

SECTION 2: WORKING LANDS AND OPEN SPACE ZONING DISTRICTS

Sections:

X.2.01 Purposes

X.2.02 Permitted and Conditional Uses

X.2.03 Dimensional Standards

X.2.01 PURPOSES

(1) **FP Farmland and Forest Preservation District**

The FP district is intended to promote continued agricultural and forestry uses on lands suited for such uses; protect and encourage long-term investments in food, fiber, building material, bioenergy, and other resource-related production; maintain property owner eligibility in the State's farmland preservation tax credit program; preserve rural character and manage non-agricultural and non-forestry development; provide opportunities for farm residences, agriculturally- and forestry-related businesses, and home occupations. The County will approve rezoning away from FP for new residences only upon a finding that the requirements of Wisconsin Statutes Section 91.48 are met, which includes consistency with the County Comprehensive Plan. With the consent of or at the direction of the affected town, the FP district is intended to be used in areas mapped as Farmland and Forest Preservation on the Farmland Preservation Plan map in the County Comprehensive Plan and within the County's zoning jurisdiction.

(2) **FH Farmland and Forest Holding District**

The FH district is intended to preserve, for an unspecified time, agricultural and forestry uses on lands suited for such uses; maintain rural character; and provide opportunities for farm residences, agriculturally- and forestry-related businesses, and home occupations. The FH district is not certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection for farmland preservation tax credits. With the consent of or at the direction of the affected town, the FH district is intended to be used in areas that are not mapped as Farmland and Forest Preservation on the Farmland Preservation Plan map in the County Comprehensive Plan. Lands in the FH district may be subject to future rezoning if consistent with the policies of the Comprehensive Plan.

(3) **OAR Open Lands, Agriculture, and Residential District**

The OAR district is intended to accommodate agricultural uses, undeveloped lands, small woodlots, grasslands and other open lands in agriculture, aqua culture, commercial and private forestry use, small-acreage farms/hobby farms, and residential development. The OAR district provides two basic residential development options that may be selected by towns per adopted town and county comprehensive plans. Option A applies to the Towns of Angelica, Germania, Seneca and Waukechon. This requires a minimum lot width of 290 feet and a maximum front yard area of 323 feet from the centerline of the improved road surface. Option B (all other County Zoned Townships) residential development must comply with Table X.2.03A: Dimensional, yard and Other Development Regulations. The OAR zoning district corresponds with the Open Lands, Agriculture and Residential future land use designation within the Shawano County Comprehensive Plan.

(4) **RPOS Recreation and Public Open Space District**

The RPOS district is intended to accommodate all publicly-owned land designated as state parks, scenic areas, or conservation areas; County or town parks or recreation areas; and other outdoor recreational facilities owned by public, private, or non-profit agencies, in accordance with areas mapped as such within the Shawano County Comprehensive Plan.

X.2.02 PERMITTED AND CONDITIONAL USES

- (1) Table X.2.02 indicates all of the permitted and conditional uses in the Working Lands and Open Space zoning districts. Land uses designated with a "P" are permitted-by-right in the associated zoning district. Land uses designated with a "C" are conditional uses in the associated zoning district. If a cell is empty, the associated land use is prohibited in that zoning district. Also prohibited are land uses that are not listed at all in Table X.2.02, except that the Planning, Development and Zoning Committee is authorized to determine that such an unlisted land use is similar enough to one of the land uses listed in Table X.2.02 to have the same permitted-by-right, conditional, or prohibited status as that listed use, subject to any federal, state, or county regulations that affect whether an unlisted use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and ATCP 49, Wis. Admin. Code.
- (2) Permitted uses should not be considered the equivalent of uses that require a land use permit, as that term is defined in Section X.9.03(171). While many permitted (and conditional) uses require a land use permit, others do not. See Section X.8.09 for the types of uses, structures, and other activities that require a land use permit.

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Accessory dwelling unit	C	P		C	X.9.03(1)
Accessory residential structure	P	P	P	P	X.9.03(3)
Agricultural accessory use	P	P	P	P	X.9.03(15)
Agricultural home occupation	P/C ⁵			P/C ⁵	X.9.03(16)
Agriculture-related use	C	C		C	X.9.03(17)
Agricultural structure	P	P	P	P	X.9.03 (14)
Agricultural use	P	P	P	P	X.9.03(18)
Airport, private use		C	C		X.9.03(21)

