district.

Dumps, Disposal Areas, Incinerators and sewage disposal plants in the Agricultural and the Industrial Districts. Municipal earth and sanitary land fill operations may be permitted in any district.

Commercial Raising, propagation, boarding, or butchering of animals, such as dogs, mink, rabbits, foxes, goats, and pigs; the commercial production of eggs, riding academies, and the hatching, raising, fattening, or butchering of fowl in the Agricultural District.

Pea vineries, creameries, cheese factories and condensaries in the Agricultural or Industrial Districts

Manufacture and Processing of:

Abrasives	Acetylene	Alkalis	Acid	Ammonia	Asbestos	Asphalt
Batteries	Bedding	Bleach	Bone	Cabbage	Candle	Carpeting
Celluloid	Cement	Cereals	Charcoal	Chemicals	Chlorine	Coal Tar
Coffee	Coke	Cordage	Creosote	Dextrin	Disinfectant	Dye
Excelsior	Felt	Fish	Fuel	Furs	Gelatin	Glucose
Gypsum	Hair Products	Ice	Insecticide	Ink	Lamp black	Linoleum
Lime Products	Matches	Meat	Oil Cloth	Paint	Paper	Perfume
Peas	Plastics	Pickles	Plaster of Paris	Poison	Polish	Potash
Pulp	Proxy in	Radium	Rope	Rubber	Sausage	Shoddy
Shoe Blacking	Starch	Stove Polish	Textiles	Varnish		

Manufacture, Processing and Storing of

Fertilizer	Flammables	Gasoline	Glue	Grains	Grease
Lard	Plastics	Radio Active Materials	Shellac	Soap	Turpentine
Vinegar	Yeast				

Manufacture and bottling of Alcoholic Beverages

Canneries	Coal	Cold Storage	Distillation	Enameling
Electroplating	Electric generating Plants	Forges	Foundries	Garbage
Incinerators	Lacquering	Lithographing	Offal	Refineries
Rubbish	Road Test Facilities	Smelting	Stock yards	Weaving
Slaughter Houses	Steam Generating Plants	Tanneries	Warehouses	

Outside Storage and Manufacturing Areas in the Industrial District, Wrecking, Junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from Residential, Public and Semi-public districts.

Commercial Service Facilities, such as restaurants and fueling stations, in the Industrial District provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.

Severability: If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If an application of this chapter to a particular sign or structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in said Judgment. (3-04)

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 5.8 MINERAL EXTRACTION

Mineral Extraction operations including washing, crushing, or other processing are conditional uses and, may be permitted in the M-3 Mineral Extraction District and the M-4, Sanitary Landfill District provided The Application for the conditional use permit shall include:

1. An adequate description of the operation
2. A list of equipment, machinery, and structures to be used
3. The source, quantity, and disposition of water to be used
4. A topographic map of the site showing existing contours with minimum vertical contour intervals of five (5) feet
5. Trees, fences, proposed and existing access roads
6. The depth of all existing and proposed excavations
7. A restoration plan (provided by applicant) shall contain:
 - a. Proposed contours after filling
 - b. Depth of the restored top soil
 - c. Type of fill
 - d. Planting and Reforestation plans
 - e. Commencement and completion dates

The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Board based on compliance with all county or state regulations, with the form and type of such sureties to be approved by the Town Attorney.

The Conditional Use Permit shall be in effect for a period not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.

The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural, beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

SECTION 5.9 RECREATIONAL USES

The following public recreational facilities shall be conditional uses and may be permitted as specified:

Archery Ranges	Bath houses	Beaches	Boating	Conservatories
Driving Ranges	Firearm Halls	Camps	Polo Fields	Sport fields
Skating Rinks	Stadiums	Riding Academies	Swimming Pools	

Zoological and Botanical Gardens permitted in the P-1 and P-2 District provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary

Commercial Recreation facilities which may be permitted as conditional uses in the Business District include:

Arcades	Bowling Alleys	Clubs	Dance Halls	Gymnasiums
Driving Ranges	Lodges	Miniature Golf	Pool Halls	Physical Culture
Race Track	Billiard Halls	Rifle Ranges	Theaters	Turkish Baths
Skating Rinks	Video Arcades	Adult Video Machine		

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 6.0 NONCONFORMING USES – STRUCTURE – LOTS

