

BUFFALO COUNTY ZONING ORDINANCE

Adopted by the Board of Supervisors of Buffalo County

Ordinance no. 18-07-01

July 23, 2018



ACKNOWLEDGEMENT

Over the past few years numerous individuals have been involved in the development of the comprehensive revision of the Buffalo County Zoning Ordinance and the Zoning District Map. Numerous meetings were held throughout the County over this period to make the revised ordinance and map a reality. It was the cooperative spirit of all involved that made this effort possible, effective and successful. We thank all who have participated in this most important and needed effort.

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All other Town Board officials and Town Clerks for their assistance.

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BUFFALO COUNTY ZONING ORDINANCE

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CHAPTER 1

TITLE; AUTHORITY; GENERAL PROVISIONS

The County Board of Supervisors of Buffalo County, Wisconsin does ordain as follows:

1. Title.

This Ordinance shall be known as, referred to, or cited as the Buffalo County Zoning Ordinance hereinafter referred to as “this ordinance”

2. Authority.

The provisions of this Ordinance are adopted pursuant to the authority granted by Wisconsin Statutes ss. 59.51, 59.696, 59.697, 56.698, 59.69, and 59.692; in addition it employs those powers and provisions provided for in ss.59.694, 91.71 through 91.79, and 281.31. This Ordinance shall constitute a comprehensive revision, as described in s. 59.69 (5)(d) Wis. Stats., of the 1965 Buffalo County Zoning Ordinance and its subsequent amendments.

3. Contents.

This ordinance consists of both written text and zoning maps, which shall, at all times, be considered as parts of a whole. In addition, other maps and materials referenced in the text are used to support this Ordinance.

4. Jurisdiction.

The jurisdiction of this Ordinance shall apply to all land and water located outside the limits of incorporated cities and villages, subject to Town approval, as provided in Wis. Stat. s. 59.69.

Upon enactment by the Buffalo County Board of Supervisors, this Ordinance shall go into full force and effect as follows:

- A. Enactment. This ordinance shall go into effect upon approval by the applicable Town Board and upon filing with the Buffalo County Clerk, by the applicable Town Clerk, a certified copy of an approving resolution attached to one copy of this Ordinance, as provided in s. 59.69 (5) (c), Wis. Stats.
- B. Endorsement. The Buffalo County Zoning Ordinance of 1965, as amended, shall remain in effect in all Towns in the County which did previously ratify the same for a period of one year following the adoption of this Ordinance by the Buffalo County Board of Supervisors, except for those Towns whose Town Boards, who shall, prior to the end of said one (1) year period of time, ratify the application of this comprehensive revision, in which event the 1965 ordinance shall become ineffective and this Ordinance shall replace it. If a Town Board of a Town which is a party to the 1965 Ordinance fails to adopt this comprehensive revision on or before the passage of one (1) year from the time of adoption of this Ordinance by the County Board of Supervisors, neither this Ordinance nor the 1965 Ordinance shall remain in effect in that Town.

5. Purpose and Intent.

The purpose and intent of this Ordinance is to promote and protect the public health, safety and general welfare. Specific purposes of this Ordinance shall include but not be limited to:

- A. Aid in the implementation of the Buffalo County Comprehensive Land Use Plan and other land use plans as might be adopted and amended from time to time both prior to and after the adoption of this Ordinance.
- B. Guide the distribution and location of various land uses by the establishment of zoning districts which applies where the County has zoning jurisdiction.
- C. Encourage planned and orderly land use and development.
- D. Conserve the natural resources of the County, including agricultural lands, forests, wetland, and surface and groundwater resources.
- E. Protect and conserve property values, economic stability and the property tax base.
- F. Facilitate adequate provisions for highway, utility, education, health, emergency response and recreation facilities.
- G. Encourage land uses which are in accordance with their character and suitability.
- H. Encourage land use and location of structures which is compatible with existing and planned land uses, and prohibit and control land uses deemed incompatible with nearby land uses.
- I. Protect and conserve the scenic beauty and amenities of the natural and geographic features of the County.
- J. Protect and conserve the soil resources of the County by managing erosion and stormwater runoff from development sites.
- K. Provide for the administration and enforcement of this Ordinance and prescribe penalties for the violation of this Ordinance or any amendments to this Ordinance.

6. Interpretation

The provisions of this Ordinance shall be construed to be minimum requirements and shall be liberally construed in favor of the County; and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Further interpretation and application of the provisions of this Ordinance shall take into account the purposes of this Ordinance.

7. Relationship to Buffalo County Comprehensive Land Use Plan.

The County Board has formally adopted a Comprehensive Land Use Plan, pursuant to Wisconsin Statutes Section 66.1001(4)(c). The County Comprehensive Plan is intended to guide the physical development of the County over a 20 year planning period and serve as the partial basis for this Ordinance. The County Board may, from time to time, amend the Comprehensive Plan following the procedure included in Wisconsin Statutes Section 66.1001. This Ordinance implements aspects of the

Comprehensive Plan that are best addressed through zoning approaches, as enabled and in certain cases required by Wisconsin Statutes. In accordance with Wisconsin Statutes Sections 91.38(1)(f) and 66.1001(3), this Ordinance is consistent with the Comprehensive Plan. In accordance with Wisconsin Statutes Section 66.1001(1)(am), consistent with means “furthers or does not contradict the objectives, goals, and policies contained in the Comprehensive Plan.” All subsequent amendments to the text of this Ordinance and the Official Zoning Map contained herein shall also be consistent with the Comprehensive Plan goals, objectives, and policies, in accordance with Wisconsin Statutes.

8. Severability.

Should any section, paragraph, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected, thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. The County does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the County, its agencies or employees for any flood damages that may occur as a result of reliance upon and conformance with this Ordinance. This Ordinance shall not create liability on the part of, or cause action against, Buffalo County or any office, or employee thereof for any damages that may result from reliance on this Ordinance.

9. 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, agreements, other existing county ordinances, rules, regulations, or permits previously issued under existing ordinances and regulations. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

- A. Enforcement. Buffalo County shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.
- B. Intent. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to Buffalo County ordinances.

10. Force and Effect.

This Ordinance shall affect the unincorporated areas of Buffalo County, or applicable portions thereof.

- A. Enactment. This Ordinance shall go into effect upon approval by the applicable Town Board and upon filing with the Buffalo County Clerk by the applicable town clerk a certified copy of an approving resolution attached to one copy of this Ordinance, as provided in s. 59.69 (5) (c) Wis. Stats.
- B. Endorsement. The Buffalo County Zoning Ordinance of 1965, as amended, shall remain in effect in all towns in the County which did previously ratify the same for a period of one (1) year following the adoption of this Ordinance by the County Board of Supervisors except for those Towns whose Town Boards shall, prior to the end of said one (1) year period of time, ratify the application of this comprehensive revision, in which event the 1965 Ordinance shall

become ineffective and this Ordinance shall replace it. If a Town Board of a Town which is a party to the 1965 Ordinance fails to adopt this comprehensive revision on or before the passage of one (1) year from the time of adoption of this Ordinance by the County Board of Supervisors, neither this Ordinance nor the 1965 Ordinance shall thereafter remain in effect in that Town.

11. Compliance.

- A. Provisions of Ordinance. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, move, reconstructed, extended, converted or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations.
- B. Jurisdiction. Unless specifically exempt by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits in areas under the jurisdiction of this Ordinance.
- C. Use of Property. The owners or occupants of all land uses and structures regulated under this ordinance shall be required to maintain compliance in their use of property with all applicable state and local laws, rules and regulations and compliance with this Ordinance shall not be interpreted by them as affording them with the right or ability to avoid compliance with other applicable laws, rules or regulation.

12. Vesting of Rights.

No rights to any particular use vest in any property owner simply because the use is permitted by this Ordinance. Such use may be prohibited or restricted by future amendments to this Ordinance. However, the approval and issuance of a permit shall vest in the property owner the right to use the property in the manner specifically approved by the permit, unless and until the permit expires. Rights afforded to nonconforming uses and structures under this Ordinance will not be interfered with as a result of application of this Ordinance.

13. Disclaimer of Liability.

This ordinance shall not create liability on the part of, or cause of action against, Buffalo County or any office, or employee thereof for any damages that may result from reliance on this Ordinance.

CHAPTER 2

ZONING ADMINISTRATOR

1. Establishment.

There is hereby created the office of Zoning Administrator for Buffalo County who shall have the following duties and powers.

- A. Provisions of the Ordinance. The provisions of this Ordinance shall be administered by or under the zoning administrator. The county Human Resource Committee shall be the appointing authority for the position of Zoning Administrator.
- B. Duties of the Zoning Administrator. It shall be the duty of the Zoning Administrator to receive applications for zoning permits and such other permits, contracts and licenses provided in this ordinance, and to issue such permits after applications have been examined and approved; to inspect proposed development sites and property for compliance with the regulations of this Ordinance; to make periodic inspections; to take such actions as may be necessary for the enforcement of the regulations provided herein; to attend all meetings of the Zoning Committee and Board of Adjustment.

2. Reasonable Accommodations for Handicapped Persons.

The Zoning Administrator may issue a zoning permit that waives specified requirements of this ordinance. Following are determinations of requested accommodations for handicapped persons:

- A. Equal Housing Opportunities or Equal Access to Public Accommodations. It is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations.
- B. Adequate Relief. Minimum accommodation that will give the handicapped or disabled persons adequate relief.
- C. Intent of Ordinance. Will not unreasonably undermine the basic purpose of this Ordinance.
- D. Waiver of Specific Zoning Provisions. If the zoning administrator issues a zoning permit that waives specified zoning provisions, the permit will include a condition that the structure authorized by the permit (such as an entrance ramp) shall be removed not more than (thirty) 30 days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation.
- E. Denial of a permit. If the zoning administrator denies a permit requesting an accommodation under this subsection, the denial may be appealed to the Buffalo County Zoning Board of Adjustment.

3. Coincident with the Issuing of a Permit.

The Zoning Administrator shall prepare a certificate to show that a permit has been issued. This certificate shall bear the same number as the permit and identify the construction and premises covered by this permit. This certificate shall be posted in a conspicuous place on the premises during

the construction, and no construction shall be begun until this certificate has been posted. For purposes of this ordinance, start of construction shall be when any earth disturbing activity takes place that will lead to the installation of footings, piers, posts, pilings or foundations. Earth disturbing activity for the purpose of soil evaluation or testing shall not be considered the start of construction.

4. Stop Work Order.

Whenever the Zoning Administrator finds that any construction, development, land alteration, or other land use does not comply with the provisions of this Ordinance, the zoning administrator shall post, in a conspicuous place on the premises, a stop work order which shall cause all activity to cease until the construction, development, land use is in compliance with all zoning ordinances of the County.

- A. Certifying Stop Work Order. A card certifying that a Stop Work Order has been issued shall provide the following information:
 - 1. Date of issuance
 - 2. Town and section number
 - 3. Reason for posting
 - 4. Signature of the inspector posting the card
- B. Removal. It shall be a violation of this Ordinance for the unauthorized removal of the card from the premises.

5. Zoning Administrator Duties and Powers.

The Zoning Administrator or designee shall possess the following duties and powers:

- A. Interpret and Administer. To interpret and administer this ordinance as well as all other ordinances with administrative oversight by the zoning department as indicated within those ordinances.
- B. Assure Compliance. Assure the full and complete compliance with the Zoning Ordinance and related Wisconsin Statutes and Administrative Code.
- C. Administer, Supervise and Enforce. Administer, supervise or enforce this Ordinance as the authorized representative of Buffalo County.
- D. Application Forms. Provide to the public the necessary zoning permit application forms and variance, conditional use, special exception, rezone and appeals forms.
- E. On-Site Inspections & Investigations. Conduct all necessary on-site inspections and investigations of structures, land and waters to certify compliance with this Ordinance.
- F. Issue or Deny Permits. Issue or deny zoning application permits.

- G. Suspend or Revoke Permits. Suspend or revoke permits and/or issue stop work orders upon determination of non-compliance with the terms of the permit and/or this Ordinance.
- H. Investigate Complaints and Violations. Investigate complaints and alleged zoning violations and give notice of all violations of this Ordinance to the owner, resident, agent or occupant of the premises.
- I. Notice of Non-Compliance. Issue Notice of Non-compliance for uncorrected violations of this Ordinance and/or assist the Corporation Counsel in initiating citations and other applicable enforcement proceedings.
- J. Entry to Premises. Gain entry to premises, buildings and structures during reasonable hours for the purpose of investigating applications for permits and for the general purpose of determining compliance with this Ordinance or with any issued permit. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with § 66.0119, Wis. Stats.
- K. Record Retention. Keep and maintain permanent and current records of all permits issued, site plans, inspections made; work approved and other official actions.
- L. Advice to Applications. Advise applicants of zoning permits regarding the provisions of this Ordinance and assist applicants, to the extent practical, in preparing required permit applications.
- M. Legal Notice. Assist in giving all legal notices required by state statutes or this Ordinance.
- N. Technical and Advisory Assistance. Provide technical and advisory assistance during hearings conducted by the Buffalo County Zoning Board of Adjustment or the Zoning Committee, including the scheduling of public hearings and other meeting and the recording of the actions, recommendations, and minutes of such bodies.
- O. Referrals and Recommendations. Make referrals and recommendations to the Zoning Committee and Board of Adjustment in accordance with this Ordinance.
- P. Interpretations. Make interpretations regarding the permissibility of land uses in certain zoning districts where such land uses are explicitly listed as permitted-by-right or as conditional uses.

CHAPTER 3

ZONING COMMITTEE

1. Establishment.

The Zoning Committee has been established pursuant to Section 59.69 (2) of the Wisconsin Statutes and assumes thereby, all responsibilities, duties and powers as provided therein.

2. Duties and Responsibilities.

In addition to the duties and responsibilities specified under this Ordinance, the Zoning Committee, a policy-making body, shall have additional and specific duties and responsibilities.

A. Public Hearings. Conduct public hearings.

1. Associated with petitions to amend the text of this Ordinance or to the official zoning map.
2. Review and advise the County Board on appropriate amendments to the text of this Ordinance or to the official zoning map, and initiate such amendments as it may deem desirable, all in a manner that is consistent with the Buffalo County Comprehensive Land Use Plan and that follows procedures established under Wisconsin Statutes Section 59.69.
3. Review and decide on applications for rezones in a manner that is consistent with the Comprehensive Land Use Plan and make recommendations to the County Board of Supervisors for or against text, map amendments and rezone applications.

B. Comprehensive Plan. Direct the preparation and updating of the County Comprehensive Land Use Plan under Wisconsin Statutes 66.1001.

C. Development Plans. Review, approve or deny development plans for planned residential developments.

D. Fees. Recommend fees for various permits, contracts, and approvals required and allowed under this ordinance.

E. Rules and Procedures. Adopt rules and procedures as may be advisable in carrying out its duties.

F. Other Duties and Responsibilities. Exercise such other duties and responsibilities as may be directed by the County Board of Supervisors.

3. Conflicts of Interest.

Members of the Zoning Committee shall avoid conflicts of interest. As used here, a conflict of interest shall include, but not necessarily limited to those listed below.

A. Review, Deliberating Upon or Voting on an Application.

1. Concerning oneself or work on land owned by oneself.

2. Concerning a property located adjacent to or within one thousand (1,000) feet of one's property.
3. Involving a corporation, company, partnership, or any other entity in which the person is a part owner, or has any other relationship where the person may stand to have a financial gain or loss.
4. If such action results in a pecuniary benefit to oneself.
5. Concerning one's spouse, child, stepchild, grandchild, brother, sister, parent, grandparent, or member of one's household.
6. Where an employee or employer of the member is:
 - a. An applicant or agent for an applicant
 - b. Has a direct interest in the outcome

B. Procedure. When a conflict of interest exists, the member shall do all of the following:

1. Declare that a conflict of interest exists at the next meeting of the Zoning Committee.
2. Cease to participate at the Zoning Committee meetings pertaining to the matter, until the matter giving rise to the conflict has been decided; and refrain from representing oneself before the Zoning Committee or Department staff.

4. Petitions to Change District Boundaries – Rezone.

The rezoning of a parcel of land, i.e. changing the zoning district boundaries on the county zoning map to include the parcel in a different zoning district than that in which it is currently located, constitutes an amendment of this ordinance, and accordingly, the procedure for amending county zoning ordinances set forth in Section 59.69(5)(e) of the Wisconsin Statutes must be followed in making and considering any rezoning request.

A. Decision Making Criteria. The review and recommendation of the Zoning Committee and the decision making of the County Board shall be based on the following:

1. Buffalo County Zoning Ordinance.
2. Consistence with the Town Comprehensive Plan.
3. Consideration of the Town Board recommendation as submitted in the form of the Towns Acknowledgement Form.
4. Consistence with the Buffalo County Comprehensive Land Use Plan.
5. Proposed zoning is compatible with surrounding zoning districts and land uses.
6. Relevant public input.

7. The community, general welfare and economic impacts of the proposal.
8. Consideration of the Zoning Department staff report.

B. **Statement of Reasoning.** The Zoning Committee shall state its reasons and rationale for its recommendation of approval or denial of the petition in writing as required by Wis. Stat. § 59.69(5)(e)(4).

5. Petitions to Make Amendments to the Zoning Ordinance Text.

A. **Purpose.** The purpose of this subsection is to provide procedures for the review of proposed amendments to the provisions of this ordinance, also referred to as “text amendments”. The County Board may from time to time amend, remove, or add to such provisions in the manner provided by Wisconsin Statutes Section 59.69 and as specified in this subsection.

B. **Application for Text Amendment.** Amendments to one (1) or more provisions of this chapter shall be initiated by the filing of an application on a form provided by the Zoning Department. Such application may be filed by any property owner affected by the provision of this Ordinance, the town board of any town in which the provision is in effect by resolution, any member of the County Board, or the Zoning Committee as a whole by resolution.

1. **Complete Application.** To be determined complete by the Zoning Administrator, the application shall include the following:

- a. The current provision(s) of this chapter proposed to be amended or deleted.
- b. The text proposed to replace the current provision(s) of this chapter. The applicant must consult with the Zoning Administrator in advance of preparing such text to ensure that it is in proper format and the intent is clear.
- c. Written justification for the proposed amendment, consisting of the reasons why the amendment is in harmony with the purposes of this ordinance, the Subchapter in which the amendment is proposed, and the Comprehensive Plan.
- d. The required review fee.

C. **Required Review Process.** The review process for text amendments shall follow the procedures specified under Wisconsin Statutes 59.69.

D. **Text Amendment Review Criteria.** In its review and action on the application, the County Zoning Committee shall make findings with respect to the following criteria:

1. The proposed text amendment is consistent with the overall purpose and intent of this Ordinance.
2. The proposed text amendment is consistent with the Buffalo County Comprehensive Land Use Plan.

3. Factors have changed from the time of initial Ordinance adoption that warrant the text change, or an error, inconsistency, or technical problem administering this Chapter as currently written has been observed.
 4. If affecting the ANR-40 zoning district, meets all relevant requirements of Wisconsin Statutes Section 91.38(1), as long as the County continues to intend for that district to be a State-certified farmland preservation district.
- E. Effect of Denial. No application which has not been enacted under this Subchapter shall be resubmitted for a period of twelve months from the date of final County Board action, except on grounds of new evidence or proof of change of factors found valid by the Zoning Committee.

CHAPTER 4

ZONING PERMITS

1. Purpose.

The purpose of this chapter is to specify the requirements and procedures for the issuance of zoning permits. Zoning permits are issued by the County Zoning Administrator for projects and developments as specified in this Ordinance in order to verify compliance with the provisions of the Buffalo County Zoning Ordinance. A zoning permit is not a substitute for a building permit, which is otherwise issued by the Uniform Development Code inspector. In certain cases, other land use approvals, including but not limited to rezoning, conditional use permit, or variance approval is required before a zoning permit may be issued.

2. Authority.

Permits shall be granted or denied by the Zoning Administrator or his designee, or the Board of Adjustment upon appeal, and the applicant shall post such permits in a conspicuous place at the development site.

3. Applicability.

- A. Except as exempted under subsection nine (9), a zoning permit is required from the Zoning Department in each of the following instances:
1. Before any structure is erected, affixed, moved, relocated, or structurally altered to increase its floor area or footprint.
 2. Before an area of ten thousand (10,000) square feet or greater may be altered by excavation, grading, filing, or otherwise disturbed by earth moving activities resulting in the loss or removal of protective ground cover or vegetation. All such activity shall require an erosion control and stormwater management plan. Activities directly related with planting, growing, and harvesting of agricultural crops are not considered land alteration activities under this chapter and are, therefore, exempt from all the requirements of this Section.
 3. Before a land disturbing activity of five thousand (5,000) square feet or greater occurs on slopes greater than twelve (12) percent. All such activity shall require an erosion control and stormwater management plan.
 4. Before any structure or building is altered which would affect a change in the existing site's or structure's use.
 5. Before any conditional use permit granted under the provisions of this Ordinance commences operation or development.
 6. Before the commencement of any structural modification or structural repair of an existing nonconforming structure, or to a structure housing a non-conforming use.

7. Before the creation of any surface water feature over five thousand (5,000) square feet in area.
8. Before the start of any development or the establishment of any specific land use described in this Ordinance for which a steep slopes development plan, stormwater management plan, grading plan and/or erosion control plan is required.
9. Before any other land disturbing activity occurs where the Zoning Administrator determines that high levels of erosion or stormwater runoff is likely. In such instances an erosion control plan, stormwater management plan, or both shall be submitted for review.
10. Before any sign which requires a zoning permit under Chapter 19 is installed.
11. Before any remodeling, foundation or structural improvements or additions to non-conforming structures.
12. Any other instances that have been indicated in other chapters of this Ordinance.
13. A State or County sanitary permit shall be applied for and issued in accordance with the Buffalo County Sanitary Ordinance and Wis. Admin. Code SPS 383 prior to the issuance of a zoning permit allowing construction of a structure requiring a private on-site wastewater treatment system.
14. No permits will be issued if the applicant/property owner is in violation of the Buffalo County Zoning Ordinance, Sanitary Ordinance, Floodplain Ordinance, Subdivision Ordinance, Uniform Numbering System Ordinance or Shoreland Ordinance.

4. Disclaimer.

Any permit issued in conflict with the provisions of this Ordinance shall be null and void. Any permit obtained through material misrepresentation shall be null and void.

5. Applications for a Zoning Permit.

- A. Application Criteria. Applications for permits shall be made in writing to the Zoning Department upon forms furnished by the Department and shall include the following:
 1. Name and address of the owner/applicant and his agent: architect, engineer or contractor.
 2. Description of the site by parcel identification number from tax rolls, lot and block numbers and recorded subdivision or by metes and bounds, section, township and range, and address of subject site.
 3. Proof of ownership of the parcel.
 4. Signature of the owner.
 5. A complete description of the proposed development/land use.

6. A site plan drawn to scale showing property boundaries, dimensions, elevations, uses and all of the following:
 - a. Existing structures and proposed new structures or additions.
 - b. Existing and proposed easements, streets, and other public ways.
 - c. Off street parking, loading areas, and driveway location.
 - d. Distances from property lines and road centerline.
 - e. Water features and potential wetlands.
 - f. The location of any well(s) and/or septic system(s).
 - g. Visual clearance triangles required in accordance with Chapter 11.
 - h. Permit for highway access from the appropriate highway authority.
 - i. North Arrow.
 - j. For new dwellings, a copy of the Erosion Control Plan required for UDC-Building Permit applications.

7. Additional pertinent information as may be required by the Zoning Administrator in order to determine full compliance with the requirements of this Ordinance and other Buffalo County Ordinances.

8. Payment of the applicable fee.

- B. Visible Staking of Corners. The owner or his or her agent shall have all corners visibly staked prior to requesting an inspection. If the Zoning Administrator is unable to accurately verify the location of a building on its lot, he or she may require that a survey map be prepared by a registered land surveyor that will show the location of the building on its lot before allowing construction to continue.

- C. Evidence of property lines. Prior to granting any permit required under this chapter, it is the duty of the property owner to present satisfactory evidence to the Zoning Administrator or his designee as to the location of the property lines relevant to the permit application. The property owner/applicant may meet the evidence requirement by identifying the existing plat and certified survey markers. The Zoning Administrator may accept a mutually acknowledged lot line confirmed in writing by abutting property owners. In any case where the Administrator should reasonably question the location of a property line, the Administrator may require a licensed survey thereof. The owner/applicant is responsible for survey costs. Granting a permit does not in itself determine property lines or represent the respective property rights of adjacent property owners.

- D. Paid Expertise. For applications of a non-routine nature for which the Zoning Administrator expects that the County will need to engage paid expertise relating to legal, planning, surveying and/or engineering, design, economic, environmental, tax impact or other issues relevant to the application in order to comprehensively review uses and impacts. Expertise includes the cost of legal counsel and court reporting, transcription services for cases deemed to warrant such recording and transcriptions of hearings and meetings shall require an additional deposit. For these applications; zoning, conditional use, variance, and rezone, the base application fee shall be supplemented by a required payment by the applicant of a deposit equal to one hundred twenty-five percent (125%) of an estimate established by the Zoning Committee of the costs of necessary services. The deposit shall be used to pay all reasonable County review expenses and shall be replenished when the initial deposit is exhausted. Any excess in the deposit account shall be returned to the applicant when the County actions on the application are complete and all bills have been paid.
- E. Sanitary Permits. The appropriate sanitary permit application must be received by the Zoning Department for review prior to an associated zoning permit being issued.
- F. Uniform Dwelling Code. The construction of all new single family dwellings and duplexes shall abide by the Buffalo County Uniform Dwelling Code Ordinance and the WI Uniform Dwelling Code, Comm. 20-25. Applicants are responsible for obtaining the required UDC building permits and payment of all associated inspection fees.
- G. Scenic Easements. Zoning permits will not be issued for any structure to be located within a scenic easement without written approval being received from WI Department of Transportation.

6. Reasonable Accommodations for Handicapped Persons

- A. Zoning Permit. The Zoning Administrator may issue a zoning permit that waives specific requirements of this Ordinance, if it is determined that the requested accommodation:
 - 1. Is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations;
 - 2. Is the minimum accommodation that will give the handicapped or disabled persons adequate relief; and
 - 3. Will not unreasonably undermine the basic purposes of this Ordinance.
- B. Termination of Use. If the Zoning Administrator issues a zoning permit that waives specified zoning provisions pursuant to Sub-section A. above, the permit will include a condition that the structure authorized by the permit (such as an entrance ramp) shall be removed not more than thirty (30) days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation.
- C. Appeals. If the Zoning Administrator denies a permit requesting an accommodation under this subsection, the denial may be appealed to the Board of Adjustment.

7. Permit Fees

- A. Fee Schedule. Applications for permits required under this Ordinance shall be accompanied by a fee as established by the County. A copy of the current fee schedule shall be kept on file in the Zoning Department. Work commenced prior to obtaining a zoning permit, for any building, development, structure, land use or land alteration exceeding ten thousand (10,000) square feet, not having a valid Buffalo County permit shall be subject to an after-the-fact fee as set forth in Chapter 5, Enforcement and Penalties.
- B. Exemptions. Governmental Units are exempt from zoning permit application fees, they are however required to apply for and obtain all required permits.
- C. Payment of Fees. All required fees shall be paid in full. No partial payment, payment schedule, loans, or debts shall be accepted. If fees are paid by check, and the check is returned for insufficient funds, any issued permit reliant upon the unpaid fees shall be voidable until the fees have in fact been paid. The permit shall not become valid until cash is paid or a subsequent check is honored by the applicant's bank. When such unpaid fees are not paid within thirty (30) days or more after a written request was sent, the Zoning Administrator may issue a Notice of Noncompliance. If such unpaid fees are still not paid after another thirty (30) day period, the permit becomes void and additional enforcement actions may be taken.
- D. Refunds. Permit application fees are not refundable.

8. Zoning Permit Application Criteria

No zoning permit shall be granted or shall become effective until all applicable requirements of this Ordinance, conditions of any preceding County approval related to the development, and all applicable Wisconsin Statutes and rules are met, including, but not limited to those related to shoreland and floodplain zoning.

9. Where Zoning Permits are Not Required

- 1. For any accessory building one hundred fifty (150) square feet or less, provided such building conforms to all highway and property line setbacks, and all other requirements of this Ordinance.
- 2. For any improvements, repairs, or alterations to an existing building which shall not affect a change in use or encroach upon any yard or open space.
- 3. For any maintenance regardless of cost.
- 4. For the construction of any fence.

10. Validity and Time Review.

- A. Permit Review Time Limits. A zoning permit shall either be granted or denied in writing by the Zoning Administrator within thirty (30) days of the filing of a complete application, unless other parallel processes (e.g., conditional use permit) require a longer review period.

- B. Permit Posting. Once issued, each zoning permit shall be posted in a prominent place on the premises prior to and during the period of construction, relocation or land alteration.

- C. Permit Validity. If the work authorized by the zoning permit is not completed within twenty-four (24) months of the date of the approval, the zoning permit approval shall be considered void. The applicant may, with a fee, apply for a renewal and the Zoning Administrator may grant, a one time, twelve (12) month extension, provided that a written renewal request is submitted before the original expiration date.

CHAPTER 5

ENFORCEMENT AND PENALTIES

1. Authority.

In the enforcement of this Ordinance, the Zoning Administrator shall have the power and authority for the following:

- A. Inspections. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
- B. Stop Work Orders. The Zoning Administrator shall have the authority to issue orders and directives to any person subject to the provisions of this Ordinance to cease any act, conduct or use which is deemed to be in violation of these regulations. The Zoning Administrator may issue orders to correct, within a specified period of days, any violation of this Ordinance; and upon reasonable cause or question as to proper compliance, to revoke any zoning permit and issue stop work orders requiring the cessation of any building, moving, alteration or land use which is in violation of the provisions of this Ordinance. Notice of a stop work order is given both by posting one or more copies of a notice stating the Violation upon the land where the violation occurs and by mailing a copy of the notice by first class mail to the property owner of the property on which the activity is in violation. The order shall specify the activity that must cease immediately and be brought into compliance with a time period as determined by the Zoning Administrator. Any stop work order shall be in effect until removed by the Zoning Administrator.
- C. Legal Proceedings. To refer to Corporation Counsel for commencement of any legal proceedings necessary to enforce this Ordinance.

2. Violations.

- A. Compliance. It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert or relocate any building, structure or sign or use any building, structure, land or sign in violation of the provisions of this Ordinance or amendments or supplements thereto lawfully adopted by the County Board of Supervisors. It shall also be unlawful to fail to obtain permits as required by this Ordinance or to fail to comply with any requirement or condition imposed by the Board of Adjustment or Zoning Committee.
- B. Separate Offense. Each and every day of violation shall be deemed a separate offense and violation.
- C. Prosecution. Any person, firm, association, corporation or representative agent failing to comply with the provisions of this Ordinance may be subject to prosecution under the terms of this chapter.

D. Violations of Permits Issued Under this Chapter.

1. Violation of a permit or other approval issued under this Chapter, or any condition or approved plan associated with such permit or other approval, shall be deemed a violation of this Chapter, and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons therefore.
2. A permit or other approval issued in violation of this Ordinance, other Buffalo County Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voided.

3. Prosecution.

- A. Civil proceedings. Pursuant to § 66.0114, Wis. Stats. an action for violation of this Ordinance shall be a civil action.
- B. Notification. The Zoning Administrator shall serve any violators with a Notice of Noncompliance stating the following:
 1. The nature of the violation.
 2. Corrective measures required to eliminate the violation.
 3. That the violator shall be subject to:
 - a. Civil action to remove or otherwise eliminate the violation; and/or
 - b. Penalties, upon conviction.
- C. Corporation Counsel. The Zoning Administrator shall report Notices of Noncompliance and violations to the Buffalo County Corporation Counsel. At the Corporation Counsel's discretion, legal action or proceedings may be commenced to prosecute alleged violators pursuant to the proceedings outlined in § 66.0114, Wis. Stats., or pursuant to the issuance of a summons and complaint.
- D. Injunction. Compliance with this chapter may also be enforced by an injunction at the suit of Buffalo County or the owner or owners of real estate within the zoning district affected by such regulation.
- E. Penalty. Those actions commenced on behalf of Buffalo County may, in addition, seek a forfeiture or penalty as outlined herein.
- F. Special Inspection Warrants. The provisions of § 66.0119, Wis. Stats., shall govern the issuance of all special inspection warrants.

4. Penalties.

Any person, firm, association, corporation or representative agent who violates, disobeys, omits, neglects or otherwise fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Chapter shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) and the cost of prosecution for each violation, including court costs and reasonable attorney fees, and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense and violation.

5. After-the-Fact Fee for Work Commenced Prior to Obtaining a Zoning Permit.

An after-the-fact fee equal to five times the standard applicable zoning permit application fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such after-the-fact fee may be decreased to three times the applicable fee if such fee is paid within thirty (30) days of owner notification of noncompliance. Such after-the-fact fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance. If the applicable structure cannot meet use and/or dimensional requirements and is not granted a variance or conditional use permit by the Board of Adjustment and the owner/agent/lessee voluntarily removes the structure within thirty (30) days of notice from the Zoning Department or within thirty (30) days of the Board of Adjustment date of filing Findings and Conclusions, the after-the-fact fee shall be waived. In his sole discretion the Zoning Administrator may reduce or waive the tripling of fees for such permits if the Zoning Administrator determines such action to be warranted under the circumstances of the case in question. All remediation or penalties issued under this chapter and ordered by the Zoning Administrator shall be stayed until appeal periods have expired.

6. After-the Fact Conditional Use and Variance Application Fees.

- A. After-the-Fact Conditional Use. If a building, structure or premises is utilized or other land use is established which by this ordinance requires issuance of a conditional use permit, without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.
1. Procedure.
 - a. Upon notification of the violation, the responsible party may apply for a conditional use permit as provided in Chapter 6.
 - b. Upon submittal of a complete application, the application shall be processed as provided in Chapter 6.
 2. During the pendency of the conditional use permit application, the responsible party shall not continue or renew any activities in furtherance of the unauthorized use.
- B. After-the-Fact Variance. If a building or structure is constructed in violation of any dimensional requirement of this Ordinance or if a lot is created in violation of minimum lot area and/or width requirements of this Ordinance, the responsible party may attempt to correct the violation by petitioning for a variance, except that the responsible party shall not be

eligible for such relief if a summons and complaint regarding the violation has been filed by the Corporation Counsel prior to submittal of the variance petition.

1. Procedure

- a. Upon notification of the violation, the responsible party may submit a variance application to the Zoning Department requesting that the Board of Adjustment consider a variance petition regarding the violation.
 - b. As soon as can be conveniently scheduled, the Board of Adjustment shall convene to consider such variance petition. In deliberating on the issue, the Board of Adjustment shall consider the recommendation of the Zoning Administrator.
 - c. If the Board of Adjustment refuses to approve the variance request, appropriate enforcement actions shall be applied.
2. During the pendency of a variance petition, the responsible party shall not carry on any activities in furtherance of the unauthorized development or use.
- C. Fees. The application fees for after-the-fact conditional use permit applications and variance applications shall be three times the standard applicable fee.

CHAPTER 6

BOARD OF ADJUSTMENT: PROVISIONS, APPEALS, VARIANCES, CONDITIONAL USE PERMITS

1. Establishment.

There is hereby established a Board of Adjustment for the County of Buffalo as authorized by s. 59.694, Wis. Stats. The Board assumes all responsibilities, duties and powers as provided within Wisconsin Law and Buffalo County Ordinances.

2. Membership.

- A. Size and Appointment. The Board of Adjustment shall consist of three (3) members appointed by the Chairperson of the County Board with the approval of the County Board for staggered terms of three (3) years. Each term shall begin July 1st. The incumbent members shall continue to serve until their terms expire. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- B. Eligibility. Members of the Board and alternate members to the Board shall all reside within the county and outside the limits of any incorporated cities and villages within the county. No two (2) members shall reside in the same Town.
- C. Compensation. The members of the Board of Adjustment shall be paid the same per diem and mileage as authorized for the County Board of Supervisors.
- D. Alternates. The County Board Chairperson shall appoint, for staggered three-year terms, two (2) alternate members to the Board who are subject to the approval of the County Board. Annually, the Chairperson of the County Board shall designate one (1) of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the Board refuses to vote because of a conflict of interest or are absent.

3. Operation and Rules.

- A. The Board of Adjustment shall adopt rules for the conduct of its business which shall be in accordance with the provisions of this Ordinance and s. 59.694, Wis. Stats.
- B. Chair. The Board of Adjustment shall choose its own chairperson. The chair may administer oaths and compel the attendance of witnesses.
- C. Call to Meetings. The Board of Adjustment shall meet at the call of the chair, and at such other time as the Board of Adjustment may determine, at a fixed time and place.

- D. Open Meetings. All meetings of the Board of Adjustment shall be open to the public, unless otherwise specified by Wisconsin law, but such Board may go into closed session pursuant to Wis. Statutes.
- E. Public Hearing. Any public hearing held by the Board of Adjustment shall be held in a convenient public location and a full description of the location of such place of hearing by name, address or other commonly known means of identification shall be included in the notice given of such hearing. No undue hardship shall be created for any applicant by reason of the location of such hearing.
- F. Time Line. Upon determination of a complete application for a Conditional Use Permit (CUP), Variance, Special Exception or Appeal the Board shall hold a public hearing. The Board shall, within sixty (60) days of determination of a complete application by the Zoning Administrator, fix a date for the hearing. The Zoning Department will not place a petition on the Board of Adjustment agenda until the Towns Acknowledgement Form has been returned to the Department bearing the required signature. The Board shall render a decision within one hundred twenty (120) days of the date of the first hearing.
- G. Wis. Stats. The Board of Adjustment shall hold a public hearing in accordance with s. 59.694, Wis. Stats. At the hearing any party may appear in person or by agent or attorney.
- H. Notification. The Board of Adjustment shall give public notice of any hearing by publication of a Class 2 notice in the official newspaper of the County, on each of two (2) successive weeks, the last publication to be not less than one (1) week before the hearing advertised therein, specifying the date, time and place of hearing and the matters to come before the Board of Adjustment. In addition notice will be mailed to parties of interest constituting those persons who own property within three hundred (300) feet of the boundaries of the parcel or parcels of land on which the proposed use is located. The local Town Board shall also be notified. A copy of the notice of any Board of Adjustment public hearing on matters within Shoreland and Floodplain Zoning shall be sent to the appropriate Department of Natural Resources area office at least ten (10) days prior to the hearing and a copy of all decisions shall be provided to the DNR within ten (10) days of the decision.
- I. Assistance. The Zoning Board of Adjustment shall have power to call on any County department for assistance in the performance of its duties and it shall be the duty of such departments to render all such assistance as may be reasonably required.
- J. Town Review. The Town within which a Conditional Use Permit, Special Exception, Variance, or Appeal is sought is required to review and provide testimony for approval or denial of the petition. CUP applicants are required to present their development plan, proposed land use, or grounds for appeal to the Town Board for review. The applicant will present the Towns Acknowledgement Form for the Town Chair's signature which shall indicate that the Town either supports, opposes or has no comment concerning the CUP application.
- K. Minutes. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.

- L. Quorum. The quorum for any meeting shall consist of at minimum two (2) Board members.
- M. Findings of Fact. The final disposition of an appeal, variance, special exception or conditional use permit petition to the Zoning Board of Adjustment shall be in a form of a written decision titled; Findings of Fact and Conclusions of Law, signed by the Zoning Administrator. Such decision shall state the specific facts and rationale that are the basis for the Board of Adjustment’s decision and shall specify any required conditions of approval; and shall specify the extent of any appeal or variance granted. Decisions regarding appeals shall either affirm, reverse, or modify any order, requirement, interpretation, or determination of the Zoning Administrator.

4. Powers.

The Board of Adjustment shall have the following powers:

- A. Variations. To hear and authorize upon petition in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance will be observed and substantial justice done. Such variance shall not have the effect of permitting in any district a use that is prohibited in that district.
- B. Appeals. To hear and decide appeals, pursuant to s.59.694, Wis. Stats., where it is alleged that there is an error or errors in any order, requirement, decision or determination made by the Zoning Administrator and/or Zoning Committee. In exercising the above mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination which is the subject of the appeal, and to that end shall have all the powers of the officer from whom the appeal is taken.
- C. Conditional Use Permits. Issue or deny conditional use permits and establish any conditions for such permits.
- D. Special Exception Permits. Issue or deny special exception permits within the Shoreland Zoning District and establish any conditions to be placed on those permits.
- E. Renewable Energy Systems. To grant special exceptions or variances for renewable energy resource systems. If the Board denies an application for a special exception or variance for such a system, the Board shall provide a written statement of the reasons for denying the application.
- F. Limitations of Power. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the ordinances, zoning districts or other official maps of the County, which authority is reserved by the County Board

5. Conflicts of Interest.

- A. Defined. Members of the Board of Adjustment shall avoid conflicts of interest. As used here, a conflict of interest shall include, but not necessarily be limited to, the following:
1. Reviewing, deliberating upon, or voting on a petition or application concerning oneself or work on land owned by oneself.
 2. Reviewing, deliberating upon, or voting on an application concerning a property located adjacent to or within one thousand (1000) feet of one’s property.
 3. Reviewing, deliberating upon, or voting on an application involving a corporation, company, partnership, or any other entity in which the person is a part owner, or has any other relationship where the person may stand to have a financial gain or loss.
 4. Reviewing, deliberating upon, or voting on an application, if such action results in a pecuniary benefit to oneself.
 5. Reviewing, deliberating upon, or voting on an application concerning one’s spouse, child, stepchild, grandchild, brother, sister, parent, grandparent, member of one’s household, or any other extended family member.
 6. Reviewing, deliberating upon, or voting on an application where an employee or employer of the Board member is:
 - a. An applicant or agent for an applicant, or
 - b. Has a direct interest in the outcome.
- B. Determination. When a conflict of interest exists, the Board member shall do all of the following upon determining that a conflict exists:
1. Declare that a conflict exists at the next meeting of the Board of Adjustment.
 2. Cease to participate at the Board meetings pertaining to the matter, until the matter giving rise to the conflict has been decided; and refrain from representing oneself before the Board or Department staff.
- C. Ex Parte Contact.
1. Members of the Board shall attempt to avoid ex parte contact. As defined here, ex parte refers to communication that occurs outside of a noticed meeting. Members of the Board have a duty to not prejudge a case, and to base their decisions only on the material and facts presented at public meetings and hearings on the case.
 2. Despite one’s best efforts it is sometimes not possible to avoid ex parte contact. When that happens the member should publicly report the content and context of the ex parte contact

in full at the public hearing or meeting on the case prior to the Board making a decision on the issue.

6. Procedure for Hearings.

- A. Appearances; Adjournments. At the time of the hearing, the applicant or appellant may appear on his own behalf or be represented by his counsel or agent. A recess or adjournment of a hearing, made at a properly noticed hearing, to a time and place certain, is adequate notice to the members and public of a new hearing date.
- B. Witnesses. The Chairperson, or Acting Chairperson, may compel the attendance of witnesses and may require those wishing to testify to state their names and their interests in the matter before the Board. Testimony may be taken under oath.
- C. Order of Hearings. Hearings on cases shall normally follow this order:
 - 1. Hearing call to order by the Chairperson
 - 2. Roll Call
 - 3. Notice of Public Hearing (Read by Secretary or Zoning Department representative)
 - 4. Publication (Statement of publication of notice and distribution)
 - 5. Summary of the nature of the petition by the Zoning Department
 - 6. Content of Hearing.
 - a. Hearings shall be conducted with the applicant presenting his or her case first, including any witnesses the applicant wishes to call. After the applicant presents his or her case, anyone else in favor of the applicant's request shall also be allowed to speak. Then all those opposed to the application shall be allowed to speak.
 - b. The Board may, at its discretion, limit the extent/duration of individual public testimony.
 - c. The applicant has the burden of proof to show that he or she is entitled to a conditional use permit, variance or other relief being sought.
 - d. In more controversial, contested cases, in which parties appear with attorneys, opening and closing statements shall be allowed and limited to ten (10) minutes in duration.
 - e. The applicant or appellant shall be responsible for the presentation of all information supporting the case.
 - 7. Closing of testimony.

8. Restricted to the Board of Adjustment. No public or staff participation unless specifically requested by the Board. The Board shall find and determine the appropriate facts and conclusions of law upon which a decision can be made. The Board may consult with the Zoning Administrator or legal counsel.
9. Decision. The Board shall make an appropriate motion, including findings of fact, conclusions of law, approvals or denials, and conditions or statement of hardship for variances.
10. Adjournment.

