

**AMENDING CHAPTER 244 AND CHAPTER 298 OF THE
GENERAL ORDINANCES
FOR THE VILLAGE OF WEBSTER, BURNETT COUNTY,
WISCONSIN**

Effective March 27, 2024, revise the following sections of the Code or Ordinance of the Village of Webster by amending Chapter 244 Ordinance §244-19 and Chapter 298 §298-18, §298-87, §298-23, §298-29, §298-31, §298-36, §298-70, §298-75, §298-76, §298-81, §298-82

244-19

Zoning permits.

C. Expiration. All permits issued under the authority of this chapter shall expire 24 months from the date of issuance.

[amended 03/27/2024]

298-18 R-1 Single Family

(7) Permitted uses and structures.

(a) Single-family dwellings, [including](#) manufactured homes (mobile homes built to HUD standards). For purposes of this chapter, manufactured dwellings (homes built off site to Wisconsin UDC standards) are included in the definition of "single-family dwelling." [amended 03/27/2024]

298-87 Definitions

MANUFACTURED HOME

[Added 9-8-1994][amended 03/27/2024]A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426 which, when placed on the site:

(1) Is set on an enclosed continuous foundation in accordance with § 70.043(1), Wis. Stats., and [DSPS 321.40](#) of the Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the [Zoning Administrator](#), who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

§ 298-23

A-1 Agricultural and Forestry District.

A.

Purpose. This district is established to:

- (1) Help conserve good farming areas; and
- (2) Prevent uncontrolled, uneconomical spread of residential development since it results in excessive costs to the community for provision of essential public improvements and services (sewer and water lines, etc.).

B. Permitted uses are:

[Amended 6-13-2001]

- (1) Farming, except that no farm animals shall be allowed within the village. [Raising animals other than cats and dogs in the Village limits will require a Conditional Use Permit.](#)[amended 03/27/2024]
- (2) Airports, including terminal facilities and necessary concessions.
- (3) In-season roadside stands for the sale of farm products produced on the premises.

§ 298-29

Application for conditional use. [amended 03/27/2024]

A. Filing of application. An application for a conditional use shall be filed with the Clerk-Treasurer on a form prescribed by the village. The application shall be accompanied by such plans and other information as may be prescribed by the [Zoning Administrator](#) or Village Board and shall include a statement in writing by the Plan Commission and applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in § 298-32 hereinafter. The Village Board may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover and specifications for areas of proposed filling, grading and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; and plans of buildings, sewage disposal facilities and water supply systems and arrangements of operations.

B. Application information. Applications for conditional use permits shall be made in duplicate to the Clerk-Treasurer on forms furnished by the village and shall include the following:

(1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure;

proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(3) Plat of survey prepared by a registered land surveyor showing all of the information required under § 298-9 for a zoning permit and, in addition, the following: mean and historic high-water lines on or within 40 feet of the subject premises and existing and proposed landscaping.

(4) Additional information as may be required by the Village Board, Plan Commission, Village Engineer, and [Zoning Administrator](#). [amended 03/27/204]

(5) Fee receipt from the Village Clerk-Treasurer in the amount as established by the Village Board.

§ 298-31

Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 notice under the Wisconsin Statutes in the official village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the [Zoning Administrator](#), members of the Village Board and the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least 10 days prior to the date of such public hearing. [amended 03/27/2024]

§ 298-36

Complaints regarding conditional uses.

A. The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the [Zoning Administrator](#) to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code.

B. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in § 298-32 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in § 298-31 above. Any person may appear at such a hearing and testify in person or be represented by an agent or attorney.

C. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in § 298-32 or conditions previously imposed by the Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that standards in Subsection A(1) and (2) in § 298-32 will be met, the Village Board may revoke the subject conditional approval and direct the [Zoning Administrator](#) and the Village Attorney to seek elimination of the subject use.

D. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons, therefore.

[amended03/27/2024]

§298-70

Fence setback in residential districts.

No fence or portion of a fence shall be constructed within the front setback area of a building; provided, however, that a decorative fence may be constructed in the front setback area **with a maximum height of 36 inches**. Fences may be constructed alongside rear and side yard lot lines, provided there is a minimum two-foot setback, but shall not extend into the front setback area as extended to the side lot lines. [amended 3/27/2024]

298-75

Private swimming pools.