SECTION 6.1 EXISTING NONCONFORMING USES

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

Only that portion of the land or water existing at the time of the adoption or amendment of this conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this ordinance, however it shall not be extended, enlarged, reconstructed, moved, substituted, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

Total lifetime Structural repairs or alterations shall not exceed fifty (50) percent of the Town's assessed value of the structure at the time of its becoming a use unless it is permanently changed to conform to the use provisions of this ordinance. Substitution on new equipment may be permitted by the Board of Appeals, if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

SECTION 6.2 ABOLISHMENT OR REPLACEMENT

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

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

SECTION 6.3 EXISTING NONCONFORMING STRUCTURES

The lawful nonconforming structure existing at the time of the adoption or amendment of this ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this ordinance; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

SECTION 6.4 CHANGES AND SUBSTITUTIONS

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

SECTION 6.5 SUBSTANDARD LOTS (8-81)

In any residential district, a one-family detached dwelling and its accessory structure 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.

Such Lot or Parcel shall be in separate ownership from abutting lands. If abutting lands and substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance.

If in separate ownership, all the district requirements shall be complied with in-so-far as practical.

SECTION 7.0 TOWN OF SHERMAN ZONING ORDINANCE

SECTION 7.0 BOARD of APPEALS

SECTION 7.1 ESTABLISHMENT

There is hereby established a Board of Appeals for the Town of Sherman for the purpose of this Zoning Ordinance.

SECTION 7.2 MEMBERSHIP

The Board of Appeals shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board.

Terms shall be for staggered three year periods.

Chairman of the Board of Appeals shall be designated by the Town Chairman.

An alternate member may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refused to vote because of conflicting interests.

One member shall be a Town Plan Commission member and the other four residents of the town, each with an open mind and concern for the Town.

Secretary shall be appointed by the Town Board Chairman for a three year term.

Building Inspector shall attend meetings when requested by the Town Board or Board of Appeals in order to provide technical assistance.

Official Oaths shall be taken by all members in accordance with Section 19.01, Wisconsin State Statutes within ten (10) days of receiving notice of their appointment.

Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

SECTION 7.3 ORGANIZATION

The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this ordinance.

Meetings shall be held at the call of the chairman and shall be open to the public

Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.

The concurring vote of four (4) members of the Board shall be necessary to correct an error, grant a variance, make an interpretation and permit a utility, temporary, unclassified, or substituted use.

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 7.4 POWERS

The Board of Appeals shall have the following powers:

ERRORS – To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector.

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

INTERPRETATIONS – To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Plan Commission and the Town Board have made a review and recommendations.

SUBSTITUTIONS – To hear and grant applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution the use may not thereafter be changed without application.

UNCLASSIFIED USES – To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principle uses permitted in the district and the Town Planning Commission has made a review and recommendation.

TEMPORARY USES – To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Town Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this ordinance shall be required.

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

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

OATHS – The chairman may administer oaths and compel the attendance of witnesses.

SECTION 7.5 APPEALS and APPLICATIONS

Appeals from the decision of the Town Board concerning the literal enforcement of this ordinance may be made by any person approved or by any officer, department or bureau of the Town.

Such appeals shall be filed with the secretary of the Board of Appeals within forty-five (45) days after the date of written notice of the decision of the Board of Appeals.

Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the secretary of the Board of Appeals.

Such appeals and application shall include the following:

1. Name and address of the appellant or applicant and all abutting and opposite property owners of record
2. Plat of Survey prepared by a registered land surveyor showing all the information required under Section 2.3 for a zoning permit.
3. Additional Information required by the Town Planning Commission, Board of Appeals.

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 7.6 HEARINGS (10-2002) (2-7-95)

Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class 1 notice at least 7 days prior to the meeting, and shall give due notice to the parties of interest, and/or the Building Inspector, and the Town Planning Commission.

At the hearing the appellant or applicant may appear in person, by agent or by attorney. The applicant shall be responsible to present a Fee Receipt from the Town treasurer in the amount of one hundred seventy five (\$175) to cover the meeting costs and costs of the hearing notice.

SECTION 7.7 FINDINGS

No variance to the provisions of this ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

Exceptional Circumstances – There must be exceptional, extra-ordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

Preservation of Property Rights – That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Absence of Detriment – That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance or The public interest.

SECTION 7.8 DECISION

The Board of Appeals shall decide all appeals and applications with **forty-five (45) days**, after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, and the Town Plan Commission.

Conditions may be placed upon any zoning permit orders or authorized by this Board.

