

**TOWN OF MOSEL  
SHEBOYGAN COUNTY, WISCONSIN**

**ORDINANCE NO. 2023-02**

**AN ORDINANCE AMENDING CHAPTER 7: ZONING  
OF THE TOWN OF MOSEL MUNICIPAL CODE**

**WHEREAS**, the Town of Mosel regulates the use and development of land and buildings within the Town; and

**WHEREAS**, amendments must be made to from time-to-time to keep the policies current, reflect current practices, and address new issues and circumstances; and

**WHEREAS**, a public hearing was held on June 7, 2023 at 6:30 p.m. at the Mosel Town Hall, W982 CTH FF, Haven, Wisconsin, after public notice; and

**WHEREAS**, the Town of Mosel Planning Commission, after careful consideration of testimony and an examination of the facts attendant with the petition, recommended that Chapter 7 of the Town of Mosel Municipal Code be amended to address current practices and new circumstances; and

**WHEREAS**, the Town Board has determined that amending this chapter accordingly would promote the public health, safety, and welfare of the Town and its inhabitants.

**NOW, THEREFORE**, the Town Board of the Town of Mosel, Sheboygan County, does ordain as follows:

Section 1. Section 7.02 B *Definitions* amended to add the following definitions:

**CAMPING UNIT**

Structure including a tent, camping cabin, yurt, recreational vehicle, motor home, bus, van, or pickup truck. Individual units as defined in Wisconsin State Stats Chapter ATCP 79.

**FLOOR AREA, GROSS**

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

**INTERIOR SPACE**

Any roof covered part of a building or structure, regardless of the presence of side walls. This includes a roof covered patio or deck, a lean-to, a pavilion, a bandshell, event tent, and similar structures.

**SOLAR ENERGY SYSTEMS (SES)**

A device, array of devices, or structural design feature used for the collection, storage, on/or distribution of solar energy for space heating or cooling, lighting, electric generation, or water heating. This ordinance categorizes a facility with an electrical generation capacity of 100 MW (megawatts) or more as a large-scale SES; a facility with a capacity of less than 100 MW but more than 30 kW (kilowatts) as a mid-scale SES; and a facility with a capability of 30 kW or less as a small-scale. A large- or mid-scale SES may encompass multiple, non-contiguous parcels, with different zoning districts, if owned or leased by a single developing entity. (This definition is not intended to include ground or wall mounted solar powered light fixtures, solar powered electric fences, or similar solar devices.)

**TENT**

A portable shelter made of canvas, cloth or similar materials, supported by one or more poles, and stretched tight cords or loops attached to stakes driven into the ground, lacking a basement, for temporary use by guests.

**YURT**

A small, typically circular tent of skins, felt, or similar material stretched over a framework of poles, lacking a basement, for the temporary use by guests.

Section 2. Section 7.02 B *Definitions* amended as follows:

**NON-AGRICULTURALLY RELATED PRODUCTS**

Those items not connected to farming or farm operations, such as novelty T-shirts or other clothing, crafts and knick-knacks imported from other states. ~~Such items are not allowed for retail sale within the A-E District.~~

**NON-AGRITOURISM RELATED ACTIVITIES**

Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related activities include ~~small carnivals for children; musical, artistic, or similar performances; concerts,~~ wedding, reunions, celebrations, meetings, retreats, etc., and must be held within an event barn, or similar facility, or ~~designated area~~ for which a conditional use has been granted.

**DISTILLERY (MICRO-)**

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 gallons of distilled spirits in one calendar year. Also known as "Farm-to-Flask" or "Grain to Glass." May include retail/wholesale beverage and related products, as well as a tasting room.