A. Definition. A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than 18 inches.[amended 03/27/2024]

B. Exempt pools. Storable swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 18 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this section.[amended 03/27/2024]

C. Requirements. All private swimming pools shall meet the following requirements:

(1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

(2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than the minimum lot and yard setback requirements as specified for the district in which the pool is located.[amended 03/27/2024]

(3) A wall or fence at least 60 inches high and not more than six feet from ground level shall be constructed so as to prevent uncontrolled access to the pool by children from the street or from adjacent properties. The fence material shall be a durable wood or chain-link type so as to make access difficult. The fence shall enclose all private combination, diving, swimming and limited purpose pools. The entrance to the pool area may be

provided through a bathhouse or gate. The gate shall be equipped with a self-closing device and provided with a locking device. Such gates shall be kept locked when the pool is not in use.

(4) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 36 inches high on the top outer edge of the raised deck. Where pool ladders are provided, they shall be a type that can be removed when the pool is not in use.

(5) All electrical service to swimming pool areas shall be in compliance with the requirements of Section 680 of the National Electrical Code.

(6) Water connections and all plumbing work shall be approved by the Director of Public Works and shall comply with all requirements of the State Plumbing Code.

(7) Such pool shall not occupy more than 65% of the rear yard and shall conform to permitted accessory use requirements regarding side and rear yard distance to lot lines.

298-76 Solar Array Systems [amended 03/27/2024]

C.

Application. Application for a [solar array system](#) permit shall be made in writing to the [Zoning Administrator](#). With such application, there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed [solar array system](#) with respect to adjoining alleys, lot lines and buildings. Such application shall be considered and acted upon by the [Zoning Administrator](#). The [Zoning Administrator](#) shall act on all such applications within a period of 10 days.

§ 298-81

Powers of Zoning Board of Appeals.

In addition to those powers enumerated in Chapter 14 of this Code, the Zoning Board of Appeals shall have the following powers:

A. Errors. To hear and decide appeals where it is alleged there is [an error](#) in any order, requirement, decision or determination made by the [Zoning Administrator](#). [amended 03/27/2024]

§ 298-82

Variances.

A. Purpose.

B.

(5) Additional information required by the Village Board, Village Engineer, Plan Commission, Zoning Board of Appeals or [Zoning Administrator](#). [amended 03/27/2024]

C. Public hearing of application.

The Zoning Board of Appeals shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Village of Webster, and due notice shall be given to the parties in interest. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, [Zoning Administrator](#) and Village Board.

[amended 03/27/2024]

§ 298-57 Existing Nonconforming Uses and Structures

- A. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. Total lifetime structural repairs or alterations shall not exceed 50% of the village's assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.
- C. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- o. A lawful nonconforming use of a structure or land may conditionally be permitted to be extended, enlarged, or structurally altered only pursuant to the terms of this section and only if there is no negative impact on neighboring properties or their occupants. Whether to conditionally permit any extension, enlargement, or structural alteration of a nonconforming use or structure is a discretionary decision of the Plan Commission, and the Plan Commission may grant a request subject to certain conditions and/or for a term certain. Owners and operators of lawful nonconforming uses and structures do not have an automatic or vested right to extension, enlargement, or structural alteration. If permitted, any extension, enlargement, or structural alteration to a lawful nonconforming use or structure shall be deemed a Conditional Use for the zoning district in which the property is situated and shall be strictly limited to its terms. Any request to extend, enlarge, or structurally alter a lawful

nonconforming use or structure must be made by application for a Conditional Use Permit as set forth in Section 298-24. A hearing on the application for Conditional Use Permit shall be held in accordance with Section 298-31. No request to extend, enlarge, or structurally alter a lawful nonconforming use or structure may be granted unless the Plan Commission finds that all of the conditions identified in Section 298-32 of this chapter are present and that there is no negative impact on neighboring properties or their occupants. If a Conditional Use Permit is granted to authorize the extension, enlargement, or structural alteration of a lawful nonconforming use or structure, the Conditional Use Permit shall be subject to all of the ordinances governing Conditional Use Permits.

Motion by: Trustee, Maloney


Seconded by: Trustee, Stuart

Ayes: 7
Absent: 0

Nays: 0
Abstained: 0



Bill Summer, Village President



Attest: Debra Kuhnly,
Clerk/Treasurer

Dated this 13th day of March 2024.