Variations, Substitutions, or Use Permits granted by the Board shall expire within **six (6) months** unless substantial work has commenced pursuant to such grant.

SECTION 7.9 REVIEW BY COURT OF RECORD

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

TOWN OF SHERMAN ZONING ORDINANCE

SECTION 8.9 COMMUNICATION TOWERS (renumbered Sec. 5.10 – 2007)

SECTION 8.1 PRIVATE NON-COMMERCIAL TELECOMMUNICATION TOWERS & ANTENNAE ARRAY

A. Private non-Commercial Communication Towers – Twenty (20) feet or MORE in height

1. **In order to qualify** as a private non-commercial communications tower
 - a. Tower must be owned and operated by the property owner on whose property it is constructed.
 - b. Tower must be used for a personal communication purpose such as ham radio operation
 - c. Tower must not be used as an income source for the owner/operator.
 - d. Constructed so that the tower's maximum height above adjacent ground level is no more than one hundred (100) feet.
2. **Minimum Setbacks:** At least one and one-half (1 ½) times the tower's height from all adjacent property lines.
3. **Duration of Permit**
 - a. Renewal of Conditional Use Permit shall be required when ownership of property transfers.
 - b. If not renewed at expiration of conditional use agreement, tower shall be moved within ninety days (90).

SECTION 8.2 COMMERCIAL TELECOMMUNICATION TOWER & ANTENNAE ARRAY

A. All communication towers more than 20 feet in height other than those referred to in Section 8.1 above shall comply with the provisions set forth herein:

1. The applicant shall also provide in addition to the submittals required in Section 5.2 Conditional Use Permits: the following
 - a. A scaled site plan showing proposed and existing buildings on the site and adjacent properties
 - b. A scaled elevation view
 - c. All drawings and letters relating to engineering matters shall be certified by an Engineer registered in the State of Wisconsin
 - d. Documentation concerning maximum decibel rating data for any sound producing, on-site equipment such as emergency electrical generators and air conditioning equipment.
 - e. Certifications by an engineer licensed in the State of Wisconsin for all drawings and letters relating to all engineering matters
 - f. A photographic rendering of the proposed tower
 - g. In the case of a proposed new tower, letters from all existing or proposed tower owners within a six 6 mile radius of a proposed site shall be provided, stating that:
 1. Additional, compatible tower space is not available for the intended purpose;
 2. Heightening of existing tower(s) to accommodate any additional antennae array space is not feasible

B. COMPLIANCE STANDARDS:

1. All commercial communication towers shall be a single mast, free-standing design and construction.
2. Co-location use of existing towers or structures is required whenever feasible.

C. SETBACKS, FENCES, SIGNS, SECURITY

1. All newly constructed, or heightened towers shall be located at least 1 ½ times the tower's height from any adjacent landowner's property line without written permission of the said adjacent landowner.
2. An 8 foot high fence with locked gate shall be provided around the tower and related equipment.

3. Advertising signs of any type shall not be permitted in connection with tower sites. An identification sign, measuring no more than 6 feet square, indicating the owner's name and a 24 hour emergency number shall be provided.

D. LIGHTING

Unless required by the FAA, there shall be no continuous artificial lighting attached to towers. Security lighting shall be "cut off lighting fixtures"

E. VISIBILITY TEST

Prior to the issuance of a permit for a new or heightened Commercial tower, a balloon test, illustrating the location and visibility of a proposed tower shall be required. The test shall be visible for at least 48 hours, during clear weather, and shall be properly noticed in the local media at least two weeks prior to the test.

F. REMOVAL OF ABANDONED TOWERS AND ANTENNAS

- A. Any antenna or telecommunication tower that is not operated for a continuous period of 12 months shall be considered abandoned. A surety bond or letter of credit or other surety, as determined by the Town of Sherman Board, shall be provided by the applicant to cover the costs of complete removal of an abandoned facility along with landscape remediation, landscaping, and removal of any on-site hazardous materials.
- B. Any cost not covered by the bond furnished shall be provided by the existing landowner or become a lien on the real estate.

G. SEVERABILITY:

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If an application of this chapter to a particular sign or structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in said judgment.

TOWN OF SHERMAN ZONING ORDINANCE
(Re-numbered from 8.1 etc.)

SECTION 9.0 CHANGES and AMENDMENTS

SECTION 9.1 AUTHORITY

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this ordinance or amendments thereto.