**YARD, STREET**

Refer to Section ~~7.02B(1.18)~~ Yard, Front

Section 3. Section 7.03 D **DUTY OF ENFORCEMENT** amended as follows:

The duty of the Building Permit Official, with the aid of the ~~Town Elected Officials,~~ Sheriff's Department, or ~~Contract Law Enforcement,~~ shall be to investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. The Building Permit Official, ~~Town Elected Official,~~ Contract Law Enforcement and/or any duly appointed deputies, may enter at any time onto any public or private lands or waters to make an inspection after reasonable effort to provide notice of such inspection.

Section 4. Section 7.03 G. (8) **AREA, YARD, AND BUILDING REQUIREMENT** is hereby created as follows:

- (8) Dwelling unit minimum gross floor area and foundation requirements; for units constructed after June 21, 2023.
  - (a) The minimum gross floor area for a single-family dwelling is 900 square feet. The calculation of floor area shall not include any unfinished basement or attic, garage, deck, patio, balcony, breezeway, or similar space, or any detached structure.
  - (b) The minimum gross floor area for a two-family or multi-family dwelling is 900 square feet per unit. The calculation of floor area shall not include any unfinished basement or attic, garage, deck, patio, balcony, breezeway, or similar space, or any detached

- structure.
- (c) All dwelling units must be placed on a permanent foundation. A foundation is considered to be permanent if it is supported below the anticipated frost level, 48 inches below grade. If the foundation is not supported below the anticipated frost level, a recognized method of frost proofing may be utilized.

Section 5. Section 7.03 H. (12) and (13) **HOME OCCUPATIONS** is hereby created as follows:

- (12) Rental storage in existing permanent agricultural structures in all Agricultural Districts shall be considered a home occupation provided it meets all applicable standards as set forth in this ordinance. Hoop style buildings and shipping containers are not to be used as rental structures.
- (13) All home occupations are required to have their own removal of commercial waste and recycling.

Section 6. Strike the following item from Section 7.04 A. **ZONING DISTRICTS**

A. ~~A-3—Rural Preservation District~~

Section 7. Section 7.05 A. (1) (ii) **A-1 PRIME AGRICULTURAL DISTRICT** amended as follows:

- (ii) An activity or business operation that is an integral part of, or incidental to, an agricultural use. Such activities or operations include but are not limited to the following:
1. Christmas tree farms
  2. Commercial kitchens
  3. Community Support Agriculture (CSAs)
  4. Farm direct marketing
  5. Greenhouses
  6. Paddocks and stables
  7. Roadside stands, not to exceed one (1) per tract
  8. U-pick operations
- However, uses that meet the definition of agritourism as defined in this ordinance and/or are listed in Section 7.06 S (2) of this ordinance are only allowed in the A-E District.

Section 8. Section 7.05 A. (1) (iii) **A-1 PRIME AGRICULTURAL DISTRICT** amended as follows:

- (iii) A business activity, or enterprise, whether or not associated with an agricultural use, that meets the standards of a home occupation in Section 7.03 of this ordinance.

Section 9. Section 7.05 A. (1) (h) **PRIME AGRICULTURAL DISTRICT** is hereby created as follows:

- (h) Solar energy systems small-scale

Section 10. Section 7.05 B. **A-1-S PRIME AGRICULTURAL DISTRICT (SMALL-SCALE)** amended as follows:

The purposes of the A-1-S Prime Agricultural District (Small-Scale) is are to provide for plots of land to enable smaller scale agricultural pursuits such as truck farming, horse farming, hobby farming, orchards, niche farming, organics, and similar agricultural-related farming activities; and to allow for a existing residence to separate from a farm while minimizing the amount of agricultural land removed from the farm. No building or use shall hereafter be established or enlarged within the A-1-S District unless it conforms to the following regulations.

(3) Area, Yard, and Building Bulk Requirements

- (a) **Minimum lot area:** Five (5) acres. ~~However, a lot may be as small as one-and a half (1.5) acres if created for the purpose of separating a farm residence built before January 1, 2014 from the rest of the farm. In such a case, the new lot must be large enough to also include any surrounding outbuildings and meet all yard setbacks.~~
- (c) **Minimum lot width:** Two hundred and fifty (250) feet for lots five (5) acre or larger; or one hundred and fifty (150) feet for lots smaller than five (5) acres created under subsection 7.05 (B)(3)(a).