- D. Preliminary Matters. Following the reading of the notice of appeal, petition or application, the Board may hear arguments on the question of jurisdiction or timeliness of the application to the Board and request that briefs be filed on the point. The Board may proceed with the hearing and the taking of testimony in any event and reserve its determination on a jurisdictional question until after the testimony is closed and render a decision on the merits as if it had jurisdiction. The Board may make an immediate determination and close the hearing upon a finding that it lacks jurisdiction. If the Board determines by motion that it lacks jurisdiction, the Secretary shall record the decision as a vote to deny the request.
- E. Parties Not to Interrupt. Orderly procedure requires that each side shall proceed without interruption by the other; that all arguments and factual presentations shall be addressed to the Board; and that there be no questioning or arguments between individuals.
- F. Questions and Debate. During the hearing, Board members may ask questions and make appropriate comments pertinent to the case. However, no member shall debate or argue an issue with the applicant. The Chairperson and Board members may direct questions to the applicant or to any person speaking in order to bring out all relevant facts, circumstances and conditions affecting the petition and may call for questions of the Zoning Department staff.
- G. Additional Evidence. The Board may take a petition under advisement for later consideration and determination, or may defer action, whenever it concludes that additional evidence is needed or further study is required.
- H. Postponement of Hearing. Cases may be postponed only by prior arrangement with the Chairperson. Postponement/rescheduling of a public hearing due to an applicant's error in submittal or failing to attend the hearing, in person or by agent, will be charged a rescheduling fee of three hundred fifty dollars (\$350).
- I. Rules of Evidence. The Board shall not be bound by court rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative or repetitious testimony or evidence.
- J. Chairperson to Rule on Admissibility. The Chairperson shall rule on all questions relating to the admissibility of evidence, however, he/she may be overruled by a majority of the Board present.

- K. Interested Persons May Testify. Persons having an interest in the case may attend the hearing and may request an opportunity to testify provided they identify themselves and sign an appearance list of persons attending the hearing with the intent to testify.
- L. Record of Hearing.
1. All Proceedings at a hearing shall be recorded by the Zoning Department. A Zoning Department designee shall prepare minutes of each meeting and hearing, which shall include a summary of motions, witnesses, appearances, roll calls, votes and all other matters constituting the substance of the proceedings, and which shall be submitted to the Board for review and approval and shall become part of the written record filed in the Zoning Department.
 2. Transcripts of recorded proceedings shall not be prepared unless ordered by the circuit court by a writ of certiorari or requested under the Open Records Law. The party requesting a transcript shall be required to pay the cost of preparation in advance. Any party or member of the public may make a record of the proceeding by any means which does not disturb the hearing or others present.
 3. The Planning and Zoning Department shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its official actions; shall summarize accurately the testimony of those appearing before the Board and keep a verbatim recording of all hearings; shall record the names of all persons appearing before the Board in person, or by agent or attorney; and shall, subject to the direction of the Board and chairperson, conduct the correspondence of the Board and have published in a local newspaper, public notices of meetings or hearings as required by law and these rules of procedure. Minutes and records shall be a public record. The Zoning Department shall be the custodian of the files of the Board and keep all records.
- M. Adjustment. When all appeals or applications cannot be disposed of on a day set, the Board may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board.
- N. Withdrawal of Appeal. An applicant or appellant may withdraw a petition or appeal at any time prior to the decision, but a pending motion to grant or dismiss the appeal shall have precedence over withdrawal. Withdrawal of the appeal shall not entitle the appellant or applicant to remission of the application fee.
- O. Decision of the Board.
1. If a quorum is present, the Board may take any action by a majority vote of the members present. All decisions of the Board shall be made at a public meeting, by motion made, seconded and passed. If conditions are imposed in the granting of a variance, or conditional use, such conditions shall be included in the motion.

2. All decisions shall be in writing and contain the findings of facts and conclusions of law upon which the decision is based.
3. Within thirty (30) days after the close of the hearing to which a decision relates, written copies of such decision shall be mailed to the applicant and all additional parties invested and held in the Zoning Department, which shall constitute filing the decision in the office of the Board under Sec. 59.694(10) Stats. The approval or granting of petitions or appeals by the Board is deemed to constitute an order to the Zoning Department to issue a zoning permit, upon receipt of a complete application and all required fees. A denial of the application or appeal by the Board is deemed to be an order to deny the permit application. Copies of written decisions authorizing conditional use permits or variances in shoreland/ wetland/ non-metallic mining or floodplain cases shall be mailed to the Wisconsin Department of Natural Resources within ten (10) days of the date such decision is rendered.
4. The decision of the Board shall be deemed as applying to the property rather than to the individual and is valid only for the specific premises in the case and is not transferable to other properties.
5. The Board need not respond to informal requests for advice or moot questions. Any advice, opinion or information given by any Board member, or any other official or employee of the County shall not be binding on the Board.
6. No action of the Board shall set a binding precedent. Each case shall be decided upon its own merits and upon the attendant particular facts and circumstances.

P. Re-filings and Re-hearings.

1. No matter that has been previously acted upon by the Board shall be considered upon a new application unless one or more of the following applies:
 - a. The petition does not involve a request for an identical permit or does not allege the same misinterpretation or error.
 - b. The petition does not contain the original request for a specific variance.
 - c. Substantial change in the use of adjacent property has occurred since the previous petition was heard.
 - d. The previous petition was closed without a hearing because the applicant was not present at the time such petition was scheduled for hearing.
 - e. There is a claim that there should be a rehearing based upon newly discovered evidence. A rehearing will only be granted on this basis when all of the following apply:
 1. The evidence has come to the moving party's notice after the initial hearing.

2. The moving party's failure to discover the evidence earlier did not arise from lack of diligence in seeking to discover it.
3. The evidence is material and not cumulative.
4. The new evidence would probably change the result.

Q. Re-openings and Re-hearings.

1. The Board, on its own motion, may not reopen any petition upon which a previous hearing has been held, except in the following circumstances:
 - a. To correct a manifest error or when there is some ambiguity or missing element in the decision that makes it impossible for the Zoning Department to apply the decision(s). In such a situation, the Board may reopen a petition at its next scheduled meeting.
 - b. The Board, at the request of the Zoning Department, may also reopen a petition without regard to time limits if an interpretation of a prior decision is necessary, or if interpretation, modification or enforcement of conditions of a Board decision is necessary. Nothing in this section "a", should be interpreted as allowing a complete reopening of the case, nor require or presume that the Board of Adjustment should make any substantial change in their decision. There shall be a three hundred fifty dollar (\$350) filing fee assessed if the applicant is the party seeking a partial reopening under this section "a", for purposes of deleting or substantially modifying a condition placed on a Board of Adjustment decision. There shall be no filing fee if the request for reopening is solely at the request of the Zoning Department. In any rehearing or reopening of a Board of Adjustment decision, the criteria for decision shall be the same legal criteria as for the original decision.
2. A petition will be considered as heard and closed at such time as the Board approves or rejects an application or appeal by motion. No request for reconsideration by the applicant shall be considered unless filed within thirty (30) days of the written decision of the Board of Adjustment being mailed to the applicant by the Zoning Department.
3. A simple majority vote shall be sufficient to open for reconsideration a previous decision. If reconsideration is refused to an interested party who has requested a reconsideration, the Board shall enter on the minutes the basis of the request, the reason why it was refused, and the vote of the Board members thereon. If reconsideration is approved, the case will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing upon payment of the re-hearing fee.
4. The Board may utilize the advice and assistance of the County Zoning Staff and may delegate administrative tasks to such staff or to other county employees as authorized by the County Board of Supervisors.

7. Variances.

- A. Powers and Duties. To hear, upon appeal in specific cases, such petitions for a variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of this Ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and the public welfare and safety secured, and substantial justice done.
- B. Petition. A petition for variance shall be filed by the property owner, or the owner's agent, using application forms furnished by the Buffalo County Zoning Department. Such petition shall include the following:
1. Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.
 2. Section(s) of this Ordinance from which a variance is requested.
 3. Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building, structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of the Ordinance.
 4. A statement which specifically identifies the conditions of the property which are believed by the owner, occupant or agent to be unique to that property, justifying the granting of a variance, and which are not shared by other properties in the same zoning district.
 5. A statement that the unnecessary hardship was not caused or created by the applicant nor by any persons still having an interest in the property.
 6. A petition for a variance shall be accompanied by a fee established by the County Board of Supervisors.
- C. Procedure for Hearings. The Board of Adjustment shall hold a public hearing in accordance with s. 59.694, Wis. Stats. and as defined and stipulated in Chapter 6 of this Ordinance.
- D. Standards for Variances. The Board shall consider the following standards for granting a variance. The burden of proof at all times remains with the applicant to establish that the proposed variance meets the following standards:
1. That there are present actual unique physical conditions of the lot or parcel which are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required. Unnecessary hardship may not be claimed because of conditions which are self-imposed or created by a prior land owner nor by any person still having an interest in the property. When determining whether unnecessary hardship exists, the property as a whole shall be considered rather than a portion of the parcel. For an area variance, unnecessary hardship exists when compliance with the ordinance would unreasonably prevent the owner from

using the property for a permitted use or would render conformity with such limitations unnecessarily burdensome.

2. That the conditions described in paragraph “1”, are unique or exceptional circumstances applying only or primarily to the property under consideration and are not generally shared by other properties in the area. Limitations are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for Ordinance changes or amendments, or of having that effect if relied upon as the basis for granting a variance.
3. That in granting the variance there will not be a substantial detriment to neighboring property and the granting of the variance will not be contrary to the purpose of this Ordinance and the public interest. The Board shall consider the proposed variance petition and the cumulative impacts of similar uses on neighboring land owners and the general public. No variance shall have the effect of allowing in any district a use not permitted in that district.
4. The variance must by standard be the minimum necessary to grant relief.
5. A variance granted under this Chapter, and after April 5, 2012, shall be deemed expired if the land use or development so approved has not obviously and substantially commenced within two years of the date on which the variance was granted.
6. A variance granted under this Chapter runs with the land.

8. Appeals.

A. General Provisions.

1. Where there is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator and/or Zoning Committee an appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the municipality affected by the Zoning Department’s decision.
2. Such appeals shall be filed by application with the Zoning Department within thirty (30) days after the date of written notice of the decision or order appealed from was sent by first class mail to the aggrieved party, or, if such notice was not sent to the aggrieved party, within thirty (30) days after the party first knew of, or had reason to know of, or should have known of, the order or decision. The applicable fee must be filed within this same time period as well.
3. The appeal petition shall be submitted on the appropriate application provided by the Zoning Department.
 - a. The application shall specify the grounds for the appeal and any additional information as may be required by the Board or the Department.

- b. The application is to be submitted to the Zoning Department accompanied by the fee established by the Board of Adjustment.
 - c. Failure of the appellant to supply the information required by the appeal application, within thirty (30) days after filing an appeal application, may be considered by the Board as a failure to comply with application and appeal procedure and the case may be dismissed for failure of timely filing. Any communications, except on prescribed forms, purporting to be an appeal shall be deemed a mere notice of intention to file and shall not be deemed a filing to comply with requirements of timely filing.
- 4. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record or application and notice to the officer from whom the appeal is taken and on due cause shown.
 - 5. The Buffalo County Zoning Department shall forthwith transmit to the Board of Adjustment the appeal and all documents constituting the record upon which the action appeal is taken and on due cause shown.
 - 6. The Board of Adjustment decision of the appeal shall be rendered in writing within ninety (90) days after the public hearing. Such decision shall state the specific facts which are the basis for the Board's decision. The decision shall either affirm, reverse, vary, or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.

9. Conditional Use Permits.

- A. Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except that the minor expansion of a building housing a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a zoning permit.
- B. Application. An application for a conditional use permit shall be submitted to the Zoning Administrator or his agent upon forms furnished by the Buffalo County Zoning Department. The application shall contain the following information:
 - 1. All the information required for a zoning permit listed in Chapter 4 of this ordinance.
 - 2. Upon request by the Zoning Administrator, such additional information as may be required by the Zoning Administrator so that the Board of Adjustment can determine whether or not the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, safety, welfare or the character of the surrounding area.

3. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved wastewater treatment facilities will be provided, in accordance with the requirements of the Buffalo County Sanitary Ordinance.
 4. The Board of the Town within which a Conditional Use Permit is sought and applied for is required to review and provide testimony on approval or denial of the application. Applicants are required to present their development plans, proposed land use, to the Town Board for review. The applicant will present the Towns Acknowledgement Form for the Town Chair's signature, indicating that the Town either supports, opposes or has no comment concerning the petition. The Zoning Department will not place the petition on the Board of Adjustment agenda until the Towns Acknowledgement Form has been returned to the Department bearing the required signature.
 5. All conditional use permit applications shall be accompanied by a fee established by the County Board of Supervisors.
 6. No application shall be accepted by the Zoning Administrator until deemed complete as judged by the Zoning Administrator and until all fees established by Buffalo County have been paid in full.
- C. Public Hearing. A public hearing shall be held by the Board of Adjustment after a public notice has been given as provided in s.685. At the public hearing, any party may appear in person or be represented by an agent.
- D. Determination. Following review, investigation, and public hearing, the Board of Adjustment shall render a decision in writing.
1. If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions attached thereto.
 2. If the application is denied, the reasons for denial shall be stated.
- E. Basis of Approval.
1. The Board of Adjustment shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. In approving conditional uses, the Board of Adjustment also shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, safety or general welfare of the residents of surrounding lands.
 2. To aid in the review of the proposed project under the above criteria, the Board of Adjustment shall take into consideration such of the following factors or additional factors as are deemed by it to be relevant to its decision making process with respect to the project in question. Consideration should include the effect of the proposed development or use from both an individual and a cumulative perspective:

- a. Whether the proposed project will adversely affect property in the area in that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
- b. The physical size of the site in relation to the proposed use and whether the proposed use is similar to other uses in the area.
- c. Whether the proposed use is consistent with adopted Buffalo County Ordinances and State Statutes.
- d. The location of the site in relation to traffic patterns and existing or future streets or roads giving access to the proposed use, whether the proposed project adversely impacts existing traffic flow and congestion.
- e. Provisions for an approved Private Onsite Waste Treatment System (POWTS).
- f. Provisions for a potable water supply.
- g. Provisions for solid waste disposal.
- h. Whether the proposed use creates noise, light, odor, or dust.
- i. Provisions for safe vehicular and pedestrian access including the ability of emergency services to access the site.
- j. Provisions for the prevention and control of water pollution including sedimentation and the potential impacts to floodplains and wetlands.
- k. Recommendation of the applicable Town Board as indicated in the Towns Acknowledgement Form.
- l. Provisions for proper stormwater and erosion control measures.
- m. Whether proposed use/buildings are compatible with existing land uses, including adjacent properties.
- n. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
- o. Whether the proposed use leads to a change in the natural character of the area through the removal of natural vegetation or alteration of the topography.
- p. Whether the proposed use would adversely affect the natural beauty of the area, in that such use will not harm the essential character of the area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.

- q. Existing environmental factors including, but not limited to: topography, drainage, water quantity and quality, air quality, soil types, soil erosion, steep slopes, and vegetative cover.
 - r. Whether the proposed use would adversely affect any historic or archeological sites.
 - s. The relationship of the proposed use with the public interest and the purpose and intent of this ordinance.
3. The applicant’s failure to satisfy the criteria listed in paragraph one (1) and two (2) above or any other applicable requirement in this Ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.
 4. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Ordinance and all other governing ordinances, statutes and regulations, and those conditions imposed by the Board of Adjustment, the Board shall grant the conditional use permit. Any condition imposed must be related to the purpose of the Ordinance and be based on substantial evidence.
 5. The applicant must demonstrate that the application specifics, and all requirements and conditions established by the County relating to the conditional use, are or shall be satisfied, both of which must be supported by substantial evidence.
 6. The Board of Adjustment’s decision to approve or deny a conditional use permit application must be supported by substantial evidence.
 7. Applications for Conditional Use Permits in the Agricultural Natural Resource-40 District shall comply with any restrictions or limitations contained in Wis. Stats. Chapter 91.
- F. Conditions and Restrictions. The Board of Adjustment may in approving an application for a conditional use permit, impose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development of other properties in the area and on the general health, safety, and welfare of the county. Such conditions may include financial sureties. The Board of Adjustment may limit the use of land to one specific use permitted in the zoning district for which the conditional use permit is sought. The Board of Adjustment may grant the application with or without conditions that it deems necessary in furthering the purpose of this Ordinance, or grant the application in part, with or without conditions, and deny it in part. Conditions may include; duration, property ownership, hours of operation, parking requirements, increased setbacks, increased area or yard requirements, limit to animal units, vegetative screening, site stabilization or rehabilitation. The Board of Adjustment may also require that any permits or license required for the proposed land use from any other governmental entity or agency be submitted to the Zoning Department before the conditional use permit can be issued.
- G. Expiration. Except as otherwise stated in the Zoning Ordinance, all conditional use permits shall expire twelve (12) months from the date of issuance where no action has commenced to

establish the authorized use or twenty-four (24) months from issuance if the authorized use is not substantially completed or in operation. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.

- H. Notification. Pursuant to s. 91.75 (5), Wis. Stats., the Buffalo County Zoning Department shall notify the Wisconsin Department of Agriculture, Trade and Consumer Protection of all conditional uses approved in the Agriculture/Natural Resource–40 Zoning District.
- I. Termination. If the use of land or a structure under a conditional use permit is not maintained in a manner consistent with and in compliance with the terms and conditions of the permit and of this Ordinance, the conditional use permit may be terminated by action of the Board of Adjustment. In the event that a conditional use of property ceases for a period of twelve (12) months in succession, the conditional use permit shall automatically terminate and all future use of the land or structure in question which is in the form of a conditional use shall require the issuance of a new conditional use permit.
- J. Appeal. Persons aggrieved by conditional use permit decisions issued by the Board of Adjustment may, within thirty (30) days of the filing of each such decision in the office of the zoning administrator, file a certiori review action with the Buffalo County Circuit Court.

CHAPTER 7

ZONING DISTRICTS

1. Zoning Districts.

For the purpose of this Ordinance, the unincorporated areas of Buffalo County are divided into the following zoning districts:

A. AGRICULTURE/NATURAL RESOURCE – 40 (ANR- 40) .

- 1. Purpose and Intent.** The Agriculture/Natural Resource – 40 District is established with the intention of promoting the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR-40 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR-40 District establishes policies intended to ensure the long-term stability, productivity, and sustainability of agricultural and natural resource lands and land uses, including supporting industries.

It is the intent of the ANR-40 zoning district to strictly limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other uses of land in this district may be subject to inconvenience and/or discomfort arising from normal and accepted agricultural practices and operations including, but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other uses of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations.

The maximum non-farm dwelling density allowed in the ANR-40 District is established at one (1) dwelling per forty (40) acres of land owned under a single deed.

It is intended that this district will be certified by the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) as a Farmland Preservation District to permit eligible landowners to receive tax credits under Subchapter IX of Chapter 71, Wis. Stats.

A non-farm dwelling shall have a minimum setback of five hundred (500) feet from any existing feedlot, manure storage structure or livestock confinement structure with a capacity of fifty (50) animal units or more.

a. Permitted Uses:

1. Agricultural uses conducted for the purpose of producing an income or livelihood:
 - a. Agronomic crop or forage production
 - b. Apiculture
 - c. Aquaculture and/or fish hatcheries
 - d. Dairying
 - e. Enrolling land in a Federal agricultural commodity payment program or State agricultural conservation program
 - f. Fallow land
 - g. Floriculture
 - h. Farm Dwellings
 - i. Grazing
 - j. Hatcheries
 - k. Horticultural crop production
 - l. Nursery, sod and Christmas tree production
 - m. Raising livestock
 - n. Silviculture
 - o. Viticulture

2. Farm Accessory uses
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. Home Occupations as described in Chapter 9 of this Ordinance.
 - c. Roadside Stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
 - d. Tourist Rooming House, compliant with s. 91.01(1)(d).

3. One (1) additional farm dwelling is permitted in the ANR-40 district per base farm tract.

4. Public Utilities, compliant with s. 91.44 (1)(f).

5. Pre-existing dwellings.
 - a. Pre-existing dwellings established prior to December 31, 2013 located in areas subject to zoning under this chapter may be continued in residential use. Such pre-existing dwellings may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. If a pre-existing dwelling is removed, destroyed, or not occupied for a period of twelve (12) consecutive months, it cannot be replaced or re-occupied and all future use of the property must conform to the provisions of this chapter.

6. Temporary Sawmills, duration not to exceed ninety (90) days meeting all of the requirements as described in Chapter 9 of this ordinance.
7. Temporary Concrete or Asphalt Plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed one hundred twenty 120 days and meet State Statutes 91.46(6).
8. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law.
9. Undeveloped natural resource and open space areas, and associated conservation practices.
 - a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.

b. Conditional Uses:

1. Agriculture related uses. All uses listed below shall maintain a minimum setback of two hundred fifty (250) feet from any residential district or residential lot:
 - a. Animal hospitals that primarily service livestock.
 - b. Animal slaughtering and/or butchering establishments.
 - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms.
 - d. Facilities primarily engaged in the sale and servicing of farm vehicles or other farm equipment.
 - e. Facilities primarily engaged in providing agronomic or veterinary services to farms.
 - f. Food processing plants that process raw agricultural commodities received from farms
 - g. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms.
 - h. Mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms.
2. Airports, air strips, or landing fields, compliant with s. 91.46 (4).
3. Bed and Breakfast Establishments that meet s 91.01(1).

4. Blacksmiths meeting the requirements of State Statutes 91.01(1).
5. Captive Wildlife Operations limited to cervids, game birds, ratites (ostrich, rhea, emu), camelids (llamas, alpacas), and farm raised fish.
6. Churches/Religious Institutions/Cemeteries meeting the requirements of State Statutes 91.46(5).
7. Commercial grain drying operation.
8. Commercial outdoor recreation areas including, but not limited to:
 - a. Campgrounds with twenty (20) sites or less, compliant with s. 91.46 (5).
 - b. Fairgrounds provided they are public use and meet State Statutes 91.46 (5).
 - c. Golf courses provided they are public use and meet State Statutes 91.46 (5).
 - d. Riding arena, compliant with s. 91.01 (1).
 - e. Skeet and trap shooting range that meet s. 91.46 (5).
9. Communication Towers over one hundred (100) feet in height, including all ancillary equipment, shall meet State Statutes 91.46 (4).
10. Concrete or Asphalt Plant operated in conjunction with a permitted nonmetallic mine exceeding 120 days duration and meets State Statutes 91.46 (6).
11. Fur Farms provided they meet all of the requirements as described in Chapter 9 of this Ordinance.
12. Home Businesses that meet s. 91.01 (1).
13. Home or Farm Based Businesses that is owned and operated by a resident occupant that meets s. 91.01 (1).
14. Kennels – commercial kennels must meet s. 91.01 (1) and all of the requirements as described in Chapter 9 of this Ordinance.
15. Land Alteration over one (1) acre for non-agricultural purposes.
16. Livestock Confinement Structure or area intended to house or to expand over two hundred fifty (250) animal units.
17. Municipal buildings for the maintenance of roads and storage of equipment and materials meeting the requirements of State Statutes 91.46(5).
18. Non-Farm Dwellings.

- a. An Administrative Conditional Use Permit may be granted for up to one (1) non-farm dwelling for every forty (40) acres of land included in the Base Farm Tract (BFT). A maximum of four (4) non-farm dwellings are allowed per BFT. In addition, the ratio of all “non-farm dwelling acreage” to “farm acreage” on the BFT may not exceed one (1) to twenty (20). For example, if the BFT is 200 acres the total amount of the BFT acreage that can be converted to non-farm dwelling acreage is 9.5 acres. This is calculated by taking the total acreage in a BTF and dividing it by 21 (one unit of nonfarm + 20 units of farm acres) with the resulting answer being the maximum amount of acreage of the BFT that can be converted to a non-farm dwelling acreage. Non-farm dwelling acreage shall be determined by the County based on the use of the property.

Two-family dwellings/duplexes are allowed but will count as two (2) residences. Existing non-farm dwellings at the time of adoption of this chapter are counted against the number of non-farm dwellings allowed. A farm dwelling located on a BFT shall constitute one of the five (5) total dwellings allowed on a BFT.

Once the housing density for the BFT is met, it will be required that the remaining acreage in the BFT be subject to a deed restriction prohibiting any additional dwellings or non-agricultural development. In addition, the approval of an Administrative Conditional Use Permit to establish a non-farm dwelling may be subject (based on the size of the lot) to recording of a deed restriction that shall apply to the dwelling and to the balance of acreage on the lot on which the dwelling is located. The deed restriction shall prohibit any additional dwellings or non-agricultural development on the remainder of the lot ensuring “farm acreage” is maintained.

1. A parcel for a non-farm dwelling authorized by an Administrative Conditional Use Permit shall not do any of the following:
 - a. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a non-farm dwelling and related lot.
 - b. Significantly impair or limit the current or future agricultural use of other protected farmland.
2. Calculation. The allowable number of non-farm residential lots shall be calculated by dividing the size of the BFT in acres by the maximum residential density of the district. (Example: ninety-two {92} acre lot in the Agriculture/Natural Resource-40 district results in ninety-two divided by forty equals two point three {92/40 = 2.3 lots}.)

3. Rounding. Any fractional lot resulting from the calculation in nineteen {19} (a) two {2} which is at least point seventy-five (.75) shall be rounded up to the next whole number.
 4. Minimum lot size. No lot or building site shall be created which does not meet the minimum lot area requirements of this Ordinance.
19. Nonprofit and/or charitable organizations related to agriculture meeting the requirements of State Statutes 91.46(5).
 20. Public wayside or roadside park meeting the requirements of State Statutes 91.46(5).
 21. Sanitary landfill meeting the requirements of State Statutes 91.46(5).
 22. Schools/Colleges/Universities meeting the requirements of State Statutes 91.46(5).
 23. Winery/Brewery/Other related use provided the product is made on site.
 24. Transportation, communications, pipeline, electric transmission, utility, or drainage use. A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of sub-section B. 7. if the Department determines that all of the following apply:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage land remaining in agricultural use is minimized and repaired, to the extent feasible.
- c. **Prohibited Uses:**
 1. Any use not specifically listed as a permitted or conditional use.
 - d. **Standards for Rezoning land out of the Agriculture/Natural Resource-40 District.**

1. The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezoning out of the farmland preservation district by March 1 of each year.
2. Decisions on petitions for rezoning areas within the ANR-40 Zoning District shall be based on the following findings:
 - a. The land is better suited for a use not permitted in the ANR-40 Zoning District.
 - b. The rezoning is consistent with the Buffalo County Comprehensive Land Use Plan.
 - c. The rezoning is substantially consistent with the county certified Farmland Preservation Plan.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Adequate public facilities to serve the proposed development are present or will be provided.
 - f. The proposed development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
 - g. The need of the proposed development in an agricultural area.
 - h. The availability of alternate locations.
 - i. The productivity of the agricultural land involved.

B. AGRICULTURE/NATURAL RESOURCE – 20 (ANR- 20).

1. **Purpose and Intent.** The Agriculture/Natural Resource-20 District is established with the intention of promoting the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR-20 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR-20 District establishes policies intended to ensure the long-term stability, productivity, and sustainability of agricultural and natural resource lands and land uses including supporting industries.

It is the intent of the ANR-20 zoning district to strictly limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other users of land in this district may be subject to inconvenience and/or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor,

dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations.

The maximum non-farm dwelling density allowed in the ANR-20 District is established at one (1) dwelling per twenty (20) acres of land owned under a single deed.

A non-farm dwelling shall have a minimum setback of two hundred fifty (250) feet from any existing feedlot, manure storage structure or livestock confinement structure with a capacity of fifty (50) animal units or more.

a. Permitted Uses:

1. Accessory Dwelling meeting all of the requirements as described in Chapter 9 of this Ordinance.
2. Accessory uses
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. Home Occupations, as defined in Chapter 9 of this Ordinance.
 - c. Home Business, as defined in Chapter 9 of this Ordinance.
 - d. Roadside Stands, temporary seasonal roadside sales of agricultural products primarily produced on the premises.
 - e. Tourist Rooming House.
3. Agricultural uses conducted for the purpose of producing an income or livelihood:
 - a. Agronomic crop production
 - b. Apiculture
 - c. Aquaculture and/or fish hatcheries
 - d. Dairying
 - e. Fallow land
 - f. Floriculture
 - g. Grazing
 - h. Greenhouses
 - i. Hatcheries
 - j. Horticulture crop production
 - k. Nursery, sod, and Christmas tree production
 - l. Raising livestock
 - m. Silviculture

n. Viticulture.

4. One (1) additional dwelling unit either a manufactured or modular dwelling for a parent or child of a farm owner, or for persons earning a substantial part of their livelihood on the farm. The additional dwelling must meet all applicable setback, lot size and spacing requirements in the event it is sold in the future.
5. Public utilities
6. Recreational Dwelling meeting all of the requirements as described in Chapter 9 of this Ordinance.
7. Single Family Dwelling
8. Temporary Concrete or Asphalt Plant operated in conjunction with a permitted nonmetallic mine, duration, not to exceed one hundred twenty 120 days meeting all of the requirements as described in Chapter 9 of this Ordinance.
9. Temporary Sawmills, duration not to exceed ninety (90) days meeting all of the requirements as described in Chapter 9 of this Ordinance.
10. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
11. Undeveloped natural resource and open space areas, and associated conservation practices.
 - a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.

b. Conditional Uses:

1. Agriculture related uses, all uses listed below shall maintain a minimum setback of three hundred (300) feet from any residential district or residential lot.
 - a. Animal hospitals that primarily service livestock.
 - b. Animal slaughtering and/or butchering establishments.
 - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms.
 - d. Facilities primarily engaged in the sale and servicing of farm vehicles or other farm equipment.

- e. Facilities primarily engaged in providing agronomic or veterinary services to farms.
 - f. Mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms.
 - g. Food processing plants that process raw agricultural commodities received from farms.
 - h. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms.
2. Airports, air strips, or landing fields.
 3. Arboretums.
 4. Assisted living facilities.
 5. Bed and Breakfast Establishment meeting all of the requirements as described in Chapter 9 of this Ordinance.
 6. Blacksmiths.
 7. Campgrounds with twenty (20) sites or less. Additional sites may be allowed per Board of Adjustment variance.
 8. Captive Wildlife Operations meeting all of the requirements as described in Chapter 9 of this Ordinance.
 9. Cemeteries and/or memorial gardens.
 10. Commercial grain drying operation.
 11. Commercial Outdoor Entertainment/Recreation meeting all of the requirements as described in Chapter 9 of this Ordinance.
 12. Commercial Riding Stables meeting all of the requirements as described in Chapter 9 of this Ordinance.
 13. Communication Towers over one hundred (100) feet in height, including all ancillary equipment.
 14. Community centers.
 15. Convention centers, exhibition halls, and/or similar facilities.
 16. Driving ranges.

17. Fur Farms meeting all of the requirements as described in Chapter 9 of this Ordinance.
18. Game farms meeting ATCP standards.
19. Golf courses.
20. Government uses and facilities.
21. Health care facilities.
22. Home or Farm Based Businesses that are owned and operated by a resident occupant which is secondary to the use of the premises, provided that the criteria in Chapter 9 of this Ordinance are met.
23. Kennels meeting all of the requirements as described in Chapter 9 of this ordinance.
24. Land alteration over one (1) acre for non-agricultural purposes.
25. Libraries.
26. Livestock confinement structure or area intended to house or to expand over two hundred fifty (250) animal units.
27. Mini Warehouse Storage Facility.
28. Museums.
29. Nonprofit, and/or charitable organizations and facilities.
30. Parks.
31. Penal/correctional institutions.
32. Permanent sawmills meeting all of the requirements as described in Chapter 9 of this Ordinance.
33. Playgrounds.
34. Public safety facilities (fire station, police station, emergency shelter, etc.).
35. Public utilities requiring structures exceeding one hundred (100) sq. ft. in area.
36. Public wayside or roadside park.
37. Religious institutions.

38. Sanitary landfill.
39. Schools (K-12).
40. Skating parks.
41. Skiing and/or snowboarding facilities.
42. Small Arms Firing Range (including skeet and trap shooting ranges) meeting all of the requirements as described in Chapter 9 of this Ordinance.
43. Sport fields/courts.
44. Swimming pools.
45. Winery/Brewery/Other related use provided the product is made on site.

c. Prohibited Uses:

1. Any use not specifically listed as a permitted or conditional use.

C. AGRICULTURE/NATURAL RESOURCE – 10 (ANR-10).

1. Purpose and Intent. The Agriculture/Natural Resource -10 District is established with the intention of promoting the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR-10 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR-10 District establishes policies intended to ensure the long term stability, productivity, and sustainability of agricultural and natural resource lands and land uses including supporting industries.

It is the intent of the ANR-10 zoning district to limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other users of land in this district may be subject to inconvenience and/or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations.

The maximum non-farm dwelling density allowed in the ANR-10 District is established at one (1) dwelling per ten (10) acres of land owned under a single deed.

A non-farm dwelling shall have a minimum setback of two hundred fifty (250) feet from any existing feedlot, manure storage structure or livestock confinement structure with a capacity of fifty (50) animal units or more.

a. Permitted Uses:

1. Accessory Dwelling meeting all of the requirements as described in Chapter 9 of this Ordinance.
2. Accessory uses:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. Home Occupations, as defined in Chapter 9 of this Ordinance.
 - c. Home Business, as defined in Chapter 9 of this Ordinance.
 - d. Roadside Stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
 - e. Tourist Rooming House.
3. Agricultural uses conducted for the purpose of producing an income or livelihood:
 - a. Agronomic crop production
 - b. Apiculture
 - c. Aquaculture and/or fish hatcheries
 - d. Dairying
 - e. Fallow land
 - f. Floriculture
 - g. Grazing
 - h. Greenhouses
 - i. Hatcheries
 - j. Horticultural crop production
 - k. Nursery, sod, and Christmas tree production
 - l. Raising livestock
 - m. Silviculture
 - n. Viticulture
4. One (1) additional dwelling unit either a manufactured or modular dwelling for a parent or child of a farm owner or for persons earning a substantial part of their livelihood on the farm. The additional dwelling must meet all applicable setback, lot size and spacing requirements in the event it is sold in the future.

5. Public utilities.
6. Recreational Dwelling meeting all of the requirements as described in Chapter 9 of this ordinance.
7. Single Family Dwelling.
8. Temporary Concrete or Asphalt Plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed one hundred twenty (120) days meeting all of the requirements as described in Chapter 9 of this Ordinance.
9. Temporary Sawmills, duration not to exceed ninety (90) days meeting all of the requirements as described in Chapter 9 of this Ordinance.
10. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
11. Undeveloped natural resource and open space areas, and associated conservation practices.
 - a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.

b. Conditional Uses:

1. Agriculture related uses, all uses listed below shall maintain a minimum setback of four hundred (400) feet from any residential district or residential lot.
 - a. Animal hospitals that primarily service livestock.
 - b. Animal slaughtering and/or butchering establishments.
 - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms
 - d. Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment.
 - e. Facilities primarily engaged in providing agronomic or veterinary services to farms.
 - f. Food processing plants that process raw agricultural commodities received from farms.
 - g. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms.

- h. Mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms
- 2. Airports, air strips, or landing fields.
- 3. Arboretums.
- 4. Assisted living facilities.
- 5. Bed and Breakfast Establishment meeting all of the requirements as described in Chapter 9 of this Ordinance.
- 6. Blacksmiths.
- 7. Campground with twenty (20) sites of less. Additional sites may be allowed per Board of Adjustment variance.
- 8. Captive Wildlife Operations meeting all of the requirements as described in Chapter 9 of this Ordinance.
- 9. Cemeteries and/or memorial gardens.
- 10. Commercial grain drying operation.
- 11. Commercial Outdoor Entertainment/Recreation meeting all of the requirements as described in Chapter 9 of this Ordinance.
- 12. Commercial Riding Stables meeting all of the requirements as described in Chapter 9 of this Ordinance.
- 13. Communication Towers over one hundred (100) feet in height, including all ancillary equipment.
- 14. Community centers.
- 15. Convention centers, exhibition halls, and/or similar facilities.
- 16. Driving ranges.
- 17. Fur Farms meeting all of the requirements as described in Chapter 9 of this Ordinance.
- 18. Game farms meeting ATCP standards.
- 19. Golf courses.

20. Government uses and facilities.
21. Health care facilities.
22. Home or Farm Based Business that are owned and operated by a resident occupant which is secondary to the use of the premises, provided that the criteria in Chapter 9 of this Ordinance are met.
23. Kennels meeting all of the requirements as described in Chapter 9 of this Ordinance.
24. Land alteration over one acre for non-agricultural purposes.
25. Libraries.
26. Livestock confinement structure or area intended to house or to expand over two hundred fifty (250) animal units.
27. Mini Warehouse Storage Facility.
28. Museums.
29. Nonprofit, and/or charitable organizations and facilities.
30. Parks.
31. Penal / correctional institutions.
32. Permanent Sawmills meeting all of the requirements as described in Chapter 9 of this Ordinance.
33. Playgrounds.
34. Public safety facilities (fire station, police station, emergency shelter, etc.).
35. Public utilities requiring structures exceeding one hundred (100) sq. ft. in area.
36. Public wayside or roadside park.
37. Religious institutions.
38. Sanitary landfill.
39. Schools (K-12).
40. Skating parks.
41. Skiing and/or snowboarding facilities.

42. Small Arms Firing Range (including skeet and trap shooting ranges) meeting all of the requirements as described in Chapter 9 of this Ordinance.
43. Sports fields/courts.
44. Swimming pools.
45. Winery/Brewery/Other related use provided the product is made on site.

c. Prohibited Uses:

1. Any use not specifically listed as a permitted or conditional use.

D. AGRICULTURE/NATURAL RESOURCE – 5 (ANR- 5).

1. Purpose and Intent. The Agriculture/Natural Resource -5 District is established to allow a higher density of development on lands which will have a limited potential for impact on agricultural or natural resource production. It is also intended that the district promote the preservation of farmland, a goal established in the Buffalo County Comprehensive Land Use Plan. The purpose of the ANR- 5 District is to protect and preserve the historic use of prime soils for agricultural production and raising livestock, with other soil types and steeper slopes protected for natural resource production and harvesting uses such as commercial logging and silviculture. The ANR- 5 District establishes policies intended to ensure the long term stability, productivity, and sustainability of agricultural and natural resource lands and land uses including supporting industries.

It is the intent of the ANR- 5 zoning district to moderately limit the intrusion of non-agricultural uses and development which can conflict with traditional and contemporary farming operations and practices. Non-farm residents and other users of land in this district may be subject to inconvenience and/or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations.

The maximum non-farm dwelling density allowed in the ANR-5 District is established at one (1) dwelling per five (5) acres of land owned under a single deed.

A non-farm dwelling shall have a minimum setback of two hundred fifty (250) feet from any existing feedlot, manure storage structure or livestock confinement structure with a capacity of fifty (50) animal units or more.

a. Permitted Uses:

1. Accessory Dwelling meeting all of the requirements as described in Chapter 9 of this Ordinance.
2. Accessory uses:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. Home Occupations, as defined in Chapter 9 of this Ordinance.
 - c. Home Business, as defined in Chapter 9 of this Ordinance.
 - d. Roadside Stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
 - e. Tourist Rooming House.
3. Agricultural uses conducted for the purpose of producing an income or livelihood:
 - a. Agronomic crop production
 - b. Apiculture
 - c. Aquaculture and/or fish hatcheries
 - d. Dairying
 - e. Fallow land
 - f. Floriculture
 - g. Grazing
 - h. Greenhouses
 - i. Hatcheries
 - j. Horticultural crop production
 - k. Nursery, sod, and Christmas tree production
 - l. Raising livestock
 - m. Silviculture
 - n. Viticulture
4. One additional dwelling unit either a manufactured or modular dwelling for a parent or child of a farm owner, or for persons earning a substantial part of their livelihood on the farm. The additional dwelling must meet all applicable setback, lot size and spacing requirements in the event it is sold in the future.
5. Public utilities.
6. Recreational Dwelling meeting all of the requirements as described in Chapter 9 of this Ordinance.
7. Single Family Dwelling, duplexes.

8. Temporary Concrete or Asphalt Plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed one hundred twenty (120) days meeting all of the requirements as described in Chapter 9 of this Ordinance.
9. Temporary Sawmills, duration not to exceed ninety (90) days meeting all of the requirements as described in Chapter 9 of this Ordinance.
10. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
11. Undeveloped natural resource and open space areas, and associated conservation practices.
 - a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.

b. Conditional Uses:

1. Agricultural related uses, all uses listed below shall maintain a minimum setback of five hundred (500) feet from any residential district or residential lot.
 - a. Animal hospitals that primarily service livestock.
 - b. Animal slaughtering and/or butchering establishments.
 - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms.
 - d. Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment.
 - e. Facilities primarily engaged in providing agronomic or veterinary services to farms.
 - f. Food processing plants that process raw agricultural commodities received from farms.
 - g. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms.
 - h. Mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms.
2. Airports, air strips, or landing fields.

3. Arboretums.
4. Assisted living facilities.
5. Bed and Breakfast Establishment meeting all of the requirements as described in Chapter 9 of this Ordinance.
6. Blacksmiths.
7. Campgrounds with twenty (20) sites or less. Additional sites may be allowed per Board of Adjustment variance.
8. Captive Wildlife Operations meeting all of the requirements as described in Chapter 9 of this Ordinance.
9. Cemeteries and/or memorial gardens.
10. Commercial grain drying operation.
11. Commercial Outdoor Entertainment/Recreation meeting all of the requirements as described in Chapter 9 of this Ordinance.
12. Communication Towers over one hundred (100) feet in height, including all ancillary equipment.
13. Community centers.
14. Convention centers, exhibition halls, and/or similar facilities.
15. Driving ranges.
16. Fur Farms meeting all of the requirements as described in Chapter 9 of this Ordinance.
17. Game farms meeting ATCP standards.
18. Golf courses.
19. Government uses and facilities.
20. Health care facilities.
21. Home or Farm Based Businesses that are owned and operated by a resident occupant which is secondary to the use of the premises, provided that the criteria in Chapter 9 of this Ordinance are met.
22. Kennels meeting all of the requirements as described in Chapter 9 of this Ordinance.

23. Land alteration over one acre for non-agricultural purposes.
24. Libraries.
25. Livestock confinement structure or area intended to house or to expand over two hundred fifty (250) animal units.
26. Mini Warehouse Storage Facility.
27. Museums.
28. Nonprofit, and/or charitable organizations and facilities.
29. Parks.
30. Penal/correctional institutions.
31. Permanent Sawmills meeting all of the requirements as described in Chapter 9 of this Ordinance.
32. Playgrounds.
33. Public safety facilities (fire station, police station, emergency shelter, etc.).
34. Public utilities requiring structures exceeding one hundred (100) sq. ft. in area.
35. Public wayside or roadside park.
36. Religious institutions.
37. Sanitary landfill.
38. Schools (K-12).
39. Skating parks.
40. Skiing and/or snowboarding facilities.
41. Small Arms Firing Range (including skeet and trap shooting ranges) meeting all of the requirements as described in Chapter 9 of this Ordinance.
42. Sport fields/courts.
43. Swimming pools.
44. Winery/Brewery/Other related use provided the product is made on site.

c. Prohibited Uses:

1. Any use not specifically listed as a permitted or conditional use.

E. AGRICULTURE/NATURAL RESOURCE TRANSITION – 5 (ANRT- 5).

1. Purpose and Intent. The Agriculture/Natural Resource Transition -5 District is intended to allow a higher density of development on lands transitioning from agriculture. The ANRT-5 District is established as a transitional district recognizing areas that are transitioning from agricultural to more residential uses. To encourage the transition a limit on animal units within any single structure or combination of structures is limited. A new feedlot or animal confinement structure or combination of structures, located on the same lot or combination of contiguous lots, shall contain or confine no more than twenty-five (25) animal units. An existing feedlot or confinement structure/operation shall not expand to over twenty-five (25) animal units.

Non-farm residents and other users of land in this district may be subject to inconvenience and/or discomfort arising from normal and accepted agricultural practices and operations including but not limited to; noise, odor, dust, operation of machinery, storage and dispersal of manure and the application of; fertilizers, herbicides, soil amendments and pesticides. Owners of property, residents and other users of property should be prepared to accept such farming practices which may generate inconvenience, discomfort and possible injury from normal farming operations, and are hereby officially noticed that the Right to Farm Law (WI Statutes 823.08) may bar them from obtaining legal judgment against such normal farming/agricultural operations.

The maximum non-farm dwelling density allowed in the ANRT-5 District is established at one (1) dwelling per five (5) acres of land owned under a single deed.

A non-farm dwelling shall have a minimum setback of two hundred fifty (250) feet from any existing feedlot, manure storage structure or livestock confinement structure with a capacity of twenty-five (25) animal units or more.

a. Permitted Uses:

1. Accessory Dwelling meeting all of the requirements as described in Chapter 9 of this Ordinance.
2. Accessory uses:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. Home Occupations, as defined in Chapter 9 of this Ordinance.
 - c. Home Business, as defined in Chapter 9 of this Ordinance.

