

Date: October 15, 2025

To: Town of West Bend Plan Commission

From: Kristen Hoss, Asst. Zoning Administrator

Subject: Amend Appendix A of the Town's Zoning Code to permit non-residential fences in the P-1 Public and Private Park District (P-1 District); Town of West Bend, applicant

Application: 2025-07

Meeting: October 23, 2025, Plan Commission meeting

General description The Town of West Bend is proposing to amend the Town's zoning code to allow non-residential fences in the P-1 District as a permitted use. Currently, it is not an allowed use in the P-1 District but is allowed in B-1 Commercial/Mixed-Use District, B-2 Commercial/Mixed Use District, and M-1 Industrial District. The change would be made to the Uses Matrix in Appendix A as shown in the draft ordinance attached as Exhibit A.

Background The Town identified the need for this amendment after receiving an inquiry from Washington County to replace a dilapidated fence near the public launch on Silver Lake. As drafted, the amendment would allow public uses such as this to obtain a non-residential fence permit provided all applicable standards are met. The current code does not list non-residential fences as a permitted use in the P-1 district, creating inconsistency with other districts that accommodate similar uses.

Notice requirements A notice of public hearing was published in the Washington County Daily News on October 8 and 15, 2025.

Review procedures The Plan Commission makes a recommendation, and the Town Board makes the final decision.

Staff Recommendation Staff recommend approval of the proposed text amendment based on the following reasons:

The P-1 District provides for public and private parks, recreation, and open-space uses that meet community needs while preserving the Town's natural, cultural, and environmental resources. The district allows low-intensity improvements that support recreational, institutional, and public purposes without detracting from the Town's rural and environmental character.

Fencing is occasionally needed in park and open-space settings to protect facilities, define park boundaries, secure maintenance areas, enhance safety around recreational amenities, or buffer residential uses from nonresidential uses. Because the current code does not list non-residential fences as a permitted use in the P-1 District, the Town initiated this amendment to ensure consistency with the district's purpose and to provide flexibility. Therefore, approval of the zoning amendment is consistent with the purpose and intent of the Ordinance.

Proposed motion for Plan Commission: Recommend to the Town Board the approval of the proposed change to Appendix A of the zoning code, allowing non-residential fences as a permitted use in the P-1 Public and Private Park District.

Attachments:

- A. Draft Ordinance
- B. Appendix A: Use Matrix
- C. Fence, Non-Residential Supplemental Standards

Exhibit A

TOWN OF WEST BEND ORDINANCE NO. 2025-07

ORDINANCE AMENDING THE TOWN'S ZONING REGULATIONS IN CHAPTER 325 OF THE MUNICIPAL CODE

THE TOWN BOARD OF THE TOWN OF WEST BEND, WASHINGTON COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

Section 1. The table in Appendix A of the Town's zoning regulation is amended by showing that “Fence, non-residential” is allowed in the P-1 Public and Private Park District as a permitted use.

Series	Land Use	Residential						Business			Special Purpose	Secondary Review
		R-1N	R-1NC	R-1R	R-1RC	R-1S	R-1SMU	B-1	B-2	M-1	P-1	
14	Accessory Uses for Other Principal Uses											
14.01	Accessory building, non-residential							P	P	P	P	SP
14.02	Drive-through window							P	P			SP
14.03	Fence, non-residential							P	P	P	P	SP
14.04	Outdoor food and beverage service							C	C			SP
14.05	Outdoor play area						C	C	C			SP
14.06	Outside storage, as an accessory use							C		C		SP
14.07	Parking lot (on-site)						P	P	P	P	P	SP
14.08	Tasting room									C		SP

Section 2. Severability: Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and in the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 3. This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of West Bend, Washington
County, Wisconsin this _____ day of _____, 2025.

Troy Zagel, Chairman

Mark Wagor, Supervisor

Steve Lindley, Supervisor

ATTEST:

Julie Ihlenfeld, Clerk

Exhibit B

Current

Series	Land Use	Residential						Business			Special Purpose	Secondary Review
		R-1N	R-1NC	R-1R	R-1RC	R-1S	R-1S/MU	B-1	B-2	M-1	P-1	
14	Accessory Uses for Other Principal Uses											
14.01	Accessory building, non-residential							P	P	P	P	SP
14.02	Drive-through window							P	P			SP
14.03	Fence, non-residential							P	P	P		SP
14.04	Outdoor food and beverage service							C	C			SP
14.05	Outdoor play area						C	C	C			SP
14.06	Outside storage, as an accessory use							C		C		SP
14.07	Parking lot (on-site)						P	P	P	P	P	SP
14.08	Tasting room									C		SP

Proposed

Series	Land Use	Residential						Business			Special Purpose	Secondary Review
		R-1N	R-1NC	R-1R	R-1RC	R-1S	R-1S/MU	B-1	B-2	M-1	P-1	
14	Accessory Uses for Other Principal Uses											
14.01	Accessory building, non-residential							P	P	P	P	SP
14.02	Drive-through window							P	P			SP
14.03	Fence, non-residential							P	P	P	P	SP
14.04	Outdoor food and beverage service							C	C			SP
14.05	Outdoor play area						C	C	C			SP
14.06	Outside storage, as an accessory use							C		C		SP
14.07	Parking lot (on-site)						P	P	P	P	P	SP
14.08	Tasting room									C		SP

14.03 Fence, non-residential

Supplemental Standards:

(A) Height for side and rear yards. The maximum height of a fence or wall shall not exceed eight feet except in required street yard and primary street yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.

(B) Height for street yard or primary street yards. A fence located in a required street yard or primary street yard setback may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50 percent opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20 percent opaque are used.

(C) Boundary fence. A boundary fence or wall shall not be more than 6 feet in height in residential districts and not more than 12 feet in commercial and industrial districts, except that hedges, shrubbery, trees lines, and other such natural barriers may grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of 3 feet in height between the street yard or primary street yard setback line and the abutting lot lines.

(D) Sound barrier/privacy fence or wall on a roadway. A sound barrier/privacy fence or wall constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a residential property abutting an arterial or collector street that has access restrictions and that is posted at no more than 45 miles per hour, shall not exceed eight feet in height.

(E) Height for schools. There is no height restriction for fences around schools.

(F) Measurement. The height of fences and walls are measured at grade. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

(G) Distance to property lines. Fences in non-residential districts shall be set back no less than 2 feet from the property line.

(H) Materials. Fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to the provisions of this part. Fences and walls located in the street yard or primary street yard must be made of materials such as wood, brick, vinyl or stone. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.

(I) Prohibited materials. Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on farms existing at the time of adoption of this Chapter.

(J) Farms. Fences on farms adjoining residential parcels must be screened by a non-electric fence with no less than two feet of space separating the fences. The owners of any adjoining residential parcel shall be notified in writing prior to the construction or installation of an electric fence.

(K) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.

(L) Exceptions. Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions in this part, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than 7 feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.