Such change or amendment shall be subject to the review and recommendation of the Town Planning Commission.

SECTION 9.2 CHANGES OR AMENDMENTS

A change or amendment may be initiated by the Town Board, Town Plan Commission, be a petition of one or more of the owners or lessees of property within the area Proposed to be changed.

SECTION 9.3 PETITIONS (2-7-95) (11-02)

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

Plot plan drawn to a scale of 1 inch equals 100 feet, showing the area proposed to be re-zoned its' dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within five hundred (500) feet of the area proposed to be rezoned.

Owners Names and Addresses of all properties lying within five hundred (500) feet of the area proposed to be re-zoned.

Additional Information required by the Town Plan Commission, or Town Board

Fee Receipt from the Town Treasurer for one hundred seventy-five (\$175) to cover meeting costs and costs of the hearing notice. (11-02)

SECTION 9.4 RECOMMENDATIONS

The Town Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board

**TOWN OF SHERMAN ZONING ORDINANCE
(Changes and Amendments)**

SECTION 9.5 HEARINGS (Revised 9-5-78) (3-02-04)

The Town Board shall hold a public hearing upon each recommendation giving at least ten (10) days prior notice by publication at least two (2) times during the preceding thirty (30) days, listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least ten (10) days prior written notice to the clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

SECTION 9.6 TOWN BOARD'S ACTION

Following such hearing and after careful consideration of the Town Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment

SECTION 9.7 PROTEST

In the event of a protest against such district change or amendment to the regulations of this ordinance, duly signed and acknowledged by:

- A. the owners of twenty (20) percent or more either of the areas on the land included in such proposed change or
- B. by the owners of the land included in such proposed change, or
- C. by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet there from, or
- D. by the owners of twenty (20) percent or more of the land directly opposite, thereto extending one hundred (100) feet from street frontage of such opposite land.

Such changes or amendments shall not become effective except by the favorable vote of three fourths (3/4) of the full Town Board membership.

SECTION 10.0 Small Wind Energy Systems

Section 10.1 Authority

This ordinance is adopted pursuant to authority granted by 60.62, 62.23(7), and 66.0401

Section 10.2 Purpose

The purpose of this ordinance is to:

- (1) Oversee the permitting of small wind energy systems
- (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stat. § 66.0401).

Section 10.3 Definitions

In this ordinance:

- (1) “Building Inspector” means the Town of Sherman building inspector.
- (2) “Meteorological tower” (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location
- (3) “Owner” shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
- (4) “Rotor diameter” means the cross sectional dimension of the circle swept by the rotating blades.
- (5) “Small wind energy system” means a wind energy system that
 - a. Is used to generate electricity;
 - b. Has a nameplate capacity of 100 kilowatts or less; and
 - c. Has a total height of 170 feet or less.
- (6) “Total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- (7) “Tower” means the monopole, freestanding, or guyed structure that supports a wind generator.
- (8) “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. §. 66.0403(1)(m). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- (9) “Wind generator” means blades and associated mechanical and electrical conversion components mounted on top of the tower.

Section 10.4 Standards

A small wind energy system shall be a permitted use in all zoning districts subject to the following requirements:

- (1) Setbacks. A wind tower for a small wind system shall be set back a distance equal to 1.1 times its total height from:
 - a. any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - b. any overhead utility lines, unless written permission is granted by the affected utility;
 - c. all property lines, unless a written easement is granted from the affected land owner or neighbor, recorded with the Register of Deeds and filed with the Town Clerk.
- (2) Access.
 - a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- (3) Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- (4) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (5) Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.
- (6) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- (7) Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (8) Signal Interference. The owner of a small wind energy system or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
- (9) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities".
- (10) Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

Section 10.5 Abandonment

- (1) A small wind energy system that is out-of-service for a continuous 12-month period may be deemed to have been abandoned. The building inspector may request from the owner of a small wind energy system that is deemed to have been abandoned an explanation of the

apparent lack of service.

- (2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within six (6) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Town may pursue a legal action to have the wind generator removed at the Owner's expense.