- d. Roadside Stands, temporary seasonal roadside sales of agriculture products primarily produced on the premises.
 - e. Tourist Rooming House.
3. Agricultural uses conducted for the purpose of producing an income or livelihood:
 - a. Agronomic crop production
 - b. Apiculture
 - c. Aquaculture and/or fish hatcheries
 - d. Dairying
 - e. Fallow land
 - f. Floriculture
 - g. Grazing
 - h. Greenhouses
 - i. Hatcheries
 - j. Horticultural crop production
 - k. Nursery, sod, and Christmas tree production
 - l. Raising livestock
 - m. Silviculture
 - n. Viticulture
 4. One (1) additional dwelling unit either a manufactured or modular dwelling for a parent or child of a farm owner, or for persons earning a substantial part of their livelihood on the farm. The additional dwelling must meet all applicable setback, lot size and spacing requirements in the event it is sold in the future.
 5. Public utilities.
 6. Recreational Dwelling meeting all of the requirements as described in Chapter 9 of this Ordinance.
 7. Single Family Dwelling, duplexes.
 8. Temporary Concrete or Asphalt Plant operated in conjunction with a permitted nonmetallic mine, duration not to exceed one hundred twenty (120) days meeting all of the requirements as described in Chapter 9 of this Ordinance.
 9. Temporary Sawmills, duration not to exceed ninety (90) days meeting all of the requirements as described in Chapter 9 of this Ordinance.
 10. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 11. Undeveloped natural resource and open space areas, and associated conservation practices.

- a. Hunting, fishing, trapping, and consumption of naturally replenishing resources.

b. Conditional Uses:

1. Agricultural related uses, all uses listed below shall maintain a minimum setback of five hundred (500) feet from any residential district or residential lot.
 - a. Animal hospitals that primarily service livestock.
 - b. Animal slaughtering and/or butchering establishments.
 - c. Facilities that provide farm inputs such as fertilizer, pesticides, seed, or feed directly to farms.
 - d. Facilities primarily engaged in sale and servicing of farm vehicles or other farm equipment.
 - e. Facilities primarily engaged in providing agronomic or veterinary services to farms.
 - f. Food processing plants that process raw agricultural commodities received from farms.
 - g. Grain warehouses, potato warehouses, or other warehouses that store raw agricultural commodities received from farms.
 - h. Mills or rendering plants that process raw agricultural commodities or agricultural by-products received directly from farms, or supply animal feed directly to farms.
2. Airports, air strips, or landing fields.
3. Arboretums.
4. Assisted living facilities.
5. Bed and Breakfast Establishment meeting all of the requirements as described in Chapter 9 of this Ordinance.
6. Blacksmiths.
7. Campgrounds with twenty (20) sites or less. Additional sites may be allowed per Board of Adjustment variance.
8. Captive Wildlife Operations meeting all of the requirements as described in Chapter 9 of this Ordinance.

9. Cemeteries and/or memorial gardens.
10. Commercial grain drying operation.
11. Commercial Outdoor Entertainment/Recreation meeting all of the requirements as described in Chapter 9 of this Ordinance.
12. Communication Towers over one hundred (100) feet in height, including all ancillary equipment.
13. Community centers.
14. Convention centers, exhibition halls, and/or similar facilities.
15. Driving ranges.
16. Fur Farms meeting all of the requirements as described in Chapter 9 of this Ordinance.
17. Game farms meeting ATCP standards.
18. Golf courses.
19. Government uses and facilities.
20. Health care facilities.
21. Home or Farm Based Businesses that are owned and operated by a resident occupant which is secondary to the use of the premises, provided that the criteria in Chapter 9 of this Ordinance are met.
22. Kennels meeting all of the requirements as described in Chapter 9 of this Ordinance.
23. Land alteration over one acre for non-agricultural purposes.
24. Libraries.
25. Livestock confinement structure or area intended to house or to expand over two hundred fifty (250) animal units.
26. Mini Warehouse Storage Facility.
27. Museums.
28. Nonprofit, and/or charitable organizations and facilities.
29. Parks.

30. Penal / correctional institutions.
31. Permanent Sawmills meeting all of the requirements as described in Chapter 9 of this Ordinance.
32. Playgrounds.
33. Public safety facilities (fire station, police station, emergency shelter, etc.).
34. Public utilities requiring structures exceeding one hundred (100) sq. ft. in area.
35. Public wayside or roadside park.
36. Religious institutions.
37. Sanitary landfill.
38. Schools (K-12).
39. Skating parks.
40. Skiing and/or snowboarding facilities.
41. Small Arms Firing Range (including skeet and trap shooting ranges) meeting all of the requirements as described in Chapter 9 of this Ordinance.
42. Sport fields/courts.
43. Swimming pools.
44. Winery/Brewery/Other related use provided the products is made on site.

c. Prohibited Uses:

1. Any use not specifically listed as a permitted or conditional use.

F. RESIDENTIAL (R)

1. Purpose and Intent. The Residential District is created to establish and protect the essential characteristics of areas within which predominantly high density residential development not served by public sewer and water facilities should occur, along with certain community and recreational uses to serve the residents of the district. A minimum lot size of one (1) acre is established for areas of the district not served by public sewer facilities provided the lot has adequate soils and area for two (2) waste treatment systems. Additionally, this district can be utilized in areas served by public sewer facilities in which case a minimum lot size of point twenty-five (.25) acres is required.

a. Permitted Uses:

1. Accessory buildings.
2. Home Occupations meeting requirements in Chapter 9 of this Ordinance.
3. Household pets.
4. Public utilities.
5. Single-Family Dwellings, duplexes.

b. Conditional Uses:

1. Bed and Breakfast Establishment meeting all of the requirements as described in Chapter 9 of this Ordinance
2. Communication Towers over thirty-five (35) feet.
3. Community centers.
4. Condominiums or apartment buildings.
5. Halfway houses or group homes.
6. Home Businesses meeting requirement in Chapter 9 of this Ordinance.
7. Libraries.
8. Manufactured Home Communities meeting requirement in Chapter 9 of this Ordinance
9. Multi-family dwellings.
10. Parks.
11. Playgrounds.
12. Public safety facilities (fire station, police station, emergency shelter, etc.).
13. Religious institutions.

c. Prohibited Uses:

1. Any use not specifically listed as a permitted or conditional use.

G. CONSERVATION (CONS).

1. Purpose and Intent. The Conservation District primarily consists of County, State, and Federally owned lands established to protect and preserve the natural state of certain areas such as low-land swamps, marshes, wetlands, stream beds, slopes, bluffs, wooded areas, water areas and other areas of aesthetic value for the benefit of this and future generations. Development of these areas is discouraged but not prohibited unless federal, state or local ordinances that prohibit development regulate the areas.

a. Permitted Uses:

1. Arboretums.
2. Cemeteries.
3. Churches.
4. Conservation structures.
5. Dugout ponds and level ditches.
6. Fire control structures.
7. Flood overflow and movement of water.
8. Forest preserves, forestry and the production of forest products.
9. Forestry and game management.
10. Grazing.
11. Hiking trails.
12. Hunting, fishing, and/or wildlife preserve; or other historic/scientific areas.
13. Navigation.
14. Parks.
15. Passive recreation (hiking, picnicking, bird watching, community gardening, etc.).
16. Public utilities.
17. Public properties.
18. Town, County, State, Federal facilities.

19. Water-related recreational uses (fishing, boating, swimming, wading, beaches, etc.).
20. Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds.
21. Winter-related recreational uses (ice skating, sledding, skiing, snowboarding, etc.).

b. Conditional Uses:

All of the uses listed below, as well as any structures accompanying otherwise permitted uses, shall require a conditional use permit.

1. Archery ranges.
2. Bath houses.
3. Camps.
4. Campgrounds.
5. Conservation organizations.
6. Conservatories.
7. Dams, flowages and hydroelectric power.
8. Government operated mines, quarries and gravel pits.
9. Equine-related activities (riding academy, polo field, etc.).
10. Major utilities.
11. Nature centers.
12. Playgrounds.
13. Small Arms Firing Ranges.
14. Zoological and botanical gardens.

c. Prohibited Uses:

1. Any use not specifically listed as a permitted or conditional use.

H. COMMERCIAL (C).

1. Purpose and Intent. The Commercial District is created to establish and protect locations in which a wide variety of compatible commercial uses can be located. Within this district, residential development and heavy manufacturing uses are not permitted in the interest of furthering the livelihood of the permitted retail commercial uses and protecting uses from the effects of incompatibility. A minimum lot size of one (1) acre is established for areas of the district not served by public sewer facilities provided the lot has adequate soils and area for two (2) waste treatment systems. In areas served by public sewer facilities a minimum lot size of point twenty-five (.25) acres is required.

a. Permitted Uses:

1. Accessory Dwelling.
2. Appliances, computers, or electronics-sales and/or services.

3. Automotive sales less than twenty (20) vehicles.
4. Artistic/creative schools, studios, and/or shops (dance, music, photography, etc.).
5. Building or yard – sales and/or services for development, maintenance, or improvement.
6. Clothing, footwear, or personal accessories – sales and/or services.
7. Collectibles – sales and/or services (antiques, books, music, models, etc.).
8. Communication enterprises (newspaper office, radio station, etc.).
9. Day-care facilities or pre-schools.
10. Financial institutions or services (banks, credit unions, financial planners, etc.).
11. Fitness or sports – sales and/or services (fitness center, yoga, martial arts, sporting goods, bicycle shop, etc.).
12. Florist and/or gift shops.
13. Food and drink – sales, packaged, without alcohol (convenience store, market, deli, coffee shop, etc.).
14. Food and drink – sales prepared, with alcohol (restaurant, caterer, tavern, etc.).
15. Furniture or interior accessories – sales and/or services.
16. General retail sales.
17. Health care sales and/or services (clinics, optometrists, dentists, pharmacies, etc.).
18. Indoor maintenance.
19. Internet cafés.
20. Laundromats, dry cleaning.
21. Lodges, meeting halls, offices of labor organizations, or similar facilities.
22. Mini-Warehouse Storage Facilities meeting the requirements in Chapter 9 of this Ordinance.
23. Motor vehicle sales and/or services without fuel storage tanks.

24. Office support and/or supplies.
25. Outfitters, Guiding Services with or without lodging.
26. Personal grooming or therapeutic body work—sales and/or services (salon, spa, etc.).
27. Pet shops.
28. Professional offices (attorney, realtor, insurance agent, etc.).
29. Public and private parking.
30. Public utilities.
31. Retail sales.
32. Restaurants, but not including drive-in restaurants.
33. Theater (indoor only).
34. Travel bureau services.
35. Veterinary services, without outside runs.

b. Conditional Uses:

1. Automotive service station, convenience store (with or without fuel sales).
2. Automotive repair service.
3. Automotive sales over twenty (20) vehicles and service.
4. Bottled gas storage and distribution.
5. Campgrounds.
6. Construction and/or contracting businesses, or lumber yards.
7. Cultural facilities (library, museum, indoor theater, community center, etc.).
8. Department stores.
9. Drive-Ins serving food or beverages for consumption outside the structure.
10. Food and drink—sales, packaged, with alcohol (convenience store, market, deli, coffee shop etc.).

11. Full veterinarian services, outside runs.
12. Funeral homes and/or crematories, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
13. Greenhouses or similar growing facilities.
14. Lodging facilities (hotel, motel, etc.).
15. Motor vehicle fuel sales and/or services, provided all fuel pumps are not less than 30 feet from any side or rear lot line and twenty (20) feet from any existing or proposed road right-of-way line.
16. Outdoor theaters.
17. Parks and playgrounds.
18. Printing, lithograph, photo engraving, etc.
19. Public utilities requiring structures exceeding one hundred (100) sq. ft. in area.
20. Recreation-private indoor (small arms firing range, bowling alley, dance hall, arcade, etc.).
21. Recreation-private outdoor (driving range, miniature golf, etc.).
22. Tattoo and/or piercing establishments.
23. Wine, liquor, and/or fermented malt beverage—production.

c. Prohibited Uses:

1. Any use not specifically listed as a permitted or conditional use.

I. INDUSTRIAL (I).

1. Purpose and Intent. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to lots and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. The district is also designed to accommodate warehouse and limited commercial uses. A minimum lot size of one (1) acre is established for areas of the district not served by public sewer facilities provided the lot has adequate soils and area for two (2) waste treatment systems. In areas served by public sewer facilities a minimum lot size of point twenty-five (.25) acres is required.

a. Permitted Uses:

1. Accessory Dwelling.
2. Blacksmiths.
3. Building material sales, lumberyard.
4. Commercial radio or television transmitting antenna towers or other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.
5. Contractor and/or construction offices, shops, and/or yards (building, cement, electrical, heating, ventilating and air conditioning, masonry, lumber, painting, plumbing, refrigeration, roofing, etc.).
6. Distribution businesses.
7. Emergency services or shelters.
8. Feed mills.
9. Industry, light.
10. Machinery rental, sales, and/or services.
11. Machine shops, metal products manufacture, and/or tool and die shops.
12. Manufacturing, assembling, fabricating, packaging, processing, repairing, servicing, cleaning, storing, refining, distilling, condensing, bottling, baking, canning, preserving, or testing any legal food, beverage, material, organic substance, device, component, or consumer good.
13. Meeting halls and/or offices of labor organizations.
14. Monument stone cutting.
15. Motor vehicle services and sales.
16. Pattern shops.
17. Plating operations (electroplating, chrome plating, gilding, galvanizing, etc.).
18. Printing, binding, fulfillment, and/or lithography facilities.
19. Professional or business offices.
20. Propane distribution site.

21. Public safety facilities (fire station, police station, emergency shelter, etc.).
22. Public utilities.
23. Road test facilities.
24. Sign painting.
25. Slaughterhouses.
26. Soldering and/or welding shops.
27. Temporary Concrete or Asphalt Plant operated in conjunction with a permitted nonmetallic mine, duration, not to exceed one hundred twenty 120 days meeting all of the requirements as described in Chapter 9 of this Ordinance.
28. Trade schools and/or training facilities.
29. Truck terminals and freight houses.
30. Warehousing/distribution.
31. Warehouses, lockers, or cold storage facilities.
32. Wine, liquor, and/or fermented malt beverage—production.

b. Conditional Uses:

1. Airports, air strips, or landing fields, provided the site is not less than 20 acres.
2. Animal hospitals.
3. Bottling plant.
4. Clothing manufacture.
5. Concrete or Asphalt Plants meeting the requirements in Chapter 9 of this Ordinance.
6. Crematories.
7. Dry-cleaning plants and/or laundries.
8. Enameling.
9. Industry, heavy.
10. Industrial sand mining.

11. Machine shop, welding, metal fabrication, processing and welding.
 12. Manufacturing, assembling, fabricating, packaging, processing, repairing, servicing, cleaning, storing, refining, distilling, condensing, bottling, baking, canning, preserving, or testing any legal chemical or fuel product.
 13. Non-metallic mining for construction aggregate and or industrial silica sand meeting the requirements of State Statutes 91.46(6) and the requirements of Chapter 20 of this Ordinance.
 14. Paper and wood product manufacturing and storage.
 15. Paving batch plant for cement, asphalt and related materials.
 16. Penal/correctional institutions.
 17. Public utilities requiring structures exceeding one hundred (100) sq. ft. in area.
 18. Recreational facilities, indoor (small arms firing ranges, skating rinks, swimming pools, athletic courts, etc.).
 19. Rendering plant.
 20. Research laboratories.
 21. Salvage Operations meeting the requirements in Chapter 9 of this Ordinance.
 22. Sawmills meeting the requirements in Chapter 9 of this Ordinance.
 23. Stockyards.
 24. Transportation terminals for passengers and/or freight (bus, heliport, tax, rail, etc.).
 25. Uses generating more than two hundred (200) vehicle trips per day.
 26. Waste storage, treatment, or recycling facilities.
 27. Water filtration plants.
 28. Waste disposal facilities.
- c. Prohibited Uses:**
1. Any use not specifically listed as a permitted or conditional use.

CHAPTER 8**ZONING DISTRICT REQUIREMENTS & ZONING MAPS****1. Zoning District Requirements Table.**

Zoning Districts	Min. Lot Area (acres)	Min. Lot Width-Road Frontage	Maximum Non-Farm Dwelling Density per A/NR District	Side Yard Setback, Minimum	Rear Yard Setback, Minimum
Agriculture/Natural Resource – 40 (ANR-40)	2	100 Feet	1 per 40 Acres owned maximum of 4 total	20 Feet	40 Feet
Agriculture/Natural Resource – 20 (ANR-20)	2	100 Feet	1 per 20 Acres owned	20 Feet	40 Feet
Agriculture/Natural Resource – 10 (ANR-10)	2	100 Feet	1 per 10 Acres owned	20 Feet	40 Feet
Agriculture/Natural Resource – 5 (ANR-5)	2	75 Feet	1 per 5 Acres owned	10 Feet	20 Feet
Agriculture/Natural Resource Transition – 5 (ANRT-5)	2	75 Feet	1 per 5 Acres owned	10 Feet	20 Feet
Residential (R)	1 acre, .25 acres if served by public sewer	75 Feet 50 Feet-Sewered	NA	10 Feet	10 Feet
Commercial (C)	1 acre, .25 acres if served by public sewer	75 Feet 50 Feet-Sewered	NA	10 Feet 20 feet from Residential lot	10 Feet 40 feet from Residential lot
Industrial (I)	1 acre, .25 acres if served by public sewer	100 Feet	NA	20 Feet 40 feet from Residential lot	20 Feet 40 feet from Residential lot
Conservation (CONS)	1	100 Feet	NA	10 Feet	10 Feet

2. Density.

One (1) single family dwelling or duplex is permitted per lot, with the exception of dwellings located in a manufactured home community. Lots containing uses other than single family dwellings or duplexes shall not contain more than one principal use and its related principal and accessory structures.

3. Setbacks.

- A. Structure Setback Requirements. In all Agricultural, Commercial and Industrial Zoning Districts all structures are required to be setback, a minimum, the height of the structure or the setback distance listed in the table above, whichever is greater, from the property lines and from all State, County and Town Highways.
- B. Measurement. All distances are measured along a horizontal plane from the applicable property line to a foundation or building wall edge of a structure. Setback distances are not measured by following the topography of the land and are the shortest distance between the lot line and the structure.
- C. Front Yard Setback. The front yard setback shall be the minimum setback required from the adjoining public road, not excluding 3.A above.
- D. Structure and Use Location. Where a structure or use is proposed to be located or constructed across a property line, or within the required minimum setback, or on a contiguous lot, the two parcels must be replated by certified survey map prior to any permits being issued.

4. Lot Requirements.

- A. Lot Width/Road Frontage. All lots or parcels upon which a dwelling, commercial or industrial building is to be constructed shall abut upon a public road, street or highway. No lot shall hereafter be so reduced or created so that it does not meet the minimum lot width/road frontage and area requirements of this Ordinance.

If access is via a private road, it shall serve no more than four (4) dwellings. If a private road already serves four (4) dwellings, no zoning permits shall be granted for an additional dwelling or dwellings until the private road has been converted to a public road pursuant to procedures set forth in Wisconsin Statutes. A private road shall not serve a multifamily dwelling, a commercial building, or an industrial building.

- B. Minimum Lot Area. The minimum lot area shall exclude road right-of-ways and calculation of such shall be made as if that portion of the lot was not legally a portion of the description. Only where lot lines end at the right of way of an adjoining highway shall the entire lot be included in the lot area calculation.
- C. Lot Depth. The depth of a lot shall not exceed six (6) times the width. The depth to width ratio may be increased if approved by the Zoning Administrator (or BOA). The applicant must demonstrate the necessity for a greater depth to width ratio due to topographic or site specific conditions that make it impractical to meet the depth to width ratio requirements.

- D. Dimensional Standards. Buffalo County Floodplain, Shoreland, Wetland, and Subdivision Ordinances may prescribe different minimum dimensional standards that this Ordinance. In the event of conflict between a dimensional standard in this Ordinance and a similar requirement in another Buffalo County Ordinance, the more restrictive dimensional standard shall control.

No dimensional standard shall be reduced so as to make it less than the minimum required by this Ordinance. If an existing dimension is less than the minimum required, it shall not be further reduced.

5. Lots of Record.

Lots created prior to the effective date of this Ordinance shall be deemed a Lot of Record and shall be considered legally buildable even though the lot may not meet the minimum lot area and lot width requirements, provided that the lot is in separate ownership from abutting land, and further provided that the lot is developed with a use that is permitted, and structures meet the minimum setback requirements of the zoning district in which it is located.

- A. Evidence. Lots of record must be of record in at least one of the following forms to establish the date of the creation of the lot.
1. A recorded land deed, plat, or certified survey map, on file with the Buffalo County Register of Deeds that predated the effective date of this Ordinance, showing the lot in its present form.
 2. A deed or land contract on file with the Buffalo County Register of Deeds which predates the effective date of this Ordinance.
- B. Lot Area Minimum. Minimum lot size for a Lot of Record shall be 20,000 square feet for lots without public sewer, and 10,000 square feet for lots with public sewer.

A lot of record which qualifies as a building site may be enlarged through acquisition of adjacent property, but need not comply with the lot area provision of Ch. 8.1. Any lot so enlarged shall not thereafter be reduced below the minimum lot size required in the applicable zoning district.

6. Determination of Uses Not Listed.

In any Zoning District, wherever a use is not specifically permitted or denied, the use shall be considered to be prohibited. In such a case, the Zoning Committee, on its own initiative or upon the request of a specific property owner, may conduct an evaluation to determine which zoning district, if any, is most appropriate for the use contemplated or proposed and which, if any, performance standards are appropriate to govern said use.

7. Maximum Residential Density Calculations in the Agriculture/Natural Resource – 20, 10, and 5 Zoning Districts.

- A. Allowable non-farm dwelling / residential lot density. Allowable residential lot density for property under the same ownership shall be kept on file in the Zoning Office. The number of permitted non-farm dwellings shall be noted on the official density map.

- B. Applicability. Maximum non-farm dwelling / residential lot density shall apply to the creation of residential lots in the Agriculture/Natural Resource – 20, 10, and 5 Zoning Districts.
- C. Number of non-farm dwellings / residential lots. Parcels existing on the effective date of this Ordinance shall not be divided into a number of residential lots which exceeds the allowable number for the Agriculture/Natural Resource – 20, 10, and 5 Zoning Districts.
 - 1. Calculation. The allowable number of residential lots shall be calculated by dividing the size of the tract in acres by the maximum residential density of the District. (Example: A forty-six {46} acre lot in the ANR-10 district results in; forty-six divided by ten equals four point six, $46/10 = 4.6$ lots.)
 - 2. Rounding. Any fractional lot number, resulting from the calculation in 7.C.1., which is at least point seventy-five (.75) shall be rounded up to the next whole number.
 - 3. Existing dwelling units. Any dwelling unit, which exists on the effective date of this Ordinance, and is located on a tract of land to be subdivided, shall not count against the maximum residential lot density allowed.
 - 4. Minimum lot size. No lot, parcel or building site shall be created which does not meet the minimum lot area requirements of this Ordinance.
- D. Transfer of allowable density. The transfer of allowable density from one lot to a contiguous lot under the same ownership is permitted. Such transfer may also be across a public highway to a lot under the same ownership which has opposite frontage.
- E. All lots to contain allowance for residential use. No lot shall be created which does not carry with it the allowance for at least one (1) dwelling unit under the maximum density calculation unless such lot is permanently deed restricted to nonresidential use.

8. Zoning Maps.

- A. Zoning districts shall be bounded and defined as shown on the zoning maps prepared by each Town, and approved of by the County Board of Supervisors. The zoning maps shall be entitled, Buffalo County Zoning Districts Map(s), on file in the Buffalo County Zoning Department.
- B. Interpretation of Zoning District Boundaries. The following rules shall be used to determine the precise location of zoning district boundaries shown on the Buffalo County Zoning Districts Map:
 - 1. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
 - 2. Boundaries shown as following or approximately following highways shall be construed as following the centerlines of such highways; in the event of a change in the location of

such highways, the zoning district boundary shall be construed as moving with the centerline.

3. Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Buffalo County Real Property Listing Tax Maps shall be construed as following such lines.
4. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other water courses shall be construed as following the centerline of such water courses; in the event of a natural change in the location of such water courses, the zoning district boundary shall be construed as moving with the centerline.
5. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs one (1) through four (4), shall be construed to be parallel to such features and at such distances therefrom as are shown on the Buffalo County Zoning Districts Map. In the event such boundaries are not parallel or approximately parallel to any of the features listed in paragraphs (1) through (4) the interpretation of district boundaries by the Zoning Administrator shall be conclusive.

C. Zoning Map Finalization. To accommodate final revisions to Town Zoning District Maps, the Zoning Administrator may make edits to Town Maps upon the written or verbal request made by a Town Chair or by means of a statement from a Town Board. Town Map revisions will be accommodated as stated above, for a period of ninety (90) days from the date of the adoption of this Ordinance.

9. Structure Height Requirements

- A. Height Limitations. Except as provided in subs. B, no building, structure or sign shall exceed 35 feet in height, ‘height’ as determined in the ‘Structure Height’ definition. Accessory structures in the Residential zoning district may not exceed 24 feet in height. Processing structures for permitted nonmetallic mines may not exceed 75 feet in height.
- B. Exemptions. The following are exempt from the height requirements of this Chapter.
 1. Architectural projections such as; spires, belfries, domes, chimneys, church steeples and cupolas provided that cupolas do not exceed 100 square feet in floor area and are not higher than 10 feet above the adjacent roof ridge, and contain no living quarters.
 2. Agricultural Structures such as; silos, barns, and grain storage structures are exempt provided the setback requirements in Section 3, A of this Chapter is met.
 3. Special Structures such as; grain elevators, observation towers in recreational area, communication towers, electric transmission poles and towers, and smoke stacks. The height of each such structures shall not exceed the distance of the structure from the nearest lot line.
 4. Public or semi-public facilities such as schools, churches, monuments, libraries and government buildings may be granted a variance by the Board of Adjustments to a height

of 75 feet provided that all required setbacks are increased by not less than one foot for each foot the structure exceeds 35 feet in height.

5. Industrial buildings may be granted a variance by the Board of Adjustments to a height of 75 feet provided the setback requirements in Section 3, A of this Chapter is met.

CHAPTER 9

SPECIFIC USES

1. Purpose.

The purpose of these requirements is to minimize potential negative impacts from certain specified uses and to promote compatibility between those uses and surrounding uses.

2. Applicability.

In addition to complying with other regulations established in this ordinance, these requirements must be met for each specific use as a condition of a zoning permit application approval.

3. Accessory Dwellings.

Accessory Dwellings are permitted in the Commercial and Industrial zoning districts, in the ANR 20, 10 & 5 zoning districts, and in the Residential zoning district.

- A. Standards. The following minimum standards shall apply to accessory dwellings in the Commercial and Industrial zoning districts.

1. Accessory dwellings are only permitted in conjunction with an active and operating business establishment.
2. Occupants of accessory dwellings shall be the owner of the business establishment or an employee thereof.
3. There shall be no more than one accessory dwelling on a lot.
4. The accessory dwelling may be either attached or detached.
5. The setbacks and minimum lot size for an accessory dwelling shall be the required setbacks and minimum lot sizes for structures in those zoning districts.
6. Accessory dwellings shall meet all other provisions and requirements of this Ordinance.
7. Accessory dwellings shall not be a mobile home.
8. Accessory dwellings shall require a zoning permit and shall be in compliance with the Sanitary Ordinance of Buffalo County.

- B. Standards. The following minimum standards shall apply to accessory dwellings in the ANR 20, 10, & 5 zoning districts and the Residential zoning district.
1. The area of the accessory dwelling shall be no greater than one half the square footage of the principal dwelling, or exceed 1,000 square feet in area.
 2. Accessory dwellings shall not be rented or leased.
 3. The owner of the lot/parcel shall occupy the principal dwelling on the property.
 4. Accessory dwellings shall be located a minimum of 100 feet from adjacent neighboring dwellings.
 5. Accessory dwellings shall not be split off from the parcel of the principal dwelling.
 6. The accessory dwelling shall be detached from the principal dwelling.
 7. Accessory dwellings shall require a zoning permit and shall comply with the sanitary ordinance of Buffalo County.

4. Bed and Breakfast Establishments.

A Bed and Breakfast Establishment is a conditional use in all ANR zoning districts and in the Residential zoning district.

- A. Standards. The following minimum standards are applicable to bed and breakfast establishments.
1. No premises shall be utilized for a bed and breakfast unless there are at least two (2) exits to the outdoors from such premises.
 2. The dwelling in which the bed and breakfast takes place shall be the principal dwelling of the owner or operator and said owner or operator shall live on the premises when the bed and breakfast is active as required under the Wisconsin Administrative Code.
 3. The Conditional Use Permit shall not be transferable to another owner.
 4. The maximum stay for any occupants of a bed and breakfast establishment shall be thirty-one (31) consecutive days.
 5. All such facilities shall be required to obtain a licenses to serve liquor, if applicable.
 6. There shall be no more than six (6) rooms available for rent to transient guests.
 7. All lot size and other dimensional requirements for single-family dwellings shall be met.

8. No more than one (1) on premise sign shall be permitted and shall not exceed twelve (12) square feet in area.
9. A bed and breakfast shall be located a minimum of one thousand (1,000) feet from any livestock feedlot, one thousand (1,000) feet from any animal waste storage structure and five hundred (500) feet from any structure used for permanent enclosure of livestock, other than that of the bed and breakfast owner.
10. The owner or his agent shall apply for and be issued a zoning permit allowing the operation of a bed and breakfast.
11. The bed and breakfast shall be serviced by a private on-site wastewater treatment system that is in compliance with all requirements of the Buffalo County Sanitary Ordinance.
12. The number of vehicles allowed on site is limited to the number of bedrooms. On-street parking is prohibited. No recreational vehicles or camping units may be used for living or sleeping purposes in conjunction with a bed and breakfast.
13. The owner/occupant shall abide by all regulations and requirements of the Buffalo County Health Department.
14. Each area and room designated or used for sleeping shall have at least one (1) means of exit to the exterior, by door or egress window. If a room does not meet these qualifications, a sign shall be posted notifying occupants that the room shall not be used for sleeping due to lack of safe egress.

Basement areas designed or used for sleeping shall have at least two (2) exits to the exterior, by door or egress window. If a basement does not meet these qualifications, a sign shall be posted notifying occupants that the room shall not be used for sleeping due to lack of safe egress.
15. Shall have functional smoke detectors, carbon monoxide detector, and fire extinguisher in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
16. Shall have proof of insurance against claims of personal injury and property damage for a bed and breakfast, commercial rental operation.
17. A bed and breakfast establishment that; generates excessive noise complaints, where excessive response is required from law enforcement, has poor property care and maintenance, is noncompliant with ATCP 73 or has other issues that may be deemed a nuisance to neighboring properties, will have its zoning permit revoked.
18. One (1) or two (2) family dwellings (cottages, cabins, homes) built after June 1, 1980 are required to meet the Uniform Dwelling Code standards. You may be required to provide a Building Inspection Report to the Zoning Department as part of the application process.

5. Campgrounds.

A. Permitting Requirements. Campgrounds with twenty (20) campsites or less shall require the issuance of a conditional use permit. Campgrounds with over twenty (20) campsites shall require the issuance of a variance by the Board of Adjustment. In considering such petitions, the Board shall evaluate the proposed campground location or expansion and shall consider such evidence bearing upon the general purpose and intent of this Ordinance to promote the public health, safety, and general welfare and the privacy and property values of neighboring lands so far as it is consistent with the public interest.

B. Campground Requirements.

1. Campground Plan. All applicants for new campgrounds and expansions of existing campgrounds shall submit a site plan to the Zoning Department. The site plan shall be drawn to scale and include the following information:
 - a. All utilities such as, but not limited to, stormwater, sanitary, electrical, cable, telephone and water.
 - b. Locations of all proposed buildings and other structures incidental to the campground operation, such as, but not limited to, well houses, laundry facilities, shelters, sanitary facilities, office and storage buildings.
 - c. Interior roadways, adjacent or abutting roads, access points, and parking areas within the campground.
 - d. All campsite boundaries and the designated location of camping units.
 - e. All private roadways and/or right-of-ways including appropriate setbacks.
 - f. All natural features including any wetlands, navigable waters, drainage patterns and floodplain boundaries.
 - g. Proposed types of landscape plantings and proposed recreation areas.

C. Campground Standards.

1. The minimum campground size in area is ten (10) acres.
2. The maximum number of campsites is ten (10) per acre.
3. The minimum area of a campsite is two thousand (2,000) square feet.
4. There shall be two (2) off-street parking spaces for each campsite.
5. All campsites shall maintain a minimum setback of fifty (50) feet from all property line boundaries.

6. All campsites shall be located on well drained soils or graded to prevent the accumulation of stormwater.
7. Campsites shall not be located in the floodplain.
8. Exposed ground surfaces in parking areas shall be paved or covered with gravel or other solid material to prevent soil erosion.
9. Access to campgrounds shall be designed to minimize congestion and hazards at entrances and exits, all roads within the campground shall be graded and maintained to provide drainage.
10. Campgrounds shall be screened by means of a vegetative buffer or fence along all perimeter property lines. This requirement may be waived by the Board of Adjustment if existing vegetation is deemed adequate.
11. Porches, lean-tos or additions shall not be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
12. Mobile homes and manufactured homes are not allowed in campgrounds.
13. A faucet supplying water which is under pressure and which is safe for human consumption shall be located not more than four hundred (400) feet from any individual campsite and not within fifty (50) feet of a sanitary station.
14. Campgrounds shall be kept free of camper generated litter, rubbish and other flammable materials.
15. Each campsite shall have a designated location designed for outdoor cooking and or campfires and fires shall not be allowed outside the designated area.
16. Campgrounds shall be served by an approved and adequately sized private on-site wastewater treatment system.
17. Exterior faucet facilities shall be designed and constructed to capture and drain excess water.
18. All refuse containers shall be fly and rodent proof, water tight and sufficient to serve the needs of all campground users.
19. Campgrounds shall have a suitable building(s) for housing lavatories, showers, sinks, etc. The building shall not be located closer than thirty (30) feet to any campsite and shall be adequately lighted, screened and ventilated. Floors shall be constructed of concrete, tile or similar impervious surface and drained by means of a floor drain.
20. All building, plumbing, electrical and other work at a campground authorized under this Ordinance shall be in accordance with the provisions and regulations of the WI State Codes.

21. Every campground shall have an office or place of registration where a recording of all campground users is maintained. The recording shall include the names, addresses, dates of arrival and departure, license numbers of all vehicles and the States issuing such licenses.
22. Campgrounds shall be maintained in an orderly and sanitary condition.
23. The maximum continuous stay in a campground is six (6) continuous months. After six (6) months, the campground user and camping unit must vacate the campground for a minimum of two (2) months. The intent of this provision is to ensure that campsites do not become permanent residences.
24. All campsites shall be clearly numbered to aide in the locating of sites by emergency response vehicles and technicians.
25. All campground structures shall require a zoning permit before construction.
26. Campgrounds shall comply with Wis. Stats. Chapter DNR 178 and shall comply with all performance standards and licensing requirements of the Buffalo County Health Department.

6. Campground, Special Event.

- A. A special event campground over one hundred fifty (150) campsites in size shall require a conditional use permit.
- B. The permit application shall contain all required information as defined in ATCP 79.26.
- C. All campsites within the special event campground shall remain a minimum of one hundred (100) feet from all property lines.
- D. All campsites shall have a minimum of eight hundred (800) square feet in area.
- E. Portable toilets shall be supplied at a minimum of one toilet for every fifty (50) campground users.

7. Captive Wildlife Operations.

- A. Standards.
 1. All new captive wildlife operations, or expansion of existing operations, shall require the issuance of a conditional use permit that shall expire and require renewal every five (5) years.

2. Confinement areas shall be located a minimum of fifty (50) feet from all property lines and a minimum of two hundred fifty (250) feet from a dwelling or a residential district.
3. Operations shall abide by all requirements of Wis. Stats. Chapter 169 and NR15 pertaining to captive wildlife.
4. Captive wildlife shall be held under sanitary conditions, receive humane treatment, and receive adequate care, housing and food.
5. Applicants shall obtain from the DNR a Captive Wild Animal Farm License and abide by DNR wildlife pen specifications.
6. Operations shall abide by Chapter ATCP 10 and Wis. Stats. Chapter 95, Animal Health.
7. Captive cervid operations shall obtain licensure from DATCP.
8. Captive cervid operations shall obtain a Deer Farm Fence Certificate from the DNR.
9. Captive cervid operations shall maintain two (2) perimeter containment fences with a minimum height of eight (8) feet and with a minimum separation distance of eight (8) feet.
10. Owners of captive cervid operations shall be registered by DATCP as a Farm Raised Deer Keeper.

8. Commercial Outdoor Entertainment/Recreation.

- A. Standards. The following minimum standards are applicable to commercial outdoor entertainment/recreation facilities.
1. All outdoor entertainment areas, including all structures such as buildings and fencing, different activity areas, sanitary and waste disposal facilities, means of access, and screening shall be clearly indicated on a site plan included with the application for a conditional use permit.
 2. No outdoor entertainment area shall be open later than 10:00 p.m. unless modified as part of a conditional use petition.
 3. If alcoholic beverages will be served in the outdoor entertainment area, proof that an applicable liquor license covering that area must be submitted to the Zoning Administrator prior to the issuance of a zoning permit.
 4. Provisions for safe, ample parking shall be specified in the conditional use permit application. The location of the outdoor entertainment area shall not reduce the number of parking spaces below the minimum number of spaces required by this Ordinance, for all principal and accessory uses combined.

5. Race track facilities shall be located a minimum of two thousand (2,000) feet from any residential zoning district and five hundred (500) feet from any dwelling.
6. All outdoor entertainment areas shall be physically separated from vehicle circulation areas by a fence, raised curb, planters, or other barrier.
7. Amplification devices may be placed within or directed toward the outdoor entertainment area for the purposes of playing music or spoken words, subject to the following standards:
 - a. No amplified music may be played between the hours of 10:00 p.m. and 10:00 a.m.
 - b. Amplification devices and live music staging areas shall be located within fifty (50) feet of the principal structure and shall be a minimum of fifty (50) feet from any property lines.
 - c. Except for occasional events not occurring more than three times in any calendar year, sound from amplified music shall not exceed sixty-five (65) dBA at any property line.
8. Through its review of individual conditional use permits, the Board of Adjustment may place temporal limits on the use, time of day, hours of operation, number of occurrences per year.
9. No building, structure, or parking lot of an unenclosed entertainment/recreation facility shall be located within fifty (50) feet of any side or rear property line, unless the Board of Adjustment determines that a smaller buffer is acceptable.
10. Unenclosed facilities shall be effectively screened from public roads and neighboring residential uses.
11. Outdoor lighting shall not project onto neighboring properties or public roads.
12. Location and design of entrance drives shall be such as to minimize traffic hazard and nuisance factors. Access drives shall be adequate to accommodate vehicles queued for admission without traffic backup into the road right-of-way.
13. Retail sales that are clearly secondary to the principal use are permissible.
14. The facility or event shall be designed for and limited to one thousand (1,000) persons or less at any given time.
15. Sanitary facilities, sewage disposal and water supply shall be adequate and in compliance with applicable State and Buffalo County Health Department regulations.
16. Specific types of activities, capacity for participants and spectators and hours of operation shall be considered by the Board of Adjustment in determining the compatibility of the facility with the surrounding land uses.

9. Concrete or Asphalt Plant, Permanent.

- A. Permitting. A permanent concrete or asphalt plant shall only be permitted as a conditional use in an Industrial Zoning District and shall meet the requirements for a temporary concrete or asphalt plant.
- B. Location. A permanent concrete or asphalt plant shall be located a minimum distance of five hundred (500) feet from all existing dwellings.

10. Concrete or Asphalt Plant, Temporary.

- A. Application. Temporary concrete or asphalt plants are permitted for up to one hundred twenty (120) days provided the following information is submitted with the application:
 - 1. A site plan drawn to scale, showing parcel boundaries, building/structure dimensions, and access roads.
 - 2. Plans for stormwater management and erosion control.
- B. Criteria. Temporary concrete or asphalt plants shall be subject to the following criteria:
 - 1. Comply with all Federal and State air quality standards. (Air permit documentation shall be made available to the Zoning Department upon request).
 - 2. Conditions may be set with respect to hours of operation and ingress/egress to the premises.
 - 3. Temporary concrete or asphalt batch plants shall be removed from the premises within thirty (30) days of permit expiration.
- C. Extension. A permit for a temporary concrete or asphalt may be extended one time for an additional thirty (30) days at the discretion of the Zoning Administrator.

11. Domestic Fowl in the Residential District

- D. Standards.
 - 1. There shall be not more than twelve (12) chickens per lot.
 - 2. The keeping of roosters is prohibited.
 - 3. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

4. The chicken closure shall be subject to setback standards normally applicable to principal structures or dwellings.
5. Covered and fenced enclosures must be kept in a clean and odor-free manner that will not disturb the use or enjoyment of adjacent lots.
6. Covered and fenced enclosures shall be located within the rear or side yard.
7. Covered and fenced enclosures shall not be located closer than seventy-five (75) feet to the ordinary highwater mark of any lake, stream or river.

12. Farm Animals on Small Parcels.

A. Applicability. The following standards shall apply when:

1. Any owner of land zoned R-Residential wishes to keep and maintain farm animals.
2. Any owner of fewer than ten (10) contiguous acres within any ANR zoning district wishes to keep and maintain farm animals.

B. Performance Standards. This use classification and the associated standards shall apply regardless of whether the use functions as an accessory use or a principal use. The intent of the performance standards in this subsection is to allow for hobby or recreational farming in appropriate zoning districts, avoid nuisances, prevent excessive undesirable odor, and prevent other potential negative impacts on neighboring properties; protect human and animal health; satisfy the spatial need of farm animals; and protect water quality and the environment. Where permitted, such uses shall be subject to the following performance standards:

1. The raising or keeping of farm animals shall be permitted at a density not to exceed two (2) animal units per every one (1) acre owned, not considering fractional amounts of acreage. Parcels under one (1) acre may not raise or keep any farm animals aside from the limited keeping of chickens as a residential accessory use (see separate standards).
2. Structures on small parcels used to house or feed farm animals shall maintain a minimum setback of fifty (50) feet from all property lines or one hundred (100) feet from dwellings on adjoining lots, whichever is greater.
3. A thirty-five (35) foot wide vegetative buffer strip shall be maintained between a navigable waterway or wetland and any area used for the keeping, feeding, or pasturing of farm animals on small parcels.

Equine animals and bison shall have an animal unit factor of one point zero (1.0). All other farm animals shall be quantified by animal unit factors as specified by WI DATCP.

13. Fur Farms.

- A. Application. Applicants shall submit the following information with the application:
1. A site plan drawn to scale, showing parcel boundaries, building/structure dimensions, fences, and any other enclosures.
 2. A detailed animal handling plan.
- B. Location. Structures and confinement areas shall maintain a minimum setback of one thousand (1,000) feet from a residential district or residential lot and shall be located a minimum of five hundred (500) feet from all other property lines.
- C. Screening. Fencing or screening of the facility may be required at the discretion of the Zoning Administrator or Buffalo County Board of Adjustment.
- D. Regulations. It shall be the responsibility of the fur farm owner to comply with all local, State, and Federal regulations, registration and licensing requirements including the following:
1. Pursuant to s. 97.44(2), Wisconsin Statute, operators of fur farms shall register their names and business locations with WI DATCP if they engage in slaughtering animals or in buying dead animals or parts of the carcasses of such animals for feed.
 2. Pursuant to s. 95.72(7)(c), Wis. Statute, no fur farmer may operate any vehicle for the transportation of dead animals unless the person is issued a vehicle permit by WI DATCP. The permit holder shall keep the permit with the vehicle for which it was issued.

14. Home Business.

A business accessory to a principal permitted single family dwelling.

- A. Standards. The following minimum standards are applicable to home businesses.
1. If located within a dwelling unit, the home business shall occupy no more than fifty percent (50%) of the floor area of the dwelling unit. If located in an accessory building the home business shall not occupy an area greater than one thousand, five hundred (1,500) square feet.
 2. The home business shall be conducted by a resident of the dwelling unit.
 3. A home business shall not employ more than two (2) full-time persons who are not residents of the dwelling.
 4. Off-street parking shall be provided in accordance with the requirements in Chapter 12, parking, loading, and access requirements.