Section 11. Section 7.05 D. (1) (c) **A-2 GENERAL AGRICULTURAL DISTRICT** amended as follows:

- (c) Horticulture, ~~excluding greenhouses and plant nurseries~~

Section 12. Section 7.05 D. (1) (f) **A-2 GENERAL AGRICULTURAL DISTRICT** is hereby created as follows:

- (f) Solar energy systems small-scale.

Section 13. Section 7.05 E. **A-3 RURAL PRESERVATION DISTRICT** is hereby repealed, and subsequent districts are renumbered as follows:

- ~~E. **A-3 RURAL PRESERVATION DISTRICT**~~
- E. **A-T AGRICULTURAL TRANSITION DISTRICT**
- F. **A-E AGRICULTURAL ENTERPRISE DISTRICT**
- G. **C-1 CONSERVANCY DISTRICT**
- H. **R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**
- I. **R-2 TWO-FAMILY RESIDENTIAL DISTRICT**
- J. **R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**
- K. **RH-1 RURAL HAMLET DISTRICT**
- L. **BUSINESS DISTRICT**
- M. **INDUSTRIAL DISTRICT**

Section 14. Section 7.05 F. (1) (a) **A-E AGRICULTURAL ENTERPRISE DISTRICT ACCESSORY USES** amended as follows:

- (a) All ~~permitted~~ uses ~~allowed~~ in the A-1 Prime Agricultural District, provided the minimum land area is equal to or greater than twenty (20) acres. If the land area is less than twenty (20) acres, all permitted uses in the A-1 District shall be conditional uses in A-E, except as provided in subsection (b) through (e) below.

Section 15. Section 7.05 F. (1) (f) **A-E AGRICULTURAL ENTERPRISE DISTRICT ACCESSORY USES** is hereby created as follows:

- (f) Solar energy systems small-scale.

Section 16. Section 7.05 F. (3) (a) **A-E AGRICULTURAL ENTERPRISE DISTRICT ACCESSORY USES** amended as follows:

- (a) **Minimum lot and/or A-E area:** Five (5) acres, unless otherwise specified for particular conditional uses. ~~Note: An entire property does not need to be zoned A-E; only the part that encompasses the agritourism use is required to be A-E.~~

Section 17. Section 7.05 G. (1) (f) **C-1 CONSERVANCY DISTRICT** is hereby created as follows:

(f) Solar energy systems small-scale.

Section 18. Section 7.05 H. (1) (c) **R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT** is hereby created as follows:

(c) Solar energy systems small-scale.

Section 19. Section 7.05 I. (1) (g) **R-2 TWO-FAMILY RESIDENTIAL DISTRICT** is hereby created as follows:

(g) Solar energy systems small-scale.

Section 20. Section 7.05 J. (1) (d) **R-3 MULTI-FAMILY RESIDENTIAL DISTRICT** is hereby created as follows:

(d) Solar energy systems small-scale.

Section 21. Section 7.05 K. (6) (h) **RH-1 RURAL HAMLET DISTRICT** is hereby created as follows:

(h) Solar energy systems small-scale.

Section 22. Section 7.05 L. (1) (e) **B-1 BUSINESS DISTRICT** is hereby created as follows:

(e) Solar energy systems small-scale.

Section 23. Section 7.05 M. (1) (e) **I-1 INDUSTRIAL DISTRICT** is hereby created as follows:

(e) Solar energy systems small-scale.