Section 10.6 Permit Requirements

- (1) Building Permits. A building permit shall be required for the installation of a small wind energy system.
- (2) An Owner shall first submit an application to the building inspector for a building permit for a small wind energy system. The application must be on a form approved by the building inspector and must be accompanied by two copies of the documents identified in paragraph (3) below and the required fees.
- (3) Documents: The building permit application shall be accompanied by a plot plan which includes the following:
 - a. Property lines and physical dimensions of the property
 - b. Location, dimensions, and types of existing major structures on the property
 - c. Location of the proposed wind system tower
 - d. The right-of-way of any public road that is contiguous with the property
 - e. Any overhead utility lines
 - f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
 - g. Tower foundation blueprints or drawings
 - h. Tower blueprint or drawing
- (4) Fees. The application for a building permit for a small wind energy system must be accompanied by the fee required by the Town of Sherman building permit fee schedule.
- (5) The building inspector shall issue a permit or deny the application within one month.
- (6) The building inspector shall issue a building permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this ordinance.
- (7) If the application is rejected, the building inspector will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the building inspector's decision pursuant to Chapter 68 Wis. Statutes. The applicant may reapply if the deficiencies specified by the building inspector are resolved.
- (8) Expiration. A permit issued pursuant to this ordinance shall expire if the small wind energy system is not installed and functioning within 24-months from the date the permit is issued
- (9) The Owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.

Section 10.7 Violations

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance. Small wind energy systems or met towers installed prior to the adoption of this ordinance are exempt.

Section 10.8 Administration and Enforcement

- (1) This ordinance shall be administered by the building inspector.
- (2) The building inspector may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
- (3) The building inspector shall refer any violation of this ordinance to the Town Board for enforcement.

**TOWN OF SHERMAN ZONING ORDINANCE
(reserved for future use)**

**TOWN OF SHERMAN ZONING ORDINANCE
(3-2002)**

SECTION 15: DEFINITIONS

For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense, include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

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

Acreage - (Minimum Contiguous Acreage) for ordinance purposes defined as Not being divided by a road or Stream.

Alley – A special public right-of-way affording only secondary access to abutting properties.

Arterial Street – A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets, and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

Basement – That portion of any structure located partly below the average adjoining lot grade.

Boarding-house – A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but to exceeding twelve (12) persons, and not open to transient customers.

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

Building Area – The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Building Heights – The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure, to the highest point to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

Clothing Stores – Retail stores where clothing is sold, such as department stores, dry goods, and shoe stores, dress, hosiery and millinery shops.

Conditional Uses – Uses of a special nature as to make impractical their predetermination as a principle use in a district.

Contiguous – For ordinance purposes – Not being divided by a road or stream. (3-2002)

Corner Lot – A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side.

Dwelling – A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, tents, cabins, or mobile homes.

Efficiency – A dwelling unit consisting of one principle room with no separate sleeping rooms.

Emergency Shelter – Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots and invasions.

Essential Services – Services provided by public and private utilities, necessary for the exercise of the principle use or service of the principle structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Expressway – A divided arterial street or highway with full or partial control of access and with or without.

Family – Any number of persons related by blood, adoption, or marriage, or not to exceed three (3) persons not so related, living together in one dwelling as a single housekeeping entity.

Freeway – An expressway with full control of access and with fully grade separated intersections.

Frontage – The smallest dimension of a lot abutting a public street measured along the street.

Gift Stores – Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

Hardware Stores – Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

Household Occupation – Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principle use of premises, does not exceed twenty-five (25) percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

Immediate Family – Children by blood or marriage.

Immediate Family Member – Child of the owner(s) of record. (12-2003)

Interchange – A grade separated intersection with one or more turning lanes for travel between intersection legs.

Living Rooms – All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

Loading Area – A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot – A parcel of land having frontage on a public street, occupied or intended to be occupied by a principle structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

Lot Lines and Area – The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Width – The width of a parcel of land measured at the rear of the specified street yard.

Machine Shop – Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

Minor Structures – Any small, movable accessory erection or construction such as birdhouses; tool houses; pet-houses; play equipment; arbors; and walls fences under four (4) feet in height.

Motel – A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Nonconforming Uses or Structures – Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this ordinance or amendments thereto which does not conform to the regulations of this ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Parking Lot – A structure or premises containing ten or more public parking spaces open for rent or a fee.

Parking Space – A graded and surfaced area of not less than one hundred and eighty (180) 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.

Parties in Interest – Includes all abutting property owners, all property within one hundred (100) feet and all property owners of opposite frontages.

Professional Home Offices – Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only on non-resident person is employed.

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

Side Yard – See Yards.

Street Yard – See Yards.

Stable – A building for beasts to lodge and feed for personal use only, not for hire.

Street – A public right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.

Structures – Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

Structural Alterations – Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Turning Lanes – An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

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