5. Such use shall not create a nuisance due to noise, dust, odors, vibration, hours of operation, traffic generation or otherwise be incompatible with surrounding land uses.
6. No more than two (2) home business shall be permitted on a lot.
7. A lavatory shall be provided for employees and clients of the home business.
8. No more than one (1) sign shall be displayed which shall not exceed twelve (12) square feet in area and shall be located on the dwelling structure. The sign shall not be illuminated.
9. Only finished consumer goods, or services offered, that have been produced for a home business and products accessory to such goods may be offered for sale.
10. There shall be no outdoor storage of any articles offered for sale or produced on the premises in conjunction with the home business. Outdoor storage of materials or machinery used in conjunction with the home business shall not be permitted.

15. Home Occupations.

Home occupations shall be allowed as a permitted use in the Residential zoning district and all Agriculture-Natural Resource zoning districts.

A. Standards. The following minimum standards are applicable to home occupations.

1. The use of a principal permitted single family dwelling for a home occupation shall be clearly secondary to the residential use of the dwelling unit and shall not change the residential character of the dwelling.
2. Home occupations shall be conducted only inside a single-family dwelling unit, including any attached garage, and shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling. Home occupations shall not be conducted in an accessory building.
3. The home occupation shall be conducted by the owner of the dwelling or a family member.
4. A home occupation shall not employ more than one (1) full-time person that is not a resident of the dwelling unit.
5. Sales and retail activity is limited to the sale of products produced by the home occupation.
6. Such use shall not create a nuisance due to noise, dust, odors, vibration, hours of operation, traffic generation or otherwise be incompatible with surrounding land uses.

7. There shall be no outdoor storage or display of any articles produced in conjunction with the home occupation. Outdoor storage of materials or machinery use in conjunction with the home occupation shall not be permitted.
8. No more than one (1) sign shall be displayed which shall not exceed nine (9) square feet in area and shall be located on the dwelling structure. The sign shall not be illuminated.

16. Home or Farm Based Business.

A. Standards. The following minimum standards are applicable to home or farm based businesses:

1. The use/business shall be conducted entirely within the dwelling/residence or an accessory structure not to exceed four thousand (4,000) square feet in floor area.
2. If located within a dwelling the business shall occupy no more than fifty percent (50%) of the dwelling units total floor area.
3. The farm/home based business shall be conducted by the owner of the dwelling unit, or an immediate family member.
4. No more than the equivalent of four (4) full-time employees, not residing on the premises, may be employed in the business.
5. Products are allowed to be sold on site, provided the retail activity is incidental to the agricultural use of the property.
6. There shall be no outside storage or display of materials, equipment, or products associated with the business except for those products that are cultivated or grown on the property.
7. Such use shall not create a nuisance due to noise, dust, odors, vibration, hours of operation, traffic generation or otherwise be incompatible with surrounding land uses.
8. No more than one (1) on-premise advertising sign shall be allowed. The sign shall not exceed twenty-four (24) square feet in area and shall not be illuminated.
9. Minimum lot size shall be five (5) acres.
10. Such other conditions as specified by the Board of Adjustment shall apply.

17. Inoperable Motor Vehicles.

A. Standards.

1. It shall be unlawful for any person or property owner in an ANR zoning district to keep or maintain upon or to allow any person to keep or maintain upon real property under his/her control more than three (3) inoperable motor vehicles at any one time.
2. It shall be unlawful for any person or property owner in the Residential zoning district to keep or maintain upon or to allow any person to keep or maintain upon real property under his/her control more than one (1) inoperable motor vehicle at any one time.
3. Having been notified by the County of the necessity of the removal of any inoperable motor vehicle from private property, no person shall physically relocate or dispose of or destroy the same in violation of state or federal regulations or county ordinances.
4. Inoperable vehicles being stored under this exemption shall be properly screened from public view. Storage of such vehicles shall not constitute a health or safety hazard. Screening shall consist of privacy fencing, shrubs, trees, buildings or other suitable means. A variance application approved by the Board of Adjustment may allow a person to store more than three (3) inoperable vehicles on a parcel. Enforcement measures for compliance and removal are subject to and contingent upon the written approval and support of the applicable Town Board.
5. This section shall not apply to any inoperable motor vehicle stored within an enclosed building, or stored on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or to seasonal use vehicles, such as campers, etc. Such business enterprises shall include auto salvage operations, auto sales, repair, and auto body shops but shall not include automobile service stations or tire, battery and accessory sales stores.
6. This section shall not apply to the storage upon property of vintage or historic motor vehicles over twenty (20) years of age which are licensed pursuant to State requirements. Such open storage shall, nonetheless, be subject to the following limitations:
 - a. Each such motor shall be stored in such a manner as to prevent oil, grease, battery acid, gasoline or other fuel or contaminants from leaking into or upon the soil. The existence of such contamination shall cause the motor vehicles in question to be classified as junk and subject the owner of the property on which they are found to prosecution hereunder.
 - b. Each such motor vehicle shall be stored at a location on the collector's lot or parcel which is not visible beyond the lot line thereof. The failure of the owner of the lot or parcel on which such motor vehicles are found to abide by this requirement, even if such owner is not the owner of the motor vehicles in question, shall subject said owner to the requirement that screening be erected in a manner approved of by the Zoning

Administrator. Should an order for screening be disregarded, the inoperable motor vehicles shall lose their exempt status under this section and their continued storage upon the lot or parcel in question shall be in violation of this section.

- c. In the event that two (2) or more such motor vehicles are stored on a given lot or parcel, they shall be parked or stored in a row or rows in an orderly fashion.
7. An inoperable motor vehicle is under the control of a person if that person is:
 - a. The motor vehicle owner, or
 - b. Is in custody or possession of the vehicle, or
 - c. Is the owner of the real property upon which the inoperable vehicle is located.
8. Equipment which is utilized solely and specifically for agricultural purposes is exempt from the requirements of this section.

18. Kennels.

A. Standards. The following minimum standards are applicable to kennels:

1. Kennels are prohibited in Residential Zoning Districts.
2. With the application for a Conditional Use Permit for such a use, the applicant shall submit to the Zoning Administrator a site plan that shows the location of all structures, fences, or other enclosures where animals will be kept.
3. Kennels that require a license under s. 173.41, Stats shall comply with all Chapter ATCP 16 regulations.
4. The number of dogs or cats, or both, over six (6) months of age that are kept on the property may be limited by conditions placed on a Conditional Use Permit.
5. If applicable, all dogs housed on the premises must be licensed with the local government jurisdiction.
6. All dogs shall be housed in an enclosed structure during the hours from 9:00 p.m. to 6:00 a.m.
7. Minimum property line setbacks for all structures associated with kennels including fenced areas and runways shall be located:
 - a. Five hundred (500) feet from any neighboring dwelling.
 - b. Fifty (50) feet from any parcel that does not have a dwelling.

8. Kennel structures shall be located at least fifty (50) feet from any potable water supply well.
9. Use area shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
10. Management of animal waste must be such that odors are not perceptible at lot lines.
11. On-site waste facilities, POWTS, shall be designated to accommodate waste generated from kennel cleaning. All solid waste shall be handled so that it ends up in a sanitary landfill.
12. Kennel facilities shall be designed to accommodate boarding during any season and shall comply with ss. ATCP 16.22 and 16.24.
13. General dog care standards shall comply with s. ATCP 16.20.
14. Dogs shall have daily access to an indoor and outdoor run or exercise area where they can achieve a running stride.
15. Kennel structures including outside pens and runs shall be screened by landscaping or other suitable means when visible from a neighboring dwelling.
16. Kennels in operation and existing as of the effective date of this ordinance are exempt from the setback requirements under item 7 above.
17. These standards are considered minimum requirements. Additional requirements may be established on a case-by case basis at the discretion of the Buffalo County Zoning Department and the Buffalo County Board of Adjustment.
18. Non-compliance with any of the above performance standards or Wis. Stats. Ch. 951 regarding animal cruelty may result in revocation of a Conditional Use Permit or other enforcement actions as allowed under this Ordinance.

19. Livestock Structure Siting.

The following structure setback provisions apply to all livestock confinement structures and animal waste storage structures in all ANR zoning districts. In addition to the minimum setback requirements established below, all animal confinement and waste storage structures shall comply with all requirements of the following; Buffalo County Shoreland, Floodplain, and Wetland Ordinances, the Buffalo County Manure Storage Ordinance and the State well code (NR 811 and 812).

A. Confinement Structure Setbacks.

1. Confinement structures that will house or hold less than one thousand (1000) animal units shall be setback a minimum of one hundred (100) feet from all property lines and public road right-of-ways.
2. Confinement structures that will house or hold one thousand (1000) animal units or more shall be setback a minimum of two hundred (200) feet from all property lines and a minimum of one hundred fifty (150) feet from public road right-of-ways.

B. Waste Storage Structure Setbacks.

1. All animal waste storage structures shall be set back a minimum of three hundred fifty (350) feet of a property line and public road right-of-ways.
2. An applicant may add one (1) new storage structure within three hundred fifty (350) feet of a property line or public road right-of-way if the new structure is:
 - a. No closer to a property line or road right-of-way than an existing “grandfathered” storage structure,
 - b. The new structure is no larger than the existing structure, and is
 - c. Constructed no more than fifty (50) feet from the existing structure.

C. Nutrient Management.

1. All new or expanding livestock confinement structures exceeding 25 animal units shall require the development of a Nutrient Management Plan (NMP) that adheres to the NRCS 590 Nutrient Management Standard and complies with ATCP 50.04(3). The NMP shall be submitted to the County Conservationist for review and approval prior to a zoning permit being issued allowing waste storage structure development. Annual updates to the NMP shall be submitted to the County Conservationist no later than March 15th of each year thereafter. Unless otherwise provided by law, participating land owners shall be offered cost-sharing.

20. Manufactured Homes.

- A. Definition. A structure that is designed to be used with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425.
- B. Siting. All manufactured homes located outside of a permitted manufactured home community shall be set on a completely enclosed foundation of poured concrete or concrete block, not less than 8 inches wide, with footings extending below the frost line, a minimum of 48 inches from the ground level, and in accordance with subchapters, III, IV and V of Ch. ILHR 2, WI Admin. Code; and any amendments thereto.

C. Standards. The following minimum standards shall apply to manufactured homes.

1. One manufactured home is permitted per lot and shall comply with all setback, area, and other requirements of the zoning district in which it is located.
2. A Zoning Permit is required for the siting/replacement of a manufactured home.
3. The siting of a manufactured home shall require a Sanitary Permit and connection to a compliant sanitary system.

21. Manufactured / Mobile Home Communities.

A. Manufactured Home Community Plan. All newly created Manufactured Home Communities and expansions of existing communities shall submit a site plan to the Zoning Department for approval. The site plan shall be drawn to scale and include the following information:

1. All utilities such as, but not limited to, stormwater, sanitary, electrical, cable, telephone and water.
2. Locations of all proposed utility buildings and other structures incidental to the community operation such as, but not limited to, well houses, laundry facilities, community shelters, sanitary facilities, and storage buildings.
3. Interior roadways, adjacent or abutting roads, access points, and parking areas within the community.
4. All manufactured home site boundaries and the foundation footprint for each manufactured home.
5. All private roadways and/or highway right-of-ways including appropriate setbacks.
6. All natural features including any wetlands, navigable waters, drainage patterns and floodplain boundaries.
7. Proposed types of landscaping plantings and proposed recreation area.
8. A separate landscaping plan showing two (2) foot contours of the final landscape elevations may also be required at the Zoning Administrators discretion.

B. Permit Standards. All newly created manufactured home communities and expansions of existing communities after adoption of this ordinance must meet the following permit requirements and standards:

1. The minimum community size shall be three (3) acres.
2. Minimum lot dimensions for a manufactured home site shall be five thousand (5,000) square feet.

3. Interior roads shall have a minimum right-of-way of at least forty (40) feet.
4. Interior roads and parking areas shall be surfaced with a dust free material and meet all Town standards for road construction.
5. There shall be at least two (2) parking spaces for each manufactured home site.
6. There shall be no more than two (2) entrances from, or exits to, a public road or highway from any one such community.
7. Manufactured home communities shall conform to the regulations of the Department of Safety and Professional Services and this Ordinance, whichever is more restrictive.
8. Each manufactured home community shall provide one (1) acre of open recreational area for every ten (10) manufactured home sites. The recreation area shall be located to provide easy access for all residents. Additionally, the area shall be well drained to provide a clean and safe play area for children.
9. All manufactured homes including any: additions, attachments, annexes, foundations and appurtenances, shall have a minimum setback of ten (10) feet to the site's lot line.
10. All accessory structures shall have a setback of five (5) feet to the site's lot line.
11. The minimum distance between manufactured home units and all other exterior community lot lines shall be forty (40) feet.
12. No sales office or other business or commercial use shall be located within a manufactured home community. Laundries, washrooms, recreation rooms, maintenance equipment storage and one (1) management office are permitted.
13. No manufactured home site shall be rented for a period of less than thirty (30) days.
14. One accessory structure shall be allowed for each manufactured home site and shall not exceed one hundred fifty (150) square feet in floor area. Accessory structures allowed under this provision shall be located a minimum of ten (10) feet from the manufactured home on the same manufactured home site.
15. All manufactured homes shall meet the construction standards of the United States Department of Housing and Urban Development Manufactured Housing Code.
16. Each manufactured home community shall be predominantly screened around the perimeter except for permitted entrances and exits by:
 - a. A temporary planting of fast growing vegetation.
 - b. A permanent evergreen planting. Such permanent plantings shall be grown or maintained to a height of not less than fifteen (15) feet.

- c. The requirement may be waived by the Zoning Administrator or Board of Adjustment members if existing woody vegetation is such that the screening objective is or will be achieved.
17. A Zoning Permit shall be required to move a manufactured home onto a manufactured home site or interchange a manufactured home for another manufactured home on a manufactured home site in a manufactured home community that has been approved in accord with all applicable provisions of this ordinance. The number of manufactured homes in an approved manufactured home community shall not exceed the number of manufactured home sites illustrated on site plans approved as part of the approval of the manufactured home community or the approval of an expansion of the manufactured home community.
18. All manufactured home sites shall access only to an interior street.
19. The number of manufactured homes in a non-conforming manufactured home community shall not exceed the number of sites existing on the effective date of this ordinance, unless expansion has been authorized through a Conditional Use Permit.
20. Copies of all licenses required by s. 101.935(1) Wis. Stats. shall be obtained and presented to the Zoning Department for review.
- C. Recommended Conditions of Approval. Additional requirements may be established at the discretion of the Buffalo County Zoning Department and the Buffalo County Board of Adjustment.
- 1. Each manufactured home site shall apply for a uniform address number.
 - 2. All interior community roads shall be named private drives. Private drive road names must be approved by the Buffalo County Sheriff's Department.
 - a. It shall be the responsibility of the manufactured home community owner to purchase and install all private drive street signs.
 - 3. A soil and site evaluation completed in accordance with Wis. Admin Code Chapter SPS 385 shall be submitted to the Zoning Department.
 - a. A soil and site evaluation shall also delineate a suitable replacement soil treatment area in the event that the original soil treatment area fails.
 - b. A soil and site evaluation report may be waived by the Zoning Administrator if an alternative waste disposal system has been approved.
- D. Inspections. All manufactured home communities permitted by this ordinance shall be subject to an annual inspection by the Zoning Department to ensure the requirements and standards of this Ordinance are met.

22. Mini Warehouse Storage Facility.

- A. Application. Mini-warehouse storage facilities shall submit the following application information.
1. A site plan drawn to scale showing the following:
 - a. Parcel boundaries
 - b. Building/structure locations and sq. footage.
 - c. Access road with ingress/egress location.
 - d. Any screening, landscaping, or fencing.
 - e. Location of waste disposal facilities.
 - f. Parking locations.
 2. Plans for stormwater management and snow removal.
- B. Standards. The following minimum standards are applicable to mini-warehouse storage facilities:
1. Mini-warehouse storage facilities shall not be used as workshops or for retail purposes.
 2. All goods and wares shall be stored within an enclosed building. Outside storage is prohibited.
 3. Access to the compound area shall be provided through an access not less than thirty (30) feet in width. All interior drives shall not be less than twenty-four (24) feet in width and shall provide access throughout the facility by continuous forward motion.
 4. Public access shall be restricted to a single ingress/egress location along a public highway. Access shall be located and designed to minimize traffic hazards.
 5. Adequate lighting shall be provided within a mini-warehouse site so as to fully illuminate all areas within the development. Such lighting shall be appropriately hooded, shielded, or otherwise installed to prevent obnoxious or dangerous glare beyond the boundaries of the property.
 6. Screening with landscaping may be required along any property lines that are not zoned commercial or as deemed necessary by the Zoning Administrator or Buffalo County Board of Adjustment.
 7. Storage of flammable liquids, gases or other flammable materials, including, but not limited to: paint, motor oil and gasoline; all explosives, including, but not limited to,

dynamite, ammunition and fireworks; and noxious chemicals, including, but not limited to, common garden and insect sprays is prohibited.

8. Customer parking shall be provided on a basis of one (1) parking space for every fifty (50) individual storage units.

23.

Mobile Homes.

- A. **Siting.** The siting/new establishment of mobile homes, outside of permitted mobile home parks that existed at the time of the establishment of this Ordinance, is prohibited.
 1. Mobile homes located in mobile home parks may be utilized and replaced indefinitely.
 2. Mobile homes, located outside of mobile home parks at the time of the establishment of this Ordinance, may continue to be utilized indefinitely and may only be replaced up until June 1, 2021 after which date the replacement of an existing mobile home with another mobile home is prohibited.
- B. **Standards.** The following minimum standards shall apply to mobile homes:
 1. One (1) mobile home is permitted per lot and shall comply with all setback, area, and other requirements of the zoning district in which it is located.
 2. A zoning permit is required for the siting/replacement of a mobile home.
 3. The replacement of a mobile home shall require a Reconnect Sanitary Permit and verification of a compliant sanitary system.
 4. A replaced mobile home shall be removed from the lot within 60 days of the siting of the replacement mobile home. The replaced mobile home shall be recycled, demolished and landfilled or moved out of Buffalo County.
- C. **Definition.** Mobile Home: A vehicle manufactured or assembled before June 15, 1976 which is designed to be towed as a single unit or in sections by a motor vehicle to be used as a dwelling, the construction of which includes the structure, its utilities and all other equipment carrying a manufacturer’s warranty. Mobile home also means any unit which lacks a title, serial number, manufacturer or other information which would clearly identify when it was constructed. All such units shall be presumed to be manufactured prior to June 15, 1976 unless proven otherwise.

24. Poultry Barns

Poultry Barns

To minimize nitrogen pollution and the potential negative impact to groundwater resources, Buffalo County requires that poultry confinement barn floors be constructed of either concrete, asphalt or cohesive soils.

A. Litter Stacking Pads.

Each poultry barn or association of adjacent barns shall have a manure stacking pad constructed of concrete or asphalt. Stacking pads shall be sufficient in size to contain all temporary litter storage. Stacking pads shall be sloped to drain leachate and rainfall from the stacking area. A fifty (50) foot vegetative buffer shall be maintained to treat and infiltrate leachate with the buffer extending twenty feet from the side and fifty (50) feet downslope of the stacking pad.

Stacking pads with a permanent engineered roof are not required to have sloped pads and are not required to maintain a vegetative buffer. Tarps, plastic coverings or other temporary measures are not considered a permanent roof.

B. Required Soils Investigation.

1. Soil profile, depth to groundwater, and/or the depth to seasonally saturated soils at the proposed building site shall be evaluated and determined by a certified soil tester.
2. A minimum of two soil profiles shall be completed within the footprint of the proposed confinement structure. Test pits shall be to a depth of at least five feet below the elevation of the finished barn floor. Pits shall be located so as to represent the varying soil types or conditions within the barn footprint.
3. The final elevation of poultry barn floors shall be a minimum of three (3) feet above the seasonal high water table or bedrock.
4. Soil investigation results shall be submitted to the Zoning Department for review, in addition to all required County permit applications and State permits.

C. Development Plan.

New poultry barns shall require a development plan. The development plan shall include a comprehensive written description and detailed site plan showing all measures to be installed for erosion control and stormwater management. A Zoning Permit allowing poultry barn development will not be issued by the Department prior to the development plan being received. The development plan shall include all of the following:

1. Grading plan showing grading limits.
2. Property boundaries.

3. Existing and proposed new structures.
4. Soil types.
5. All water features including wetlands and wetland indicator soils.
6. A sediment and erosion control plan which includes the locations of all Best Management Practices (BMP's).
7. A storm water management plan that includes all post construction waterways, drainage patterns and features such as sediment basins, etc.
8. Existing and proposed wells and sanitary system locations.
9. A copy of the Wisconsin Pollutant Discharge Elimination System (WPDES) stormwater discharge permit required by WI DNR for construction projects where one or more acres of land are disturbed.

D. Concrete and Asphalt Floors.

1. Concrete floors shall be a minimum thickness of 3.5 inches.
2. Asphalt floors shall be a minimum thickness of 2.0 inches.
3. Cracks and joints which may extend through the floor shall be sealed.

E. Cohesive Soils Floors.

The earthen floor of all new poultry barns shall be constructed as follows:

1. The floor shall be constructed of a minimum of twelve (12) inches of compacted cohesive soils.
2. Soils shall have a plasticity index of greater than 7% as indicated by soil type in the NRCS National Cooperative Soil Survey, Plasticity Index, Buffalo County.
3. Soils shall be placed in a minimum of two lifts, each lift being a minimum of four (4) inches in thickness once fully compacted.
4. Each soil lift shall be compacted and joined together through compaction with a minimum of three passes of a sheepsfoot or padfoot type roller with feet that extend through the uppermost lift to the one below it, thus eliminating lift interfaces. Track type and rubber tire equipment are not permitted for floor compaction. Compaction equipment will typically “walk out” once sufficient compaction effort has been completed.

5. The goal in cohesive soil floor construction is to eliminate voids and lift interfaces, to minimize hydraulic conductivity and soil compressibility, and to eliminate features such as clods and desiccation cracks. Remolding the soil and eliminating clods may require increasing equipment weight.
6. Topsoil and any barnyard residue shall be removed from the poultry barn site prior to floor construction.
7. During construction on hot dry days protection from desiccation and cracking of the in-place floor may require wetting of the floor and/or reworking the previous lift prior to placement of the next lift.
8. The applicant or agent shall notify the Zoning Department a minimum of 3 days prior to commencement of construction, and within 3 days of completion of construction.

F. Post Construction Cohesive Soil Floors.

1. Floors must not be saturated at any time during their service life.
2. To prevent desiccation, and to preclude the opportunity for vegetation to become established and for root systems to penetrate and compromise the integrity of cohesive soil floors, the floor in its entirety shall be covered with an impermeable membrane immediately upon completion and shall be maintained until a finished roof is constructed.

25. Primitive Hunting Cabins

An owner of a primitive hunting cabin wanting to alter or rebuild such a cabin, and meet the following requirements, shall not require a UDC building permit.

A. Requirements.

1. The structure is not to be used as a home or residence.
2. The structure is used principally for recreational hunting activity.
3. The structure does not exceed 2 stories in height.
4. The structure was constructed before December 31, 1997.

Should the structure come to be utilized as a dwelling/residence it shall require UDC permitting at that time and shall be treated as a change of use to a dwelling for zoning permit purposes.

26. Private Interment/Burials.

A. Standards.

1. A private burial plot shall be established for the interment of family members and descendants and for no other purpose.
2. A private burial plot shall require a Zoning Permit.
3. A private burial plot shall require a survey with a metes and bounds description.
4. Private burial plots are allowed only in the ANR zoning districts.
5. Minimum lot size for private interment is ten (10) acres.
6. A private burial plot may not exceed ten thousand (10,000) square feet in area.
7. A private burial plot shall maintain a minimum setback of fifty (50) feet from all property lines and two hundred (200) feet from the centerline of any public road or highway.
8. A private burial plot shall maintain a minimum setback of seventy-five (75) feet from any navigable water of the State, shall not be located in a floodplain or within a scenic easement.
9. All private interments shall be recorded with Buffalo County within thirty (30) days of burial and provide a global positioning coordinate of the exact burial location.

27. Recreational Dwellings.

Recreational dwellings are a permitted use in all Agriculture/Natural Resource zoning districts.

A. Standards. The following minimum standards are applicable to recreational dwellings.

1. One (1) recreational dwelling is permitted per lot. One (1) additional recreational dwelling may be permitted on the same lot provided a Conditional Use Permit is granted by the Board of Adjustment.
2. Recreational dwellings must comply with all setback, height, and other regulations and requirements of the zoning district in which they are located.
3. Recreational dwellings may not be occupied for more than three (3) months out of the calendar year. Recreational dwellings occupied more than three (3) months out of a calendar year will be considered a single family dwelling and shall comply with the dwelling density regulations and limitations of this Ordinance.
4. A Zoning Permit is required for the construction or placement of a recreational dwelling.

5. A uniform address number is required for all recreational dwellings.
6. A recreational dwelling shall be served, at minimum, by a non-plumbing waste treatment system such as: pit privy, composting toilet, portable lavatory, etc. which meets the requirements of the Buffalo County Sanitary Ordinance.
7. Recreational dwellings served by a well and a private onsite wastewater treatment system are considered single family dwellings and are subject to the density regulations of this ordinance.

28. Recreational Vehicles.

The following minimum standards are applicable to recreational vehicles and camping units.

- A. Standards. The following minimum standards are applicable to recreational vehicles and camping units located outside of an approved campground:
 1. A recreational vehicle or camping unit shall not be used as a permanent dwelling or as an accessory dwelling.
 2. Recreational vehicles/camping units may be temporarily or intermittently located on a lot for recreational purposes. For purposes of this section "temporarily" shall mean no more than six (6) months in any calendar year. If placed for more than thirty (30) days in a calendar year the vehicle shall require a Zoning Permit and shall be served by a non-plumbing waste treatment system in compliance with the Buffalo County Sanitary Ordinance.
 3. There shall be no more than one (1) recreational vehicle per lot.
 4. No accessory structures or additions may be attached to the recreational vehicle or camping unit.
 5. Occupancy of a recreational vehicle or camping unit by a person having no other permanent residence at the time the unit is so occupied is prohibited.
 6. Recreational vehicles shall comply with all setback requirements for the zoning district in which they are located.
 7. Recreational vehicles are to remain mobile meaning the unit is not dismantled or has wheels removed in any way to render the vehicle immobile.
 8. A Zoning Permit issued by the Zoning Department must be displayed on the recreational vehicle.

9. Use of a recreational vehicle or camping unit on a lot where construction of a permitted dwelling is in progress is allowed, not to exceed a one (1) year duration.
10. In the Residential District no more than two (2) recreational vehicles may be stored outside, of which only one (1) may be a motor home or camping unit.

29. Riding Stables, Commercial.

- A. Standards. The following minimum standards are applicable to commercial riding stables:
1. Minimum lot size for commercial riding stables shall be ten (10) acres.
 2. There shall be a minimum one (1) acre of open space provided on the lot for each horse kept on the lot.
 3. All stables shall be located at minimum one hundred fifty (150) feet from the ordinary high water mark of navigable water and shall be located such that manure will not drain into any waterway.

30. Salvage Operations.

- A. Standards.
1. Salvage or junk, as defined in this Ordinance, may be stored on any premises on which a permitted commercial or industrial enterprise is conducted, provided, that all such junk is used in the conduct of such permitted business enterprise, and that all such junk is at all times stored in an enclosed building on the premises or within a fenced enclosure, meeting the requirements of 6 below, thereby securing it from public view.
 2. Salvage or junk, as defined in this Ordinance, may be stored on any premises in a Residential district provided that all such junk is at all times stored in an enclosed building thereby securing it from public view.
 3. No person shall conduct a salvage operation without first having been granted a Conditional Use Permit and been issued a Zoning Permit.
 4. Junk or salvage operations shall not be located within five hundred (500) feet of any dwelling, other than that owned by the owner of the operation, or within five hundred (500) feet of any residential or commercial district, or five hundred (500) feet from a lake, river or stream. No junk or salvage operation shall be carried on within two hundred (200) feet of any highway right-of-way, and all establishments of this kind shall have minimum side and rear yard setbacks of fifty (50) feet.
 5. A salvage operation shall not be located in a wetland, within shoreland protection zoning or within floodplain zoning.

6. Junk or salvage materials shall be enclosed by a solid fence with a minimum height of eight (8) feet as approved by the Board of Adjustment, so that the salvage materials are not visible from other property in the vicinity of the salvage operation nor from a public road nor from a navigable water.
7. Junk or salvage material shall not be stored at a height exceeding the height of the fence.
8. All appropriate measures shall be taken to prevent soil and ground water contamination from oils, grease, gasoline, chemicals, or other contaminants which shall be disposed of properly. There shall be a minimum of ten (10) feet of soil between the ground water table or bedrock. The Board of Adjustment may require a bond or letter of surety for the removal of contaminated soils.
9. Open burning of any material is prohibited.
10. Operations shall abide by all State regulatory and licensing requirements.
11. A salvage operation conditional use permit shall be valid for a period of five (5) years at which time the owner shall reapply, thereby allowing for a full operational review by the Board of Adjustment.
12. Permitted salvage operations shall post to the Zoning Department a bond or letter of surety/credit a minimum of fifty thousand dollars (\$50,000) to cover the cost to the County for potential abandonment of the operation and removal of salvage materials from the site. The Board of Adjustment may require a larger bond amount at their discretion. Buffalo County Zoning Department shall be named obligee and shall approve the bond terms, form, and bonding company.
13. Upon the complaint of any interested person, or on its own motion, or after inspection by the Zoning Department discloses that the provisions of this Ordinance are being violated, the Board of Adjustment may hold a public hearing to determine whether a privately operated salvage operation permit shall be revoked, notice of such hearing to be given to all interested parties. After a public hearing, the Board may order the permit revoked.
14. Prior existing and unpermitted salvage operations that are not in compliance with the requirements of this Ordinance shall have one (1) year from the effective date of adoption of this Ordinance to reach compliance and obtain a Conditional Use Permit allowing a salvage operation. If unable or unwilling to attain compliance the County will offer for bid the full cleanup of the property with all associated costs recouped by placing a special assessment on the property, minus the amount recovered from the sale of any recyclable materials.
15. When a salvage operation is closed by the operator or property owner all salvage materials shall be removed from the property within one hundred twenty (120) days of closure.
16. Permitted salvage operations existing at the time of the effective date of this Ordinance are exempt from the setback requirements of 4 above.

31. Sawmills, Temporary and Permanent.

- A. Application. Temporary and permanent sawmill applications shall submit the following information:
 - 1. A detailed site plan drawn to scale.
 - 2. A map showing location of access roads.
 - 3. A traffic plan, and
 - 4. A plan of operation.
- B. Criteria. Temporary and permanent sawmills shall meet the following criteria:
 - 1. Sawmills shall be located a minimum of five hundred (500) feet from any dwelling unit other than that of the owner or operator of the sawmill.
 - 2. No sawmill shall produce a sound level beyond its property boundary that exceeds fifty-five (55) decibels.
 - 3. Areas used for stockpiling and maneuvering shall be a minimum distance of two hundred fifty (250) feet from any dwelling unit other than that of the owner or operator of the sawmill.

32. Sawmills, Temporary.

- A. Extension. A permit for a temporary sawmill may be extended one (1) time for an additional thirty (30) days at the discretion of the Zoning Administrator.
- B. Removal. Temporary sawmills shall be removed from the premises within thirty (30) days of permit expiration.
- C. Duration. A Zoning Permit for a temporary sawmill shall expire 120 days after the date of issue.

33. Semi-Trailers and Shipping Containers.

- A. Standards.
 - 1. Semi-trailers (with or without wheels) shall not be used as storage containers on any premises, lot, or parcel within a residential zoning district. No semi-trailer, whether attached to a truck or tractor or unattached, may be parked on any residential lot except when actively engaged in loading or unloading goods or the unloading of materials to be used for construction or improvements.

2. Any shipping container used for storage, and exceeding twenty (20) feet in length, is prohibited on any premises, lot, or parcel within a residential zoning district. Containers shall be located in the side or rear yards of the lot.
3. For lots or parcels of ten (10) acres or less in size, in all ANR zoning districts, a maximum of one (1) shipping container shall be permitted. Containers shall be located in the side or rear yards of the lot.
4. For lots or parcels of ten (10) acres or more in size, in all ANR zoning districts, a maximum of four (4) shipping containers or four (4) semi-trailers or combination thereof shall be permitted for agricultural uses only.
5. Semi-trailers and shipping containers shall meet all setbacks for accessory structures and shall not be located within a shoreland setback area, within a floodplain or on steep slopes.
6. Semi-trailers and shipping containers are prohibited within the boundaries of any scenic easement established by the Wis. Dept. of Transportation.
7. Properly permitted commercial and industrial uses are exempt from the provisions of this section.
8. Enforcement measures for compliance and removal are subject to and contingent upon the written approval and support of the applicable Town Board.

34. Small Arms Firing Ranges.

A. Indoor Firing Ranges.

1. A minimum lot area of not less than five (5) acres shall be maintained, unless the Board of Adjustment permits a smaller area.
2. The structure for an enclosed firing range shall be bulletproof.
3. The structure shall be located a minimum of five hundred (500) feet from any dwelling or residential district, and a minimum of one hundred fifty (150) feet from a highway right-of-way.
4. Adequate parking for the use shall be maintained.
5. Adequate liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
6. There shall be continuous supervision by a responsible person when such range is in operation.

B. Outdoor Firing Ranges.

1. A minimum lot area of not less than forty (40) acres shall be maintained, unless the Board of Adjustment permits a smaller area.
2. Designated shooting areas shall be a minimum of one thousand (1,000) feet, in any direction from the firing point, from the nearest residential district or residential lot except for the dwelling of the owner of the premises or his agent or employee.
3. The shooting area of a firing range shall be fenced with a legal fence, except for one point of entrance not more than twelve (12) feet wide. The shooting area for skeet and trap shooting shall be defined as an area extending five hundred (500) feet from the shooting stand in the direction of normal shooting and fifty (50) feet from the shooting stand in lines directly opposite to the normal direction of shooting. Motor vehicles shall be prohibited in the shooting area except for maintenance purposes.
4. The shooting area for any firearm shall be defined as an area five hundred (500) feet beyond the target area in the direction of normal shooting and one hundred (100) feet from the rear firing line and one hundred (100) feet from the outer edge of the sod faced barrier. Motor vehicles shall be prohibited in the shooting area except for maintenance purposes.
5. Each firing range shall post around the perimeter of the shooting area, warning signs not more than one hundred (100) feet apart and fastened not more than six (6) feet above the ground. Such warning sign shall not be less than two (2) square feet in area and shall contain the words "Danger – Shooting Range" in red on a white background, the letters of such words to be not less than four (4) inches high and maintained in a legible condition at all times.
6. Ranges for skeet and trap shooting shall be restricted to the use of target-grade shot ammunition unless such skeet and trap range is provided with screening and a barrier as required for rifle and pistol ranges.
7. At all times, shooters shall fire in a direction away from any public road.
8. Ranges for rifle and pistol shooting with cap and ball and slug ammunition shall be so arranged as to provide an earthen barrier impenetrable by any projectiles to be fired on such ranges. Such barrier shall be a minimum of twenty-five (25) feet in height, measured from the base of the targets, and shall extend horizontally not less than thirty (30) feet on either side of the targets.
9. Adequate liability and property damage insurance for injuries arising from the operation of the range shall be maintained, evidence of which shall be provided to the Department.
10. Shooting on the range shall be limited to the hours between sunrise and sunset, but not prior to 7:00 a.m. nor later than 8:00 p.m.

11. The manual, “Environmental Management at Operating Outdoor Small Arms Firing Ranges, Interstate Technology and Regulatory Council,” should be consulted in planning range construction, lead management and reducing metal migration.

35. Tourist Rooming Houses.

It is the intent of this section to establish the standards under which a single-family dwelling may be used as a tourist rooming house.

A. Standards. The following minimum standards are applicable to tourist rooming houses:

1. A tourist rooming house shall not be located within one thousand (1,000) feet of another tourist rooming house except upon granting of a Conditional Use Permit.
2. A tourist rooming house shall be located a minimum of one thousand (1,000) feet from any livestock feedlot, one thousand (1,000) feet from any animal waste storage structure and five hundred (500) feet from any structure used for the permanent enclosure of livestock, other than that of the tourist rooming house owner.
3. The owner or his agent shall apply for and be issued a Zoning Permit allowing the operation of a tourist rooming house.
4. A tourist rooming house shall be serviced by a private on-site wastewater treatment system that is compliant with all requirements of the Buffalo County Sanitary Ordinance.
5. Occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons.
6. The number of guest vehicles allowed on site is limited to the number of bedrooms. Parking on public roads/highways is prohibited. No recreational vehicle or camping unit may be used for living or sleeping purposes in conjunction with a tourist rooming house.
7. The owner/occupant shall abide by all regulations and requirements of ATCP 72 and of the Buffalo County Department of Health and Human Services.
8. The Zoning Permit allowing a tourist rooming house shall not be transferrable to another owner.
9. Each area and room designated or used for sleeping shall have at least one (1) means of exit to the exterior, by door or egress window. If a room does not meet these qualifications, a sign shall be posted notifying occupants that the room shall not be used for sleeping due to lack of safe egress.

Basement areas designated or used for sleeping shall have at least two (2) exits to the exterior, by door or egress window. If a basement does not meet these qualifications, a sign shall be posted notifying occupants that the basement area shall not be used for sleeping due to lack of safe egress.

10. Shall have functional smoke detectors, carbon monoxide detector, and fire extinguisher in accordance with the requirements of Chapter SPS 362 of the Wisconsin Administrative Code.
11. Shall provide proof of insurance against claims of personal injury and property damage for a tourist rooming house, commercial rental operation.
12. A tourist rooming house that generates excessive noise complaints, response required from law enforcement, has poor property care and maintenance, is noncompliant with ATCP 72 or has other issues that may be deemed a nuisance to neighboring properties will have its Zoning Permit revoked.
13. One (1) and two (2) family dwellings (cottages, cabins, homes) built after June 1, 1980 are required to meet the Uniform Dwelling Code standards. You may be required to provide a Building Inspection report to the Zoning Department as part of the application process.

CHAPTER 10

NONCONFORMING USES, STRUCTURES, AND LOTS

1. Purpose and Intent.

- A. Within the districts established and mapped by this Ordinance, or amendments thereto, there may exist uses of lands or buildings, structures or lots which were lawful prior to the adoption of this Ordinance, or amendments thereto, but do not conform to the regulations herein and would be prohibited or greatly restricted under the terms of this Ordinance. These uses, structures, and lots are declared legal nonconformities as set forth in § 59.69(10), Wis. Stats., such nonconforming conditions may be continued, subject to the requirements of this chapter.
- B. It is the intent of this Chapter to permit legal nonconformities to continue until they are removed, but not to encourage their continuation.
- C. These standards shall apply to all modification, enlargements, or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful prior to the adoption of this Ordinance or amendments thereto.
- D. Illegally built structures are not non-conforming and may require removal as determined by the Zoning Administrator.

2. Nonconforming Uses.

A. Nonconforming Use of Land.

- 1. Only that portion of land in actual use may be continued to be used. The nonconforming use shall not be extended, enlarged, substituted, or moved in a manner to increase its nonconformity, except when required by law or order to bring the use into conformity with the provisions of this Ordinance.

Buffalo County does hereby recognize the ‘Diminishing Asset Rule’ as it may apply to pre-existing nonconforming nonmetallic mines and mining operations. The Rule will be reviewed by the County in each individual case and situation in which a nonconforming nonmetallic mine owner seeks to expand a mine site and mine operation. In instances of expansion, pre-existing nonconforming mines shall be reviewed on an individual basis for having and maintaining legal nonconforming status.

- 2. For all nonstructural uses of land, expansions shall be authorized only by the issuance of a Conditional Use Permit.

Pre-existing nonconforming nonmetallic mine operations may be exempt from this requirement under the ‘Diminishing Asset Rule’. Pre-existing nonconforming mines intending to expand will be reviewed on an individual basis for having and maintaining legal nonconforming status.

3. Once a nonconforming use has been changed to a conforming use, it shall not revert to a nonconforming use.
4. Nonconforming incidental uses associated with the original nonconforming principal use are not protected once the original use is abandoned or discontinued.
5. Nonconforming uses that are deemed nuisances by the Courts shall not be permitted to continue as nonconforming uses.

B. Nonconforming Use of Buildings or other Structures. The following shall apply to all buildings or structures which house a nonconforming use, except for when such nonconforming uses are otherwise regulated by the Buffalo County Shoreland or Floodplain Zoning Ordinance.

1. Structural alterations of an existing building or structure which houses a nonconforming use shall be authorized by a Zoning Permit.
2. Additions to an existing building or an existing structure which houses a nonconforming use shall be authorized only by a Conditional Use Permit. Such additions shall comply with all applicable setbacks and other dimensional requirements of this Chapter, unless variances are granted as provided in Chapter 6.
3. If a structure which houses a nonconforming use is destroyed by fire, explosion, flooding, storm damage or other disaster, such structure may be restored and the nonconforming use may be restored therein upon issuance of a Zoning Permit. Such restoration or replacement shall not exceed the original structures floor area unless a Conditional Use Permit is authorized, as provided in Subsection B.2. If the original structure which housed the nonconforming use is also a nonconforming structure, the provisions of three (3) of this Chapter shall also apply.

C. Change of Use. A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.

D. Discontinuance. Where any such nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure or land shall conform to the regulations of the district in which it is located.

A non-metallic mine that maintains its reclamation financial assurance and is current in its annual fees due to the Land Conservation Department shall not be considered inactive or discontinued.

3. Nonconforming Structures.

A. Alterations, Modifications and Additions.

1. Ordinary maintenance, repairs, and modernization are not considered an alteration or modification and are allowed without a permit. Ordinary maintenance includes; painting,

decorating, replacement of doors and windows, siding, roofing and other nonstructural components.

2. Structural alterations or structural repairs of nonconforming structures shall meet all the provisions of this Chapter and shall not result in an increase in floor area nor change the footprint of the structure. Over the life of a nonconforming structure cumulative structural repairs, alterations, modifications, or additions, shall not exceed fifty percent (50%) of its assessed value except upon granting of a variance by the Board of Adjustments.
3. A nonconforming structure shall not be expanded or enlarged except in conformity with the provisions of this Ordinance and upon granting of a Conditional Use Permit by the Board of Adjustment. Additions or extensions of nonconforming structures along private roads where such structure and road existed prior to the effective date of this Ordinance are permitted, provided that such additions or extensions do not extend further toward the road than the existing structure.
4. A conforming use in a nonconforming structure may be changed to another conforming use provided the new conforming use does not result in an increase in floor area nor change the footprint of the structure, and provided that all parking and other site requirements are met.
5. Highway projects. When a structure becomes a nonconforming structure as to setback from a highway because the highway was widened or relocated or changed in jurisdiction by the County, a Town or the Wisconsin Department of Transportation, such a structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the highway.

B. Repairs and Restoration, with exception to the repair, alteration or addition to structures regulated by the Buffalo County Shoreland and or Floodplain Zoning Ordinance, shall meet the following requirements:

1. A nonconforming structure that is damaged or destroyed by fire, explosion, flooding, storm damage or similar calamity may be repaired or restored, provided that either:
 - a. The repair or restoration would bring the structure into compliance with this Ordinance; or
 - b. The repair or restoration of the nonconforming portion of the structure occurs fully within the building footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure.
 - c. When a nonconforming structure or a structure containing a nonconforming use is damaged to the extent of more than fifty percent (50%) of its current assessed value as determined by the local assessor, it shall not be restored except in conformity with the regulations of the zoning district in which it is located.

2. Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of-way.

4. Nonconforming Lots.

- A. Existing lots of record which do not contain sufficient area and/or width to meet the criteria in Chapter 8 shall be considered nonconforming lots. If a nonconforming lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel, unless the parcel is re-divided to conform to the dimensional requirements for new lots in the applicable zoning district. A lot of record may be used for any use or structure permitted in the zoning district in which it lies, provided it complies with the following:
 1. All structures must meet all setbacks, height, parking, and access requirements of this Ordinance.
 2. Prior to single family dwellings or duplexes being constructed/reconstructed on a non-conforming lot it must be demonstrated the lot has adequate soils and area for two (2) private onsite waste treatment systems (POWTS).

5. Existing Conditional Uses.

Existing conditional uses shall be treated in the following manner:

- A. An existing conditional use which, under the terms of this Ordinance is a permitted use in the district in which it is located, shall be deemed a permitted use, provided the use and structures meet the regulations of the district in which it is located.
- B. An existing conditional use which, under the terms of this Ordinance, is a conditional use in the district in which it is located, may be continued, provided the terms of the conditional use permit are being followed.
- C. An existing conditional use which, under the terms of this Ordinance, is neither a conditional use nor a permitted use shall be deemed to be a nonconforming use and shall be subject to the provisions of this Chapter.