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Animal waste storage facility	P	P		P	Shawano County Livestock Waste Management Ordinance & Shawano County Livestock Facilities Licensing Ordinance & X.9.03(26)
Bed and breakfast establishment	C	C		C	X.9.03(44)
Campground or camping resort		C	C		X.9.03(61)
Commercial animal services and boarding	C	C		C	X.9.03(70)
Conservation neighborhood development		P			X.9.03(81)
Contractor's on-site equipment storage facility		P			X.9.03(84)
Contractor's project office		P			X.9.03(85)
Contractor's shop		P			X.9.03(86)
Family day care home (4-8 children)	P	P		P	X.9.03(114)
Farm residence (FP & FH)	P ²			P	X.9.03(118)
Filling and grading	P/C ³	P/C ³	P/C ³	P/C ³	X.9.03(120)
Game farm	C	C	C	C	X.9.03(127)
Golf course, public or private		C	C		X.9.03(132)

Permitted and Conditional Uses

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Permitted and Conditional

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Hobby farm	P	P	P	P	X.9.03(145)
Home Occupation, Major		C			X.9.03(147)
Home Occupation, Minor		P			X.9.03(148)
Hunting, fishing, or recreational shelter	C	P	C	P	X.9.03(150)
Indoor institutional use, Major	C	P	P	C	X.9.03(158)
Indoor institutional use, Minor	C	P	P	C	X.9.03(159)
Indoor sales		C			
Intermediate day care home (9 – 15 children)	C	C		C	X.9.03(165)
In-unit suite	C	P		C	X.9.03(166)
Keeping of farm animals	P	P	P	P	X.5.10 & X.9.03(168)
Light Manufacturing		C			X.9.03(174)
Livestock facility	P	P		P	Shawano County Livestock Waste Management Ordinance & Shawano County Livestock Facilities Licensing Ordinance & X.9.03(177)
Nonfarm residence constructed before January 1, 2014 (FP & FH)	C ¹			C	X.9.03(208)

Table X.2.02: Permitted and Conditional Uses, Working Lands and Open Space Zoning Districts

↓ LAND USES ↓	Farmland and Forest Preservation District (FP)	Open Lands, Agriculture, and Residential District (OAR)	Recreation and Public Open Space District (RPOS)	Farmland and Forest Holding District (FH)	Subject to Land Use Description and Performance Standards in:
Non Residential Principal Structure	P	P	P	P	X9.03(212)
Non-metallic mineral extraction	C	C		C	X.9.03(211)
Outdoor commercial entertainment or recreation		C	C		X.9.03(224)
Outdoor institutional use	C	C	C	C	X.9.03(226)
Outdoor public recreation	C	P	P	C	X.9.03(227)
Outdoor wood furnace	P	P	P	P	X.9.03(230)
Personal Antenna or Tower	P6/C	P6/C	P6/C	P6/C	X.9.03(236)
Personal storage facility/mini-warehouse		C			X9.03(237)
Pond	P	P	P	P	X.9.03(239)
Portable outdoor storage unit	P	P		P	X.9.03(241)
Private reception venue	C	C		C	X9.03(248)
Public utility or service	P4/C	P4/C	P4/C	P4/C	X.9.03(254)
Replacement of existing manufactured/mobile home	P	P	C	P	X.9.03(260)
Sales of farm and forestry products	P	P	P	P	X.9.03(270)
Single-family dwelling (including manufactured homes meeting standards in Section X.9.03(287))		P	C		X.9.03(287)
Solar energy system, Large	C	C	C	C	X9.03(291)
Solar energy system, Small	P	P	P	P	X.9.03(292)

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Telecommunication facility	C	P	P	C	X.9.03(302)
Temporary occupancy of recreational vehicles	P	P	P	P	X.9.03(307)
Temporary standalone manufactured or mobile home	P	P		P	X.9.03(310)
Tents	P	P	P	P	X.9.03(313)
Trucking Facility		C			X.9.03(318)
Two-family dwelling		C			X.9.03(319)
Vehicle course or track	P	P	P	P	X.9.03(327)
Vehicle repair or maintenance service		C			X.9.03(328)
Wind energy system, Large	C	C	C	C	X.9.03(336)
Wind energy system, Small	P	P	P	P	X.9.03(288)

Notes:

- ² See Section X.8.11, the Shawano County Comprehensive Plan, and the applicable town comprehensive plan for siting and density policies for new residences. New farm residence only applies in the FP and FH zoning districts.
- ³ Placement of between 18 and 199 cubic yards of fill is a permitted-by-right use that requires a land use permit. For lots 2 acres or less in size: placement of 200 cubic yards of fill or greater requires a conditional use permit. For lots greater than 2 acres in size: placement of 500 cubic yards of fill or greater require a conditional use permit. See Section X.9.03 (120) for additional performance standards.
- ⁴ If a transportation, utility, communication, or other use is required under state or federal law to be located in a specific place or is authorized to be located in a specific place under a state or federal law, that use shall be a permitted-by-right use. In other cases, such use shall require a conditional use permit.
- ⁵ See Section X.9.03 (16)(b) for circumstances that require a conditional use permit for an “agricultural home occupation.”