Section 24. Section 7.06 E. **PUBLIC HEARING** amended as follows:

No more than sixty (60) days after the filing of the application for a Conditional Use Permit or Special Land Use Permit, or ninety (90) days for a Planned Residential Development, a public hearing shall be held by the Town Board. Notice of the hearing shall be posted in the Town and published at least ~~one~~ two times in the Town of Mosel's designated newspaper not less than ten (10) nor more than thirty (30) days before the date of such hearing. Written notice of the hearing shall be given to the applicant at least ten (10) days before the hearing. The notice of public hearing shall contain at a minimum the date, time, and place of the hearing; street address or common description of the property involved; and a brief statement of the conditional use sought.

Section 25. Section 7.06 F. (4) **APPROVAL AND CONDITIONS** is hereby created as follows:

(4) All businesses that operate under a conditional or special land use permit are required to have their own removal of commercial waste and recycling.



Section 26. Section 7.06 I. (2) (c) **GENERAL CONDITIONAL USES** is hereby created as follows:

- (e) Must meet all the applicable requirements of Wisconsin Statutes related to a new or expanding cemetery.

Section 27. Section 7.06 J. (2) (c) (v) **CONDITIONAL USES IN A-1 AND A-1-S DISTRICTS** is hereby created as follows:

- (v) Facility providing commodity trucking services.

Section 28. Section 7.06 J. (2) (j) **CONDITIONAL USES IN A-1 AND A-1-S DISTRICTS** is hereby created as follows:

- (j) Agricultural Events:

- (i) An Agricultural Event requires a conditional use permit if it takes place over two or more days and/or one or more of the following apply: advertised, open to the public, set hours of operation, or recurring. A one-day agricultural event such as an estate auction, crop walk, or operational meeting is not required to obtain a conditional use permit but must follow Town Ordinances including but not limited to parking and setbacks requirements.
- (ii) The requirements listed in this subsection are the recommended standards and will be followed unless the applicant provides a written *Plan of Operation* that adequately makes the case for an alternative standard and, if applicable, describe the steps they would take to sufficiently protect the public health, safety, and welfare, and further, preserve the general solitude and rural character of the Town. Such *Plan of Operation* must be approved by the Town Board prior to the final submittal of a conditional use permit application or any amendment to a conditional use permit.
  1. Federal, State, County Approvals – Any uses and/or structures requiring licenses, permits, or other approvals from any entity other than the Town of Mosel shall be obtained 60 days prior to event.
  2. Hours of availability to the public are limited to 9:00 a.m. to 10:00 p.m.
  3. Events shall be limited to three (3) consecutive days.
  4. Events shall be limited to two (2) events per calendar year.
  5. On property camping shall be limited to event staff, exhibitors and vendors and must comply with Section 7.15 of the Town of Mosel municipal code.
  6. Lighting is regulated per Section 7.06 S. (1) (i) of the Town of Mosel Zoning Ordinance.
  7. Campfires are regulated per Section 7.06 S. (1) (k) of the Town of Mosel Zoning Ordinance.
  8. Parking is regulated per Section 7.06 S. (1) (g) of the Town of Mosel Zoning Ordinance.
  9. All signs are regulated per section 7.10 of the Town of Mosel municipal code
  10. Property boundaries should be clearly marked to avoid guests trespassing on neighboring properties.
  11. Event activities shall abide by the limitations specified in Section 5.14 of the Town of Mosel Municipal Code regarding noise regulations.

12. Transient Merchants are regulated per Section 4.09 of the Town of Mosel Municipal Code.
13. An individual Conditional Use Permit must be obtained by every property owner participating in the event.
14. Event activities must meet all setback requirements.

**Section 29. Section 7.06 J. (2) (k), (l) and (m) **CONDITIONAL USES IN A-1 AND A-1-S DISTRICTS** are hereby created as follows:**

- (k) Camping. All camping events must comply with Section 7.15 of the Town of Mosel Municipal Code.
  - (l) Solar energy systems mid-scale.
  - (m) Solar energy systems large-scale.
- Note: all solar energy systems must comply with Section 7.16 of the Town of Mosel Municipal Code.