CHAPTER 11

HIGHWAY SETBACKS AND VISION CLEARANCE

1. Purpose.

The provisions of this chapter establish setback requirements for structures from highways and vision clearance standards for highway intersections. These provisions are intended to promote public safety and traffic safety by ensuring proper visibility and by providing adequate distances for structures from highway right-of-ways.

2. Jurisdiction.

- A. Authority. The jurisdiction of this section shall include lands abutting all class A, B and C highways within Buffalo County.
- B. Exceptions. Where a road is located in a city, village or other county boundary, this section does not apply on the portion of the road within the city, village or other county.
- C. Discrepancies. Any discrepancy of official highways located within Buffalo County shall be resolved using the most current municipal road certification listing report and City, Village, Township (CVT) map located on the Wisconsin Department of Transportation website.

3. Highway Classification and Setbacks.

- A. Classes of Highways.
 - 1. Class A Highway: Improved or unimproved State or Federal Roads.
 - 2. Class B Highway: Improved or unimproved County Road.
 - 3. Class C Highway: Improved or unimproved Town Roads or other public roads not identified as a Class A or B Highway.
- B. Setback Distances. The minimum setback distances for the respective highway classes shall be as follows:
 - 1. Class A Highway: One hundred and ten (110) feet from the centerline of the highway.
 - 2. Class B Highway: Sixty three (63) feet from the centerline of the highway.
 - 3. Class C Highway: Fifty (50) feet from the centerline of the highway.
- C. Setback Reduction.
 - 1. A setback of less than the required setback for the appropriate class of highway shall be permitted in cases where the adjacent principal buildings are located closer to the highway than the required setback.

- b. Where each side of the proposed building location is occupied by an adjacent principal building located within two hundred fifty (250) feet of the proposed building footprint, the minimum setback for the proposed building shall be the average of the setbacks of the adjacent principal buildings.
 - c. Where one side of the proposed building location is occupied by an adjacent principal building located within two hundred fifty (250) feet of the proposed building footprint, the minimum setback for the proposed building shall be the average of the setback of the adjacent principal building and the setback required for that particular highway.
2. Lesser setbacks may be permitted by the Board of Adjustments through a variance application providing the variance meets the standards outlined in Chapter 6 of this ordinance.

D. Reduced Setbacks Existing Structures.

1. Additions or extensions to an existing structure within the setback area of a public highway are permitted provided that such additions or extensions do not extend further toward the public highway than the existing structure.
2. A proposed addition within a reduced setback area on a Class A highway shall obtain written approval from the Wisconsin Department of Transportation prior to issuance of a Zoning Permit.

E. Setback How Measured. Setbacks from highways shall be measured from the nearest portion of a structures foundation or building footprint.

F. Structures Allowed within Highway Setbacks. The following may be placed between the highway setback line and the highway right-of-way line but shall not be placed within the vision triangle unless specified below.

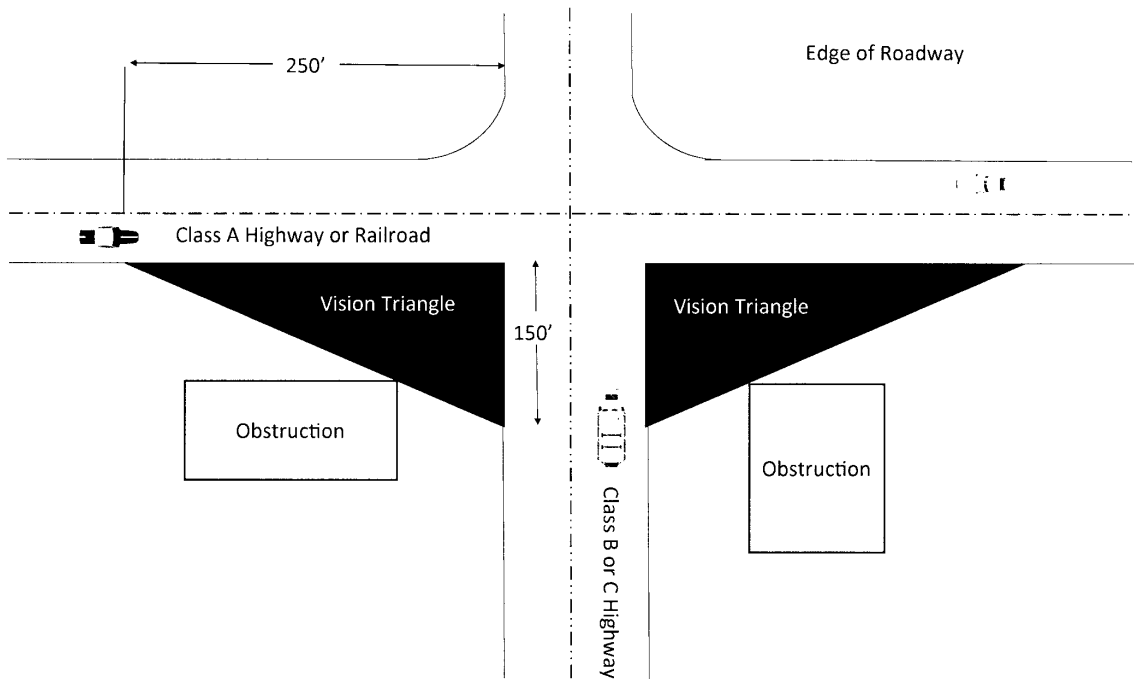
1. Open fences. (allowed in vision triangle)
2. Parking lots provided they are located a minimum of twenty (20) feet from the established highway right-of-way.
3. Utility transmission lines and power poles. (allowed in vision triangle)
4. Utility structures not exceeding sixty-four (64) square feet in size and five (5) feet in height. Provided however that such structure is not placed within the vision clearance area.
5. Underground structures not capable of being used as foundations for future prohibited structures.
6. The planting of shrubs, trees or other ornamental vegetation and the planting and harvesting of field crops, provided, however that such planting does not obstruct the view across the vision triangle.

7. Ornamental features, landscaping, or retaining walls that do not obstruct vision.
8. Structures for public use such as bus shelters, salt boxes, drinking fountains, etc.
9. Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.
10. Wells, septic tanks, and drain field dispersal cells.
11. Signs as regulated by Chapter 18 of this ordinance.

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4. Vision Triangle.

- A. Vision Triangle Clearance. There shall be an area of vision clearance at all highway and railway intersections known as the vision triangle. The vision triangle shall be an area calculated by connecting the endpoints of line segments which begin at the vertex of an intersection thence along the traveled centerlines away from the vertex for a measured distance of:
1. One hundred and fifty (150) feet along the traveled centerline of a Class B and C Highway.
 2. Two hundred and fifty (250) feet along the traveled centerline of a Class A Highway and the centerline of a railway.
- B. Within a vision triangle no structure shall be constructed and no vegetative material shall be planted that causes or will cause an obstruction to view between a height of two and one-half (2 ½) feet and ten (10) feet above the elevation of the highway. Agricultural crops are exempt from this provision, however, the Zoning Department, Highway Department or a Town Board may require a landowner to remove crops that limit visibility and present an impediment to highway safety.



5. Scenic Roadsides.

- A. Purpose. The purpose of this section is intended to promote safety, health, welfare, convenience and enjoyment of public travel and to preserve and enhance the scenic beauty of lands bordering public highways.
- B. Scenic Setback. No person shall accumulate any of the following material within three hundred (300) feet of a public highway unless the material is effectively screened from view from the public highway:
 - 1. Junk, salvage, scrap metal, metal alloy, garbage, refuse, inoperable motor vehicles or any junked, ruined, dismantled or wrecked machinery of any parts thereof.

CHAPTER 12

PARKING, LOADING, AND DRIVEWAYS

1. Purpose.

These provisions are intended to reduce traffic congestion on public roads and highways by requiring adequate off-street parking and loading areas for different land uses. These provisions are also intended to promote traffic safety by ensuring proper access to roads. These provisions also provide minimum requirements for driveways to assure year round accessibility by all types of emergency vehicles.

2. Parking Requirements.

- A. Parking Spaces. The minimum number of off-street automobile parking spaces required shall be in accordance with the following schedule. In cases where garages are provided, the number of required spaces shall be reduced by the number of parking spaces within the garages. The Board of Adjustment may at its discretion reduce the number of parking spaces required when ruling upon a conditional use permit application. One (1) space per employee during the peak shift times shall be provided in addition to the following:

<u>Use</u>	<u>Off-Street Parking Requirement</u>
Residential	2 spaces per dwelling unit
Commercial lodging	1 space per room
Auditorium/theater	1 space per 3 seats
Church/funeral home	1 space per 4 seats
Restaurant/tavern	1 space per 100 square feet of primary floor area or 1 space per 3 seats, whichever is greater
Boardinghouse	1 space per bedroom or sleeping room
Bed-and-breakfast establishment	2 spaces plus 1 space per rental room
Medical/dental clinic or office	5 spaces per doctor/dentist
Public boat launching ramp	15 spaces per launching lane, each space 10 feet wide by 40 feet long
Office uses	1 space per 250 feet of primary floor area
Retail stores and personal services establishments	1 space per 200 feet of primary floor area
Manufacturing/trade or contractor establishments	2 spaces
Warehouse/commercial storage	1 space per 1,000 square feet of primary floor area
Marinas	0.5 spaces per boat slip
Commercial riding stables	1 space per 3 horses
Convenience store	1 space per 100 square feet of primary floor area
Auto repair	3 spaces per service bay
Outside retail sales	1 space per 500 square feet of display area
Commercial recreation	1 space per 4 patrons
Hospital	2 spaces per 3 beds
Nursing home	1 space per 3 beds
School, K-12	1 space per 10 students
School, college	1 space per 2 students

Use	<u>Off-Street Parking Requirement</u>
School, nursery	1 space per 6 children
Golf course	90 spaces per 9 holes
Driving range	1 space per tee
Drive-through facilities	4 vehicle queuing spaces

1. If the parking requirements for particular uses described in Chapter 9 (Specific Use Requirements) are different from those stated here, the most restrictive requirements shall apply.
2. Commercial establishments with drive-through facilities shall, in addition to providing the required off-street parking spaces, maintain a minimum off-street queuing capacity of four (4) vehicles per service lane. Queuing capacity shall be designed so that vehicles queuing in the drive-through lane do not interfere with street traffic flow.
3. When the computation of the minimum number of parking spaces results in a fractional number, the number shall be rounded up.
4. In the case of uses not specifically listed in this Subsection, the minimum number of parking spaces shall be determined by the Zoning Administrator, based upon the requirements for similar uses.
5. Where more than one (1) use is located on a lot, the required number of parking spaces shall be determined by the sum of the minimum total number of parking spaces for each individual use. However the Zoning Administrator may allow a reduction of parking spaces if:
 - a. The peaks of demand for individual uses do not coincide; or
 - b. The same parking space can simultaneously serve both uses.
6. Uses existing on the effective date of this ordinance which do not have the required amount of parking spaces shall not further reduce said space, and no expansion of the use shall be permitted unless parking spaces equal to the parking requirement for the expansion are provided for as part of the expansion.
7. Whenever the existing use of a lot is hereafter proposed to be changed to a use having a greater parking requirements, the applicant shall provide additional parking spaces equal to the difference in required parking spaces between the existing use and the proposed new use.

3. Design Requirements.

- A. Each parking space shall be a minimum of one hundred eighty (180) square feet in area exclusive of the area required for ingress and egress.
- B. All parking areas shall be properly maintained by the owner or lessee of the property.

- C. Lighting established for the purpose of illuminating off-street parking areas shall utilize lighting fixtures whose hood, lens or combination thereof allow no direct beams of light from the fixture to be seen from off the property or to be cast skyward.
- D. All off-street parking areas shall provide handicapped parking spaces for use by motor vehicles which transport physically disabled persons, in accordance with this chapter.
- E. All parking areas shall be surfaced with gravel or be paved. For the purpose of meeting the requirements of this ordinance crushed limestone is a suitable surface.
- F. No parking lot shall be constructed within ten (10) feet of the front, side, and rear property lines. The ten (10) foot setback shall act as a buffer strip between adjacent properties.
- G. Parking lots shall be constructed and maintained to control stormwater runoff.
- H. Parking lots providing over fifty (50) parking spaces shall require a vegetative buffer consisting of a minimum of one (1) shrub and one deciduous or evergreen tree, which will nominally reach twelve (12) inches in diameter, for every one thousand (1,000) square feet of lot area.

4. Handicapped Parking

- A. Minimum Requirements. All off-street parking areas shall provide parking spaces for use by motor vehicles which transport physically disabled person, in accordance with ILHR 52, Wis. Admin Code, or the following minimum requirements, whichever are more restrictive:
 - 1. Two percent (2%) of the total number of parking spaces shall be provided for use by physically disabled persons with a minimum of one (1) space.
 - 2. The minimum dimensions for all parking spaces provided for use by physically disabled persons shall measure twelve (12) feet in width and eighteen (18) feet in length.
 - 3. Parking spaces provided for use by physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.

5. Loading Requirements

- A. Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley or access to any parking area is blocked by such activities.
- B. The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the parking area is not in use.

6. Driveways.

No owner of real estate, owner of an easement of ingress and egress or tenant of real estate in the unincorporated areas of Buffalo County which abuts a County Highway or within 150 feet of an intersection to County Highways on a Town Road, shall open, construct, reconstruct or change the principle use of a driveway or roadway onto that County Highway, without obtaining a permit under this section. Upon receipt of an application by the Zoning Department, the application will be referred to the Highway Commissioner for inspection and consideration of approval.

A. Driveway Access.

1. Every use permitted under this ordinance shall have access to a public highway. Property owners have the responsibility of securing the access.
2. For all uses, except agricultural uses, no more than two (2) access points per lot shall be permitted.
3. For all uses except agricultural uses, access shall not be allowed directly to a state highway if access to a county or town public highway is available.

B. Driveway Requirements.

1. Driveways must meet the following width requirements:
 - a. For all single-family residential and duplex residential uses, driveways shall be at least twelve (12) feet wide and not more than twenty-four (24) feet wide extending fifty (50) feet back from the highway centerline.
 - b. Driveways for all other uses, except agricultural uses, shall be at least twenty (20) feet wide and not more than thirty five (35) feet wide extending a minimum of fifty (50) feet back from the highway centerline. Such drives may be reduced to twelve (12) feet wide if they are enter-only or exit-only drives.
2. All driveways shall be placed such that the driveway edge nearest to and adjoining property owners lot line is a minimum of five (5) feet from the lot line, unless driveways are shared by adjoining property owners.
3. All driveways, except those to agricultural fields, shall be surfaced with gravel or paved and pitched to prevent ponding.
4. Driveways shall be located opposite median crossover where present.
5. The maximum grade for driveways serving dwellings constructed after the effective date of this ordinance shall be twelve percent (12%). All private driveways and roads shall be maintained in such a manner that adequate access and turning area is provided at all times to emergency response providers including: fire, law enforcement, ambulance, utility, and sanitation vehicles. Any applicant seeking to construct a driveway, any portion of which shall contain a grade in excess of twelve percent (12%), may seek a variance from the

Board of Adjustment, and present any plans and information which demonstrate that the steeper grade satisfies driveway requirements.

6. All driveways shall intersect a public highway at a ninety (90) degree angle unless otherwise recommended by the highway commissioner. All driveways shall be sloped down from the highway edge for at least twenty (20) feet from the highway edge so the elevation of the driveway is at least six (6) inches below the level of the highway at a point twenty (20) feet from the edge of the highway.
7. All driveways shall have a minimum twenty-four (24) foot culvert length with a fifteen (15) inch minimum diameter. The culvert requirements shall remain in effect unless the Highway Commissioner grants an exception.
8. All driveways shall have a minimum elevation clearance of eighteen (18) feet.
9. Driveways shall be so located to have a recommended minimum four hundred (400) foot sight distance in either direction. A greater sight distance may be required at the discretion of the Highway Commissioner.
10. The Zoning Department may require a Traffic Impact Analysis by a registered professional to determine the overall impact of a commercial or industrial use applying for driveway access to a public highway. The analysis may result in additional design and construction requirements and the cost of the Traffic Impact Analysis and subsequent design and construction costs shall be the responsibility of the applicant.

C. Driveway Permits.

1. No owner of real estate, owner of an easement of ingress and egress or tenant of real estate in the unincorporated areas of Buffalo County which abuts a Class A State Highway shall open, construct, or change the principle use of a driveway onto a Class A Highway without obtaining approval/permit from the Wisconsin Department of Transportation.
2. No owner of real estate, owner of an easement of ingress and egress or tenant of real estate in the unincorporated areas of Buffalo County which abuts a Class B County Highway shall open, construct, or change the principle use of a driveway onto a Class B Highway without obtaining approval/permit from the Buffalo County Zoning Department.
 - a. Permits applied for under this chapter shall be filed with the Zoning Department and shall include an application fee.
 - b. Applications for driveways on a Class C Highway shall be referred to the Town with jurisdiction for inspection and consideration for approval.

D. Driveway Construction.

1. All driveway construction shall be completed within one (1) year of the Zoning Department’s issuance of a permit. If the driveway is not completed with one (1) year, at the discretion of the Zoning Administrator a one year extension may be allowed.
2. All costs of installing a new driveway shall be the responsibility of the applicant.
3. All necessary erosion control measures shall be installed and maintained so as to eliminate sediment discharge to the highway or highway right-of-way.
4. There shall be no sediment, brush or other debris in the highway right-of-way as a result of the construction of the driveway.
5. All work shall be performed in such a manner as to preclude any danger to, or interference with traffic flow.
6. Concrete approaches or aprons shall not extend into highway right-of-way unless curb and gutter standards apply.
7. Where driveways are to be installed in a curb and gutter section the following construction standards apply:
 - a. When curb and gutter is removed, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a manner equivalent to the curb returns of the surrounding area. The driveway construction shall include the replacement of affected sidewalk areas, which are inadequate or become damaged.
 - b. All curb flares shall be tangent to the curb line, and within the right-of-way.
 - c. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining owner request a permit for an entrance.

E. Existing Driveways.

1. All driveways existing as of the effective date of this ordinance shall be deemed to be permitted driveways and no permit shall be required. Reconstruction or replacement of a driveway lawfully in existence at the effective date of this ordinance is allowed provided that, no expansion, enlargement or change of use is implemented. If the driveway is located in the Shoreland or Floodplain District, the construction, repair or reconstruction shall conform to Shoreland and Floodplain Zoning Ordinance standards.

CHAPTER 13

SCENIC EASEMENTS & THE GREAT RIVER ROAD

1. Authority.

By authority of the United States Congress the State of Wisconsin has recognized and designated State Trunk Highway (STH 35) as a National Parkway titled the Great River Road, enabled in Wis. Stats. 84.105, 84.107.

2. Intent.

In the years from 1955 to 1979 the State of Wisconsin Department of Transportation (WisDOT) acquired 238 Scenic Easements along the Great River Road in Buffalo County. The intent of the State in acquiring Scenic Easements was to protect and preserve the recognized and esteemed scenic natural beauty adjacent the Great River Road, STH 35, corridor.

The scenic easements acquired by the State entail the acquiring of certain interests in properties that abut STH 35. The interests, acquired for the purpose of controlling development, are owned by the State. The interests or rights are perpetual and can be changed only by conveyance or by granting of a variance by the State. Scenic easements are protected and governed by WisDOT. All land use and development within scenic easements must also be approved by the Buffalo County Zoning Department. Each easement is specific to a parcel of land that may have been subdivided over time. Individual scenic easements are recorded at the Buffalo County Register of Deeds office.

3. Easements Terms, Typical.

A. Easement Terms. While each easement must be appraised as a unique document, some typical easement terms include:

1. Typical easement depth is 350 feet.
2. Minimum lot width/road frontage is stipulated, provided single family residential land use is allowed.
3. Land use, within most easements, is restricted to single family dwellings and agricultural use.
4. Signs are regulated as to what can be advertised and maximum size.
5. Dumping of trash or other unsightly material, storing of inoperable vehicles or junk farm implements is prohibited.
6. The cutting and removal of trees and shrubs is prohibited except as may be incidental to permitted uses and in some cases for selective harvesting of marketable timber. All tree cutting and harvesting must be approved by WisDOT.
7. Mobile homes are prohibited within many easements.

8. Quarrying, the removal of storage of any surface or subsurface mineral or materials is prohibited within many easements.

4. Buffalo County Permitting.

Upon receipt of a Zoning Permit Application for any development within a scenic easement the application and supporting documents will be forwarded to WisDOT, Real Estate Unit for review. A zoning permit allowing any structure, development or land use within a scenic easement shall not be issued by the Zoning Department without receipt of written approval from WisDOT approving all aspects of the proposed use over which WisDOT holds development rights or interests.

CHAPTER 14

BLUFFLANDS AND STEEP SLOPES

1. Purpose and Intent.

Buffalo County recognizes the significant historic, environmental, economic and scenic values of the Mississippi River headland bluffs that traverses the length of the County and which distinguish the County's major transportation corridor and major tourism destination; the Great River Road, a National Scenic Byway. The County equally recognizes the unique topographic and geologic features of the interior reaches of the County encompassing bluffs, hills, ridges and floodplains associated with the Chippewa, Buffalo and Trempealeau Rivers as well as those same features associated with the many streams, creeks and tributaries of Buffalo County.

The standards established below intend to protect and preserve the unique and complex geologic and biologic aspects of these distinctive natural features. Establishing regulations and standards for safe development, where it is permitted and deemed appropriate, will serve the purpose and intent of protecting the natural resources and scenic beauty of native blufflands from potentially damaging, unharmonious, and disruptive human development.

2. Steep Slopes.

- A. Steep Slopes Overlay. A Steep Slopes Overlay is established to assist in the identification of soils, lands, and areas, as identified and mapped in the Buffalo County Soil Survey, that are likely to have slopes of 12 percent or greater. The overlay is recognized to be a general identification tool and field verification of slopes will be performed by the Zoning Department or a licensed surveyor.
- B. Development and Performance Standards.
 1. 12 - 22% slopes. Development on slopes of 12 – 22% is a permitted use which requires a zoning permit and a Steep Slopes Development Plan that is designed by a licensed professional engineer, landscape architect or other qualified professional as deemed acceptable by the Zoning Administrator. The development plan shall include a comprehensive written description and detailed site plans showing all measures to be installed to prevent erosion and limit sediment loss. The plan shall also include an effective stormwater management plan specifying all measures to be incorporated and installed to create a plan that meets or exceeds DNR Stormwater Management Technical Standards. A zoning permit allowing development will not be issued by the Department prior to a Steep Slopes Development Plan being received. The Development Plan shall include all of the following:
 - a. Grading plan showing two foot (2') intervals and grading limits.
 - b. Property boundaries.
 - c. Existing and proposed new structures

- d. Soil types
 - e. All water features including wetlands and wetland indicator soils.
 - f. A sediment and erosion control plan which includes the locations of all Best Management Practices (BMP's).
 - g. A storm water management plan that includes all post construction waterways, drainage patterns and features such as sediment basins, etc.
 - h. Existing and proposed wells and sanitary system locations.
 - i. Existing and proposed new vegetation.
2. 22 – 32% Slopes. Development on slopes of 22 – 32 % shall only be allowed by the issuance of a Conditional Use Permit granted by the Board of Adjustment. A completed Steep Slopes Development Plan as described in B.1 above must be submitted to the Zoning Department before a Conditional Use Permit application will be placed on the Boards agenda. The Board may place conditions on the permit as it deems appropriate to assure the intent and purpose of this Chapter and Ordinance.
 3. Slopes Over 32%. All development and land altering activity, including driveways, is prohibited on slopes over 32 %. Due to the exceptional challenge to development and greatly increased potential for detrimental impact to surrounding natural and scenic resources, these slopes will be preserved in their natural state.
 4. Logging and Field Access Roads. The provisions for development in this Section 2. B. shall not apply to roads for timber harvesting or to roads used exclusively for agricultural field access. Timber harvesting and field access roads shall be constructed using Best Management Practices as stipulated in the Field Manual for Loggers, Landowners and Land Managers, Wisconsin DNR, Division of Forestry.

3. Bluff Development

- A. Development Standards. The following standards are the minimum standards and requirements for bluff development.
 1. New Structures. Except for stairways or landings, new structures and accessory facilities shall not be located within a Bluff Impact Zone. Legal pre-existing structures may be continued through repair, replacement, restoration, maintenance, or improvement as per State statute. However, any expansion of a nonconforming structure in a Bluff Impact Zone that meets all other requirements of this Ordinance shall only be allowed by the granting of a variance by the Board of Adjustment.
 2. Nonmetallic Mines and/or processing facilities shall not be located within the Bluff Impact Zone. Permitted nonmetallic mines existing on the date of the adoption of this Ordinance are excluded from this provision and their future expansion may be permitted by the granting of a Conditional Use Permit.

3. Stairways and Lifts may be allowed to achieve access up and down bluffs and steep slopes. All stairways and lifts on bluffs shall be visually inconspicuous, and meet the following design requirements:
 - a. Stairways and lifts shall not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
 - b. Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that minimizes erosion and soil loss.
 - e. Stairways, lifts and landings shall be located in the most visually unobtrusive portions of lots, as viewed from the surface of the public water and lower areas, whenever practical.
4. Land Alterations. Except for approved erosion control measures or for forest management practices, any grading, excavating or filling in a Bluff Impact Zone shall not begin until a Zoning Permit for a land alteration has been issued by the Zoning Department. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guide of the USDA, Natural Resources Conservation Service.
5. Roads, Driveways, and Parking Areas shall not be located within Bluff Impact Zones when other reasonable and feasible alternatives exist. If no alternatives exist, they may be placed within these areas through the issuance of a conditional use permit. An application for a conditional use permit to place a road, driveway, or parking area in a Bluff Impact Zone shall require a Steep Slopes Development Plan as defined above.
6. Top or Toe of Bluffs shall be verified/confirmed by a registered land surveyor, the Zoning Administrator or his agent.
7. Vegetative Screening. Within the Bluff Impact Zone intensive vegetative clearing is not permitted except for public services such as public roads and utilities and only when the applicant shows the necessity for clearing of vegetation. To protect water quality, fish and wildlife habitat and the natural scenic beauty, and to promote preservation and restoration of native vegetation, Buffalo County prohibits the removal of vegetation in the Bluff Impact Zone except as follows:
 - a. The routine maintenance of vegetation is allowed. Routine maintenance shall not involve any land alteration or land disturbance.

- b. The removal of trees and shrubs is allowed in the Bluff Impact Zone on a parcel with ten (10) or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2) (b), Wis. Adm. Code and described in DNR publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal is consistent with these practices.
- c. The removal of vegetation is allowed to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practical.
- d. The Zoning Department may authorize by permit additional vegetation management activities in the Bluff Impact Zone. The permit issued under this par. shall require that all activities comply with detailed plans approved by the Department and designed to control erosion, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also may require an enforceable restriction to preserve the newly restored area.

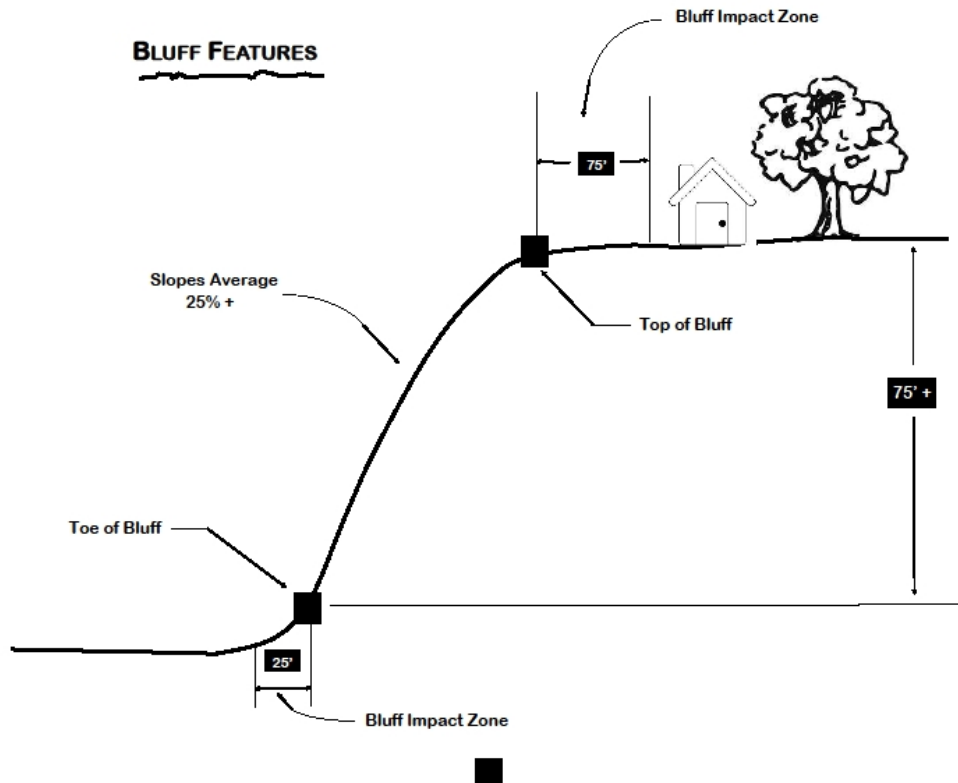
4. Mississippi River Headland Bluffs (MRHB).

- A. MRHB Overlay. The MRHB Overlay is established to protect and preserve the historic, geologic and scenic qualities of the headland bluffs along the Mississippi River. The intent of this section is to ensure that the development of MRHB will have minimal impact on those significant natural features and upon the visual integrity and scenic beauty of the headland bluffs along the Mississippi River corridor. The Mississippi River Headland Bluffs Overlay shall encompass all lands located within one and one-half (1.5) miles east of the center median of the Great River Road, US Highway 35.
- B. Development Standards. In addition to the development standards listed in Section 3 above the following standards shall apply in the MRHB Overlay.
 - 1. New Structures. All new structures located within one hundred (100) feet of a bluff impact zone shall require a Conditional Use Permit.
 - 2. Steep Slope Development. All development including all structures, driveways, land alterations, etc. that will occur on slopes of 12 to 22 percent shall require the granting of a Conditional Use Permit.
 - 3. Steep Slope Development Restriction. All development and land alteration activity is prohibited on slopes over 22%. All slopes over 22% are to be preserved in their natural state.
 - 4. Clear cutting as a forest management and timber harvesting method shall not occur within a Bluff Impact Zone or on slopes over 18%.
 - 5. Nonmetallic mines and/or processing facilities shall not be located within one hundred fifty (150) feet of the top or toe of a bluff. Permitted nonmetallic mines existing on the

date of the adoption of this Ordinance are excluded from this provision and their future expansion may be permitted by the granting of a Conditional Use Permit.

C. Standards for Conditional Use Permits.

1. Structures shall be located to take advantage of existing vegetative and landform screening.
2. Exterior lighting shall not exceed twelve (12) feet in height and shall be shielded and directed downward.
3. Exterior surfaces of structures shall be of earth toned colors.
4. Exterior surfaces of structures shall be non-reflective.
5. Structures shall not exceed thirty-five (35) feet in height.
6. A view-shed analysis may be employed as an evaluation tool as part of the Boards decision making process.



CHAPTER 15

MISSISSIPPI RIVER TOURISM AND RECREATION OVERLAY DISTRICT

1. Purpose.

The purpose of this overlay district is to guide development and land use in the Mississippi River Area in Buffalo County by regulations that will:

- A. Preserve the scenic nature of the Mississippi River area, and
- B. Preserve the natural and economic amenities that support and maintain the jobs and businesses in the tourism and recreation industries located there which are dependent upon the many visitors and tourists who travel along the Mississippi River and in the Mississippi River Area.
- C. Preserve and protect the public health, safety and general welfare of the citizens as represented in the physical and economic amenities of the Mississippi River.

2. Jurisdiction.

The overlay district shall apply to land within the County as follows:

- A. Land west of the centerline of the Great River Road/National Scenic Byway to the thread of the Mississippi River; and
- B. Land east of the centerline of the Great River Road/National Scenic Byway included in the land sections below:

1. Buffalo Township.

T18N-R10W – Sections 3, 4, 5, 6

T19N-R10W – Sections 31, 31, 33, 34, 35

T19N-R11W – Sections 23, 25, 26, 35, 36

2. Milton Township.

T19N-R11W – Sections 5, 6, 8, 9, 15, 16, 17, 21, 22, 27

T19N-R12W – Section 1

T20N-R12W – Sections 14, 22, 23, 24, 25, 26, 36

T20N-R11W – Sections 19, 30, 31, 32

3. Belvidere Township.

T20N – R12W – Sections: 4, 5, 6, 8, 9, 10, 14, 15, 16

T21N-R12W – Sections 7, 18, 19, 20, 28, 29, 30, 32, 33, 34

T21N-R13W – Sections 11, 12, 13, 24, 25

4. Alma Township.

T21N-R13W – Sections 1, 2

T22N-R13W – Sections 25, 26, 27, 34, 35, 36

5. Nelson Township.

T22N-R13W – Sections 5, 6, 7, 8, 9, 15, 16, 21, 22, 23

T23N-R13W – Sections 30, 31

T23N-R14W – Sections 25, 26, 27, 33, 34, 35, 36

3. Use Regulations:

The Mississippi River Tourism and Recreation Overlay District provides supplementary controls over land use in addition to the requirements of the several primary zoning districts (Residential, Agricultural, Recreational, Commercial, Industrial) and shall be used in combination with such primary districts. Within the boundaries of the Mississippi River Tourism and Recreation Overlay District all requirements set forth in the primary district shall apply, with the following additions or exceptions:

A. Permitted Uses

1. All uses permitted by this Zoning Ordinance, or uses customarily incident of any permitted uses, except that no high-impact generating operation or high-impact receiving operation shall be permitted.

B. Conditional Uses

1. All conditional uses permitted by this Zoning Ordinance, or uses customarily incident with those conditional uses, except that no high-impact generating operation or high-impact receiving operation shall be permitted.

4. Existing Permitted Uses and Conditional Uses.

- A. Any high-impact generating operation or high-impact receiving operation that is being operated as a permitted use prior to April 2, 2015 is not subject to the terms of the Mississippi River Tourism and Recreation Overlay District.

- B. Any high-impact generating operation or high-impact receiving operation that is being operated as a conditional use prior to April 2, 2015 is not subject to the terms of the Mississippi River Tourism and Recreation Overlay District except that any changes, modifications or expansion of a conditional use permit shall subject the conditional use to this Ordinance from that point forward.

CHAPTER 16

MOBILE TOWER SITING

1. Purpose.

The purpose of this Chapter is to regulate, by the Conditional Use Permit application process, the siting and construction of any new mobile service support structure and facilities in addition to a class 1 collocation, the substantial modification to an existing support structure, and mobile service facilities; and by Zoning Permit for a class 2 collocation; collocation on an existing support structure which does not require the substantial modification to an existing support structure and mobile service facilities.

- A. Intent. It is intended that Buffalo County shall apply these regulations to accomplish to the greatest degree possible the following:
1. Minimize adverse effects of mobile service facilities and mobile service support structures;
 2. Maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community;
 3. Provide a process of obtaining necessary zoning permits for mobile service facilities and support structures while at the same time protecting the legitimate interests of Buffalo County citizens.
- B. Co-Location. Buffalo County encourages the use of alternative support structures, co-location of new antennas on existing support structures and construction of support structures with the ability to locate at least three (3) additional users (minimum of four (4) total users required for each mobile tower facility).
- C. Intent. It is not the intent of this section to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes or antennas whose regulation is prohibited by Wis. Stat. § 59.69 (4)(d), as it may be amended from time to time.

2. Definitions.

All definitions contained in Wis. Stat. § 66.0404 (1), as amended from time to time.

- A. Antenna means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- B. Class 1 collocation means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

- C. Class 2 collocation means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- D. Collocation means class 1 or class 2 collocation or both.
- E. Distributed antenna system means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- F. Equipment compound means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- G. Existing structure means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the County.
- H. Fall Zone means the area within which a mobile support structure is designed to collapse.
- I. Mobile Service has the meaning given in 47 USC 153(33).
- J. Mobile Service facility means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
- K. Mobile Service Provider means a person or entity who provides mobile service.
- L. Mobile service support structure means a freestanding structure that is designed to support a mobile service facility.
- M. Public utility has the meaning given in s. 196.01(5), Wis. Stat.
- N. Search ring means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area. A search ring shall extend a minimum of two (2) miles from the optimal location of a tower.
- O. Substantial modification means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:
 - 1. For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.
 - 2. For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten (10) percent or more.

3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.
4. Increases the square footage of an existing equipment compound to a total area of more than two thousand, five hundred (2,500) square feet.

- P. Support structure means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- Q. Utility Pole means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01(1d), Wis. Stat.; public utility, as defined in s. 196.01(5), Wis. Stat.; telecommunications utility, as defined in s. 196.01 (10), Wis. Stat.; political subdivision; or cooperative association organized under ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017(1g)(cq), Wis. Stat.; for video service, as defined in s. 66.0420 (2) (y), Wis. Stat.; for electricity; or to provide light.

3. Exceptions.

The following shall be exempt from the requirements to obtain a Zoning Permit, unless otherwise noted.

- A. Amateur Radio and/or Receive-Only antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and used for amateur radio purposes or is used exclusively for receive-only purposes.
- B. Mobile services. Services providing public information coverage of news events of a temporary or emergency nature.
- C. Utility pole mounted antenna. Providing the height of the antenna is thirty (30) feet or less above the highest part of the utility pole.

4. Siting and Construction.

Siting and construction of any new mobile service support structure and facilities and class 1 Collocation:

- A. Application Process: A Conditional Use Permit is required for the siting and construction of any new mobile service support structure and for a Class 1 Collocation if the following substantial modifications are added to an existing mobile service support structure:
 1. An increase in the overall height of the structure by more than twenty (20) feet, for structures with an overall height of two hundred (200) feet or less.
 2. An increase in the overall height of the structure by ten percent (10%) or more, for structures with an overall height of more than two hundred (200) feet.

3. An increase in the square footage of an existing equipment compound to a total area of more than two thousand, five hundred (2,500) square feet.
 4. An increase in the square footage of an existing equipment compound to a total area of more than two thousand, five hundred (2,500) square feet.
- B. Application requirements. A Conditional Use Permit application must be completed by the applicant or his agent and submitted to the Zoning Department (hereinafter referred to as the “Department”). The application must contain the following information:
1. The name, business address and phone number of the contact individual for the applicant. The applicant should include an email address if available.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the applicant does not own the site or the tower, the applicant must provide an agent letter or lease agreement that provides consent from the property owner. The applicant should also provide the legal descriptions and amount of property leased.
 5. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. The construction plan shall include a sketch concept or rendering of the site and a scaled site plan which shows property lines, lease areas, setback distances, structures, including support structure, buildings, equipment pads, and fencing.
 6. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure. The construction plan shall include a sketch concept or rendering of the site and a scaled site plan which shows property lines, lease areas, setback distances, structures including support structure, buildings, equipment pads, means of access, easements of access, and fencing.
 7. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 8. A tabular and/or map inventory of all of the applicant's existing towers and antennas which are located within the county. The inventory must specify the location, antennae

height, and structure type of each of the applicant's existing mobile service support facilities. The inventory must also specify whether such towers are currently in operation and indicate the ability of the existing structures to accommodate additional collocation antennas.

- C. An application for a Conditional Use Permit shall be made available by the Department upon request by the applicant.
- D. Complete Application. If an applicant submits to the Department an application for a conditional use permit to engage in an activity described in paragraph 4.A, which contains all of the information required under this ordinance, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- E. Third Party Consultants. In the event the Department determines that it is necessary to consult with a third party in considering an application, all reasonable costs and expenses, excluding travel expenses, associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or to provide information requested by the Department shall be grounds for denial or revocation a permit.
- F. Department Responsibilities. Within ninety (90) days of its receipt of a complete application, the Department and the Board of Adjustment shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the ninety (90) day period:
 1. Review the application to determine whether it complies with all applicable aspects of the County's zoning ordinance.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- G. Disapproval. The Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph B.7.
- H. Application of Set Back/Fall Zone. If an applicant provides the Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone areas required in this Ordinance, that set back requirement does not apply to such a structure unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

- I. Fees. The fee for a Conditional Use Permit application for the construction of a new mobile service support structure or for a Class 1 Collocation is \$2,500.

- J. Requirements. Conditional Use Permits for Siting and Construction of any new mobile service support structure and facilities and for any Class 1 Collocation shall only be granted provided the following conditions exist:
 - 1. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
 - 2. The applicant and/or agent have copies of Findings of No Significant Impacts (FONI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable.
 - 3. The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
 - 4. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of public or private airports and landing strips located within five (5) miles of the proposed site have been notified via certified mail.
 - 5. If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
 - 6. The applicant/agent submit plans identifying security measures such as fencing, lighting, access, etc.

- K. Liability. The County does not warrant any mobile service support structure against design or structural failure. The County does not certify that the design is adequate for any tower and the County hereby accepts no liability through the issuance of a Conditional Use Permit or Zoning Permit.

5. Class 2 Collocation.

- A. Permitting. A Zoning Permit is required for a class 2 collocation. A Zoning Permit application must be completed by the applicant or his agent and submitted to the Department. The application must contain the following information:
 - 1. The name, business address and the phone number of the contact individual for the applicant. The applicant should include an email address if available.
 - 2. The location of the proposed or affected mobile service support structure.
 - 3. The location of the proposed mobile service facility.

- B. Requirements. A class 2 collocation is subject to the same requirements for the issuance of a Zoning Permit to which any other type of commercial development or land use development is subject. This will require construction plans which describe the proposed equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the existing mobile service support structure. The construction plan shall include a scaled site plan which shows property lines, lease areas, structures including support structure, buildings, equipment pads, and fencing.
- C. Complete Application. If an applicant submits to the Department an application for a Zoning Permit to engage in an activity described in this Ordinance, which contains all of the information required under this Ordinance, the Department shall consider the application complete. If any of the required information is not in the application, the Department shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- D. Department Requirements. Within forty-five (45) days of its receipt of a complete application, the Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the forty-five (45) day period:
 1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its final decision.
 3. If the application is approved, issue the applicant the relevant Zoning Permit.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- E. Fees. The fee for a zoning permit application for a Class 2 Collocation is five hundred dollars (\$500).

6. Abandonment, Removal, and Security for Removal.

- A. Notification. The recipient of a Zoning Permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Department within forty-five (45) days of the date when the mobile service facility is no longer in operation.
- B. Abandonment. Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the Department may extend the time limit to abandon once for an additional twelve-month (12) period. Such extension shall be based on the finding that the owner or zoning permit holder is actively seeking tenants for the site. If abandonment is determined to have occurred, the owner of such antenna, mobile service facility or mobile service support

structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Department notifying the owner of such abandonment. If removal to the satisfaction of the Department does not occur within said ninety (90) days, the Zoning Administrator may order removal utilizing the established bond or letter of credit discussed below. If there are two or more users of a single tower, abandonment shall not be determined to have occurred until all operation of the tower ceases by all users.

- C. Removal. It is the express policy of Buffalo County and this Ordinance that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner's responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the Department. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have ninety (90) days to effect removal and restoration. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to five (5) feet below the surface. The owner shall record a document with the Buffalo County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.
- D. Security for Removal. Before the issuance of any Zoning Permit, a performance bond or letter of credit shall be provided to Buffalo County to guarantee that a structure that has ceased being used for mobile services facilities is removed. The bond amount shall be the lesser of twenty thousand dollars (\$20,000) or an amount based on a written estimate of a person qualified to remove such structures. Buffalo County will be named as the recipient of the bond or letter of credit and Buffalo County is entitled to approve the bonding company. If necessary, Buffalo County may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index, but at no point shall the bond amount exceed twenty thousand dollars (\$20,000).

7. Mobile Service Support Structures, Antenna and Facilities Requirements.

- A. Design and Construction. All mobile service facilities and mobile service support structures, except exempt facilities, as defined in "subsection 3", shall be designed as follows:
1. Mobile Service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the Department to be otherwise.
 2. Mobile service support structures towers, guy wires, appurtenant equipment, and buildings shall comply with the yard and setback requirements of the zoning district in which they are located.
 3. Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with all other applicable local, state and federal codes.

4. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County.
5. All mobile service facilities and support structures, except exempt facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of all facility structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip of at least four (4) feet wide outside the perimeter of the area where the tower accessory structures and equipment are located at ground level. In locations where the visual impact of the facility would be minimal the landscaping requirements may be reduced or waived by the Department. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.
6. Access to the mobile service facilities and support structures must be provided by an all-weather gravel or paved driveway.
7. Accessory buildings, structures, cabinets and other accessory facilities may be allowed and shall not exceed fifteen (15) feet in height, measured from the original grade, and two hundred fifty (250) square feet in area. All visible surfaces shall be constructed of non-reflective materials.
8. All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair.
9. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes. Emergency back-up generators shall be completely enclosed on all sides and other efforts to mitigate noise from such generators may be required.