- ⁶ Personal Antennas or Towers: If a tower or antenna is required under state or federal law to be located in a specific place or is authorized to be located in a specific place under a state or federal law, that use shall be a permitted-by-right use.

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- ⁷ A nonfarm residence only applies to the FP & FH zoning districts. See Section X.9.03(208) for zone change or conditional use options.

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X.2.03 DIMENSIONAL STANDARDS FOR WORKING LANDS AND OPEN SPACE DISTRICTS

Tables X.2.03A and B indicate dimensional, yard, and other development regulations in Working Lands and Open Space zoning districts. For additional dimensional standards applicable to lands within the shoreland zone, see the Shawano County Shoreland Zoning Ordinance. In the event of conflict, the more restrictive standard applies.

Table X.2.03A: Dimensional, Yard, and Other Development Regulations, Working Lands and Open Space Zoning Districts

	Farmland and Forest Preservation District (FP); Farmland and Forest Holding District (FH)	Open Lands, Agriculture, and Residential District (OAR) ⁷	Recreation and Public Open Space District (RPOS)
Minimum Lot Size ¹	1.5 acres ²	1.5 acres ²	1.5 acres ²
Minimum Lot Width (feet) ¹	100	Option A: 290 ⁷ Option B: 100	100
Development Specifications			
Maximum New Residential Development Ratio or Density ³	Maximum of 1 principal farm residence per lot; new nonfarm residences require rezoning per associated Comprehensive Plan policies.	N/A	N/A
Maximum Building Height (ft.) ⁶	35	35	35
Minimum Single Family Dwelling livable Area (sq. ft.)	500	500 (1,200 for two-family dwelling)	500
Minimum Required Yards (feet)⁴			

Table X.2.03A: Dimensional, Yard, and Other Development Regulations, Working Lands and Open Space Zoning Districts

	Farmland and Forest Preservation District (FP); Farmland and Forest Holding District (FH)	Open Lands, Agriculture, and Residential District (OAR) ⁷	Recreation and Public Open Space District (RPOS)
Front Yard or Street Yard	See Table X.2.03B	See Table X.2.03B; Option A: <u>Maximum</u> 323 ft. between principal residential structure (does not include hunting/fishing shelter) and public road right-of-way centerline ⁸	See Table X.2.03B
Interior Side Yard ⁵	10	10	10
Rear Yard ⁵	25	25	25
Minimum distance between any building and wetland	15	15	15
Minimum distance between any building and State Natural Area	75	75	75

Notes:

Powts: If lot is served by private on-site waste treatment system, or pcwts serving four or fewer lots.

Pcwts: If lot is served by private community waste treatment system serving five or more lots.

¹ For lots created before April 19, 2011, see Section X.7.05.

² An individual town may have land division regulations or other policies that require a larger minimum lot size in that town.

³ See Section X.8.11 and the County Comprehensive Plan for detailed information associated with the tracking and calculation of allowable new dwelling units on parcels in the FP and FH zoning districts.

⁴ For lots that are less than 100 feet in width, a plat of survey and field demarcation by a professional land surveyor is required for buildings proposed to be within 5 feet of any minimum required yard or setback (see Section X.8.09(8) for further details).

⁵ For storage sheds and other accessory buildings 200 sq. ft. or less in gross floor area, a minimum 5 foot rear and interior side yard shall instead be permitted. Structures 200 sq. ft. or less in gross floor areas do not require a land use permit except within the Shoreland area.

⁶ See Section X.5.03(5) for exemptions from the maximum building height standard.

⁷ The OAR zoning district has two basic options for arranging development on the landscape. The following towns have Option A outlined in their town comprehensive plans: Angelica, Germania, Seneca, Waukechon. Option B applies to all other locations where the OAR district is mapped.

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⁸ The maximum 323' between principal residential structure and road right-of-way centerline shall not apply when the existing principal residences to be rebuilt or replaced within 500' of its original location.

Table X.2.03B: Minimum Required Setback for Front and Street Side Yards

Jurisdiction of Public Road	Minimum Required Front or Street Yard from Centerline of Paved or Gravel Roadway Surface (feet)	Minimum Required Front or Street Yard from Closest Public Road Right-of-Way or Easement Line, if no Paved or Gravel Road Surface (feet)
Municipal Road	50	17
County Trunk Highway	65	35
State Trunk or U.S. Highway	75	45
Exceptions: (1) In no case shall a building be set back less than 25 feet from the nearest State Trunk or U.S. Highway right-of-way line. (2) Where each of the two adjoining lots on either side of a lot contains at least one pre-existing principal building, the minimum required front yard setback on the lot may be reduced to a number equal the average setback of the closest principal buildings to the public street on the adjoining lots, except where such setback would be in violation of exception (1).		