**Section 30. Section 7.06 L. (1) (n), (o) and (p) **CONDITIONAL USES IN A-2 AGRICULTURAL DISTRICT** are hereby created as follows:**

- (n) Camping. All camping events must comply with Section 7.15 of the Town of Mosel Municipal Code.
  - (o) Solar energy systems mid-scale.
  - (p) Solar energy systems large-scale.
- Note: all solar energy systems must comply with Section 7.16 of the Town of Mosel Municipal Code.

**Section 31. Section 7.06 M. **CONDITIONAL USES IN A-T TRANSITIONAL DISTRICT** amended as follows:**

**M. CONDITIONAL USES IN A-T TRANSITIONAL DISTRICT**

Excepting residences, which are permitted uses in the A-T Agricultural Transition District, all of the conditional uses in the A-1 District specified in sub. J and the A-2 District specified in sub. L, ~~except solar energy systems large-scale,~~ shall be conditional uses in the A-T District. Consistency with agricultural use is not require for conditional uses in the A-T District. ~~Note: Solar energy systems large-scale are not an allowed use in the A-T District.~~

**Section 32. Section 7.06 Q. (2) (26), (27) and (28) **CONDITIONAL USES IN B-1 BUSINESS DISTRICT** are hereby created as follows:**

- (26) Camping. All camping events must comply with Section 7.15 of the Town of Mosel Municipal Code.
  - (27) Solar energy systems mid-scale.
  - (28) Solar energy systems large-scale.
- Note: all solar energy systems must comply with Section 7.16 of the Town of Mosel Municipal Code.

Section 33. Section 7.06 R. (24), (25) and (26) **CONDITIONAL USES IN I-1 INDUSTRIAL DISTRICT** are hereby created as follows:

(24) Camping. All camping events must comply with Section 7.15 of the Town of Mosel Municipal Code.

(25) Solar energy systems mid-scale.

(26) Solar energy systems large-scale.

Note: all solar energy systems must comply with Section 7.16 of the Town of Mosel Municipal Code.

Section 34. Section 7.07 B. (2) **GENERAL PERMITTED USES** amended as follows:

In the A-1 District, the A-1-S District, the AP-R District, ~~the A-3 District~~, A-E District or the A-T District, accessory uses or structures, such as barns, silos, and other outbuildings used in connection with any permitted use, except permitted residential use, are not subject to the restrictions of this section, but shall meet all the area, yard and building bulk requirements of the appropriate zoning district.

Section 35. Section 7.07 E. (3) **STANDARDS** amended as follows:

Generally, no accessory use or structure shall be permitted in a front yard unless it is a permitted obstruction within the meaning of Section 7.07 D. Bulk Regulations. One accessory structure ~~in whole or in part~~ may be located in the front yard of any zoning district except RH-1 Rural Hamlet District, if it meets all the following criteria:

Section 36. Section 7.07 E. (3) **STANDARDS** amended as follows:

Parcel Size (square feet)	Maximum Individual Building Size Area (square feet)	Maximum Aggregate of Buildings-Area (square feet)	Maximum Number of Accessory Structures	Maximum Building Height (feet)
All Parcels	1,040	1,040	1	25



Section 37. Severability. Should any portion of this ordinance or the affected municipality code be determined unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 38. This ordinance shall become effective the date after posting.

Adopted this 21<sup>st</sup> day of June, 2023.

**TOWN OF MOSEL, WISCONSIN**

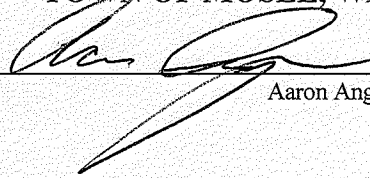


ATTEST: Todd Grunwald, Deputy Clerk-Treasurer

MOTION: Schmidt / Wagner

VOTE: 3 Ayes 0 Noes 0 Abstentions

EFFECTIVE DATE: June 21, 2023



Aaron Anger, Town Chair