8. Location and Separation Requirements.

- A. Location and Separation. A good faith effort should be made to have mobile service support structures separated by a minimum of five thousand two hundred eighty (5,280) feet, measured from the base of the existing structure to the base of the proposed structure. Two (2) mobile service support structures may be permitted to be located closer if the applicant provides a sworn statement to the Department from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage and capacity, is technically infeasible, or is economically burdensome to the mobile service

provider. The Department may request other supporting documentation, drawings and information to evaluate the applicant’s request and/or assist in a third-party review.

- B. Alternate Locations. A mobile service facility is encouraged to locate on existing mobile towers or on alternative support structures, such as clock towers, chimneys, steeples, barns, silos, light poles, buildings, water towers or similar structures, provided that the placement of the antenna will not extend more than six (6) feet from the structure.

9. Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

10. Transferability of Mobile Tower Siting Zoning Permits.

Conditional Use Permits granted under this section go with the land and are transferable. Conditional Use Permits granted under this section are not limited in duration. All conditional use and zoning permit requirements shall apply to subsequent owners. The Department shall be notified of any change in ownership including, but not limited to facility leases, mortgages, liens or other instruments which may affect title to the property.

11. Limitations.

- A. Limits. The county may not (mandated by State Statute) do any of the following:

1. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
2. Charge a mobile radio service provider any recurring fee for an activity described in “subsection 4 & 5”.
3. Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
4. Disapprove an application to conduct an activity described under “subsection 4 or 5” based solely on aesthetic concerns.
5. Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the county which fall into disuse. There is a rebuttable presumption that a surety requirement of twenty thousand dollars, \$20,000 or less complies with this paragraph.
6. Prohibit the placement of emergency power systems.
7. Require that a mobile service support structure be placed on property owned by the County.

8. Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
9. Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the county at less than the market rate, or to provide the county other services via the structure or facilities at less than the market rate.
10. Limit the duration of any permit that is granted.
11. Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
12. Disapprove an application based on an assessment by the County regarding the suitability of other locations for conducting the activity.
13. Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
14. Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
15. Consider an activity a substantial modification if a greater height is necessary to avoid interference with an existing antenna.
16. Consider an activity a substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
17. Limit the height of a mobile service support structure to under two hundred (200) feet.
18. Consider the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the county in connection with the county's exercise of its authority to approve the application.
19. Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the county to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the county or an entity in which the county has a governance, competitive, economic, financial or other interest.

CHAPTER 17

ABANDONED BUILDINGS

1. Purpose and Intent.

Buffalo County finds that abandoned buildings are an impediment to redevelopment and revitalization, decrease surrounding property values, detract from quality of life and may present a fire hazard. Such structures are unsightly, often structurally unsound or otherwise dangerous and a threat to public safety, attract vandals, and otherwise create a threat to the public health, safety and general welfare of neighboring property owners and the general public as a whole.

The purpose of this Chapter is to provide a means of managing, reducing and or eliminating the numerous health, safety and welfare hazards associated with abandoned buildings. This chapter is intended to prevent or mitigate dangers to health, safety and welfare, provide safe living environments for all residents, safeguard property values, expedite building repair and maintenance.

2. Applicability.

This Ordinance shall apply to all residential, commercial and industrial buildings located outside of municipal boundaries within Buffalo County.

3. Administration.

This Chapter shall be administered by the Zoning Administrator who shall issue raze/demolition orders and issue demolition permits. Enforcement and raze/demolition orders are subject to the final written consent and approval of the applicable Town Board and shall be in accordance with Wis. Stats. 66.0413 or its successor. Demolition shall be completed within 120 days of official Town Board approval.

4. Definition.

A. Abandoned Building: An abandoned building shall constitute any residential, commercial or industrial building or accessory structure which has become vacant or abandoned for a period of two years or more, is dilapidated or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human use or habitation and unreasonable to repair and meets at least one of the following conditions:

1. Open to casual entry or trespass.
2. Damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy.
3. The site of loitering or vagrancy.
4. Has taxes in arrears to the County for a period of time exceeding two years.
5. Has utilities disconnected.
6. Under a Health Department condemnation notice or legal order to vacate.

7. Structurally unsound and a hazard to persons.

B. Cessation of Construction. If there has been a cessation of normal construction of a building for a period of more than two years, such structures shall equate to and be considered abandoned buildings.

5. Reasonableness of Repair.

If the Zoning Administrator or licensed building inspector or designated officer determines that the cost of repairs of a building would exceed 50 percent of the assessed value of the building, the repairs are presumed unreasonable for purposes of 4. A.

6. Permit Required.

A demolition/raze permit is required from the Zoning Department before a building is razed. Application will provide time schedule, site plan, soil erosion control plan, and Department of Natural Resources (DNR) Notification Form 4500-113. All building debris shall be disposed of in a licensed landfill, except for salvaged materials, and hauled by a licensed waste hauler.

7. Service of Order.

An order under par. 3 shall be served on the owner of record of the building that is subject to the order or on the owner's agent if the agent is in charge of the building. If the owner and the owner's agent cannot be found or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice under ch. 985 before the time limited in the order begins to run. The time limit in the order begins to run from the date of service on the owner or owner's agent or, if the owner and agent cannot be found, from the date that the order was posted on the building.

8. Failure to Comply with Order.

If the owner fails or refuses to comply within the time prescribed, the Zoning Administrator or other designated officer may proceed to raze the building through any available public agency or by contract or arrangement with private persons, or to secure the building and, if necessary, the property on which the building is located if unfit for human habitation, occupancy or use. The cost of razing or securing the building may be charged in full or in part against the real estate upon which the building is located. The Buffalo County Board of Supervisors shall recover costs of enforcement of a raze/demolition order through special assessments to be levied and collected as a delinquent tax against the real estate upon which the building is located. Such special assessment shall be a lien upon the real estate as soon as the assessment is made or levied, regardless of whether such assessment or lien is recorded in the Register of Deeds office. An administrative fee may be set by the County Board and shall be added to the special assessment against the benefited property.

9. Foundation and Building Site.

Whenever a building has been razed, the foundation thereof, if any, shall be removed and filled with noncombustible material. Concrete/masonry materials may be crushed to a compactable aggregate size and used for excavation fill.

Whenever a building has been razed, the site shall be graded with a minimum of three inches of topsoil, with indigenous plantings, seed and mulch or sod, to cover the entire disturbed area. For a land disturbance of one or more acres, the property owner shall obtain required Wisconsin Department of Natural Resources permit(s) in compliance with Ch. NR 151, Wis. Adm. Code.

10. Site Safety and Security.

The permit holder, his agent or contractor shall, during the razing process, maintain the razing site in a safe and secure condition, and the property owner shall promptly report any personal injury and property damage to the Zoning Administrator. The Zoning Administrator may require additional safety and security methods, including fencing and gating, as deemed necessary to protect and restrict access to the public.

11. Sale of Salvage.

If an order to raze a building has been issued and carried out by the County, the County or other designated officer under the contract or arrangement to raze the building may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of the sale, after deducting the expenses of razing the building, shall be promptly remitted to the circuit court with a report of the sale or transaction, including the items of expense and the amounts deducted, for the use of any person entitled to the net proceeds, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state.

12. Required Work and Approvals.

All plumbing, electrical, and HVAC work shall be done by Wisconsin registered/licensed contractors. The following inspections and approvals are required:

- A. Public Sewer. Abandonment by State of Wisconsin licensed plumber (prior to commencement of razing structure). Approval and inspection through the Zoning Department.
- B. POWTS. Septic system/holding tank abandonment by State of Wisconsin licensed plumber (prior to commencement of razing structure). Inspection and approval through the Zoning Department.
- C. Electrical. Electric meter(s) and service(s) removed by State of Wisconsin licensed electrician/utility contractor (prior to razing structure).
- D. Foundation. Excavation approval and inspection prior to backfilling.
- E. Well Abandonment. Unused and improperly abandoned wells are a significant threat to groundwater. State law requires that all wells be filled and capped prior to any demolition work. Approval and inspection by Wisconsin licensed well installer.

13. Exemption.

This chapter shall not apply to demolition of detached accessory buildings not used for human habitation and less than 300 square feet in floor area.

CHAPTER 18

OUTDOOR FURNACES, OPEN BURNING AND REFUSE BURNING

1. Purpose.

This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Buffalo County due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

2. Applicability.

This Chapter applies to all outdoor burning and refuse burning within Buffalo County.

- A. This Ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This Ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes a refuse as define in Section 3 of this Chapter.
- C. This Ordinance does not apply to the use of propone, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

3. Materials that May Not Be Burned.

- A. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device:
 - 1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - 2. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
 - 3. Asphalt and products containing asphalt.
 - 4. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - 5. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
 - 6. Rubber including tires and synthetic rubber-like products.

4. Open Burning of Leaves, Brush, Clean Wood and Other Vegetative Debris.

A. Provisions. Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:

1. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
2. Except for barbeque, gas and charcoal grills, no open burning shall be undertaken during periods when either the local Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
3. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources.
4. Unless explicitly allowed elsewhere in this Ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources.
5. Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
6. Except for campfires, open burning under this section shall only be conducted at a location a minimum of 100 feet from the nearest building that is not on the same property.
7. Except for campfires and permitted bonfires, open burning shall only be conducted during daylight hours.
8. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
9. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

5. Burn Barrels.

A. Provisions. A burn barrel may be used in accordance with the following provisions:

1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 3 of this Chapter and may only be used in accordance with the provisions of Section 4 of this Chapter.

2. The burn barrel shall be located a minimum of 100 feet from the nearest dwelling that is not on the same property as the burn barrel.
3. A burn barrel shall not serve a business or commercial enterprise.

6. Outdoor Wood-Fired Furnaces.

A. Provisions. An outdoor wood-fired furnace may be used in accordance with the following provisions:

1. An outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 3 of this Chapter.
2. In all ANR zoning districts an outdoor wood-fired furnace shall be located a minimum of 150 feet from the nearest dwelling not located on the same property as the outdoor wood furnace. In the Residential zoning district outdoor furnaces shall be located a minimum of 50 feet from all neighboring dwellings.
3. In all ANR zoning districts outdoor wood-fired furnaces located less than 250 feet from an adjacent or neighboring dwelling shall have a chimney that extends a minimum of 15 feet above the ground surface.

In the residential zoning district all outdoor furnaces shall have a chimney that extends a minimum of 20 feet above the ground surface or the height of all neighboring roofs within 250 feet of the outdoor furnace, whichever is greater. The Zoning Administrator may approve a lesser chimney height on a case-by-case basis if smoke from a lower chimney does not create a nuisance for neighboring dwelling occupants.

7. Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by fire.

CHAPTER 19

SIGNS

1. Purpose.

Sign regulations, including provisions to control the type, design, size, location, motion, illumination, enforcement and maintenance thereof, are established in order to achieve among others the following purposes:

- A. Aesthetics; Property Values. To protect and enhance the physical appearance of the County in a lawful manner that recognizes the rights of property owners. To enhance and protect the physical appearance of the County and to protect and enhance property values, by:
 - 1. Encouraging the appropriate design, scale, and placement of signs.
 - 2. Encouraging the orderly placement of signs on buildings while avoiding regulations that are so rigid that all signs in a series are monotonously uniform.
 - 3. Promote the creation of an attractive visual environment that promotes a healthy economy by maintaining visually pleasing, residential, commercial, industrial and other use districts, by permitting businesses to inform, identify, and communicate effectively.
 - 4. Directing the general public through the use of signs while maintaining a visually pleasing and harmonious application of signs on buildings and sites.
- B. Public Safety. To foster public safety along public and private streets within the County by assuring that all signs are in safe and appropriate locations.
 - 1. To ensure that signs are located and designed to reduce sign distraction and eliminate any confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
 - 2. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.
- C. Design. To control the design and size of signs to ensure that their appearance will be aesthetically harmonious with an overall aesthetic for the surrounding area and to encourage the use of creative and visually attractive signs.
- D. Review Procedures. Provide review procedures that enable the County to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings. To have administrative review procedures that are the minimum necessary to:
 - 1. Balance the County's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.

2. Assure the consistent enforcement of the sign ordinance chapter.
 3. Minimize the time required to review a sign application.
 4. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the County’s standards.
- E. Prohibit all signs not expressly permitted by this Chapter.
- F. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign, and to allow audiences to receive such information.
- G. To provide for reasonable and appropriate communication and identification for on premise and off premise signs in commercial and industrial districts in order to foster successful businesses.

Intent.

The administration of sign regulations are not established to harm First Amendment interests that are disproportionate in light of the relevant regulatory objectives and the importance of balancing countervailing objectives achieved through reasonable governmental regulations other than to protect the safety and general welfare of the public through justifiable government regulations.

Sign restrictions shall not be based on opposition or favoritism toward an underlying message expressed, nor does the treatment restrict speaker-based, event-based, or content-based messages. Rather, the following regulations are reflective of ordinary practical application of well-established procedures guaranteeing that government shall not favor or disfavor messages without equitable treatment and reasonable regulation.

2. Administration.

- A. Permit Required. To ensure compliance with this Chapter, all signs not exempt by Section 17 “Exempt Signs” of this Chapter shall obtain Administrative Review or Conditional Use Review approval before securing a Zoning Permit to construct, alter, replace or move a sign. No permanent sign shall be located closer than seventy-five (75) feet from the ordinary high-water mark of any navigable or perennial body of water, in the floodway of any stream or within any scenic easement except as may be specifically allowed.
- B. Sign Permit Application Requirements. A complete sign permit application shall consist of all of the following:
1. Application Form. A Zoning Permit Application form supplied by the Department that is filled out and signed by the person or entity that will own the sign and the person or entity who owns the property or their designee. Application to include a site plan drawn to scale showing all of the following:
 - a. Lot. The location and dimensions of the property’s boundary lines;
 - b. Buildings. The location of all buildings and structures on the lot;

- c. Existing Signage. The sign design and layout proposed, including total area of the sign(s), sign height, character, materials and color of letters, lines and symbols;
 - d. Proposed signage. The sign design and layout proposed, including total area of the sign(s), sign height, character, materials and color of letters, lines and symbols;
 - e. Illumination. For illuminated signs, the method of illumination, the number and type of lamps and lens material and a statement that the illumination of each sign will comply with the provisions in Section 3 “Illumination of Signs” of this Chapter.
 - f. Elevations. Elevations and specifications for proposed signs, including proposed. If a sign is proposed to be on a wall, then the entire wall that such sign will be attached to must be depicted showing the location of the sign on said wall.
 - g. Construction details. Details and specifications for construction, erection and attachment as may be required by the Zoning Administrator.
 - h. The name of the sign contractor or company responsible for construction of the sign.
 - i. Other Information. All other information deemed pertinent by the Zoning Administrator or designee thereof.
2. Fee. An application fee per the Department fee schedule.

C. Review Procedure.

1. Signs may be approved as part of an overall site review for a conditional use which is reviewed by the Board of Adjustment.
2. Administrative Review. Any sign that will be accessory to any principal use that is not subject to a conditional use approval shall be processed and acted upon as follows:
 - a. A zoning permit application will not be approved by the Zoning Administrator until a complete permit application, as outlined in “(2)(B)(1)” above, has been submitted;
 - b. A complete zoning permit application shall be reviewed by the Zoning Administrator and shall be granted or denied within thirty (30) days;
 - c. No public hearing shall be required;
 - d. No written notice of the application or associated action shall be required;
 - e. Sign applications approved by the county may be subject to other county or state agency approval.
3. Any sign that will be accessory to a principal use which is subject to conditional use review shall be reviewed and acted upon as part of that conditional use review process and shall be reviewed and acted upon separately.

- D. Effective Date and Permits. No applicant action shall take place on a sign application until all of the following have occurred:
1. Zoning Administrator Approval. The Zoning Administrator has approved the application;
 2. Zoning Permit Issued. The Zoning Administrator has issued a zoning permit.
- E. Amendments. Modifications proposed for any sign that has received approval, whether installed or not, must be approved by the Zoning Administrator pursuant to the procedures set forth in this Chapter.
- F. Removal. When any sign is removed for any reason other than maintenance (repair, refurbishing or repainting), all mast arms, guys of any nature, clips, brackets, and all other components of the removed sign shall be removed with the sign. A new zoning permit and associated sign review shall be required for any subsequent installation of a sign, including but not limited to reinstallation of the removed sign.
- G. Denial. In the event that the Zoning Administrator denies a sign permit application, the applicant shall be provided written notification of denial. Such written notification shall outline the reasons for denial and include applicable references to code sections that must be complied with in order to secure application approval.
- H. Appeal. Any applicant has the right to appeal the Zoning Administrator’s decision, as may be applicable, by filing a notice of appeal within 30 days of receipt of a notice of denial.

3. Illumination of Signs.

- A. Electronic Message Center Signs. See Section 25 “Changeable Copy and Electronic Message Center Signs” for additional requirements.
- B. Illumination of Signs. All externally illuminated signs shall comply with the following standards.
1. Such fixture shall be mounted above the sign face with all light directed downward and concentrated on the area of the sign. No externally illuminated sign shall be up-lit or utilize light directed upwards from the ground towards the sign face.
 2. Illuminated signs or lighting devices shall employ only a light of constant intensity.
 3. Such fixtures shall prevent glare upon adjacent properties, or rights-of-way so as to not cause glare or reflection that may constitute a traffic hazard or nuisance.
 4. All light sources to illuminate signs, internal or external, shall be shielded from all adjacent buildings and rights-of-way. Light sources shall not be of such brightness so as to cause glare hazardous to the motoring public or adjacent buildings and uses.

4. Computation and Rules of Measurement.

- A. Measurement of Sign Area. For the purposes of determining compliance with the sign area requirements of this Chapter, sign area shall be calculated as follows:
 - 1. General. Measurement of a sign includes the entire area within a rectangle enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed.
 - 2. Space Under and Between Projecting Sign. Space under a free standing sign between supporting posts, space between a projecting sign and the wall to which it is attached, and lighting fixtures and associated brackets shall not be included in the calculation of sign area.
 - 3. Sign Faces. Where a sign has two (2) faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. No sign shall have more than (2) sign faces.
 - 4. Sphere. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.
- B. Sign Height. The height of a free standing sign shall be measured from the base of the sign or the supporting structure at average grade to the top of the highest element. Average grade shall be:
 - 1. The existing grade prior to construction; or
 - 2. The newly established grade after construction. No filling, berming or mounding solely for the purpose of locating the sign shall be permitted.

5. Location Standards for All Signs.

- A. Vision Clearance Triangle. No sign shall be allowed within the vision clearance triangle.
- B. Signs in the public right-of-way. Only those signs maintained by the town, village, city, county, state, or federal governments may be located in, project into, or overhang a public right-of-way or dedicated public easement. No permits shall be issued by the County for any nongovernment sign that will project over or into public right-of-way or dedicated public easements, except as otherwise provided herein.
- C. Setback from Right-of-Way. The minimum setback is fifteen (15) feet from the right-of-way.

6. General Standards.

- A. Application. The construction, erection, safety and maintenance of all signs shall be in accordance with the applicable county ordinances, rules or regulations. The provisions of this Chapter shall not amend or in any way interfere with other codes, rules or regulations governing traffic signs within the county. Whenever there is a conflict between any provisions of any adopted ordinance, rule or regulation, the more restrictive provisions shall govern.
- B. Minimum Requirements. In their interpretation and application, the provisions of this Chapter, as most recently amended, shall be considered the minimum requirements.
- C. Conformance Required. Signs shall be designed, erected, painted, created, altered, reconstructed, moved and maintained in the county in accordance with the type, design, size, location, illumination and other provisions set forth in this Chapter.
- D. Construction Standards.
1. The construction, erection, safety and maintenance of all signs shall comply with all applicable county standards and regulations including but not limited to applicable state fire codes.
 2. Permanent signs shall be fabricated on and of materials that are of good quality and good durability. Wood shall be treated to prevent deterioration. Letters, figures, and characters shall be securely attached to the sign structure.
 3. Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
 4. All building mounted signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire.

7. Design Standards.

Signs, as permitted in the various zoning districts, shall be professionally designed, constructed and installed so as to be compatible in character with regard to the architecture of the building on which they are located, and to the materials, color and size of signs designed or located on the same building and on adjoining buildings in order to produce an overall unified effect in accordance with the standards set forth in this Section.

- A. Vertical Dimension. The lowest member of all signs which are supported or suspended from a building shall not be less than eight (8) feet above the finished grade of a sidewalk or other pedestrian way. If located over pavement used for vehicular traffic or within one and one-half (1½) feet of the vertical projection of the edges of such pavement, the lowest member of the sign shall not be less than fifteen (15) feet above the finished pavement.
- B. Relation to Traffic Devices. No sign shall be erected in a right-of-way, in proximity to railroad crossings, or at the intersection of any rights-of-way in such a manner as to obstruct sight lines along any public way; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic

sign signal or device as defined in the Manual of Uniform Traffic Control Devices. Signs visible from the street shall not make use of the words “stop”, “go”, “slow”, “look”, “danger”, or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

- C. Graphics. The lettering on a sign shall be clearly legible and in scale with the sign surface upon which it is placed.
- D. Materials. Signs shall be constructed of materials which are of appropriate quality and durability.
- E. Smooth Sign Face. No nails, tacks or wires shall be permitted to protrude from the front of any sign.

8. Substitution.

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure, and any sign permitted by this Chapter may contain a noncommercial message.

9. Maintenance of Signs.

All signs shall be maintained in accordance with the following:

- A. Safety. The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he/she shall have a continuing obligation to comply with all county code requirements and the requirements of this Chapter.
- B. Removal for Repair or Similar Purposes. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 - 1. There shall be no alteration or remodeling to the sign face, lettering (except as otherwise permitted for changeable copy), sign base, sign support(s) or the mounting of the sign itself.
 - 2. There shall be no enlargement or increase in any dimensions of the sign or its structure.
- C. Maintenance Order. The Zoning Administrator may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition, and it shall be unlawful for the owners or person having charge of such sign not to remove and repair said sign after receiving notice from the Zoning Administrator.
- D. Internal Illumination. If a sign, approved by a county-issued zoning permit to be internally illuminated and the sign or any of its letters or message are only partially lit, all illumination of the sign shall be discontinued until the sign is repaired.

- E. Notice; Remedy. If the Zoning Administrator finds that any sign is unsafe, insecure, a menace to the public; or constructed, erected, or maintained in violation of the provisions of this Ordinance, notice shall be given in writing by the Zoning Administrator sent first class mail to the property owner, occupant, tenant or other person responsible for the sign. The property owner, occupant, tenant or other person responsible for the sign shall, within thirty (30) calendar days of the date of such notification, correct such condition or remove the sign. If the correction has not been made within thirty (30) calendar days, the Zoning Administrator may issue enforcement actions as specified under thirteen (13) “Enforcement and Penalties” of this Chapter.

10. Abandoned Signs.

Abandoned sign shall be subject to the following:

- A. Nuisance. Abandoned signs shall be deemed to be a public nuisance by reason that continued lack of adequate maintenance thereby causes deterioration and results in a negative influence on nearby properties.
- B. Date of Sign Abandonment. Whenever a sign is abandoned, the Zoning Administrator shall first document the date of sign abandonment.
- C. Determination of Violation. An abandoned sign shall be considered a violation of this Ordinance only after the Zoning Administrator further documents that both of the following circumstances exist:
1. A period of not less than one hundred twenty (120) consecutive days has elapsed since the date of sign abandonment; and
 2. No Zoning Permit has been issued during such period for the building, building unit and/or use associated with the abandoned sign.
- D. Removal Notice. An abandoned sign, including nonconforming sign support structures, appurtenances and internal sign components, shall be removed by the property owner, occupant, tenant or other person responsible for the sign or having the beneficial use of the building, structure or land upon which such sign is located within thirty (30) calendar days following written notice by the Zoning Administrator. Any such notice shall be served upon the property owner, occupant, tenant or other person responsible for the sign by mail service, or posting notice on the premises where the sign is located. The timeframe for compliance shall commence from the date of such notification.
- E. Appeal. A party served with such notice shall have the right to appeal the Zoning Administrator’s order by filing a notice of appeal with the Board of Adjustment within thirty (30) calendar days of receipt of the notice.
- F. Enforcement. Upon failure to file a timely notice of appeal or failure to comply with such notice within the time specified in this Section, the Zoning Administrator may issue enforcement actions as specified under thirteen (13) “Enforcement and Penalties” of this Chapter.

11. Nuisance.

Signs placed, displayed, erected, constructed, reconstructed, illuminated, altered or on any premises in violation of this Ordinance and any sign heretofore erected, constructed or displayed without legal authorization is hereby declared to constitute a nuisance, and in addition to any penalty provided in this Ordinance for such violation, the nuisance may be abated in the manner provided now or in the future by the statutes of Wisconsin or in the manner provided in thirteen (13) “Enforcement and Penalties” of this Chapter.

12. Removal of Signs.

- A. Nuisance Signs; Removal Process. The Zoning Administrator is authorized to order the removal or maintenance of any sign which constitutes a nuisance. Any such order shall be served upon the owner in possession of the sign by personal service, regular mail service, or posting notice on the premises where the sign is located. The timeframe for compliance shall commence from the date of such notification.

- B. Compliance. Whenever the removal of any permanent sign, excluding abandoned signs as defined by this Ordinance, has been ordered by the Zoning Administrator, the owner or person in possession of the premises, and/or the permit holder shall comply with such order within thirty (30) calendar days after notice is served upon him/her. Whenever the removal or maintenance of a temporary or portable sign has been ordered by the Zoning Administrator, the owner or person in possession of such sign shall comply with the order within fourteen (14) calendar days after notice. In the event of noncompliance, the Zoning Administrator may issue enforcement actions as specified under thirteen (13) “Enforcement and Penalties” of this Chapter.

13. Enforcement and Penalties.

- A. Injunction Proceedings. Whenever any person, firm or corporation fails, neglects or refuses to comply with any order of the Zoning Administrator under the provisions of this Ordinance, or whenever any sign is in violation of, or not in conformity with, any provision of this Ordinance, the Zoning Administrator may, at his/her discretion, institute and maintain in the name of the County an appropriate action at law or in equity to restrain the execution in violation of this Ordinance, to prevent the use of such sign and/or structure and to prevent or terminate any violation of this Ordinance.

- B. Penalty.
 - 1. Whoever violates any of the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall be subject to issuance of a citation pursuant to Chapter five (5) of this Ordinance.

 - 2. Whoever violates any of the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeit not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) and costs of prosecution for each violation. A separate offense shall be deemed committed each day during, or on, which a violation occurs or continues.

14. Prohibited Signs.

All signs not expressly permitted in this Chapter shall be prohibited in the County. Prohibited signs include but are not limited to the following:

- A. Abandoned signs.
- B. Signs on Utility Poles or Traffic Control Devices. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal or any other official traffic control device.
- C. Signs on street trees.
- D. Signs that Block Ingress or Egress. Any sign that is placed or maintained so as to interfere with free ingress to or egress from any door, window, fire escape or parking lot.
- E. Signs in the road right-of-way.
- F. Motion Signs. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, flash or otherwise make use of mechanical, off-premise human (i.e. hand held or costumes) or electronic derived motion, to attract attention.
- G. Mobile Signs. Except those on licensed commercial delivery and service vehicles. Signs attached to or painted on vehicles/trailers and parked in a position and location with the primary purpose of displaying the sign shall be prohibited.
- H. Unauthorized. Any sign not specifically authorized by this Chapter.

15. Signs Allowed Without a Permit.

Sign Type	Key: P Permitted (Blank) Use Not Permitted								
	ANR -40	ANR -20	ANR -10	ANR -5	ANR T-5	R	C	I	CONS
Temporary Signs (Max. Size 12 Sq. Ft.)	P	P	P	P	P	P	P	P	
Temporary Signs (Max. Size 24 Sq. Ft.)		P	P	P	P				
Exempt Signs	P	P	P	P	P	P	P	P	P
Public Signs	P	P	P	P	P	P	P	P	P
Parking Lot Identification Signs	P	P	P	P	P	P	P	P	P
Signs within Buildings	P	P	P	P	P	P	P	P	P

16. Temporary Signs.

- A. Dimension Standards.
 1. Maximum square footage.
 - a. Residential District: Not to exceed 12 square feet and 8 feet in height.

- b. All other districts: Not to exceed 24 square feet and 8 feet in height.
- B. Setback Requirements.
 - 1. Shall be located not less than 25 feet from the nearest lot line.
 - 2. Minimum of 15 feet from the right-of-way.
 - 3. Must be outside of Vision Clearance Triangle.
- C. Illumination. No temporary signs shall be illuminated.
- D. Flashing/moving lights. May not contain flashing lights or moving parts.
- E. Display Period. Such signs shall be temporarily displayed for thirty (30) days or less before the event and shall be removed within five (5) days after the event.

17. Exempt Signs.

The following types of signs are permitted without requirement for a permit:

- A. Dwelling Unit Sign Plate: one sign plate may be located on any dwelling.
- B. Murals which are a design or representation painted or drawn on the exterior surface of a structure that do not advertise a business, product, service or activity.
- C. Flags of any nation, government or public service organization.
- D. Scoreboards and signs on fences and other structures accessory to athletic fields.
- E. Gravestones, symbols, or monuments in cemeteries or monument sales lots.
- F. Signage which is an integral part of the original construction of vending or similar machines;
- G. Signs accessory to juvenile activities, such as a child’s lemonade stand.
- H. Commemorative Signs.
 - 1. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
 - 2. Signs commemorating receipt of a grant award and required to be erected as a result of such award, (i.e. Wisconsin Department of Natural Resource grant recipient, Trust for Public Land or similar public or non-profit agency).
- I. Service Station Island Signs. Automobile service stations shall be permitted incidental signs and/or symbols at fuel pumps and service station islands only. The maximum total area of signage at each service island (includes fuel pumps) shall not exceed three (3) square feet.

18. Parking Lot Identification Signs.

Signs located in parking lots to identify limitations on the use of parking spaces, such as “customer parking,” “reserved parking,” or to identify barrier free accessible spaces are permitted, subject to the following:

- A. The signs shall identify limitations on parking space use only.
- B. The signs shall have a maximum area of one and one-half (1½) square feet (a typical accessible barrier free parking space sign has a dimension of one foot x one and one-half { 1 foot x 1 ½} feet).

19. Public Signs.

Signs owned by the town, village, city, county, state or federal government, including, but not limited to, street signs, safety signs, danger signs, traffic signs, and signs of historical interest, identification signs, signs for public buildings or uses. These signs need to comply with federal, state and local regulations, and may be located within vision clearance areas as long as vision for traffic safety is not impaired.

20. Seasonal Signs.

Decorations that do not convey a commercial message are not considered signage and shall not require a permit.

21. Signs Allowed With a Permit.

The following signs may be permitted in certain zoning districts as shown in the following table subject to the approval of a zoning permit application and the sign design limitations applicable to each type of sign.

Sign Type	Key: P Permitted C Conditional Use (Blank) Use Not Permitted								
	ANR -40	ANR -20	ANR -10	ANR -5	ANRT -5	R	C	I	CONS
On-Premise Building Mounted Signs	P	P	P	P	P	P	P	P	P
On-Premise Free Standing Signs	P	P	P	P	P	P	P	P	P
Off-Premise Free Standing Signs	P	P	P	P	P		P	P	P
Electronic Message Signs	P	P	P	P	P		P	P	P
Billboards							C	C	C

22. On-premise Building Mounted Signs.

Building mounted signs are subject to the design standards of this section.

- A. Design Standards in All Zoning Districts.
 - 1. Wall/Panel Signs. Wall signs shall not project more than six (6) inches from the building wall to which it is attached and shall not project above the building wall. Wall signs may be internally or externally illuminated.

2. **Projecting Signs.** Projecting signs shall not exceed twenty-four (24) square feet in sign area, shall not extend more than five (5) feet from the wall to which it is attached and the lowest portion of such sign shall not be less than seven (7) feet above the finished grade of a sidewalk or other pedestrian way.
3. **Size.** Unless otherwise specified in this Ordinance, the sign face area of a wall sign shall not exceed fifteen percent (15%) of the area (to a maximum of two hundred {200} sq. ft.) of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed fifteen percent (15%) of the area (to a maximum of two hundred (200) sq. ft.) of the side of the building to which they are attached.
4. **Service Entrance.** Service entrances to a business unit may be identified by a nameplate on the building not exceeding two (2) square feet in sign area.

23. On-Premise Free Standing Signs.

- A. **Free standing signs** are subject to the area and placement regulations of the following table and the design standards of this section.

Zoning District	Number Permitted	Maximum Area	Maximum Height	Minimum Setback
R	1 per home business.	12 Sq. Ft.	8 Feet	15 feet from public road right-of-way 25 feet from side lot line
ANR-40, ANR-20, ANR-10, ANR-5, ANRT-5	1 per home or farm based business.	24 Sq. Ft.	8 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary
C	1	50 Sq. Ft.	15 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary
I	1	50 Sq. Ft.	15 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary
CONS	1	24 Sq. Ft.	8 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary

- B. **Zoning Administrator.** No free standing sign may be erected, expanded, or developed until the Zoning Administrator and/or Board of Adjustment has reviewed and approved its location and compliance with this ordinance.

24. Off-Premise Free Standing Signs.

A. Off-premise signs may be permitted provided they are:

Zoning District	Maximum Area	Maximum Height	Minimum Setback
ANR-40, ANR-20, ANR-10, ANR-5, ANRT-5	24 Sq. Ft.	8 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary
C	32 Sq. Ft.	15 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary
I	32 Sq. Ft.	15 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary
CONS	24 Sq. Ft.	8 Feet	15 feet from public road right-of-way 25 feet from side lot line 100 feet from residential district boundary

1. Directional only.
2. Are located within a three (3) mile radius of the advertised business or activity.
3. Are not in conflict with Wisconsin Administrative Code, or §84.30 and Ch. 196, Wisconsin Statutes.
4. Outside of the Vision Clearance Triangle.

25. Changeable Copy and Electronic Message Center Signs.

A. Electronic Message Center Signs. Electronic message center signs, permitted for single tenant free standing signs only, shall be permitted in commercial and industrial zoning districts, subject to review by the Zoning Administrator. An electronic message center sign shall meet the following requirements:

1. Animation. Streaming, scrolling, fading, shall be permitted.
2. Dimming. Any sign shall be equipped with and shall use photosensitive mechanisms to automatically adjust sign brightness and contrast based on ambient light conditions.
3. Correction of Malfunctions/Defects. Any sign found by the Zoning Administrator to be in violation of this Chapter shall be turned off until such time as the Zoning Administrator determines that such sign is in conformance with this Chapter.

26. Billboards.

A. Billboards shall meet all of the following requirements:

1. Ch. Trans 201 Wis. Adm. Code, or

2. §86.191 and Ch. 196, Wis. Stats.
3. Signs and billboards shall meet all yard requirements for the district in which they are located.
4. Minimum separation of one thousand (1,000) feet from all other billboards which exceed two hundred (200) square feet in area.
5. Shall meet the minimum structure setback requirements for the respective road to which it is adjacent.

B. Billboards shall require a conditional use permit.

27. Nonconforming Signs.

Nonconforming signs shall be brought into conformance and be subject to the following requirements:

- A. Continuation. The purpose of this Section is to provide for the continuation of, as well as limitations on, nonconforming signs, should the presence of a legal nonconforming sign exist.
- B. Maintenance. A nonconforming sign shall be maintained in good condition pursuant to this Chapter, and may continue until such sign is required to be removed as set forth in this Section.
- C. Alteration, Relocation or Replacement. A nonconforming sign shall not be structurally altered, relocated or replaced unless it is brought into conformance with the provisions of this Chapter, except as otherwise permitted in this Section.
- D. Reconstruction of a Damaged Sign. If a sign face and/or its support is damaged by any means to the extent where the repair cost exceeds fifty percent (50%) of the replacement cost of the sign, such sign may not be reconstructed except in accordance with this Chapter. If the repair costs do not exceed fifty percent (50%) of the replacement cost of the sign, the sign may be repaired, subject to approval of consistency in design by the Zoning Administrator and provided all repair work is completed within ninety (90) calendar days of the date the damage was incurred. Any sign destroyed or damaged to any extent by vandalism may be rebuilt to its original state within ninety (90) calendar days.
- E. Servicing. Sign panel replacement (including changeable copy), painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, subject to the following requirements:
 1. The sign shall be restored to its original design;
 2. There shall be no changes to the size, shape, location, structure or framing; and
 3. All work is in compliance with applicable codes and regulations, as well as all other provisions of this Chapter.

- F. Termination. A nonconforming sign shall immediately lose its legal nonconforming status, and shall be brought into conformance with this Chapter or removed, when any of the following occur.
1. The size or shape of the sign is changed;
 2. The sign structure is altered; or
 3. If the property upon which the sign is located ceases to be used for a period of six (6) consecutive months from the date of a documented inspection or date of utility disconnect from the use of which it advertises.
- G. Severability. Nothing in this Chapter shall prohibit the construction of a nonconforming sign for which a Zoning Permit has been issued prior to the effective date of this Chapter, or any amendment thereto, provided that construction is completed within ninety (90) calendar days after the issuance of the Zoning Permit.

CHAPTER 20

NONMETALLIC MINING

1. Purpose.

The purpose of this Chapter is to provide impartial standards to regulate nonmetallic mining in Buffalo County. While nonmetallic mineral mining is a reasonable and permissible part of state and local economies and may provide beneficial economic development, the activities and processes employed may adversely affect ground and surface water, alter the aesthetic appearance and character of natural landscapes and produce detrimental levels of soil erosion, dust, noise and create hazardous volumes of heavy truck traffic.

In addition to taking into consideration the general criteria governing the granting of Conditional Use Permits under Chapter 6, the County shall specifically analyze non-metallic mineral mining proposals in light of the County's interest in ensuring the wise use of the natural resources of the County, aesthetic implications of the locations of nonmetallic mines and the potential impacts of mining operations on the general health, safety and welfare of the public, including the impact on the market value of the lands adjacent to or in the vicinity of nonmetallic mining operations. Each application shall be judged on its own merits. Subject to the standards set forth in this chapter and in the Zoning Ordinance as a whole, it is not feasible to prescribe the criteria upon which a Conditional Use Permit may be granted or denied. A mine site may be permitted for industrial sand, construction aggregate, or both. If a mine site is permitted for both, then two separate conditional use permits shall be obtained and shall be enforced separately.

Nonmetallic mineral mining may compromise the safety of the public, create unsafe traffic complications, road damage, affect traditional land uses and compromise property values. Therefore, in addition to taking into consideration the standards applicable to all conditional uses under Chapter six (6), nonmetallic mineral mining Conditional Use Permit Applications shall be analyzed and evaluated on an objective basis which includes not only an individual mine, but also the various incremental impacts of other mine sites when considered cumulatively. The purpose and intent of cumulative analysis is to ensure the wise and appropriate use of the natural resources of the County, protection of surrounding properties and the natural environment, evaluation of aesthetic implications, as well as the protection of the public health, safety and general welfare.

2. Applicability – Zoning Districts.

The requirements of this Chapter shall apply to all nonmetallic mines within Buffalo County.

Nonmetallic mining is an industrial land use pursuant to Chapter 7 of this Ordinance. Nonmetallic mining of construction aggregate and or industrial sand, as defined in this Ordinance, may be permitted as a conditional use only in the Industrial (I) zoning district.

3. General Standards.

- A. All nonmetallic mines shall be operated in compliance with all applicable federal, state and local laws, rules, and regulations in a manner to promote health, safety, and general welfare.

- B. Mine operators shall demonstrate that all required federal, state and local permits and approvals for the mine site have been or will be obtained prior to commencement of operation.
- C. Nonmetallic mining operations and reclamation shall be conducted simultaneously, to the extent practical, to minimize the area disturbed by nonmetallic mining. Nonmetallic mining operations shall abide by all requirements of the Buffalo County Nonmetallic Mining Reclamation Ordinance.
- D. Nonmetallic industrial sand mining may be permitted only in the Industrial Zoning District and upon the issuance of a Conditional Use Permit.
- E. Active mine sites that will exceed ten (10) acres over the life of the mine shall not be located within one thousand (1,000) feet of a residential zoning district.
- F. Nonmetallic mining operations must at all times remain a minimum of 10 (ten) feet above the water table

4. Applications for Nonmetallic Mines.

Each proposed nonmetallic mine shall require the submittal of an application, and each application shall be subject to the standards set forth in this Chapter and the Zoning Ordinance as a whole.

- A. Application Requirements. All applications for a nonmetallic mine in Buffalo County shall be made on a specific application form for nonmetallic mines and shall include the following:
 - 1. The appropriate Conditional Use Permit application fee. Copies of the current fee schedule are kept on file at the Buffalo County Zoning Department.
 - 2. A mine site survey completed by a land surveyor registered in the state of Wisconsin at a scale of not less than one (1) inch equals six hundred sixty (660) feet.
 - 3. A legal description of the property showing the location of the tract or tracts of land with parcel identification numbers to be included in the mine boundary.
 - 4. The names and contact information of all persons or organizations who are owners, operators and/or lessors of the property on which the mine is to be located.
 - 5. A signed copy of all leases, letters or other legal documents signed by the owner(s) of the property which authorizes the operator to enter upon the lessor's land for the purpose of nonmetallic mining.
 - 6. A detailed operation plan conforming to this Chapter.
 - 7. Site maps conforming to this Chapter.
 - 8. Surface water features within one (1) mile of the mine site boundary including all wetlands and wetland indicator soils.

9. Groundwater, depth to groundwater in all areas to be actively mined. Evaluation of water quality and water usage.
10. Groundwater monitoring plan.
11. Topsoil management plan.
12. Erosion Control plan.
13. Stormwater Management plan.
14. Hazardous materials and hazardous waste management plan.
15. Air quality monitoring plan
16. Blasting plan.
17. Noise abatement plan.
18. Lighting plan.
19. Screening plan.
20. A Cultural Resource Site Review shall be performed by the Department of Natural Resources. A copy of the site review report shall be provided the Zoning Department prior to the issuance of a Conditional Use Permit.

- B. Additional Information. The County reserves the right to request additional or further information or materials from the applicant beyond that submitted so as to enable the County to adequately analyze the proposed mine operation in light of the standards enacted in this chapter.

5. Application Review

- A. Professional Review. Upon submittal of a Conditional Use Permit application for nonmetallic mining, the application will be reviewed by a third party professional, selected by the Zoning Department, with the associated review fee to be paid by the applicant. When this review is completed, the Zoning Administrator, in conjunction with the Zoning Committee, will make the determination if the application is complete and ready for review by the applicable Town(s), where the proposed mine is to be located.
- B. Town Review. Upon determination of a complete application, the application and associated documentation will be forwarded to the applicable Town Board(s) for review. Mailing shall be sent via USPS, certified, return receipt, to the Town Clerk and Town Chairperson. A Towns Acknowledgement Form provided by the Zoning Department will accompany the application to the Town Board(s), and shall be returned to the Department with their response and any additional information or documentation that they wish to provide as a response. The forty-five (45) day review period will begin four (4) days from the documented mailing date.

If no response is received within forty-five (45) days, it will be the understanding that the Town Board(s) do not wish to make a response. If the Town Board(s) believe they will not have the review completed within forty-five (45) days, a request shall be made to the Zoning Department within ten (10) days prior to the end of the forty-five (45) day review period, for up to an additional fifteen (15) days for review.

- C. Highway Department Review. Upon determination of a complete application, the application and associated documentation will be forwarded to the Buffalo County Highway Department for review. The forty-five (45) day review period will begin four (4) days from the documented delivery date. If no response is received within that time, it will be the understanding that the Highway Department does not wish to make a response. If the Highway Department believes they will not have the review completed within forty-five (45) days, they shall make a request to the Zoning Department within ten (10) days prior to the end of the forty-five (45) day review period, for up to an additional fifteen (15) days for review.

6. Complete Application.

- A. Complete Application for Adjudication. Following receipt of responses from the Town Board(s) and the Highway Department the Zoning Administrator will make a determination, utilizing the checklist contained in the application and the list below, of a complete application for the purpose of review and adjudication by the Board of Adjustment.
- B. Complete Application. A complete application shall include the following:
1. An application satisfying all the requirements of this Chapter and the Zoning Ordinance in whole.
 2. Receipt of the Towns Acknowledgement Form from the applicable Town Board(s).
 3. Receipt of response from the Buffalo County Highway Department.
 4. A completed Reclamation Plan that has been reviewed by a contracted professional engineer and has received final approval from the Buffalo County Conservationist or a qualified professional designee.
 5. Receipt of all Reclamation Plan and Conditional Use Permit Application fees and professional review fees.
 6. Payment of the fee for a required County Highway Impact Analysis, completed by a third party registered professional, as determined necessary by the Highway Commissioner.
 7. A Comprehensive mining operation plan that includes all items listed in Sections eight (8) thru nineteen (19) below.

7. Application Modifications.

The applicant will have the opportunity to make modifications to their application following receipt and review of the responses from the Town Board(s) and the Highway Department. If the applicant wishes to modify the application at this point, the modified application must be reviewed again by a third party professional engineer at the applicant's expense and be reviewed again by the Town Board(s). The same procedures, timelines, and response criteria listed above shall apply to application modifications. Once the application has been sent to the Board of Adjustment for review and a hearing date has been set, no further modifications to the application will be allowed.

8. Mining Operation Plan.

A. Operation Plan Requirements.

1. An explanation of how the proposed mine operation conforms to the standards applicable to all conditional uses specified in Chapter 6, Section 9 (E), of the Buffalo County Zoning Ordinance.
2. A description of the nature of the deposit.
 - a. A map showing the location of the exploratory borings including the GPS location at a scale of not less than one (1) inch equals six hundred sixty (660) feet.
 - b. Where exploratory borings are used to determine ecological composition, a geological log of each boring will be required, which includes the diameter, depth of excavation and depth to groundwater table.
3. A description of the estimated life of the mine, to include the dates of the proposed beginning and ending of the mine operation.
4. A plan for a phased mining approach and contemporaneous reclamation to minimize the area disturbed, to include:
 - a. Estimated volumes of material to be removed on an annual basis for the proposed life of the mine.
 - b. A description of the machinery and equipment to be used for extraction and processing of extracted material.
5. Proposed days and daily hours of operation.
 - a. Nonmetallic mining operations shall be limited to reasonable hours so as not to affect adjacent land uses.
 - b. The Board of Adjustment may modify or alter hours of operation, as stated above, as part of the conditional use permit approval process.

6. A description of precise hauling information as required by the Buffalo County Highway Department to include the following:
 - a. Average daily loads.
 - b. Maximum daily loads.
 - c. Average annual tonnage.
 - d. Maximum annual tonnage.
 - e. Total tonnage and number of years of operation.
 - f. Specifically identified primary haul route(s).
 - g. Specifically identified temporary haul route(s).
 - h. Frequency of traffic.
 - i. Common schedule of travel to be used for transporting.
 - j. Types of vehicles used in transport.

9. Mine Site Maps.

1. A vicinity map showing the location of the site within the town and county, including the following:
 - a. Identification of all existing groundwater users within one (1) mile of the proposed mine site boundaries:
 1. Residential wells.
 2. Municipal wells.
 3. Irrigation/agricultural wells.
 4. Wellhead protection areas.
 - b. Locate and label all existing structures, including habitable structures within 2,640 feet of the proposed perimeter of the mine site.
 - c. Locate proposed structures necessary for the mine operation and provide a description of any onsite nonmetallic mineral processing facilities.

- d. A map of the mine site at a representative scale not less than one (1) inch equals two hundred (200) feet, showing the following:
 - 1. Excavation areas with delineated mine phases.
 - 2. Existing and proposed structures.
 - 3. Material stockpiling areas.
 - 4. Storage areas.
 - 5. Parking areas.
 - 6. Settling ponds and any basins used for processing.
 - 7. On-site haul roads.
 - 8. Location of roadway access points.
- e. A map of all transportation routes within the County to be used to transport the mineral material from the mine to off-site processing plants or markets.
- f. A map showing the location and names of all surface water, including lakes, private and public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, wetland indicator soils, drainage patterns and other water features on the site and within one (1) mile of the proposed mine site boundaries.
- g. A topographic map at contour intervals no greater than five (5) feet and extending one-half (1/2) mile beyond the mine boundary, showing the following:
 - 1. Proposed perimeter of the mine boundary.
 - 2. Direction of flow of storm water runoff.
 - 3. Direction of groundwater flow.
 - 4. Location of infiltration ponds.
 - 5. Location of erosion control berms.
- h. A map to show the proposed sequence of mining to include the following:
 - 1. Direction of mining.
 - 2. Depth of mining.

2. Cross-section of the proposed nonmetallic mine at intervals of not more than two hundred (200) feet.

10. Surface Water and Groundwater – Water Quality and Water Usage.

Nonmetallic mining operations shall be conducted in a manner that assures compliance with the Wisconsin Department of Natural Resources water quality standards for surface waters and wetlands and has no adverse effects on surface waters.

- A. Surface Water Diversion. Before disturbing the surface of a mine site and removing topsoil, all necessary measures for diversion and drainage of runoff and stormwater from the site to prevent pollution of waters of the County shall be installed in accordance with the approved operation plan.
- B. Surface Water Monitoring. All navigable waters and wetlands over 10,000 sq. ft. in area and that are down gradient and within 2,640 feet of the mine site shall require a surface water monitoring station. Samples of surface water shall be evaluated prior to any mine activity to establish a baseline. Monitoring shall evaluate: temperature, conductivity, pH, total suspended solids (TSS), and dissolved oxygen (DO). Samples shall be collected in June and September during the mining season with lab results to be provided to the Zoning Department within thirty (30) days of sampling. All water testing and monitoring shall be at the mine operator's expense.
- C. Ground Water Protection.
 1. Nonmetallic mines shall be operated in a manner that does not cause a permanent lowering of the water table resulting in a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
 - a. The operator shall be required to provide a description of water use requirements that describes all the ways that water will be used in the nonmetallic mining operation including, but not limited to:
 1. Volume of water required for the entire mine site whether for mining, dust suppression, human use, or any other function.
 2. Sources of water and all process in which water will be used for treating, handling and mining of nonmetallic minerals.
 3. Volume of water to be discharged and all individual volumes of each stream of excess water and waste water diverted from the site as runoff, stormwater, dewatering or any other mechanism.
 4. A high capacity well monitor shall be required to document water usage. An annual water consumption report shall be submitted to the Zoning Department at the end of each calendar year.
 2. Nonmetallic mining operations shall be conducted in a manner which does not cause groundwater quality to be unpalatable or unfit for human consumption or cause the

groundwater quality to exceed standards in WI Admin. Code, chs. NR 140 and NR 809, as well as any other state or federal health standards.

3. Any wash ponds and settling ponds that have chemicals introduced to them shall have a minimum of ten (10) feet of separation to bedrock and to the groundwater elevation and shall have an impervious liner. The operator is responsible for ensuring that releases from ponds do not occur. The groundwater level is to be determined by the static water level as recorded in the nearest monitoring well.
4. Stormwater retention ponds shall be designed and constructed to provide capacity to store and infiltrate runoff for all rain events up to a 100 year, 24 hour event.
5. Wash ponds will adhere to NR 213. Clay lined or approved plastic liners are required. Wash ponds will be engineered to contain a 25 year, 24 hour rain event for potential stormwater contribution.
6. All flocculants usage and disposal log must be maintained by the operator including test results of wash pond sediments and disposal procedures. The log is to be forwarded to the Zoning Department on a biannual basis.

D. Hydro-geology. The operator shall be required to submit a detailed hydro-geologic report which includes a determination of existing conditions which may be utilized to establish baseline data. The operator shall be required to reimburse the County for the expense of professional review of such hydro-geologic report.

1. Hydro-geology report. The hydro-geologic report shall encompass the area within one-half (1/2) mile of the mining site and shall include:
 - a. Identification of all known contaminated groundwater resources.
 - b. Identification and location of all known karst features such as:
 1. Sinkholes.
 2. Stream sinks.
 3. Springs.
 4. Caves.
 5. Faults.
 - c. Where dewatering is proposed, provide the following:
 1. Pumping rates and times.
 2. Elevation of the proposed groundwater draw down level.

3. Groundwater discharge locations and quantities.
2. Three monitoring wells are required to be installed, operating and functional prior to any land alteration activity at the mine site. Monitoring wells shall continuously monitor the static water level and shall be tested quarterly. The quarterly test results and an annual comprehensive review shall be forwarded to the Buffalo County Zoning Department. Monitoring well water testing shall duplicate the testing as stipulated for private wells.
 - a. A groundwater monitoring plan shall be developed to ensure compliance and that mining activity will not compromise groundwater quality or groundwater quantity. Locations of monitoring wells shall be mapped in relation to ground water elevation, flow, and hydro-geology. The monitoring plan shall include the following:
 1. Installation of monitoring wells up gradient and down gradient of the proposed area of excavation. If settling ponds are utilized as least one well is to be located in the down gradient direction to measure:
 - a. Elevations
 - b. Quality
 - c. Flow Directions
 - d. Velocities
 - e. If flocculants are used, the wells shall be tested every six months for the presence of acrylamide.

E. Private Well Testing and Monitoring.

All wells within one (1) mile of the active mine boundary shall be tested by a third party professional prior to any mine activity and annually thereafter. The well tests shall at a minimum test for Coliform Bacteria, Total Hardness, Alkalinity, Conductivity, pH, Saturation Index, Nitrogen-Nitrate, Acrylamide, Chloride, Arsenic, Calcium, Copper, Iron, Lead, Magnesium, Potassium, Sodium, Sulfate and Zinc, and the test results shall also include the depth of water in the well on the day the test is performed. The initial and annual test result shall be submitted to the Zoning Department and shall be kept on file. (Exemption will be granted for those landowners who sign a statement specifying they are not interested in having their well tested).

11. Top Soil Management/Land Alteration.

A. Top Soil Management Requirements.

1. Topsoil and subsoil material may not leave the mine site for the entirety of the mine and shall be utilized in the reclamation of the site.
2. Topsoil removal and stockpiling shall occur in such a manner as to preserve the A and B soil horizons for future mine site reclamation.

3. Once removed, topsoil and topsoil substitute material shall either be used in contemporaneous reclamation or stored in a stable and environmentally acceptable manner.
4. The location of stored topsoil and topsoil substitute material shall protect the materials from eroding and contaminating the surrounding area. Stormwater shall be diverted around stored topsoil or topsoil substitute material.
5. Best Management Practices (BMP's) for erosion control and stormwater management shall be utilized and installed to minimize soil loss from the mine site. BMP's include the installment of straw bales, silt fence, berms, settling ponds and temporary seeding and mulching of temporary stockpiles to prevent erosion.
6. The operator shall supply a copy of the WI DNR WPDES Discharge Elimination Permit to the Zoning Department prior to any land alteration activity. Any subsequent permit revisions to the WPDES shall be provided to the Department within fourteen (14) days of being authorized by the DNR.
7. The operator is required to obtain a cultural resources site review, performed by the WI DNR, which shall be forwarded to the Zoning Department.

12. Hazardous Materials and Hazardous Wastes.

A. Requirements.

1. A description shall be provided to identify any hazardous materials and hazardous wastes as defined by State and/or Federal standards that will be used or stored on site and an Emergency Management Plan shall be provided to the County.
2. Describe how the hazardous materials and hazardous wastes will be used; whether for the mining or processing operations.
3. Identify where the hazardous materials and hazardous wastes will be stored.
4. Provide a plan for disposal of any harmful or toxic materials found in any formations infiltrated in the mining process or produced during the processing of material.
5. Provide a description of:
 - a. Fuel supplies that will be stored on site.
 - b. All petroleum products kept onsite and related to the mining operation shall be stored in state approved fuel storage containers and shall be in accordance with federal standards for storage and fueling areas.
 - c. Where fueling trucks are used to refuel equipment onsite, all fueling must occur on a fueling absorption pad to minimize any leakage.

- d. Provide a description of the measures that will be used to remediate in the event of a spill or accidental discharge.

13. Air Quality.

A. Air Quality Requirements.

1. Provide a description of measures to be taken to assure compliance with applicable State and Federal air quality standards and regulations.
2. Nonmetallic mining operations shall utilize appropriate best management practices to control fugitive dust as specified in Chapter NR 415, Wisconsin Administrative Code. The operator shall provide the Zoning Department with a copy of the required WI DNR Air Quality Permit and document a fugitive dust control plan for the mine site.
3. The fugitive dust plan may include the following:
 - a. Paving of the mine site haul roads.
 - b. Watering processed and unprocessed stockpiles.
 - c. Minimizing the size of stockpiles.
 - d. Maximizing the distance stockpiles are located to property lines.
 - e. Utilizing sweepers to clean paved surfaces within the mine and public roads.
4. Operators of nonmetallic mining operations that process silica sand for industrial use shall monitor the ambient level or airborne particulate matter of PM2.5 and Total Suspended Particles (TSP). The operator shall install a continuous particulate matter monitor in the prevailing down-wind direction from the material processing location. The monitor must be capable of detecting PM2.5.
 - a. The County may consult with experts in cooperation with the operator for an approved plan for particulate matter monitoring.
 - b. All costs of air monitoring and corrective measures shall be borne by the operator.
 - c. Air monitoring and collection of results shall be conducted by a qualified third party professional and shall be provided to the Zoning Department within ten (10) days of request.

14. Blasting.

A. Blasting Requirements.

1. All blasting shall be done in conformance with state and federal guidelines and regulations.

2. Blasting records shall be maintained and provided to the Zoning Department no later than December 31st each year.
3. Blasting hours may be regulated by the placement of conditions placed on the conditional use permit by the Board of Adjustment.
4. Notification must be provided to the following at least twenty-four (24) hours prior to any blasting:
 - a. Zoning Administrator
 - b. Buffalo County Sheriff's Department
 - c. Adjacent neighbors within 2,640 feet of the mine site
 - d. Any other local residents within a mile who file a written request for notification with the operator.
5. Prior to any initial blasting at the mine site, the operator shall offer to perform baseline structure/foundation surveys for all property owners located within a half (1/2) mile of the mine site. Surveys shall be conducted by a third party professional. The operator shall comply with all WI Department of Safety requirements with regard to permitting and blasting protocol.

15. Lighting.

- A. Lighting shall be limited to that which is minimally necessary for mining operations and security. All lighting shall be shielded and pointed downward to avoid illuminating off-site.

16. Screening.

- A. A description of measures to be taken to screen the operation from public view, such as earthen berms, vegetative screening, etc.
 1. Any existing perimeter tree canopy must remain undisturbed to the maximum extent possible to preserve the visual appearance, aesthetics, and reduce the possibility of dust from leaving the mine extraction and processing area.
- B. The Board of Adjustment shall determine the practicality and necessity of additional aesthetic screening.

17. Mine Site Buffers.

- A. Minimum Buffer. A minimum buffer zone of one hundred (100) feet from the active mine boundary of an industrial sand nonmetallic mine to adjoining properties shall be maintained and one hundred fifty (150) feet from highways, roadways, and other right of ways shall be preserved. However, there shall be a written agreement with adjoining owners, if those adjoining owners also hold valid permits for nonmetallic mineral mining, under which all

relevant parties agree to mine up to property lines, the buffer zone requirement shall not apply. Such written agreements shall not impact any buffer zone requirement unless it is submitted to the Zoning Department. If a written agreement is submitted to the Department, the Zoning Administrator may establish additional conditions to ensure appropriate site operation and protection of other nearby property owners. Except with written Zoning Department approval for adjacent operation, the buffer zone shall be maintained at all times.

- B. Construction Aggregate Mines. For all Construction Aggregate non-metallic mines, a fifty (50) foot setback from the active mine site boundary to adjoining properties shall be maintained and one hundred (100) feet from highways, roadways, and other right of ways shall be preserved where no mining activity shall be allowed.
- C. Buffer Use. Processed and unprocessed material stockpiles, equipment storage, vehicle parking areas, processing facilities, and other accessory uses related to the operation of the mine such as offices and scales are not allowed within the buffer zone.
- D. Mine Setback. A nonmetallic mine site shall be setback a minimum of five hundred (500) feet from any building or structure used for human habitation.

18. Hours of Operation.

Hours of operation for nonmetallic mining shall be limited based upon the defined activities of extraction and Processing.

- A. Extraction. Extraction shall be allowed Monday through Friday between 6:00 a.m. and 8:00 p.m. during Daylight Savings time and between 6:00 a.m. and 6:00 p.m. during Standard Time. Extraction shall be allowed Saturday between 8:00 a.m. and 3:00 p.m. No extraction shall be allowed on Sundays or Holidays, as defined in this ordinance.
- B. Processing. Processing may be allowed between Monday at 6:00 a.m. through Saturday at 3:00 p.m. No Processing shall be allowed between Saturday at 3:00 p.m. and Monday at 6:00 a.m. No Processing shall be allowed on Holidays, as defined in this ordinance.
- C. Emergency Extraction. If a non-metallic mine operator conducts non-metallic mining extraction outside of the stated hours of operation due to an emergency and at the request of the Governor of the State of Wisconsin, Sheriff of Buffalo County, Emergency Management Director of Buffalo County, Zoning Administrator of Buffalo County, Highway Commissioner for Buffalo County, or any Chairperson of a Town in Buffalo County on behalf of their respective Town, then such operator shall give notice to the Zoning Administrator within 24 hours of emergency extraction
- D. The Board of Adjustment at its discretion may elect to alter the hours of operation herein prescribed to better accommodate the interests of adjoining and nearby property owners and to better accommodate the interests of the County.

19. Noise Control & Hours of Operation.

- A. Methods. Provide a description of measures to be taken to control noise and vibrations emanated from the mine site.
- B. Mine Site Boundary. Continuous noise levels, as measured at the mine site boundary, shall be kept at or below sixty (60) decibels. Monitoring requests can be made by an adjoining landowner or the Zoning Administrator. If noise levels continually exceed sixty (60) decibels mitigation measures shall be required. Exceptions are trucks hauling material out of the mine site and blasting activity.
- C. Processing Noise Levels. Noise due to processing during non-extraction hours of operation shall not exceed forty-five (45) decibels (dB) measured at the outside of any building or structure used for human habitation unless the owner/operator of the nonmetallic mine obtains a written waiver from the affected property owner(s) or renters of affected property. Affected property owner(s) shall be defined as the fee owner(s) of real estate where noise at such building or structure is measured exceeding forty-five (45) dB and the nonmetallic mine processing generates or contributes to the measured noise.
- D. Noise Survey. If the owner/operator of a nonmetallic mine desires to process at the nonmetallic mining site during non-extraction hours of operation, then a noise survey shall be conducted. Continuous processing during non-extraction hours shall not commence until a noise survey is complete and the survey indicates that processing during non-extraction hours will be compliant with the noise limitations in this chapter.
 - 1. All noise surveys shall be conducted by an independent noise consultant contractor at the expense of the owner/operator of the nonmetallic mine.
 - 2. The noise survey shall measure the level of noise that is produced by processing of material during non-extraction hours of operation. The noise survey shall measure the noise levels, in decibels, at the outside of any building or structure used for human habitation on all properties that may be affected by processing generated noise. The party conducting the noise survey shall obtain consent from each property owner to enter upon property to measure noise levels.
 - 3. The purpose of the noise survey is to identify any affected property owner(s), and to afford the owner/operator of a nonmetallic mine the opportunity to mitigate the measured noise levels to achieve compliance with the noise limitations in this chapter.
- E. Waivers. The owner/operator of the nonmetallic mine may obtain a waiver from an affected property owner(s). Such waiver shall be in writing and shall be signed by all fee owners of the affected real estate, and shall be submitted to the Zoning Department. Such waiver shall state that the affected property owner(s) is aware of the noise limitations imposed by this ordinance and that consent is granted to allow noise levels to exceed the maximum noise limits in section 19, C above.
- F. Noise Complaints. Any complaint of excessive noise due to processing during non-extraction hours shall be made in writing and shall state the name and address of the party filing the

complaint. Any complaint shall be forwarded to the Zoning Administrator. The Zoning Administrator shall immediately forward any such complaint to the owner/operator of the non-metallic mine. Within 72-hours of the owner/operator of the nonmetallic mine receiving the noise complaint, the owner/operator of the non-metallic mine shall install a decibel meter at the building or structure on the property of the complaining party at the sole expense of the owner/operator of the non-metallic mine.

1. If the measured noise at the building or structure of the complaining party exceeds the limits stated in 19.C above, then all processing during non-extraction hours of operation shall immediately cease. The owner/operator shall conduct a noise survey prior to re-commencing any processing during non-extraction hours of operation.
2. If the measured noise does not exceed the limits stated in section 19, C above, then the installed meter shall continue to measure and record noise levels for a period of thirty (30) days. If after thirty (30) days no noise violations occur, the meter may be removed.

20. Terms of Conditional Use Permit.

- A. Permit Term. A nonmetallic industrial sand mine Conditional Use Permit is valid for a period of six (6) years from date of approval.
- B. Permit Extension. The industrial sand mine owner or operator may apply for an extension of an industrial sand nonmetallic mining Conditional Use Permit for a period of two (2) years at a time. Upon the filing of a request for an extension of a permit the Board of Adjustment shall review the conformity of the applicant's operations/reclamation activities to date with the conditional use permit in effect, together with the current degree of compatibility of the nonmetallic mining operation with surrounding land uses for the purpose of determining to what extent further or additional permit conditions should be imposed in accord with this chapter and the ordinance in general. There shall be no limitation upon the number of permit extensions which may be applied for subject only to the right of the County to deny extensions on a case by case basis. Upon the findings of the public hearing and information received and reviewed, the County shall have the discretion to either impose additional and supplemental permit conditions, to remove permit conditions or to allow the original permit conditions to stand.
- C. Construction Aggregate Mines. Conditional Use Permits for construction aggregate mines shall not lapse regardless of whether activity is taking place or not.
- D. Mine Type Distinction. The statutory purpose of separating construction aggregate mining from industrial sand mining is based upon the type, volume of product, and the scale of the respective mining operations. Construction aggregate sites are primarily used for infrastructure and construction projects in a given area. The foot print of a construction aggregate mining site is historically much smaller in scale and correspondingly runoff and erosion concerns are significantly reduced. Industrial sand mine sites are rarely if ever used for local infrastructure projects; footprints are very large in nature and comparison. The separated sand particles from an industrial sand mining site are prone to both wind and runoff erosion at a much higher rate than materials at a construction aggregate mine site.

21. Board of Adjustment Adjudication.

- A. Procedure. The initial meeting of the Board of Adjustment shall be scheduled within sixty (60) days of the date of determination of a complete application by the Zoning Administrator.
1. The initial Board meeting shall include, but not limited to the following:
 - a. Presentation of proposal to the Board of Adjustment by the applicant and or operator.
 - b. Questions to the applicant and or operator by the Board of Adjustment members.
 - c. Expert testimony, as available. Individuals must present their expert testimony to the Board in person.
 - d. Public Comments.
 - e. Site visit, as deemed necessary by the Board.
 2. Any subsequent meetings shall include but are not limited to the following:
 - a. Applicant testimony.
 - b. Questions to the applicant and or operator by Board of Adjustment members.
 - c. Expert testimony, as available. Individuals must present their expert testimony to the Board in person.
 - d. Public Comments.
 - e. Site visit, as deemed necessary by the Board.
- B. Testimony. Exhibits or written testimony pertaining to Board of Adjustment agenda items shall be submitted to the Buffalo County Zoning Department no later than two (2) weeks before scheduled Board of Adjustment meeting dates.
- C. Factors to be Considered. When considering an application for a nonmetallic mineral mine conditional use permit, the County shall consider, among other factors, the following: the effect or impact of the proposed operation upon; (1) public infrastructure, including but not limited to streets and highways, schools, established bicycle routes/loops, and other public facilities; (2) present and proposed uses of land in the vicinity of the proposed operation; (3) surface water drainage, water quality and supply; (4) soil erosion; (5) aesthetics, including but not limited to scenic beauty and the conservation of natural resources and natural features; (6) the market value of lands in the vicinity of the proposed operation; (7) the physical practicality of reclamation of the site after the operation has been concluded; and (8) the public interest from the standpoints of smoke, dust, noxious or toxic gases and odors, noise, vibration, blasting and the operation of heavy machinery and equipment.

- D. County Authority. Buffalo County reserves the right to deny a conditional use permit application for nonmetallic mineral mining upon applying of the standards of this chapter or of the Zoning Ordinance in general. In the event that the County decides to deny a permit application it shall do so only in writing, setting forth the reasons for such denial.

22. List of Standard Conditions.

- A. Standard Conditions. The following Standard Conditions shall be placed on all permitted nonmetallic mines that fall under the guidelines of this ordinance:
1. Access roads shall be adequately secured (gated), prior to any site development.
 2. Trucks shall be adequately covered (tarped) at all times while on public highways.
 3. If blasting will occur within 2,640 feet of any dwelling as measured from the mine site boundary, the mine operator shall perform a pre-blasting survey for the residents or owners. All structures, buildings within one-half (½) mile of the boundary shall be inspected and documented by a qualified inspector (includes licensed building inspector and engineer) for type, quality and existing overall condition of foundations and structures. The inspection reports shall be submitted to the Zoning Department prior to any mine activity and shall be kept on file. Exception will be granted for those landowners who sign a statement they are not interested in having the inspection completed.
 4. Nonmetallic mining operations must at all times remain a minimum of ten (10) feet above the water table, unless an alternative level proposed by the applicant and established by water table elevation monitoring is approved by the Board of Adjustment.
 5. Water created from material processing shall not be diverted into a storm water retention basin.
 6. The mine operator shall provide the Zoning Department with copies of all permits relating to the mine site, obtained through state and federal agencies, prior to commencement of any land altering activity. The operator shall promptly disclose to the Zoning Department any notice received, enforcement action, additional permit(s) required or permit modifications made relating to all aspects of the mine operation.
 7. Approval of the Conditional Use Permit does not constitute approval of any other zoning requirements. Required zoning and sanitary permits must be obtained for the mine site development as outlined in this ordinance. A Buffalo County Zoning Permit shall be applied for and issued prior to any structures being erected in conjunction with the mine development. The operator must immediately notify the Zoning Department of any change in ownership, operator, lease terms, or material haul route.
 8. A complete review of all operational and reclamation activities related to the mine site shall be conducted by a third part professional after four (4) months of when the mine becomes active and then once a year, every year thereafter. The fee for all such reviews is to be paid by the mine owner or operator.

9. The operator shall obtain an agreement with the Buffalo County Highway Department before any mined product can be hauled on the county trunk highway system as applicable.
10. Financial Assurance meeting the requirements of the Nonmetallic Mining Reclamation Permit issued to the operator is required throughout the life of the mine. Financial assurance must be secured prior to any land alteration or excavation activity.
11. The operator shall obtain an agreement with the applicable Town before any mined product can be hauled on any town road as applicable.
12. Excavation of the mine site must commence within twenty-four (24) months of the date the Conditional Use Permit is issued.
13. Nonmetallic mine must be active within thirty-six (36) months of permit issuance.
14. Property value agreements shall be in place for all landowners within ¼ mile (1,320 feet) of the proposed active mine extraction area. Property value agreements must be in place prior to removal of any mine product (Exception will be granted for those parties signing a statement to the effect that they are not interested in a property value agreement).
15. The mine operator shall provide an annual status report to the Zoning Department. The report shall detail the current status of the mine site and all activity over the previous twelve (12) months. Annual reports are due January 31st every year the mine is permitted whether the mine is active or non-active.
16. The mine operator shall comply with all state, federal and county regulations and amendments thereof. Approval of the Conditional Use Permit does not constitute approval of any federal, state or other local requirements. Mining activity must comply with the most recent WI DNR standards. These include but are not limited to standards for air quality, stormwater, erosion control, water quality, and high capacity wells.
17. The mine operator shall contact the Zoning Department prior to commencing any land alteration activity to schedule a pre-construction meeting to review all terms and conditions of the Conditional Use Permit and Zoning Ordinance requirements.
18. The mine operator shall inform the Zoning Department on the date that the mine becomes active.

23. Inspections.

- A. Mine Site. Upon issuance of a Conditional Use Permit for the purpose of mining, the operator is deemed to have consented to allow free access to the mine site for performing site inspections by the Zoning Department or its approved agents. Such inspections shall be during regular working hours, their purpose being to determine compliance with the provisions of this Ordinance.

- B. Records. The Zoning Administer or designee, may inspect any required records of a mining operation to determine compliance with the provisions of this chapter. All required records shall be made available to the Zoning Administrator or their designee within ten (10) days of request.
- C. Mine Activity. The Zoning Administrator shall determine whether activity or non-activity has taken place at a mining site. Activity shall include, but is not limited to: Blasting, Construction, Crushing, Drying, Extraction, Hauling (truck/rail load out), Washing, Screening, Stripping, Nonmetallic Mining, and Processing, all as defined in this Ordinance. Upon the premise that the ultimate goal of non-metallic mining is to remove nonmetallic minerals from a given mine site, the Zoning Administrator shall consider whether progress is being made at a mine site to produce a finished product intended to leave the site in determining whether a mine site is active.

24. Permit Transfers and Modifications.

- A. Transfers. When one (1) operator succeeds to the interest of another, the Zoning Administrator shall release the first operator of the responsibilities imposed by the permit only if:
 - 1. Both the current operator and the new or succeeding operator shall be in full compliance with all requirements and standards of this Ordinance.
 - 2. The Zoning Administrator or designee shall make a written finding validating the transfer of the permit to the new operator.
- B. Modifications. An operator may apply for a modification of a permit or for a change in the nonmetallic mining operational plan for a mine site. The application for a permit modification shall be processed in the same manner as an original application for a Conditional Use Permit. If a permit modification is applied for, the Board of Adjustment shall have the discretion to impose additional permit conditions, to remove or modify permit conditions, or to allow the original permit conditions to stand, based on the modification request of the original approved permit. A standard fee shall apply.

25. Permit Termination.

- A. Compliance. Failure to fully comply with this Zoning Ordinance or with conditions placed upon a Conditional Use Permit shall constitute grounds for the Conditional Use Permit termination, as deemed appropriate by the Zoning Administrator.
 - 1. If, as one of the conditions of the permit, the mine must begin excavation within twenty-four (24) months and fails to do so, the permit will be considered terminated.
 - 2. After a Conditional use permit has been issued allowing an industrial sand non-metallic mine, where activity has started, but then has ended and such condition of non-activity, exclusive of ongoing reclamation, has continued for a period of thirty six (36) months in succession, the permit shall terminate and no further activities in operating the site other than reclamation are allowed.

3. The Zoning Administrator shall send by USPS Certified, Return Receipt, a letter to the permit holder stating that the permit has terminated and the reason(s) why. The letter will be sent to the applicant the day after the permit expires.

26. Violations.

- A. Procedure. Whenever the Zoning Department finds a nonmetallic mining operation to be in violation of this Ordinance or conditions placed upon the permit, including unapproved deviation from the operational or reclamation plan, it shall be recorded and the department shall notify the operator in writing via, USPS certified, return receipt mail, specifying the nature of the violation, time of the violation, corrective steps necessary to achieve compliance with the terms of the permit(s). The operator has seven (7) working days to respond and fifteen (15) working days to correct the violations, at the discretion of the Zoning Administrator.

The Zoning Administrator may terminate the permit held by a mine operator who fails to comply with the order within thirty (30) days after the order is served, unless the operator named herein, within ten (10) days after notice, requests in writing a hearing before the Board of Adjustment. Failure to show just cause for the continued violation and lack of compliance with the order shall result in permit termination and immediate cessation of all mining activities at the mine site.

27. Permit Cancellation.

- A. Permit Cancellation. An operator at any time may apply for a cancellation of a nonmetallic mining extraction permit he or she owns or leases.
 1. The request for cancellation shall be submitted by the operator to the Zoning Department.
 2. Upon approval of the cancellation of the nonmetallic mining extraction permit, the operator shall begin a complete reclamation according to their reclamation plan on file with the Land Conservation Department.

CHAPTER 21

DEFINITIONS

1. Purpose.

The purpose of this Chapter is to establish definitions for terms used within this Ordinance, particularly those terms for which common English definitions may be unavailable, incomplete, or not specific enough for the purposes required under this Ordinance. Words used in this Ordinance shall be defined first by referring to this Chapter. If this Chapter does not contain a definition for the word or words, then the word or words shall be as defined in a common English dictionary.

2. Word usage.

In the interpretation of this Ordinance, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D. The word “shall” is always mandatory and not discretionary.
- E. The word “may” is permissive and discretionary.
- F. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates to the contrary.
- G. A “building” or “structure” includes any part thereof. The word “lot” includes the words “plot” or “parcel”.
- H. The phrase “such as” shall mean “such as, but not limited to”.
- I. The word “including” shall mean “including, but not limited to”.

2. Definitions.

When used in this Ordinance, the following terms shall have the meanings herein assigned to them.

Abandoned Sign. A sign which no longer correctly advertises or directs a person to a bona fide business, person, goods, product, activity, or service. A sign is considered abandoned if:

- 1. It does not display a we-maintained message for a consecutive sixty (60) day period;

2. The use to which the sign is accessory is discontinued or terminated for more than one hundred eighty (180) consecutive days;
3. The owner of the sign cannot be located at the owner’s last known address as reflected on the records of the County; or
4. A structure designed to support a sign no longer supports the sign for a period of thirty (30) consecutive days.

Accessory Building: See Building, Accessory.

Accessory Dwelling Unit: A dwelling unit on the same parcel as a permitted commercial or industrial business that is incidental and subordinate to the principal use.

Accessory Use: See Use, Accessory.

Accessory Sign. A sign that is subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.

Accessory Structure: See Structure, Accessory.

Active, Nonmetallic Mine: Actively extracting, processing, and or transporting nonmetallic minerals for commerce.

Addition: An enlargement of an existing structure that increases the footprint or square foot area of the structure. An enlargement that is physically attached to the existing structure.

Agriculture, General: Any agricultural use, including aqua-culture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards; specialty crop production, such as maple syrup, mint, and willow; viticulture; and truck farming.

Agricultural Use: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

Airport: Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Wisconsin State Statute Chapter 114.134 prohibits the establishment of new airports without a certificate of approval. Favorable FAA determination is also required.

Airport-Personal: An airport to be utilized by one individual or family for personal use.

Airport-Private: An airport that may be utilized by other pilots with the owner/operators permission.

Airport-Public: An airport that is open to any and all other pilots to use.

Animal:

1. Farm Animal. Animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale or family food production, education or recreation.
2. Domestic Animal. Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter

Animal Unit: A measure that represents a common denominator for the purpose of defining in what quantity farm animals are to be kept. The animal unit measure is related to the amount of feed various farm animal species consume and the amount of waste they produce. Wisconsin Administrative Code NR 243 indicates the number of common farm animal species that comprise a single animal unit. Animal Units are to be calculated using DNR Form 3400-025A ‘Animal Unit Calculation Worksheet’. For animal types not listed in the tables, 1,000 pounds of live animal weight is equal to one animal unit.

Assessed Value: The full market value placed upon the structure or lot by the Buffalo County Treasurer and or local assessor. Such valuation shall be prima facie evidence of the assessed value of the structure or lot.

Assembly: A company or association of natural persons gathered together at any location at a single time for any purpose, including but not limited to festivals, concerts or other activities which are regulated under ordinances of the County adopted pursuant to its authority under 59.54(6), Wis. Stats.

Automobile Service Station: Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings and premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

Awning Sign. See: Building Mounted Sign

Banner. A sign that is mounted on or attached to a non-rigid surface such as cloth fabric, plastic or similar material with no enclosing framework that is mounted to a building or other structure at one (1) or more edges.

Base Farm Tract: means one of the following:

1. All contiguous parcels in a farmland preservation zoning district that are part of a single farm on the date DATCP certifies the farmland preservation ordinance under 91.36, regardless of any subsequent changes in the size of the farm.

2. Any other tract that DATCP by rule defines as a “base farm tract.”

Bed and Breakfast: Any place of lodging that provides six (6) or fewer rooms for rent to no more than a total of twelve (12) tourists or other transients for no more than thirty (31) consecutive days, is the owners personal residence, is occupied by the owner or operator at time of rental, and in which the only meal served to guests is breakfast.

Bedroom: A room furnished with a bed and intended primarily for sleeping.

Blasting: The act of using a set charge of dynamite or other explosive to free up, loosen, or dislodge a desired product at a permitted mine or quarry site.

Bluff: A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:

1. The slope rises at least seventy-five (75) feet above the toe of the bluff; and
2. The grade of the slope from the toe of the bluff to a point seventy five (75) feet or more above the toe of the bluff averages twenty five (25) percent or greater. Average slope will be determined by averaging the slopes of fifty (50) foot segments from the toe to top of bluff, or by utilizing Lidar imagery.
3. An area with an average slope of less than eighteen (18) percent over a horizontal distance of fifty (50) feet shall not be considered part of the bluff.

Bluff Impact Zone: A bluff and land located within seventy five (75) feet from the top of a bluff and twenty five (25) feet from the toe of a bluff.

Board of Adjustment: The Body established under §59.694, Wisconsin Statutes, for counties and designated “Board of Adjustment.”

Boardinghouse: A place in which lodging, with or without meals, is offered for compensation to non-transient guests, that provides four (4) or less rooms for rent, is the owner’s personal dwelling unit, and is occupied by the owner at the time of rental.

Building: An enclosed structure built, maintained, or intended to be used for the protection, shelter, or enclosure of persons, animals, or property and which is affixed to the ground.

Building, Accessory: A building, not attached to a principal building by means of a common wall, common roof, or an aboveground, roofed passageway, which is:

1. Subordinate to and serves a principal structure or a principal use.
2. Located on the same lot as the principal structure or use served.
3. Customarily incidental to the principal structure or use.

Building Directory Sign. A wall sign that is mounted adjacent to a building entrance identifying tenants that occupy space in the building.

Building-Mounted Sign. A sign that is adjacent to or attached to a building wall, door, or related architectural feature. Such signs include, but are not limited to awning, canopy, projecting, and wall signs.

1. **Awning Sign.** A sign painted on, printed on, attached flat against the surface of, or hanging below an awning. An awning sign includes any lightweight fabric protective cover over a door, entrance, window or other architectural feature.
2. **Hanging or Suspended Sign.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
3. **Canopy Sign.** A sign attached to a building, projecting from and supported by said building, and extending beyond the building wall. A canopy sign is a structural protective cover over a door, entrance, window or other architectural feature.
4. **Projecting Sign.** A sign that is attached to a building face and projects out perpendicular from the building wall. Projecting signs are located on a vertical plane.
5. **Wall Sign.** A sign which is attached to an exterior building wall and the surface of which is parallel to the building wall.

Building, Principal: A building which houses a principal use of a lot, including any functional appurtenances, such as decks, stairways, and balconies, which are attached to, or located within three (3) feet of, said building.

Building Site: A lot on which buildings or structures that are permitted in the applicable zoning district may be placed.

Building Zone: The area of a lot between the required highway setback line (or front yard line) and rear yard line (or navigable water setback line).

Campground: Any parcel or tract of land owned by a person, state or a local government, which is designed, maintained, intended or used for the purpose of providing sites and other amenities for camping units for temporary overnight use, with or without charge.

Camping: The placement of a temporary shelter used as, or designed to be used for sleeping purposes. Examples of shelters used for camping include tents, trailers, motor homes, recreational vehicles, tarpaulins, bed rolls, and sleeping bags.

Camping Cabin: A building that is four hundred (400) square feet or less in an area located in a campground.

Camping Party: Any individual or camping family or a group consisting of not more than six (6) persons who are seven (7) years of age or older provided that such individual, family, or group is engaging in camping.

Camping Unit: Any portable device, not more than four hundred (400) square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, recreational vehicle, motor home, bus, van, pick-up truck or tent, also structures including a camping cabin or yurt.

Campsite: A parcel or area of land within a designated campground for the placement of a single recreational vehicle and for the exclusive use of its occupants, for camping purposes only.

Canopy Sign. See: Building Mounted Sign.

Captive Wildlife Operation: The restraint or confinement of any animal of a wild nature that is normally found in the wild by means of a cage, pen, fence, or other enclosure. Captive wildlife shall not include wild amphibians or reptiles.

Cemetery: Land used for the burial of the dead, and dedicated for cemetery purposes, including crematories, columbarium, mausoleums and mortuaries.

Change of Use: Conversion of a principal use of a lot or structure from one (1) use category to another use category.

Changeable Copy Sign: A portion of a permanent sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified manually from time to time as situations change.

Clean Wood: Any natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Club: An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

Cold Air Inflatable Balloon: A temporary sign composed of a nonporous bag of tough, light material filled with unheated air, which may or may not float in the atmosphere.

Commercial Riding Stable: See Riding Stable, Commercial.

Communication Towers, Antennas, and Transmitters: Any facilities or equipment used, or designed to be used, for receiving or sending communication signals.

Community Living Arrangements: A facility defined as such in s.46.03 (22), Wis. Stats.

Concrete or Asphalt Plant: A permanent plant used for the manufacture of asphalt, concrete, and other forms of coated road stone, commonly known as blacktop or asphalt concrete.

Concrete or Asphalt Plant, Temporary: A plant used for the manufacture of asphalt, concrete and other forms of coated road stone, commonly known as blacktop or asphalt concrete for a period not exceeding one hundred twenty (120) days and operated in conjunction with a permitted nonmetallic mine.

Condominium: The land together with all buildings, improvements and structures thereon, all easements, rights and appurtenances belonging thereto and all articles of personal property, pertaining to the ownership of single units in a facility with common area and meeting all requirements of Wisconsin Statutes Chapter 703.

Conditional Use: A use whose nature, character, or circumstance is so unique or of such a scale, or so dependent upon specific conditions that a determination of permissibility by right is not appropriate. A land use that, due to its potential impact on; public health, safety and welfare, surrounding lands, uses, community character, roads or the natural environment requires a review on a case-by-case basis by the Board of Adjustment. A conditional use permit review is subject to the conditional use permit application procedures and requirements. A conditional use is subject to the standards and conditions as may be deemed appropriate and necessary by the Board of Adjustment.

Conditional Use Permit: A discretionary permit for a listed conditional use, granted by the Buffalo County Board of Adjustment, stating that a use permitted as a conditional use may be established, expanded, or enlarged subject to any conditions placed on the authorization, in addition to the provisions of this Ordinance.

Conditional Use Permit, Administrative: A discretionary permit that may only be granted by the Zoning Administrator in the specific circumstance of the establishment of new non-farm dwellings in the ANR-40 Zoning District. New non-farm dwellings located in the ANR-40 Zoning District shall meet all the requirements established in this Ordinance and shall be subject to any requirements and conditions as may be placed on an Administrative Conditional Use Permit as deemed appropriate by the Zoning Administrator.

Construction Aggregate: Sand, gravel, or crushed stone (stone crushed from bedrock) that is predominately produced and used for local construction purposes. Construction aggregate is sold for any of the following uses: asphalt or concrete roads, concrete, asphalt, building or dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, and other similar uses. It is also used in agriculture for fertilizers, ag-lime, and bedding sand for livestock operations. Small amounts of sand and gravel or crushed stone may be produced and used for other purposes such as salt and sand for icy roads, water filtration systems in septic systems, landfills, mortar sand, and sand for sand blasting.

Construction Site: The location of any construction that requires the issuance of a zoning permit.

Contiguous: Lots or parcels shall be considered contiguous if they share a common boundary. Parcels in common ownership which are directly across a public street, rail right-of-way, easement, or navigable waterway, along with parcels that meet only at a corner, shall be considered contiguous.

Copy Area: The actual area of a sign applied to any background. Copy area shall be completed by drawing straight lines as closely as possible to the copy extremities encompassing individual letters or words.

Crushing: The act of breaking down, squeezing, pressing and pounding an object or material so that the action destroys or deforms the material into a usable or desired form.

Day Care or Child Care Facility: For the purpose of this code a day care or child care facility shall have the same definition as contained in §48.65(1) Wisconsin Statutes.

Deck: A structure usually made of wood and/or synthetic materials which is accessory to a principal structure and which has no roof covering or side walls.

Density: The number of dwelling units developed on an acre of land.

Department: Buffalo County Zoning Department.

Development: Any man-made change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

Development Entrance Sign: A ground sign which identifies a residential or commercial subdivision, industrial or office park, or development with three (3) or more buildings.

Directional Sign: Any sign which solely serves to designate the location or direction of any place or area located on the premises on which the sign is located.

Domestic Fowl: Any domestic breed of chicken, pigeon, dove, quail, turkey, duck, geese, or guinea hen. No other species of bird shall fall under this definition. For the purpose of this ordinance this definition shall not be construed to include roosters or male turkeys.

Driveway: A means of vehicular access to or from a property or site containing any dwelling or habitable structure or other principal use.

Drive-Through Facility: Any portion of a building or structure from which business is transacted, or is capable of being transacted directly with customers located in a motor vehicle. The term "drive-thru" shall also include "drive-up" and "drive-in".

Duplex: Two (2) attached dwelling units on a single lot regardless of the form of ownership of the units.

Dwelling, Single Family: A structure or portion thereof which provides or is intended to provide living quarters/habitation for one (1) family.

Dwelling: A structure or portion thereof which is used or intended to be used as a home, residence, overnight sleeping place or provide living quarters for one person or two or more persons.

Easement: A non-possessory interest in real property that entitles its holder to a specific limited use or enjoyment, such as for utilities or ingress and egress, as may be specified in the specific easement.

Effective Date of This Ordinance: The date that this Ordinance takes effect on a given parcel of land as provided Chapter 1 or the date that an amendment to this Ordinance becomes effective.

Electronic Message Center Sign: A changeable copy sign that utilizes computer generated messages or some other electronic means of changing copy.

Enclosed Structure: A structure consisting of a solid roof, a permanent foundation, a floor, and solid walls extending from the floor to the roof. Solid doors, windows, or other glazing are allowed in the wall segments. Open breezeways or screen walls do not qualify as enclosed structures.

Encroachment: Any fill, structure, building, accessory use, principal use or development located within an easement or within a minimum required setback area.

Erosion Control Plan: A detailed plan developed to address pollution cause by soil erosion and sedimentation during any land disturbing activity. A plan is typically compiled by a licensed professional engineer.

Excavation, Nonmetallic Mining: The removal of the A and B soil horizons and remaining overburden to expose and access nonmetallic minerals.

Extraction: Obtaining the raw material from the permitted mine or quarry site in accordance with the conditions stipulated in the conditional use permit. This includes the acts of blasting, stripping, hauling, etc.

Fall Zone: the area within which a mobile support structure/cell tower is designed to collapse.

Family: One or more persons related by birth, marriage or legal adoption occupying a dwelling and living as a single housekeeping unit, or not more than four (4) unrelated persons occupying a dwelling and living as a single housekeeping unit.

Family Day Care Home: A dwelling unit where supervision and care and/or instruction for not more than eight (8) children under the age of seven (7) is provided for periods of less than twenty-four (24) hours per day, and which is licensed by the Wisconsin Department of Health and Social Services.

Family Members and Descendants, Internment/Burial: For the purpose of private internment/burial, family members and descendants shall include husband, wife, son, stepson, daughter, stepdaughter, grandchildren, parents, and grandparents of the property owner.

Farm: All contiguous lands under common ownership that is primarily devoted to agriculture use.

Farm Animal: Any animal that is customarily raised for a profit on farms or to supplement household food supplies or income, and that has the potential for causing a nuisance to public health if not properly maintained. Includes but is not limited to livestock, equine animals, bison, goats, sheep, swine, captive cervids, captive game birds, camelids and rabbits.

Farm acreage: means the size of a farm in acres.

Farm Dwelling: means any of the following structures that is located on a “farm”:

1. A single-family or duplex dwelling that is the only residential structure on the “farm” or is occupied by any of the following:

- a. An owner or operator of the farm.
 - b. A parent or child of an owner or operator of a farm.
 - c. An individual who earns more than fifty percent (50%) of his or her gross income from the farm.
2. A state-certified migrant labor camp.

Farm Market: A use or structure(s) which principally involves the retail sale of farm and garden products, regardless of whether such products were produced on the premises.

Farmland Preservation Agreement: Any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits.

1. An agreement or transition area agreement entered into under §91.13,2007 Wisconsin Statutes or §91.14,2007 Wisconsin Statutes.
2. An agreement entered into under §91.60 WI Statutes.

Farmland Preservation Area: An area that is planned primarily for agricultural use, agricultural related use, or both, and that is identified as an agricultural preservation area or transition area in a farmland preservation plan described in §91.12 (1) Wisconsin Statutes or identified under §91.10(1)(d) in a farmland preservation plan described in the §91.12(2) Wisconsin Statutes.

Farmland Preservation Plan: A plan for the preservation of farmland in a county, including an agricultural preservation plan under Sub Chapter IV of Chapter 91, 2007 Wisconsin Statutes.

Farm Operator: An owner occupant of a parcel of land as defined in §91.60(2)(a) Wisconsin Statutes.

Farm Residence: A single family or duplex residence that is the only residential structure on the farm and meets the requirements of 17.301.06.

Fence: A barrier intended to prevent escape or intrusion, or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

Findings of Fact: A concise statement of the action taken by a board or commission, either drafted during the meeting or prepared by staff following the action taken, that is in the form of a motion and which is recorded as part of the minutes for the meeting.

Flashing Sign. A sign which contains an intermittent of flashing, scintillating, blinking or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.

Floodplain: That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two buildings. Floor area for the purposes of these regulations, shall not include unfinished basement, garage elevator and stair bulkheads, attic space, terraces, patios, open porches and uncovered steps.

Foundation: The whole masonry substructure of a building, the basement, crawlspace, slab, etc. meeting the uniform development code.

Frontage: All the property on one side of a street adjacent to and contiguous with the line of a public right-of-way.

Footprint, Building: The land area covered by a structure at ground level as measured on a horizontal plane, typically the extent and area of the structure foundation. The footprint of a dwelling includes attached garages, carports, and porches but excludes decks, patios, roof overhangs, and steps and landings outside of entrances.

Fur Farm: Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in section 29.001(30), Wisconsin Statutes, and also including any other fur bearing animal that is kept for breeding, slaughtering, or pelting purposes.

Free-standing Sign: A sign permanently attached to the ground which is wholly independent of any building or other structure.

Garage: An accessory building or an accessory portion of the principal building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

Gas Station Canopy Sign. A sign which is located upon the canopy above the gas station islands and is intended to shield such area from the elements. A gas station canopy is typically supported by columns.

Grade Elevation: The average elevation around the base of a building or a structure where such building or structure meets the surface of the ground.

Greenhouse: The cultivation of plants for subsequent sale or personal enjoyment.

Hazardous Materials: Means any substance or combination of substances including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration, or physical chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives.

Hauling: The act of carting or transporting any material on a public highway, either raw or processed, from the original location of the raw or processed material to another location not on the permitted extraction or processing site.

Hanging or Suspended Sign. See: Building Mounted Sign.

High-Impact Generating Operation. Any property use that generates more than twenty-five (25) truck trips, from a property, in a given day.

High-Impact Receiving Operation. Any property use that receives more than twenty-five (25) truck trips, onto a property, in any given day.

Highway: means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways.

Habitable Structure: Any structure, or portion of a structure, used or intended to be used for permanent or intermittent human occupancy.

Hearing Notice: A publication or posting meeting the requirements of Ch. 985, Statutes.

Historic Structure: Any structure that is listed preliminarily determined to meet the requirements for listing, as an individual structure part of a district, or on an inventory of the National Register, determined by the Secretary of the Interior, or on a State or local inventory of Historic Places.

Home Business: A business conducted on the same lot as, and in conjunction with and in conjunction with the use of a residence but not including a home occupation, as defined herein.

Home or Farm Based Business: A business, profession, occupation, or trade for gain or support which is conducted on the same lot as a farmstead.

Home Occupation: A business, profession, occupation, or trade which is conducted for gain or support, located entirely within a principal dwelling unit, operated by at least one (1) person residing in the dwelling unit, and is accessory, incidental and secondary to the use of the building as a dwelling unit and does not change the essential residential character or appearance of the dwelling unit.

Illegal Sign: A sign for which no valid permit was issued by the County at the time such sign was erected, or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a non-conforming sign.

Illuminated Sign: A sign that provides artificial light direction on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct light rays from it are visible from a public right-of-way or from an abutting property.

Indoor Maintenance: Businesses which offer maintenance, including repair of goods and equipment. Examples of such uses include automobile body shops, small engine repair shops, boat repair and service, and electronics maintenance and repair.

Industrial Sand: A high purity silica sand or silicon dioxide (SiO₂) that is nearly pure quartz, very well rounded, of uniform particle shape and size, having a high compressive strength, and meeting size gradation standards for its various uses. Industrial sand is sold for any of the following uses: glassmaking, metal casting, metal production, chemical production, paint and coatings, ceramics and refractories, moldings, abrasives, and otherwise preparing sand for uses other than construction. It is most commonly used by the oil and gas industry as a proppant for the hydraulic fracturing of shale for the exploration, drilling, production, and recovery of oil and gas (i.e. “frac sand”).

Industry, Heavy: Assembly and manufacturing activities which are not included in the definition of Light Industry.

Industry, Light: The assembly or manufacturing of goods from component parts in which all such operations are conducted in buildings, and which shall not include basic industrial or heavy industrial processes such as metal foundries, metal plating, thermoforming of plastics, blending or formulation of fuels or other hazardous substances, extensive painting or coating of products which would require a spray booth, water wall, drying oven or apparatus, or any process or activity which involves hazardous materials, produces hazardous wastes, produces excessive noise, creates air or water emissions requiring pretreatment, special treatment, or pollution control devices, produces odors detectable in the ambient outdoor air, or which causes any other condition or nuisance which impairs the full use of neighboring properties.

Industrial Sand Mining: Means any of the following:

1. The operation of an establishment that is engaged in excavating or otherwise removing from the land any sand or sandstone by any means, including any associated stripping of overburden, removal of sand or sandstone washing, screening, sorting, beneficiation, drying, loading, stockpiling or other processing or preparation of sand or sandstone for any use other than construction aggregate. Industrial sand mining is a form of nonmetallic mining and as such must comply with any and all ordinance requirements applicable to nonmetallic mining.
2. Extraction from the earth of sand, sandstone bedrock, fluvial sands, alluvial sands or aggregates for offsite use or sale of industrial sand products including associated activities such as drilling, blasting, excavation, stripping, grading and dredging of such materials and removing, relocating or disposing of overburden and other wastes of the mining process.
3. Manufacturing or processing operations on the mining site that involve the use of equipment for crushing, screening, separation, beneficiation, classification, washing dewatering, drying, coating, or blending of the industrial sand or products obtained by extraction from the mining site.
4. Stockpiling on the mine site of industrial sand products, nonmetallic mining waste materials, or topsoil intended for use in reclamation of the mine site.
5. Reclamation of the mine site.

6. Transport of industrial sand or nonmetallic waste materials to or from the extraction, manufacturing, or processing site located in the unincorporated areas of Buffalo County.

Inoperable Motor Vehicle: Means any motor vehicle including; automobiles, trucks, tractors, snowmobiles, recreational vehicles, boats or other motor vehicles, which meets one (1) or more of the following conditions.

1. Any motor vehicle that has been so altered, damaged or otherwise rendered that the vehicle is not in operating condition and incapable of being driven under its own power
2. Any motor vehicle which has not been moved for a period of sixty (60) days or longer
3. Any motor vehicle that is subject to vehicle registration requirements and has been without valid registration for a period of sixty (60) days or longer.
4. Any motor vehicle which may not be legally operated on a public highway.

Kennel: Any structure or premises wherein or whereon six (6) or more dogs or cats, or both, over the age of six (6) months are kept for breeding, sale, sporting, or where boarding care is provided for compensation.

Land Alteration/Disturbing Activity: Any construction or development related activity that exposes soil to the erosive forces of wind, rain, and snow melt, including the removal of vegetative cover, grading excavating, and filling, but not including land disturbing activity involved in the production of agricultural crops

Legal Non-conforming Sign. Any sign that legally does not comply and conform to the provisions of this ordinance, at the time of the effective date of this ordinance.

Livestock: Any equine, bovine, sheep, goat, swine, domestic rabbit, or domestic fowl, including game fowl raised in captivity.

Livestock Structure: A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock Structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility.

Living Quarters: A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes. Living quarters also include those finished portions of a building in which normal residential activities occur.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lodging: A use which provides commercial transient lodging in individual rooms, suites of rooms, or units. Examples of such uses include motels, hotels, inns, cottages, cabins, and resorts.

Lodging Facility: A structure which provides lodging. Examples of such structures include motels, hotels, inns, cottages, cabins, and resorts.

Lot: A parcel of land, not divided by a public right-of-way and sufficient in size to meet the lot width and lot area requirements of this Ordinance, which parcel is legally created and is occupied or designed to provide space for one (1) principal structure and approved use, including all of the open space requirements under this Ordinance. Subject to the requirements as to consolidation of adjoining lots under common ownership as set forth in this ordinance, a lot may include all contiguous property under single ownership, consisting of multiple deeds or other instruments of legal description. Also, a designated part of a subdivision or certified survey map having an assigned number through which it may be identified. A lot abuts a public street or other officially approved access. For purposes of this Ordinance a lot may also include the terms; outlot, parcel, tract or building site in determining the applicability of the provisions of this Ordinance.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The horizontal distance of a line which connects two (2) side lot lines, runs through the road right-of-way of the lot, and is perpendicular to the line bisecting the angle formed by the side lot lines. For lots with parallel side lot lines, the lot width is the perpendicular distance between the side lot lines measured at the road right-of-way. Lot Width is equated to Road Frontage.

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line twenty (20) feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

Lot Line, Front: The lot line nearest to the centerline of the public highway from which the lot takes access.

Lot Line: A line bounding a lot which divides one (1) lot from another lot or from a street or highway.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters nor any land in a public right of way or private access easement.

Lot of Record: Any lot that officially existed prior to the adoption of this Ordinance, the description of which is properly recorded with the Buffalo County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations. Lot creation date shall be determined based on the earliest evidence of title recorded specifying area, size shape, depth and width of a particular lot which shall control for purposes of determining lot of record status.

Manufactured Home: A dwelling for one family as defined in Wisconsin Statutes Section 101.91(2), fabricated at an off-site facility for installation or assembly at the building site, a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425. When located in a Residential Zoning District, all wheels,

axles, transportation lights, and other related towing apparatuses shall be removed and the home shall be placed on a permanent foundation.

Manufactured Home Communities: Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two (2) manufactured homes on a year-round basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home community and its facilities. Manufactured home communities shall not include manufactured home sale lots on which unoccupied manufactured homes are parked for the purposes of inspection and sale.

Manufactured Home Site: The area delineated on a Manufactured Home Community Plan for placement of one (1) manufactured home.

Marquee Sign: A sign, other than an awning or canopy sign, that is attached to, in any manner, or made a part of any permanent roof-like structure projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof. Marquee signs generally contain changeable copy on the vertical plane or face of the sign.

Mine Operator or Operator: A responsible person, entity or corporation actively engaged in nonmetallic mineral mining, typically other than the landowner who has applied for a conditional use permit to engage in nonmetallic mining, whether acting individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

Mine Site: The location where a nonmetallic mining operation is conducted or permitted to occur including all lands within the active mine site, all related storage and processing areas, setback and buffer areas, areas where nonmetallic mining refuse and materials intended for use in reclamation is deposited and areas disturbed by or to be disturbed in the future by the nonmetallic mining operation or by ancillary activities, including but not limited to, the private roads, haulage ways or transportation corridors that connect any outlying lands used in the nonmetallic mining operation that do not share a common property boundary with the primary location of the nonmetallic mining activities. The mine site boundary as surveyed, established and defined in the conditional use permit application and application process.

Mine Site-Active: The expression upon the land surface of a more or less continuous series of points that when taken together enclose all activities and operations that occur at the mine site on a regular or irregular basis, including all structures, facilities, parking areas and interior haul roads that are integral to or directly serve the mining operation and all stockpiles, waste piles, settling ponds, retention ponds, detention ponds, and lay-down areas that are utilized by the mining operation.

Mini-Warehouse Storage Facility: Real property offering commercial leased storage of customer's belongings within partitioned buildings with individual access to each partitioned area.

Mississippi River Area: The land west of the centerline of the Great River Road/National Scenic Byway to the thread of the Mississippi River and the land east of the centerline of the Great River Road/National Scenic Byway included in the land sections and forties set forth in Chapter 15 of this Ordinance.

Mobile Home. A vehicle manufactured or assembled before June 15, 1976 which is designed to be towed as a single unit or in sections by a motor vehicle to be used as a dwelling, the construction of which includes the structure, its utilities and all other equipment carrying a manufacturer’s warranty. Mobile home also means any unit which lacks a title, serial number, manufacturer or other information which would clearly identify when it was constructed. All such units shall be presumed to be manufactured prior to June 15, 1976 unless proven otherwise.

Model Home: A single family dwelling unit which is used as a model for inspection by prospective home buyers and is unoccupied as a dwelling unit, but is intended for eventual use as a single-family dwelling unit and which may or may not contain a home sales office.

Motor vehicle: Any self-propelled land vehicle which can be used for towing or transporting people, animals or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles and motor scooters, heavy earth moving equipment and heavy machinery.

Multi Family Dwelling: A building used exclusively for residential purposes containing three (3) or more residential dwelling units. A multi-family structure where units are available for lease or rent for periods of less than one (1) month shall be considered a lodging use.

Nonconforming Use: Any use of structures, land, or water which was lawfully established at the time of the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the use requirements imposed by this Ordinance.

Nonconforming Structure: Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by the individual sections of this Ordinance that pertain to the size, height, location, setback, and similar characteristics of structures.

Nonconforming Lot: A lot which, in its most recent configuration, does not contain sufficient area and/or width to meet the criteria of this Ordinance.

Non-farm Dwelling: means any dwelling other than a “farm dwelling.”

Non-farm Dwelling Acreage: means the total number of acres of all parcels on which “non-farm dwellings” are located.

Nonmetallic minerals: means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.

Nonmetallic Mining: means any of the following:

1. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging.

2. Processes carried out at nonmetallic mining sites that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from nonmetallic mining sites. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, washing, drying, scalping and dewatering.
3. Transport of extracted nonmetallic materials, finished products or waste materials to or from the extraction, manufacturing, or processing site
4. Disposal of nonmetallic mining waste materials
5. Reclamation of mine sites.
6. Industrial Sand Mining.

Nonmetallic Mining Reclamation or Reclamation: means the rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

Nonmetallic Mining Structures: Means any buildings, facilities, permanent equipment or framework that is located on the mine site. It includes, but is not limited to, mining and processing equipment, storage facilities and improvements, mechanical shops, paved parking surfaces and office space.

Nonmetallic Mining Waste Material: Means the non-marketable by-product that results directly from or is displaced by extraction or that is a by-product of a manufacturing process that is scheduled for disposal at the extraction site of a nonmetallic mine site or processing operation or some other site as part of a reclamation plan.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health, safety or is offensive to a person of ordinary sensibilities.

Occupancy: Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Open Burning: Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

Open Fence: A fence whose entire length is not greater than fifty percent (50%) opaque and whose individual elements or sections are also not greater than fifty (50%) opaque.

Opinion Sign. A temporary sign that announces the candidacy of persons running for public office, addresses issues to be voted upon at an election, or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services or businesses.

Outdoor Storage: The keeping within an unroofed and un-walled area of any goods, material merchandise or vehicles in the same place for more than twenty-four (24) hours.

Park: A pleasure ground set apart for recreation of the public, to promote health and enjoyment.

Parking Lot: A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

Parking Space: An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

Pole Sign: A sign which is supported by or suspended from a freestanding column or columns.

Political Sign: See: Opinion Sign

Preserved Open Space: Open space which has been permanently preserved in conjunction with a planned residential development or manufactured home park.

Prime Farm Land: Means any of the following:

1. An area with a class I or class II land capability classification as identified by the Natural Resource Conservation Service.
2. Land, other than land described in Par. a., that is identified as prime farmland in a certified farmland preservation plan.

Primary Floor Area: The floor area of a building for purposes of determining required parking ratios for certain uses, such area to include only that portion of the total floor area devoted to customer service, sales and office space and not to include warehouses, utility, hallways and other accessory space, except as they generate parking demand.

Principal Use: See Use, Principal.

Principal Structure: See Structure, Principal.

Principal Building: See Building, Principal.

Private Sewage System/Private On-Site Waste Treatment System (POWTS): For the purpose of this code a private sewage system shall have the same definition as contained in §145.01(12) Stats.

Private Riding Stable: See Riding Stable, Private.

Processing: To convert raw material into a marketable product by processes that include: crushing, washing, screening and drying etc.

Professional Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

Public Utility: Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public, electricity, gas, steam, telephone, telegraph, transportation, water or any other similar public utilities.

Project Construction Sign. A sign which directs attention to the promotion, development and construction of the property on which it is located and which identifies the owner, architects, engineers, contractors and other individuals or firms involved with the construction of the project.

Projecting Sign. See: Building Mounted Sign.

Public Highway Frontage: The length of a lot line abutting the right-of-way line of a public highway.

Real Estate Sign: A sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.

Rear Yard: See Yard, Rear.

Rear Lot Line: See Lot Line, Rear.

Recreational Dwelling: A structure constructed, erected or manufactured, the use of which requires a more or less permanent location, which provides and/or is intended to provide sheltered space for habitation and the structure is not served by a well or a private onsite wastewater treatment system.

Recreation, Private Indoor: Indoor recreation uses that may be smaller in scale, such as arcades, billiards halls, bowling alleys, indoor shooting ranges and similar uses; or larger in scale, such as soccer, hockey, tennis, swimming, or other similar uses.

Recreation, Private Outdoor: Outdoor recreation uses that are not open to the general public or which charge an admission or usage fee. Typical uses may include country clubs, golf courses, miniature golf, swimming pools, tennis courts, volleyball courts, soccer, baseball, go-cart tracks, batting cages, golf driving ranges (not associated with a golf course), amusement parks, and similar uses.

Recreation, Public: An open area and/or facilities designed for the active and/or passive use of the general public.

Recreational Vehicle: Means a vehicle or vehicular attachment designed for temporary recreational habitation for one (1) or more persons. A recreational vehicle includes: a pick-up camper, bus, van, travel trailer, camping trailer, tent trailer, and motor home, all of which are no larger than four hundred (400) square feet in area and shall not exceed forty-five (45) feet in length. This definition shall also include non-habitable recreational watercraft, towed trailers, etc.

Recreational Vehicle, Campground: A vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed forty-five (45) feet in length.

1. **Travel Trailer:** A portable structure built on a chassis designated to be used as a temporary dwelling for travel, recreational and vacation uses while its occupants are engaged in the pastime of camping.
2. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation, and vacation and constructed as an integral part of a self-propelled vehicle.
3. **Pickup Coach:** A structure designated to be mounted on a truck for use as a temporary dwelling for travel and recreational purposes.
4. **Tent:** A collapsible shelter of fabric, such as nylon or canvas, stretched and sustained by poles and used for camping.

Rendering Plant: A plant for the reduction of dead animals or slaughtered animals not suitable for human consumption to by-products such as hide, skin, grease, bones, glue and soap and for the storage of such by-products.

Residential Density: The ratio of dwelling units to acres for a particular tract of land.

Residential Use: Any listed use under “residential uses”.

Restaurant: A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site. A restaurant may sell alcoholic beverages for consumption on the premises as a use.

Retail Sales: Any generally recognized retail business that supplies commodities on the premises to the general incidental public where all sales and display of goods shall occur entirely indoors. Commodities supplied may include groceries and similar food products for consumption off the premises.

Riding Stable, Private: Any establishment where six (6) or fewer adult horses are kept for riding or private recreation.

Riding Stable, Commercial: An establishment where seven (7) or more adult horses are kept for riding or where any number of horses are stabled for compensation, sale or show.

Road Frontage: All lots or parcels upon which a dwelling, commercial or industrial building is to be constructed shall abut upon a public road, street or highway. Abutting lots/parcels shall have a road frontage/lot width as required by this Ordinance. If access is via a private road, it shall serve no more than four (4) dwellings. If a private road already serves four (4) dwellings, no zoning permits shall be granted for an additional dwelling or dwellings until the private road has been converted to a public road pursuant to procedures set forth in Wisconsin Statutes. A Private road shall not serve a multifamily dwelling, a commercial building, or an industrial building.

Roadside Stand: A structure having a ground area of not more than three hundred (300) sq. ft., readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products more than one-half (½) of which were produced on the premises or adjacent premises. There shall not be more than one (1) such roadside stand on any single premise.

Roof Sign: A display sign which is erected, constructed, and maintained above any portion of the roof or exterior walls of a building or structure.

Salvage Operation: A property, building or structure which is owned, maintained, operated or used for gathering, storing, keeping, processing, refurbishing, buying or selling materials such as, but not limited to, unlicensed/inoperable motor vehicles or parts thereof, used appliances or parts thereof, tractors or agricultural equipment or parts thereof, unusable or inoperable recreational vehicles or trailers or parts thereof, demolition or waste materials, metals, machinery, lumber, paper, rags, tires, or other materials commonly included within the terms of junk or salvage. A salvage operation may include, but is not limited to, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, recycling facilities or used auto parts yards. A salvage operation need not have a commercial purpose or intent.

Sandwich Board Sign: A temporary ground sign not secured or attached to the surface upon which it is located constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sawmill, Permanent: A permanent facility where wood is sawed, split, shaved, stripped, chipped, or otherwise processed to produce wood products to be sold.

Sawmill, Temporary: A facility where wood is sawed, split, shaved, stripped, chipped, or otherwise processed to produce wood products to be sold for a period of time not exceeding ninety (90) days.

Seasonal Campsites: Campsites located in a permitted campground or trailer park that remain occupied by single party or unit for more than two (2) months in a calendar year.

Semi-trailer: Every vehicle type without motive power designed for carrying; persons, property, articles, goods, commodities, or earthen material, and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Setback Line / Building Line: The minimum allowable distance from a given point or line of reference, such as a thoroughfare, right-of-way, Ordinary High Water Mark or lot line to the nearest vertical wall or other element of a building or structure.

Shipping Container: Any portable cargo container that is reusable, enclosed, which is used for the storage and transportation of freight, goods, solid waste, commodities, or the like.

Shrubbery: Woody vegetation which is less than a height of fifteen (15) feet and is generally incapable of attaining such height.

Side Yard: See Yard, Side.

Sign. Any display, figure, painting, drawing, placard, poster or other device visible from a public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a building, person, institution, organization, activity, place, object or product. It may be a structure or part thereof attached directly or indirectly on a structure.

Sign Face: The area or display surface used for the message.

Sign Plate: A wall sign not exceeding two (2) square feet in sign area.

Sign Structure: The supports and frame work which supports a sign on or independent of any building.

Slaughterhouse: Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses and the storage, freezing and curing of meat and preparation of either meat products, by-products or both.

Site Plan: A graphic representation of a parcel of land and all of the structures and features, or proposed structures and features, contained thereon.

Slaughterhouse: Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses and the storage, freezing and curing of meat and preparation of either meat products, by-products or both.

Slope: The relationship of the change in vertical distance to the change in horizontal distance, expressed as a percentage.

Small Arms Firing Range: Small arms firing ranges include government, commercial, and recreational rifle, pistol, trap, skeet, and sporting clay ranges. Small arms firing ranges are those ranges accepting fifty (50) caliber or smaller nonexploding ammunition. This definition is meant to include shotgun ammunition used on trap- and skeet-type ranges.

Special Advertising Event Sign: A temporary sign associated with a special event and displayed for a specified and limited period of time.

Special Event Campground: A campground temporarily created to provide campsites in conjunction with a special event, such as a fair, rally, carnival, music festival, sporting event, community festival, or other similar event.

Steep Slope: Terrain where development is challenging, poorly suited and typically not recommended due to slope steepness and related soil types and profiles, as mapped and described in the Buffalo County Soil Survey and other technical reports. Steep terrain where appropriate design and development practices are required and implemented in accordance with the provisions of this Ordinance. Steep slopes are lands and terrain having slopes of twelve (12) percent or greater, as measured over a distance of at least fifty (50) feet.

Stormwater Management Plan: a detailed plan designed to manage the rate, direction, quantity, quality, and sometimes temperature of stormwater runoff from a development site that has undergone final stabilization following completion of construction activity.

Street: A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

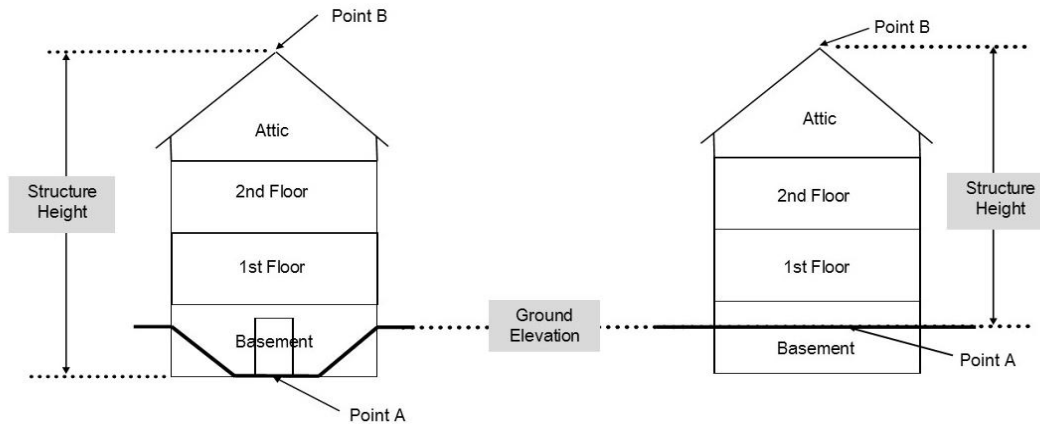
Street Island Sign: See: Development Entrance Sign.

Stripping: To take away or remove soil, rock, or other overburden materials from a nonmetallic mine site and utilized that material in the reclamation process, where applicable.

Structure: Anything constructed or manufactured and erected or placed either permanently or temporarily on the ground including but not limited to any building, dwelling, manufactured building or home, mobile home, recreational vehicle, trailer, camping unit, sign, addition, deck, porch or other improvement.

Structure, Accessory: A building or other structure which is customary, incidental, and subordinate to a permitted principal use of a lot and located on the same lot as the principal use, and does not meet the definition of a principal structure.

Structure Height: The measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersection with the ground, to a line horizontal to the highest point of a structure. (see diagram below)



Structure, Principal: A building or other structure which houses the principal use of a lot, including any functional appurtenances, such as decks, stairways, and balconies, which are attached to, or located within three (3) feet of, said building or structure.

Structural Alterations: Any change in the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing walls, columns, sills, and rafters, or any change in the dimensions or configuration of the roof or exterior walls.

Structural Repairs: Any repairs of the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing wall columns, sills, and rafters.

Structure, Permanent: A structure placed on or in the ground or attached to another structure in a fixed position, and intended to remain in place for a period of more than nine (9) months.

Subdivision: All forms of land division under Ch. 236, Wis. Stats. or County Ordinances including plats and certified survey maps and deeds, land contracts and other means of legally creating a land division.

Subdivision Sign: See: Development Entrance Sign.

Substantial Evidence: Means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Substantially Altered: A change in a sign or sign structure, as differentiated from maintenance or repair including a change in height, location, area, shape, or material. In the case of manual or automatic changeable copy signs, a change in copy does not constitute a substantially altered sign.

Substantially Commenced: For the purposes of this Ordinance, in reference to development of buildings, it shall equate to the completion of the foundation portion of a buildings construction.

Temporary Sign: A sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, a structure or permanently installed in the ground.

Temporary Structure: A temporary structure is a structure without a foundation or footings that is located on a property for a limited period of time and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A temporary use is a land use that is present on a property for a limited period of time of less than twelve (12) months and is discontinued upon the expiration of the time period. The temporary use regulations in this Ordinance are intended to permit such occasional temporary uses and structures when consistent with the overall purpose of this Ordinance and when the operation of the temporary use will not be detrimental to the public health, safety, or general welfare.

The Zoning Administrator is authorized to approve temporary structures and uses that comply with the provisions of this ordinance and to impose conditions on the operation of temporary structures and uses to ensure that such structures and uses do not create unreasonable adverse impacts on surrounding properties and that they operate safely, consistent with the general purposes of this ordinance.

Toe of Bluff: The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler slope below to a steeper slope above (<18% to >18%). If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of the lowest fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.

Top of Bluff: The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper slope below to a gentler slope above (>18% to <18%). If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of the highest fifty (50) foot segment, measured from the ground, with an average slope exceeding eighteen (18) percent slope.

Topsoil: Soil material (normally the A horizon and upper part of the B horizon of a soil profile) which is acceptable for re-spreading on the surface of re-graded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

Tourist Rooming House: All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

Tourist or Transient: A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business, or employment.

Unincorporated Area: All lands and waters located within Buffalo County which are located outside the municipal boundaries of a village or city.

Unnecessary Hardship: A circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

Use: The purpose for which a building, lot, parcel or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Accessory: A use subordinate to and customarily incidental to a permitted principal use of a lot and located on the same lot as the principal use.

Use, Principal: The basic use of a lot or structure, or one of the basic uses of a lot or structure where more than one (1) basic use exists on a lot.

Utility Facilities: Any structure or equipment, except for communication towers, used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, sewer services, or telecommunications either directly or indirectly to or for the public.

Variance: A grant of relief from the literal requirements and standards of this Ordinance which may be granted by the Board of Adjustment in accordance with Chapter 6 of this Ordinance.

Vision Triangle Clearance: A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.

Wall Sign. See: Building Mounted Sign

Warehousing/Distribution: Establishments primarily engaged in selling durable and nondurable goods to retailers; industrial, commercial, institutional, farm, building trade contractors, or professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots.

Operations with more than twenty-five percent (25%) of sales to retail customers are considered a retail use, and shall be located in an appropriate zone.

Water Table: The upper surface of the unconfined zone of saturation where the pore pressure is equal to the atmospheric pressure, measured by the installation of a well extending into the zone of saturation and measuring the water level in those wells.

Well: An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

Wetland: Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Window Sign: A sign applied or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window. Merchandise for sale on the premises that is located in a window display shall not be considered a window sign.

Woodland: Land covered with trees, not including orchard or nursery trees.

Yard: The open space portion of a lot that is unoccupied by structures.

Yard, Front: The yard between the side lot line extending from the front lot line or road right-of-way to the nearest part of the nearest principal structure.

Yard, Rear: The yard extending from the rear lot line to the nearest part of the principal structure.

Yard, Side: The yard on each side of the principal structure extending from the structure to the side lot line and from the front yard line to the rear yard line.

Zoning Administrator: A person appointed by the Buffalo County Board of Supervisors to administer and enforce this Ordinance or his/her designee.

Zoning Amendment: A change in the text of this Ordinance and/or zoning district map which is approved under the terms of this Ordinance.

Zoning Map: The Zoning District Map of the County of Buffalo, Wisconsin.

Zoning Permit: Written approval issued by the Zoning Department that is required prior to commencing any development, land alteration, or land use as specified in this Ordinance or before establishing, extending or changing any use on any parcel. Approval shall be subject to all provisions and requirements of this Ordinance and any conditions placed on the permit.

Buffalo County
Wind Energy Facility Zoning
Ordinance

Adopted: December 19, 2006

Reprinted: August 7, 2009

Wind Energy Facility Ordinance for Buffalo County

1. Title

This zoning ordinance shall be referred to as the Wind Energy Facility Zoning Ordinance.

2. Purpose

The purpose of the Ordinance is to provide a regulatory scheme for the construction and operation of wind energy facilities (W.E.F's) in Buffalo County, subject to reasonable restrictions, which will preserve the public health, safety, and general welfare.

3. Authority

This ordinance is adopted pursuant to authority granted by Wisconsin State Statutes Sections: 59.69, 59.694, 66.0401, and 66.0103

4. Applicability

This ordinance shall apply to all lands within the boundaries of Buffalo County lying outside the limits of the incorporated cities and villages.

5. Future Statutory Amendments, Revisions, and Modifications

Any future amendments, revisions, and/or modifications of any portion of the Wisconsin State Statutes referred to in this ordinance are incorporated herein and made part of this ordinance.

6. Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

Bluffline: A line connecting points at which slope of a bluff becomes less than 12%

Board of Adjustment: The Buffalo County Zoning Board of Adjustment

FAA: The Federal Aviation Administration.

FCC: Federal Communications Commission

Habitable Structure: Any structure designed or used for human habitation.

Hub Height: When referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.

MET Tower: A meteorological tower used for the measurement of wind speed. Experimental towers shall be placed only after issuance of a zoning permit and such permit shall expire within 18 months from issuance. The tower(s) in question shall meet all setbacks as required for wind energy facilities.

Shadow Flicker: The moving shadows cast when the turbine blades are rotating.

Total Height: When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

Wind Energy Facility (W.E.F): An electricity generating facility consisting of one or more wind turbines and includes all substations, MET Towers, cables/wires and other buildings accessory to such facility.

Wind Energy Facility Zoning Permit: A land use permit allowing the construction and operating of a W.E.F in accordance with the provisions of this ordinance. Permit may only be issued after the issuance of a conditional use permit.

Wind Turbine: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this ordinance if it has a total height greater than 100 feet or nameplate capacity of greater than 100 kilowatts.

7. Regulatory Framework

7.1 Zoning

7.1.1 Wind energy facilities (WEF's) may be constructed as a principle use or accessory to a permitted use only in areas that are zoned Agricultural on the official zoning map for Buffalo County.

7.1.2 Wind energy facilities may only be permitted as accessory to a permitted use in the Residential, Recreational, Industrial and Commercial Districts.

7.2 Wind Energy Facility Permit Issuance: No wind energy facility shall be constructed, located, installed, reconstructed, enlarged, or relocated, including the placement of additional buildings or other supporting equipment used in connection with said wind energy facility, without first obtaining a conditional use permit from the Board of Adjustment and a zoning permit from the Zoning Administrator or designee.

7.3 All conditional use applications must include the following documents:

- (a) A signed, notarized statement from the applicant assuming responsibility for reimbursement to the town, county and/or state DOT for all repairs and reconstruction to town, county, state and/or federal roads resulting directly from the construction of the W.E.F. A qualified independent third party, agreed to by the applicable entity(s), and paid for by the applicant, shall be hired to pre-inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, and rate road condition prior to construction of the W.E.F and again 30 days after the project is completed. Any road damage done by the permit applicant or one or more of its contract's or subcontractors shall be repaired or reconstructed at the permit applicant's expense. The permit applicant shall provide the town, county, or state with written notices of completion of construction within 30 days after the project is complete. Road repairs shall be paid for within 90 days of completion of the W.E.F. project unless otherwise negotiated by the applicable entities. Any future road damage caused by the

permit holder or their agents during the repair, replacement, or decommissioning of any wind turbine(s) during the life of the project shall be paid for by the permit holder.

- (b) Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approval of a proposed site and W.E.F construction plan shall be made part of the application.
- (c) A map showing a proposed grid of any future wind energy facilities in the applicant's current phase or project.
- (d) A plan for abandonment included in the leasing arrangement and a bond or letter of surety as required by the Board of Adjustment shall be part of the application to cover the cost of abandonment should the applicant default. Notification shall be made to the Buffalo County Zoning Department whenever transfer in ownership of the facility or appurtenant equipment is made. A performance bond or letter of surety shall be required of all future owners, heirs or assignees in the event an owner defaults so that the county will recover costs associated with abandonment of the wind energy facility.
- (e) A document including an accompanying aerial photo if necessary, showing the shadow flicker projection.
- (f) A line of sight study which depicts the viewing angles from the valley below of the proposed W.E.F. An additional study may be required if project is in view of navigable waters.

7.4 The following conditions may be attached to the conditional use permit:

- (g) Lighting and painting of towers shall conform to all Federal Aviation Administration (FAA) standards. Flashing or strobe lights shall be installed only if required by FAA regulations and if specified in the application. Strobe lights shall not be used during hours of darkness unless required by FAA standards.
- (h) There shall be no change in the height of the wind turbines, lighting or light intensity, facility use or other changes in a tower or appurtenant structure(s) unless modification of the original conditional use permit is obtained through the Buffalo County Board of Adjustment through the regular conditional use process.
- (i) Access to the facility shall be constructed and maintained in a manner designed to provide maneuverability for service and emergency response vehicles. Inability to access the wind energy facility or equipment site(s) because of poor road construction and/or poor road maintenance shall be at the discretion of the responding agency(s) for that jurisdictional area.
- (j) Inoperation of any wind turbine(s) for a period of 12 consecutive months shall require abandonment to a depth of 4' below ground level.
- (k) This list of standards shall in no way limit additional conditions or requirements that the Board of Adjustment may require prior to acting on an application.

8. Applicability

The requirements of this ordinance shall apply to all wind energy facilities proposed after the effective date of this ordinance. Wind energy facilities for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided however that any such pre-existing wind energy facility which does not provide energy for a continuous period of 12 months shall meet the requirements

of this ordinance prior to recommencing production of energy. However, no modification or alteration to an existing wind energy facility shall be allowed without full compliance with this ordinance.

9. General Requirements for Wind Energy Facilities

9.1 Visual Appearance; Lighting; Power Lines

- 9.1.1 Wind turbines shall be painted a non-reflective, non-obtrusive color
- 9.1.2 At wind energy facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the wind energy facility to the natural setting and then existing environment.
- 9.1.3 Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- 9.1.4 Wind turbines shall not be used for displaying any advertising except for reasonable identification for the manufacturer or operator of the wind energy facilities.
- 9.1.5 Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- 9.1.6 Setbacks: The following setbacks and separation requirements shall apply to all wind turbines provided however that the Board of Adjustment may reduce the standard setbacks and separation requirements if the intent of this ordinance would be better served thereby upon a successful petition for variance.
 - 9.1.6.1 Blufflines: Each wind turbine shall be set back from all blufflines.
 - 9.1.6.2 Habitable Structures: Each wind turbine shall be setback from a habitable structure a distance 50' plus the height of the turbine from ground level to tip of blade at maximum height.
 - 9.1.6.3 Property Lines: Each wind turbine shall be set back from the nearest property line 50' plus the height of the turbine from ground level to tip of blade at maximum height.
 - 9.1.6.4 Public Roads: Each wind turbine shall be set back from the nearest public road right-of-way a distance of 50' plus the height of the wind turbine, determined at the nearest boundary of the underlying right-of-way for such public road.
 - 9.1.6.5 Communication and Electrical Power Lines: Each wind turbine shall be setback from the nearest above-ground electric power line or telephone line a distance of 50' plus the height of the tower, as determined from the existing line unless appropriate easements are obtained from the power or telephone company whose lines would be affected and recorded at Buffalo County Register of Deeds.
 - 9.1.6.6 Avian Mortality: All state and federal laws regarding avian mortality must be adhered to at all times. Notice of noncompliance with applicable avian standards may constitute re-opening and possible revocation of the conditional use permit.

9.2 Noise

- 9.2.1 Audible noise due to wind energy facility operations shall not exceed 50 dBA for any period of time, when measured at any inhabited structure.
- 9.2.2 In the event audible noise due to wind energy facility operations contains a steady pure tone, such as whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by 5 dBA. A pure tone is defined to exist if the 1/3 octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the 2 contiguous 1/3 octave bands by 5 dBA for center frequencies of 500 Hz and above by 8 dBA for center frequencies between one hundred and sixty Hz and 400Hz, or by 15 dBA for center frequencies less than or equal to 125 Hz.
- 9.2.3 In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than 5 minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effects of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty miles per hour at the ambient noise measurement location.
- 9.2.4 Any noise level falling between two decibels shall be the lower of the two.
- 9.2.5 In the event the noise levels resulting from the wind energy facility exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished:
 - 9.2.5.1 Written consent from the affected property owners has been obtained stating that they are aware of the wind energy facility and the noise limitations imposed by this ordinance and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - 9.2.5.2 If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement is recorded in the Buffalo County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened properties that noise levels in excess of those permitted by this ordinance may exist on or at the burdened property.

9.3 Minimum Ground Clearance: The blade tip of any wind turbine shall, at it lowest point, have a ground clearance of no less than 50 feet.

9.4 Signal Interference: The applicant shall take reasonable steps to minimize interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

10. Safety

- 10.1 Wiring: All wiring between wind turbines and the wind energy facility substation shall be underground.
- 10.2 Turbine Access: Wind turbine towers shall not be climbable up to 15 feet above ground level.
- 10.3 Access Doors: All access doors to wind turbine towers and electrical equipment shall be lockable.
- 10.4 Warning Signs: Appropriate warning signs shall be placed on wind turbines towers, electrical equipment, and wind energy facility entrances.

11. Board Of Adjustment

11.1 Powers of the Board

11.1.1 It shall hear and decide conditional use applications.

11.1.2 It may authorize upon petition a variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and so that the spirit of the ordinance shall be observed and substantial justice done.

11.2 Appeals to The Board: May be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of any other administrative officer. Such appeal shall be taken within 60 days, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

11.3 Public Hearing: Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, an application for a conditional use or an application for a variance, the Board shall hold a public hearing. The Board shall, within 60 days, fix a date for the hearing and publish a Class II notice under Chapter 985 of the Wisconsin Statutes as well as giving due notice by mail to all parties in interest. The Board shall render a decision within 30 days of the date of the hearing.

11.4 Representation: At the hearing any party may appear in person or by agent or attorney and present written and oral evidence for the record.

12. ENFORCEMENT AND PENALTIES

Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any of the provisions of the ordinance shall be subject to a fine of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars, together with the cost of the action, and in default of payment thereof imprisonment in the county jail for a period of not less than one (1) day nor more than six (6) months, or until such fine and costs be paid. Compliance therewith may be enforced by injunctive order at the suit of the county or the owners of real estate within the district affected.

13. VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared invalid.